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- J. Other Business/Citizens to be Heard.

THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, April 1, 2014, at 7:00 p.m., in the Council Chambers in the Memorial Building in full conformity with the rules and regulations. Mayor King called the meeting to order and asked City Clerk Martinez-Terry to call roll. Those present and constituting a quorum were:

MAYOR: Sharon L. King

MAYOR PRO-TEM: Michael G. Miller

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

STAFF PRESENT: Doug Redmond, City Manager Johnny DeSha, Public Wks. Director
Joan Martinez-Terry, City Clerk Susan Baysinger, Public Wks. Proj. Adm.
Steve Doerr, City Attorney Jamie L. Rose, Assistant to City Manager
Carla Weems, Admin. Assistant Dennis Hales, I.T. Director
Pat Gallegos, Police Chief Gary Nuckols, Fire Chief
Paul Johnson, Parks Super. Matthew Wilson, Water Supt.
Bella Loomis, Code Enfcmt. Ofcr. Sammy Standefer, Planning Director
Jodi Kibbe, Recreation Director

OTHERS PRESENT: Christina Calloway, Press Amelia Christensen, HomeSpot
Ronald L. Jackson Cheri Jackson
Drew Jackson Andrew Wilkinson, ENMU
Arvin Jackson, ENMU Sau Euahala, ENMU
Jerry DeSha

Mayor King asked Councilor Lovett to give the invocation, and Police Chief Pat Gallegos to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of March 18, 2014.**

Mayor King asked the Council to consider the minutes of Regular Meeting of March 18, 2014. Mayor King asked the pleasure of the Council. *Councilor Salguero made the motion to approve the minutes of the regular meeting of March 18, 2014 as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(B) PRESENTATION TO RONALD L. JACKSON FOR 12 YEARS OF SERVICE AS COUNCILOR (AND MAYOR PRO-TEM SINCE 2012) TO THE CITY OF PORTALES COMMUNITY

Mayor King invited Ronald L. Jackson to come forward to be recognized for 12 years of service as Councilor from Ward C (and as Mayor Pro-Tem since 2012). Mayor King thanked him for his involvement in City recreation over the years and for covering for her at Council meetings during her illness. She presented Mr. Jackson with a plaque in thanks for his service. Mr. Jackson spoke briefly commenting on the fine young men he has served with on the Council. He thanked everyone for the reception and plaque and for their support.

(C) PROCLAMATION DECLARING APRIL 9, 2014 AS "FAIR HOUSING DAY" IN PORTALES, NEW MEXICO

Mayor King asked Susan Baysinger, Public Works Capital Project Administrator, to come forward to receive the proclamation declaring April 9, 2014 as "Fair Housing Day" in Portales. She read the proclamation aloud to the audience in which she acknowledged the importance of assuring fair and equal treatment to all citizens. Ms. Baysinger spoke briefly about why this is done every year and talked about the coloring contest held on fair housing day at the Recreation Center.

(D) DISCUSSION OF LOCAL GOVERNMENT HOLD HARMLESS LEGISLATION

Mayor King asked Mayor Pro-Tem Miller to give the Council a brief update on legislative actions regarding the Hold Harmless issue in New Mexico. Miller told the Council that he had brought a spreadsheet to the City Manager that could be helpful in estimating the effect of increased Grt for the City of Portales. Miller told the group that in 2012 the legislative body elected to take the Hold Harmless money back from municipalities and counties. He stated that along with this decision, the legislators gave both cities and counties authority to increase gross receipts tax (Grt) by 3/8ths of a cent. He commented that the unintended consequence was that this allowed counties the authority to increase the Grt for the whole county, which means that the Grt could end up being increased by 3/4 of a cent. He stated that, in addition, some cities would not be made whole even with the 3/8ths increase in Grt. Miller told the Council that a couple of cities imposed the 3/8ths right away, but the state got the idea that they would see the increase as a windfall and would not handle the funds frugally and held up authorizing the increased Grt. He told the Council that HB 132 proposed that entities could pass the 1/8ths, but that, if the entities pass all 3/8ths at one time, then the hold harmless would take effect right away. Miller told the Council that 13 cities and one county would still not be whole. He commented that initial talk by the legislative body was to give an additional 1/8th of a cent to those entities not made whole. He stated that the estimate for the City of Portales is that it would be \$760,000.00 short a year. He talked about Bill Fulginiti's efforts regarding HB 132 for the cities in New Mexico in the past session, and stated that he felt that the bill would pass in the next session. He commented that the cities and counties have not lost the

authority to impose the 3/8ths GRT, but suggested that imposing it incrementally would have a slower effect in losing the hold harmless. The Council discussed adopting the 3/8ths of a cent, but not all at one time (1/8th GRT at a time). Mayor King suggested that the spreadsheet be made available for the Council Retreat. Mayor King thanked Pro-Tem Miller for his presentation.

(E) APPOINTMENT OF CITY COUNCIL COMMITTEES

Mayor King asked that the Council review the list of proposed Council committees for 2014-2015. She stated that she had added Roosevelt County Sheriff Darren Hooker and ENMU Chief of Police Brad Mauldin to the Public Safety Committee. She commented that she had not been able to contact Brad Mauldin. She told the Council that she had added Kevin Bond to the Finance Committee. She stated that she had requested a recommendation for the Recreational Advisory Board from Recreation Director Jodi Kibbe and that this nomination is not ready at this time. Mayor King stated that Councilor Robinson had asked to be added to the Public Works Committee. She told the Council that there was general concern over duplication on the RCCDC Board and the Economic Development Finance Review Committee, so she added the following members to the Economic Development Finance Review Committee: Mayor Pro-Tem Michael G. Miller and Bill Brunsen from ENMU. Mayor King stated that Dr. Kathie Good and Wayne Kiker resigned from the Planning Commission and that she had added Scott Davis and Veronica Pena to replace them on the Planning Commission. She commented that she had put herself on the Llano Estacado RC&D Committee since they meet once a year. She told the Council that she will bring the appointment to the Recreational Advisory Board and confirm the appointment of Brad Mauldin to the Public Safety Committee back to the Council at their next meeting. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the Mayor's recommendations for members to fill vacant positions and expired terms of Council Committees as presented. Mayor Pro-Tem Miller seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(F) REQUESTING RENEWAL OF ANNUAL RECREATIONAL FACILITIES NON-EXCLUSIVE USE AGREEMENT WITH ROOSEVELT COUNTY LITTLE LEAGUE

Mayor King asked Recreation Director Jodi Kibbe to present the request for renewal of the annual recreational facilities non-exclusive use agreement with Roosevelt County Little League. Ms. Kibbe told the Council that the non-exclusive use agreement is for use of the ball fields at Rotary Park, Morrison Park and Lindsey Park. She stated that the agreement is the same as in the past and that the City has received all required documentation from the organization. The Council pointed out that the agreement is a little different in regards to locks on the fields. Ms. Kibbe agreed that this was different but that they had requested locks to secure their work on the fields, and asked for their approval. Mayor King asked the pleasure of the Council. ***Councilor Lovett made the motion to approve the request to renew the non-exclusive use agreement with Roosevelt County Little League as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(G) REQUEST TO SUBMIT APPLICATION FOR A RECYCLING GRANT TO THE SOLID WASTE BUREAU

Mayor King asked Ms. Jamie Rose and City Manager Redmond for introduction of the application for a Recycling Grant. Ms. Jamie Rose told the Council that the recycling grant in the amount of \$4,400.00 will allow the City to buy recycling containers to be placed at the Recreation Center and the Solid Waste Convenience Center to collect recyclable materials. She stated that the program would allow other communities to bring their materials to Portales and then we will take them to Clovis. Council asked if

there was an amount estimated for the cost for transportation to Clovis. Mr. Redmond stated that we are hauling the solid waste to Clovis currently. Ms. Rose asked for permission to submit the application to the Solid Waste Bureau. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to approve submittal of the application for the recycling grant to the Solid Waste Bureau. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

(H) ITEM(S) FROM PLANNING DEPARTMENT:

1. Final Plat—Combs Subdivision Unit 2, Territorial Investment Group, LLC.

Mayor King asked Planning Director Sammy Standefer to introduce the final plat of Combs Subdivision, Unit 2. Mr. Standefer told the Council that the final plat had been submitted by Chris Cone. He commented that the preliminary plat was approved in 2010. He added that annexation and zoning change occurred in 2009. He stated that the vote by the Planning Commission was 4 in favor and 2 against the final plat. Standefer stated that the intent of the developer is for two-family dwellings with duplexes on Quail Road. He stated that one thing the owner must do is to work to change the name of this road to make sure there is no duplication. The Mayor asked where the City has a street named Quail. Mr. Standefer responded that there is a Quail Wood Street in Raven Wood Subdivision. Mayor King asked about the existing storage units on the plat. Standefer stated that these will be fronted with an alley. Mayor King asked what the objections were by the 2 members voting against the final plat. Mr. Standefer responded that they were concerned with not knowing what was going to be built there. He asked for Council approval. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to approve the final plat of Comb Subdivision, Unit 2 submitted by Territorial Investment Group, LLC conditional upon a change to the Quail name of the street as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

2. Application for Summary Subdivision—Carlos Paiz Subdivision.

Mayor King asked Planning Director Sammy Standefer to present the summary subdivision requested by Carlos Paiz. Sammy Standefer told the Council that the summary subdivision is a small one with 3 lots—made up of one (1) 14 acre lot and two (2) lots of 1 acre each. He told the Council that the subdivision is located about a mile from the city and that there are no infrastructures or buildings proposed. He commented that the County has approved it and asked for questions. Mayor King asked the pleasure of the Council. ***Councilor Salguero made the motion to approve the Summary Subdivision of the Carlos Paiz Subdivision as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.***

3. Request to Begin Court Proceedings on Dangerous Buildings in Resolution #13-14-26 Served on Owner: 906, 908, 910 W. 15th Lane; 509 N. Avenue K; 418 N. Avenue C; 1623 S. Avenue A

Mayor King asked Planning Director Standefer to present the request to begin court proceedings. Mr. Standefer told the Council that Resolution #13-14-26 had been served on the owner of the properties listed on March 5, 2014. He stated that one property was dangerous and the others were nuisances according to the City Code of Ordinances. He commented that the owner had 30 days from the date served with the resolution to remedy the dangerous and nuisance conditions. Mr. Standefer stated that April 5, 2014 is the deadline for the owner to begin to work on the cleanup. Councilor Hunton asked if anything has been done by the owner. Standefer responded that no work has been done on the properties. He asked that the Council approve the request to begin the court proceedings to mitigate the dangerous building and the nuisance properties. Mayor King asked the pleasure of the Council.

Councilor Robinson made the motion to approve the request to begin court proceedings requested upon the properties listed in Resolution #13-14-26 (Owner Stanley Massey) as 906, 908, 910 W. 15th Lane; 509 N. Avenue K; 418 N. Avenue C; and 1623 S. Avenue A as presented. Councilor Hunton seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.

City Attorney Doerr stated as clarification that the action taken by the Council in this motion was to approve the court proceedings and not to adopt Resolution #13-14-26, which had been previously adopted.

4. Resolution #13-14-44, Dangerous Building, 820 E. Elbe

Mayor King asked Planning Director Standefer to explain Resolution #13-14-44, declaring the property at 820 E. Elbe as a dangerous building. Mr. Standefer told the Council that the resolution would give the owner another 30 days to remedy the conditions of 820 E. Elbe. He stated that the title search has not been completed. Councilor Salguero asked when the resolution will be served. Mr. Standefer responded that serving of the resolution will be delayed until the title search is completed. Standefer asked that the Council adopt Resolution #13-14-44. Mayor King asked the pleasure of the Council. ***Councilor Robinson made the motion to adopt Resolution #13-14-44 declaring 820 E. Elbe as a dangerous building and that it be served on the owner upon completion of the title search. Councilor Lucero 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.***

(I) PERMISSION FOR MAYOR TO SIGN & SUBMIT THE APPLICATION FOR 2015 AGING NETWORK CAPITAL OUTLAY FUNDING TO THE NEW MEXICO AGING & LONG TERM SERVICES DEPARTMENT

Mayor King asked City Manager Redmond to present the request to submit an application to the NM Aging & Long Term Services Department. City Manager Redmond told the Council that the Senior Center has leaky roof problems with damage done to the ceilings. He commented that Planning Director Standefer and other staff has worked with a consulting group about how to best repair the roof. The estimate to remove and replace the roof is \$80,000.00. Mr. Redmond asked permission from the Council to apply for funds for 2015 Aging Network Capital Outlay funding from the NM Aging & Long Term Services Department. Mayor King asked the pleasure of the Council. ***Mayor Pro-Tem Miller made the motion to authorize the Mayor to sign the 2015 Aging Network Capital Outlay Funding application and submit it to the New Mexico Aging and Long Term Services Department for removing and replacing the roof of the Portales Senior Center Building. Councilor Hunton seconded the motion. All Council members present voted unanimously in favor of the motion. No abstentions. Motion carried.***

(J) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for items of other business.

Report on Ute Water Meetings in Washington: Mayor King reported that she had gone with the Ute Water consultants to Washington to meet with New Mexico's representatives. She commented that the meetings had been very positive and that she had taken the report put together by Dr. Charles Wilson on the City's water situation of an estimated 13 to 14 years of water. She stated that the BOR director has been replaced by Estevan Lopez who is connected to New Mexico.

Report on the NMML District IV Meeting: Mayor King asked Councilors Salguero and Robinson and Mayor Pro-Tem Miller to talk about the District IV meeting. Councilor Salguero commented that he was impressed with the presentation by NMML Executive Director Bill Fulginiti. Councilor Robinson stated that he had learned that this meeting was the largest attended District meeting this year. He reported that Mayor King was nominated for Alternate Director for District IV and won. He further commented that Senator Stuart Ingle gave an excellent report and praised Mayor Pro-Tem Miller for his knowledge of the politics of New Mexico. He stated that the League staff had bragged on the Yam Theatre, and stated that he had encouraged people present to shop in Portales.

Invitation to Council and Audience: Councilor Robinson invited the Council and audience to attend a presentation on bullying that will be made by Dr. Edward Sutton at Lindsey-Steiner School at 2 p.m. on Friday, April 4, 2014. He commented that Dr. Sutton's presentation is hosted by the State Martin Luther King, Jr. Commission. He added that Dr. Sutton will present in Clovis on the same day.

Requesting Volunteers for ComCast Cares Day: Recreation Director Jodi Kibbe requested volunteers for Comcast Cares Day on April 26, 2014 at the Recreation Center. Ms. Kibbe told the Council that she had placed forms to sign up as volunteers in their mailboxes. She told the Council that breakfast and lunch will be provided for volunteers to work at the recreation center. Mayor King talked about the difficulty in scheduling. She commented that Relay for life will be the night before on April 25th at 6:00 p.m. and that she would be attending this event.

ADJOURNMENT:

There being no further business or comments, Mayor King adjourned the meeting at 8:00 p.m.

Joan Martinez-Terry, City Clerk