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  - C. Ratification of Finance Department's Actions Regarding the Bills for December 2013.
  - D. Request by Portales MainStreet Regarding Governmental Liquor License.
  - E. Resolution #13-14-26, A Resolution Determining that One (1) Specific Residential Structure is covered in Debris, Dilapidated, Rundown, Making it Dangerous and a Menace to Public Comfort, Health and Safety and that Three (3) other Specific Residential Properties are covered in Debris, Overgrown with Vegetation, Ruins, Rubbish, Wreckage or other Debris, making them Dangerous and a Menace to Public Comfort Health and Safety, and Requiring the Removal or Remediation of all Four (4) Residential Structures.
  - F. Award of Bid – "A Minimum of 800 (Eight Hundred) Tons up to 1600 (Sixteen Hundred) Tons of 5/8" (Five-Eighths Inch) Cracked, Washed Gravel (Rock) for the City of Portales Street Department.
  - G. Resolution #13-14-27, A Resolution Adopting the City of Portales Affordable Housing Plan.
  - H. Presentation on Street Work and Projects for Past Year.
  - I. Public Hearing on Ordinance No. 709, An Ordinance Establishing an Affordable Housing Program Pursuant to the Affordable Housing Act; Defining Terms; Establishing Application Requirements and Review Criteria; and Establishing Procedures to Administer an Affordable Housing Program.
    - 1. Action to enter into Public Hearing to Receive Comments on the Ordinance.
    - 2. Action to close the Public Hearing on the Ordinance.
    - 3. Action as a result of the Public Hearing.
  - J. Request for Approval of Appointment of, and Setting Compensation for, Election Board Members for the Regular Municipal Election scheduled for March 4, 2014.
  - K. Resolution #13-14-28, A Resolution Adopting Election Recount/Recheck Costs.
  - L. Other Business/Citizens to be Heard.
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**THE CITY COUNCIL OF THE CITY OF PORTALES** met in regular session Tuesday, January 21, 2014, at 7:00 p.m., in the Council Chambers in the Memorial Building in full conformity with the rules and regulations. Mayor Pro-Tem Jackson called the meeting to order in the absence of Mayor King, and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR: Sharon L. King (absent)

MAYOR PRO-TEM: Ronald L. Jackson

COUNCIL MEMBERS: Matthew Tod Hunton Oscar Robinson  
Leo Lovett Antonio O. Salguero  
Lenard Michael Lucero Keith A. Thomas  
Dianne Y. Parker

STAFF PRESENT: Doug Redmond, City Manager Johnny DeSha, Public Wks. Director  
Joan Martinez-Terry, City Clerk Steve Doerr, City Attorney  
Marilyn Rapp, Finance Director Jamie L. Rose, Exec. Assistant  
Bella Loomis, Code Enfcmt. Ofcr. Pat Gallegos, Police Chief  
Dennis Hales, I.T. Director David Meeks, Police Lieutenant  
Chris Valdez, Police Sgt. Jerry Rose, Street Supt.  
Mike Parkey, Gen. Svcs. Dir. Sammy Standefer, Planning Dir.  
Tawna Luscombe, Assistant Lib. Gary Nuckols, Fire Chief

OTHERS PRESENT: Christina Calloway, Press Amelia Christensen, Pres. MainStreet  
Sandy Vigil Debralynn Soza, Exec. Dir., MainStreet

Mayor Pro-Tem Jackson asked Councilor Lovett to give the invocation, and Bella Loomis to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

**(A) MINUTES OF PREVIOUS MEETING(S):**

**1. Regular Meeting of January 7, 2014.**

Mayor Pro-Tem Jackson asked the Council to consider the minutes of Regular Meeting of January 7, 2014. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Robinson made the motion to approve the minutes of the regular meeting of January 7, 2013 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(B) PRESENTATION OF "EMPLOYEE OF THE QUARTER AWARD" FOR OCTOBER THROUGH DECEMBER 2013 TO TAWNA LUSCOMBE, CHILDREN'S LIBRARIAN/ASSISTANT LIBRARIAN, PORTALES PUBLIC LIBRARY**

Mayor Pro-Tem Jackson asked Tawna Luscombe, Children's Librarian/Assistant Librarian to come forward to receive the "Employee of the Quarter Award" for 4<sup>th</sup> Quarter 2013 (October through December 2013). He presented the Certificate of Recognition to Ms. Luscombe who was chosen by her fellow employees for the honor. He thanked her for her hard work at the Public Library and for her work with the Employee Association.

**(C) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING THE BILLS FOR DECEMBER 2013**

Mayor Pro-Tem Jackson asked Marilyn Rapp, Finance Director, to report on the bills for December 2013. Ms. Rapp asked for ratification of the bills. She reported that the bills had been approved by the Finance/Administration Committee at their meeting of January 17, 2014. She told the Council that she brings the bills to the Council every month for ratification. She reported that the bills were in the amount of \$1,448,899.68. Ms. Rapp stated that the expenditures were necessary for the continued operation of the City, and are within budgeted limits. She asked for questions about the bills.

**December 2013**

Pooled Cash Fund	999	\$1,448,889.68
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Mayor Pro-Tem Jackson asked for action from the Council. *Councilor Lovett made the motion to ratify the payment of the bills for December 2013 as presented. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

**(D) REQUEST BY PORTALES MAINSTREET REGARDING GOVERNMENTAL LIQUOR LICENSE**

Mayor Pro-Tem Jackson asked Amelia Christensen to make the request regarding a governmental liquor license. Ms. Christensen told the Council that MainStreet's request was for the City to obtain a liquor license for the Yam Theatre. She reported that the biggest complaint by users of the facility is that there are so many required components for renting the Yam for an event with alcohol. She stated that currently the person renting the Yam, for a function that would serve alcohol, would have to pay a vendor in Portales for serving liquor under a special use permit (picnic license), and get insurance coverage for the function. Councilor Parker asked what the process in operating a governmental liquor license would entail. City Manager Redmond responded that the City would have to apply for the governmental liquor license. He stated that the City would handle the actual alcohol by going out for a request for proposals to contract with a vendor to handle the provision, storage and serving of alcohol at

Yam Theatre events requesting alcohol. He stated that he did not want City employees involved in handling the alcohol. He added that he did not want to apply without the Council knowing about it. Councilor Parker asked if there were many renters wanting alcohol. The Council had some questions about the liability involved. City Attorney Doerr stated that the City, as the holder of the license would be responsible, but the vendor would be required to have insurance as well. Ms. Christensen commented that she believed that there would be more people wanting to use the Yam, if they didn't have to go through so many steps. The Council discussed the potential for raising the cost of renting the Yam with Councilor Robinson asking about a feeling he had that the MainStreet Committee wanted to lower the cost of the rental of the facility. The Council discussed the need for raising the rental fees to cover the cost of insurance premiums. City Attorney Doerr commented that all servers have to go through mandatory training from the State. Councilor Salguero asked about the issue of minors attending parties with alcohol involved. City Attorney Doerr stated that juveniles could not drink as no one is allowed to serve alcohol to minors. Ms. Christensen stated that participants would not be able to bring their own bottles. Councilor Robinson asked for clarification about requests for proposal (RFP). City Manager Redmond stated that the RFP process would allow anyone interested to present a proposal—that it had to be an open process. Councilor Lovett asked if this would increase MainStreet's obligations. City Attorney Doerr responded that the exposure would be on the vendor who would handle the alcohol. The Council asked if the City applies for the governmental liquor license, will it be just for the Yam Theatre. Redmond responded that it would only be for the Yam, not for any other City building. Mayor Pro-Tem Jackson asked if it would include the patio. City Attorney Doerr responded that it would be for what the City submits as the facility to the state Alcohol & Gaming Agency. City Manager Redmond told the Council that there will not be any alcohol stored on the premises—that the vendor would be responsible to provide it for the events and would carry it in and out with them. Councilor Parker asked if alcohol was currently being provided for events at the Yam. Mayor Pro-Tem Jackson responded that it is currently being provided through "picnic licenses," but that having the City own a governmental liquor license would streamline the process and make it more attractive to the renters of the facility. Mayor Pro-Tem Jackson asked for action from the Council. *Councilor Robinson made the motion to approve the request by Portales MainStreet regarding application by the City of Portales for a Governmental Liquor License. Councilor Lovett seconded the motion. Seven of the Council members present voted in favor of the motion. Councilor Salguero voted Nay. No abstentions. Motion carried.*

**(E) RESOLUTION #13-14-26, A RESOLUTION DETERMINING THAT ONE (1) SPECIFIC RESIDENTIAL STRUCTURE IS COVERED IN DEBRIS, DILAPIDATED, RUNDOWN, MAKING IT DANGEROUS AND A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY AND THAT THREE (3) OTHER SPECIFIC RESIDENTIAL PROPERTIES ARE COVERED IN DEBRIS, OVERGROWN WITH VEGETATION, RUINS, RUBBISH, WRECKAGE OR OTHER DEBRIS, MAKING THEM DANGEROUS AND A MENACE TO PUBLIC COMFORT HEALTH AND SAFETY, AND REQUIRING THE REMOVAL OR REMEDIATION OF ALL FOUR (4) RESIDENTIAL STRUCTURES**

Mayor Pro-Tem Jackson asked Planning Director Sammy Standefer to present Resolution #13-14-26. Standefer told the Council that the resolution is for declaring that one building is dilapidated, dangerous and a menace to the public; another one is a property that has been burned; other property that has debris, rubbish and wreckage; and that all properties either need to have ruins and debris removed or remediated. The properties that require remediation or removal are:

- 906, 908, 910 West 15<sup>th</sup> Lane
- 509 North Avenue K
- 418 N. Avenue C
- 1623 South Avenue A

He stated that attempts to get the owner to respond and clean up his properties failed. Standefer told the Council that the resolution would be served on the owner through a process server and that the owner would have 30 days from the date of service to remove or remediate the violations. Councilor Robinson asked if there is any kind of fire code that requires the owner to seal up the building. Mr. Standefer responded that the only way to follow through with code is to go through the process currently in front of the Council—that they must declare the properties as dangerous through resolution and then take the property owner to court. Councilor Parker asked if the City could not have done something sooner. City Attorney Doerr responded that the City is dealing with private property, which protects the property owner. Councilor Parker expressed dismay that nothing could have been done sooner. City Attorney Doerr told the Council that the law requires that the Council approve the resolution declaring the buildings as dangerous on a case by case basis. Standefer stated that he tries to handle dilapidated and dangerous buildings promptly. City Attorney Doerr commented that the Council will have to sue the owner to get the properties cleaned up. Mayor Pro-Tem Jackson asked for action from the Council. ***Councilor Parker made the motion to adopt Resolution #13-14-26, determining the properties presented as dangerous structures and ruins/wreckage or other debris for removal or remediation by the City. Councilor Salguero seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.***

**(F) AWARD OF BID – “A MINIMUM OF 800 (EIGHT HUNDRED) TONS UP TO 1600 (SIXTEEN HUNDRED) TONS OF 5/8” (FIVE-EIGHTHS INCH) CRACKED, WASHED GRAVEL (ROCK) FOR THE CITY OF PORTALES STREET DEPARTMENT**

Mayor Pro-Tem Jackson asked Public Works Director John DeSha to report on the gravel bid. Mr. DeSha told the Council that the bid for gravel for the Street Department was advertised on December 10<sup>th</sup> and again on December 15<sup>th</sup>, 2013 in the Portales News Tribune. He reported that bids were opened at 2:00 p.m. on December 26<sup>th</sup>, 2014 and that six bids were received. He stated that samples of the 5/8” gravel were requested from all bidders and that bids were reviewed. The following four bids and samples were received:

Bidder	Bid Amount per Ton	Analysis of Gravel Sample
Valley, Inc.	\$28.40	Did not supply requested sample
Constructors, Inc.	\$43.50	5/8” gravel sample size
CRT Crushing, Inc.	\$26.45	Sample gravel over 5/8” size
K. Barnett & Sons, Inc.	\$34.55	5/8” gravel sample size
Nick Griego & Sons, Inc.	\$29.75	Did not supply requested sample
Design 360, Inc.	\$23.20	Sample gravel under 5/8” size

DeSha told the Council that staff recommendation is to go with the bid and sample by K. Barnett & Sons, Inc. He told the Council that the bid of \$34.55 per ton would mean a minimum bid of \$27,640.00 to a maximum of \$55,280.00 in budgeted funds. Mayor Pro-Tem Jackson asked the pleasure of the Council. ***Councilor Lovett made the motion to award the gravel bid to K. Barnett & Sons, Inc. for their bid of \$34.55 per ton as recommended by staff. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(G) RESOLUTION #13-14-27, A RESOLUTION ADOPTING THE CITY OF PORTALES AFFORDABLE HOUSING PLAN**

Mayor Pro-Tem Jackson asked City Manager Redmond to present the resolution adopting the Affordable Housing Plan. City Manager Redmond told the council that the City had received approval of the

Affordable Housing Plan from MFA and that it needs to be formally adopted by the Council. Mayor Pro-Tem Jackson asked the pleasure of the Council. *Councilor Parker made the motion to adopt Resolution #13-14-27, adopting the City of Portales Affordable Housing Plan. Councilor Salguero seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.*

#### **(H) PRESENTATION ON STREET WORK AND PROJECTS FOR PAST YEAR**

Mayor Pro-Tem Jackson asked for the report on Street work and projects for the past year. Public Works Director DeSha stated that he was happy to brag on his Street Department. He stated that this is one of the more busy departments. He told the Council that Mr. Jerry Rose makes sure that his department does everything asked listing the projects completed in the past year: helping the Water Department put in concrete pads and roads at the well field; putting up signs in the well field so no one gets lost; working in town following the Water Department repairing the roads after taps and leaks; built the bump outs at Main and 3<sup>rd</sup> Street; responsible for cleaning the drainage ditches and repairing them from damage; worked on Kilgore ditch to keep it running—worked on it on the S.R.R.7 end of the ditch, which helps with drainage; chip sealed 34 blocks of city streets—with 6 of them as mill and fill; used over 1400 yards of gravel and 24,352 gallons of oil; worked on the alley behind Bar G Western Wear for customers entrance to the store during highway construction; worked on 12 alleys and poured stop blocks (in concrete) at several intersections—one is at 18<sup>th</sup> and I; built valley gutters and did it free hand; set up the sign at the Recreation Center; built several fences around the City and put up the lights at City Hall; they take care of the trees in the right of way; sweep all City streets; take care of signage in town; haul sand at the cemetery and for the Water Department; and built the firing range at the well field for the Police Department. DeSha told the Council that Jerry Rose and his department look for ways to save money—they took an old dump truck to make hot mix and cold mix. He reported that they bought an old cement truck and use it for making cold mix, which costs about \$2,600.00. He stated that at the last count they had repaired 500 potholes in the City. DeSha told the Council that the Street Department is one of the safest departments he has ever seen. Councilor Robinson commented that one of his constituents had complained about Portales having the worst roads in the State of New Mexico. DeSha responded that the Street Department does a great job with the materials they are given. He stated that he would put them up against any Street department in the state. Councilor Robinson stated that he really meant to say was that he wants the City to put this information out for the public to know. Mayor Pro-Tem Jackson stated that the Department handles all issues promptly. Councilor Parker told the Council and staff that, when she gets complaints, she asks people to give her specifics and then submits these to the City Manager or the Public Works Director. Councilor Lucero commented that when he had worked for the Water Department the Street Department came out immediately when called and helped out with barricades and lights. Councilor Lovett asked about street lights that have been out over at E. 17<sup>th</sup> Street—who to call to get them repaired. DeSha asked that he give a specific location and staff would call Xcel to report the needed repair. Mayor Pro-Tem Jackson and the Council thanked Mr. Jerry Rose and his department for their hard work.

#### **(I) PUBLIC HEARING FOR ORDINANCE NO. 709, AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM PURSUANT TO THE AFFORDABLE HOUSING ACT; DEFINING TERMS; ESTABLISHING APPLICATION REQUIREMENTS AND REVIEW CRITERIA; AND ESTABLISHING PROCEDURES TO ADMINISTER AN AFFORDABLE HOUSING PROGRAM**

##### **1. Action to enter into Public Hearing to Receive Comments on the Ordinance.**

Mayor Pro-Tem Jackson asked for action to enter into Public Hearing. *Councilor Parker made the motion to enter into public hearing on Ordinance No. 709. Councilor Robinson seconded the*

***motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

Mayor Pro-Tem Jackson asked for comments for or against the ordinance. City Manager Redmond stated that he was present for questions. There were no questions.

**2. Action to close the Public Hearing on the Ordinance.**

Mayor Pro-Tem Jackson asked for action to close the Public Hearing. ***Councilor Lovett made the motion to close the public hearing on Ordinance No. 709. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**3. Action as a Result of the Public Hearing.**

Mayor Pro-Tem Jackson asked for action as a result of the Public Hearing. City Manager Redmond stated that the Council had discussed it at their previous meeting and that this ordinance is essential to the Portales Inn project. He stated that the ordinance must be in place so that the owner can move on with the project. ***Councilor Lovett made the motion to adopt Ordinance No. 709. Councilor Parker seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(J) REQUEST FOR APPROVAL OF APPOINTMENT OF, AND SETTING COMPENSATION FOR, ELECTION BOARD MEMBERS FOR THE REGULAR MUNICIPAL ELECTION SCHEDULED FOR MARCH 4, 2014**

Mayor Pro-Tem Jackson asked for presentation of the request to approve appointments of election board members. City Clerk Martinez-Terry asked the Council to review the names submitted for judges, clerks and alternates for the municipal election set for March 4, 2014. She also asked that the Council review the compensation rates set for the election board members. She commented that the rates are the same as paid in the election held in March of 2012 and that the amount is budgeted. Mayor Pro-Tem Jackson asked for action from the Council. ***Councilor Robinson made the motion to approve the appointments and compensation. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

**(K) RESOLUTION #13-14-28, A RESOLUTION ADOPTING ELECTION RECOUNT/RECHECK COSTS**

Mayor Pro-Tem Jackson asked City Clerk Martinez-Terry to present the resolution on recount/recheck costs. City Clerk Martinez-Terry told the Council that the purpose of the resolution is for determining the cost of a recount or recheck that can occur after an election. She told the Council that state election code sets forth costs for deposits and tells Clerks what to charge for, but does not give a total cost. She reported that the State Canvassing creates a list of costs for a recount/recheck every even-numbered year, but the 2014 list will be too late for this election. She commented that the Clerks' Association recommends adoption of the list from 2012, which is an attachment to the resolution. Mayor Pro-Tem Jackson asked for action from the Council. ***Councilor Parker made the motion to adopt Resolution #13-14-28, adopting the City of Portales Affordable Housing Plan. Councilor Salguero seconded the motion. Roll call vote of all Council members present resulted in a unanimous vote in favor of the motion. No abstentions. Motion carried.***

**(L) OTHER BUSINESS/CITIZENS TO BE HEARD**

Mayor Pro-Tem Jackson asked for items of other business.

**Question about Lights removed from Downtown:** Councilor Parker asked where the lights that were removed from the downtown were taken. Public Works Director DeSha reported that they are warehoused and that the trees removed from the downtown were transplanted into the Cemetery.

**Restrooms for Confer Park:** Councilor Lucero asked about restrooms for Confer Park. City Manager Redmond responded that this is being worked on to correct.

**Turning Lights on 1<sup>st</sup> & 2<sup>nd</sup> Streets:** Councilor Salguero asked about the arrows on the traffic lights on 1<sup>st</sup> and 2<sup>nd</sup>. City Manager Redmond responded that there will not be an arrow for drivers turning. He stated that he would talk to NMDOT Engineers. DeSha said that the State had told him that the lights will be timed solve the problem of turning drivers.

**Report on Martin Luther King, JR. Celebration:** Councilor Robinson thanked the City for the support in the MLK celebration. He praised ENMU President Steve Gamble for opening up the doors at ENMU. He commented that this was the largest group of marchers ever for the march. He stated that he was proud of the 4<sup>th</sup> grade kids, ENMU and PHS Choirs. He thanked the Police Department for their assistance with the march. He thanked the City, ENMU and the citizens of Portales. Mayor Pro-Tem Jackson agreed with Councilor Robinson and thanked the Cultural Affairs Committee.

**ADJOURNMENT:**

There being no further business or comments, Mayor Pro-Tem Jackson adjourned the meeting at 8:10 p.m.

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Joan Martinez-Terry, City Clerk