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 - 2. Action to Convene in Open Session.
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THE CITY COUNCIL OF THE CITY OF PORTALES met in regular session Tuesday, April 16, 2013, 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: Ronald L. Jackson

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

STAFF PRESENT: Tom Howell, City Manager Charles D. Jones, Police Chief
Joan Martinez-City Clerk Johnny DeSha, Public Works Dir.
Marilyn Rapp, Finance Director Steve Doerr, City Attorney
Dennis Hales, I.T. Director Shannon Lee, Fire Battalion Chief
Carla Weems, Admin. Sec. Gary Nuckols, Fire Chief
Dathan Culpepper, Firefighter/EMT-Int. Timothy J. Cathey, Fire 2nd Lt./Para.
Jared Shearer, Firefighter/EMT-1 Hugh Frank, Firefighter/EMT Para.
Lance Hill, Fire Battalion Chief Scott Candelaria, Firefighter/EMT-Para.
Chris Standridge, Firefighter/EMT-Int. Reylon Wimbish, Firefighter/EMT-Basic
Steven Cain, Fire Lt. Scotty Watson, Fire Lt.-Para.
Jodi Kibbe, Rec. Dir. Brenda Fenton, Fire Dept. Sec.

OTHERS PRESENT: Christina Calloway, Press John Guldemann, Constructors, Inc.
David Essex, Xcel Energy Candra Reynolds, Comcast
Tina Hill Lisa Candelaria
Esther Standridge

Mayor King asked Fire Battalion Chief Lance Hill to give the invocation, and Firefighter/EMT Chris Standridge to lead the Pledge of Allegiance and the Salute to the New Mexico flag.

(A) MINUTES OF PREVIOUS MEETING(S):

1. Regular Meeting of April 2, 2013.

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of April 2, 2013 as presented. *Councilor Parker made the motion to approve the minutes of the regular meeting of April 2, 2013 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

(B) PRESENTATION OF 25-YEAR SERVICE AWARD TO MARTIN MENDOZA OF PARKS/CEMETERY DEPARTMENT

Mayor King asked Martin Mendoza to step forward to receive his 25-year service award. The Mayor presented him with service award City pin, a clock with engraved thanks from the Mayor, Council and Administration, and a certificate of appreciation for his service. A small reception had been held in his honor prior to the meeting.

(C) FORMAL PRESENTATION OF LETTERS OF COMMENDATION TO FIREFIGHTERS DATHAN CULPEPPER AND REYLON WIMBISH

Mayor King asked Fire Chief Nuckols to make the presentation of letters of commendation. Chief Nuckols told the Council that Fire Shift C was recognized for a job well done in a recent structure fire with a possible trapped victim. He commended C Shift: Lance Hill, Scott Candelaria, Dathan Culpepper, Scotty Watson, Chris Standridge, and Reylon Wimbish for exemplary performance at the structure fire on N. Avenue B. Nuckols told the Council that, when fire personnel arrived at the fire, it was fully involved in the living area with the victim yelling. The rescue was done in a short time and the victim was given assistance and lifted to the burn unit in Lubbock, Texas. Chief Nuckols commented that it was a true demonstration of the skill and desire to protect the citizens of the City of Portales. He added that rookie firefighter Reylon Wimbish has been with the Department for only a month. He read aloud from the Letter of Commendation recognizing their efforts in upholding the tradition of bravery in the fire service and presented a letter to Dathan Culpepper and Reylon Wimbish. Chief Nuckols told the Council that it was his great honor in bestowing these letters of commendation. The Mayor and Council gave each Firefighter/EMT a handshake in thanks for exemplary service.

(D) PROCLAMATION DECLARING APRIL 27, 2013 AS "COMCAST CARES DAY IN PORTALES, NEW MEXICO" PARTNERING WITH THE PORTALES RECREATION CENTER

Mayor King read the proclamation aloud declaring April 27th as Comcast Cares day and presented the proclamation to Candra Reynolds representing Comcast. She commented that Comcast will partner with the Recreation Center to volunteer to improve the Center. Jodi Kibbe told the Council that last year Comcast had replaced tiles, made planters, and painted at the Center. She commented that part of the planned improvements this year are for putting in a basketball court, (maybe) putting in a fence,

replacing tiles and painting more of the facility. She commented that the work greatly helped the facility and that City Manager Howell and members of the community had come out and helped. She told the group that the event will begin at 8 a.m. with free breakfast and lunch. She stated that the PHS girls softball team and cheer squad will be helping this year.

(E) AWARD PRESENTATION TO THREE (3) RECREATION CENTER STUDENTS FOR 2013 FAIR HOUSING COLORING COMPETITION

Mayor King told the audience and staff that Susan Baysinger held an annual Fair Housing Coloring Contest for the Recreation Center After-School Program to mark Fair Housing month. She commented that this year the contest was held on April 8, 2013. She stated that Rylie Purcell (1st place winner in the 8-10 age category) was the only winner present and asked her to come forward to receive her award. Mayor King reported that the other two 1st place winners were Makenna Roybal in the 5-7 age category; and Catherine Rivera in the 11-12 age category. The Mayor thanked Rylie Purcell for attending the award presentation.

(F) UPDATE OF IMPROVEMENTS TO U.S. HIGHWAY 70

Mayor King asked John Guldemann to give a report on the ongoing work on U.S. Highway 70. Mr. Guldemann told the Council that his crew had completed a really big concrete pour that day and that another one was planned for tomorrow before the weather changes. He stated that his crews would continue with demolition on 1st Street toward the downtown. Guldemann reported that Avenue I and Avenue E will have road closures. He commented that these streets would be opened up for people to get through late next week. City Manager Howell asked Mr. Guldemann if his company would be interested in getting the basketball court done for Jodi Kibbe at the recreation Center. Guldemann said that he would talk to his supervisors. He reported that he would be visiting individual businesses tomorrow and would be doing a walk-through with the NMDOT. Mayor King thanked him for his report.

(G) RATIFICATION OF FINANCE DEPARTMENT'S ACTIONS REGARDING BILLS FOR MARCH 2013

Mayor King asked Marilyn Rapp, Finance Director, to report on the City's bills for March 2013. Ms. Rapp told the Council that the Finance/Administration Committee had reviewed the bills electronically for March 2013 because there was no quorum for the meeting. She told the Council that the bills in the amount of \$1,516,308.54. She told the Council that the large expense in the bills was the Hampton Farms for the sewer line. She commented that the Finance/Administration Committee did not have any questions about the bills.

November 2012

Pooled Cash Fund	999	\$1,516,308.54
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Mayor King asked for action from the Council. *Councilor Parker made the motion to ratify the payment of the bills for March 2013 as presented. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried.*

(H) PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE NO. 703, AN ORDINANCE TO PROHIBIT PANHANDLING AND TO PROHIBIT AGGRESSIVE PANHANDLING AT ALL TIMES AND PLACES WITHIN THE CITY OF PORTALES

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

Mayor King asked for a motion to enter into Public Hearing to receive comments on the ordinance to prohibit panhandling and to prohibit aggressive panhandling at any time and place within the City. *Mayor Pro-Tem Jackson made the motion to enter into public hearing. Councilor Parker seconded the motion. Motion carried. No abstentions.*

Mayor King asked that changes be made to the ordinance--page 3, item D. Unaggressive Requests for Donations--3, 4 and 5 should be under subparagraph E. Penalty. The Mayor asked for comments or questions. Mayor Pro-Tem Jackson commented that there should be a separate item F for penalty. Councilor Salguero asked how much time it would take to get a permit. It was suggested that it should be spelled out that the applicant cannot take donations until a permit is issued and that City Hall is open from 8 to 5 Monday through Friday for clarification. Councilor Thomas suggested that the ordinance, if adopted, be reviewed in six (6) months. The question was asked if the permit was good forever. City Attorney Doerr stated that the permit is for one event. The Council discussion continued with the members concluding that the ordinance is not ready as it is written. City Attorney Doerr stated that the purpose of the ordinance was to prohibit panhandling without a permit. He asked that the Council send him their suggestions for finalizing the wording of the ordinance before the public hearing can be continued. Mayor King asked that the Council send City Attorney Doerr their comments and suggestions.

2. Action to close the Public Hearing.

Mayor King asked for a motion to close the public hearing. *Councilor Parker made the motion to close the public hearing. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

3. Action on Ordinance No. 703.

Mayor King asked the pleasure of the Council regarding Ordinance No. 703. *Councilor Robinson made the motion to table Ordinance No. 703. Councilor Lucero seconded the motion. All Council members present voted in support of the motion. Motion carried. No abstentions.*

(I) OTHER BUSINESS/CITIZENS TO BE HEARD

Mayor King asked for items of other business starting with staff.

San Juan Village Bond Issue: City Attorney Doerr reported that the lawsuit has been filed in Alabama on the San Juan Village issue and that there is a pending suit in Portales for which Sovereign Bank has granted a 30-day extension. He commented that there is no need to hire Alabama counsel. He stated that even if it is not a monetary judgment against the City, it might have an effect on the City's bonding or insurance rates. He stated that his office will keep the Council informed. *(CORRECTION MADE IN MINUTES OF 05/07/2013 TO THIS ITEM: Mayor Pro-Tem Jackson made the motion to approve the minutes of the regular meeting of April 16, 2013 with the correction "that it is not necessary to hire Alabama counsel at this time" on page 4, Other Business, San Juan Village Bond Issue. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. No abstentions. Motion carried."*

NMML District 4 Meeting: Mayor King reported that several Councilors and staff had recently attended the legislative update held by the New Mexico Municipal League (NMML) in Tucumcari, NM. The report by the NMML pertained to legislative actions and how they will affect us.

Special Meeting with Businesses Regarding U.S. 70 Improvements: Mayor King told the Council that the meeting held on Thursday evening (April 18, 2013) with the business people, contractor and the state had been attended by about 30 people. She stated that there were questions asked and suggestions made regarding the work that will begin on the downtown area. Mayor King commented that the Contractor had stated that he would be communicating with the business owners more closely. She mentioned that there had been a heated meeting on the Ute Water project last Friday and that the legislative roundup will be held in Clovis tomorrow (April 17, 2013).

Question about Ruth Visage & Golden Acres: Councilor Salguero asked if there were any known complaints about bad neighbors around those apartments. No complaints cited.

Reminder of the Town Hall Meeting: Mayor King reminded the Council and staff of the Town Hall meeting set for 6:30 p.m., Thursday, April 18, 2013, at the Memorial Building auditorium.

Question about Noise Meters: Police Chief Jones stated that he has obtained specifications for noise meters due to Councilor Salguero's question about noise meters at the last Council meeting. He told the Council that he is working on the matter and will have complete details on it for a future meeting. He stated that he would get samples of noise meter ordinances.

City Manager's Invitation: City Manager Howell offered transportation for Council to attend the legislative roundup in Clovis tomorrow to start at 1:00 p.m.

(J) EXECUTIVE SESSION/CLOSED EXECUTIVE MEETING:

1. **Action to Convene in a Closed Session/Meeting to Discuss Matters as Provided for Under New Mexico Statutes Pertaining to Open Meetings Referencing §10-15-1 H.(2), 1995, for Limited Personnel Matters; §10-15-1 H.(7), 1995, for Attorney-Client Privilege Pertaining to Threatened or Pending Litigation; §10-15-1 H.(8), 1995 for the Purchase, Acquisition, or Disposal of Real Property or Water Rights.**
2. **Action to Convene in Open Session.**
3. **Action Required as a Result of the Closed Session.**

No executive session was held.

ADJOURNMENT:

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

Joan Martinez-Terry, City Clerk