

(A) MINUTES OF PREVIOUS MEETING(S):**1. Regular Meeting of February 19, 2013.**

Mayor King asked for Council to consider and approve the minutes of the Regular Meeting of February 19, 2013 as presented. *Mayor Pro-Tem Jackson made the motion to approve the minutes of the regular meeting of February 19, 2013 as presented. Councilor Lucero seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(B) UPDATE OF U.S. HIGHWAY 70 IMPROVEMENTS

Mayor King asked for an update on the U.S. Highway 70 improvements. John Guldemann, Constructors, Inc., and Pat Garcia, NMDOT, were present to talk about returning to the job site. Mr. Guldemann reported that Constructors, Inc. is in the process of getting equipment mobilized onto the site. He commented that they have been in fixing a water leak, cutting some curb and gutter out, and that the contractor would be in week after next to begin construction again. He commented that there will be two crews coming to begin removal of old road way on 2nd Street and to continue with work on 1st Street. Pat Garcia talked about the leak in the street and that the contractor would have to get the roadway base dry. Council wanted to know who would pay for the repairs—contractor, NMDOT or the City of Portales. City Manager Howell responded that the leak could cost all three. Mr. Garcia commented that the NMDOT wants to get it right. Councilor Robinson asked about the origin of the leak. John DeSha responded that it was caused by slipping of an insert that was put in place years ago. Councilor Parker commented that the contractor was kind of back this week. Guldemann stated that Constructors, Inc. is working on small items and next week will have a larger crew on site. Mayor King asked if they would be able to catch up. Guldemann responded that Constructors, Inc. would be working with the State to catch up as much as possible. Councilor Thomas asked if Guldemann knew the schedule for the downtown. Guldemann responded that he would find out by next Council meeting. Councilor Salguero asked when the leak was discovered. Guldemann responded that it was found while the job was stopped due to freezing weather. Mayor King thanked Guldemann and Garcia for attending the meeting.

(C) RESOLUTION #12-13-31, A RESOLUTION OPPOSING THE LISTING OF THE LESSER PRAIRIE CHICKEN AS A THREATENED SPECIES

Mayor King asked the Council to adopt Resolution #12-13-31 and reminded them that Roosevelt County Manager Charlene Webb had come to the last City Council meeting to request their support for opposing the listing of the Lesser Prairie Chicken as a threatened species. She told the Council that the resolution before them was prepared by the City Clerk with assistance from the County Manager. Mayor King asked the pleasure of the Council. *Councilor Lovett made the motion to adopt Resolution #12-13-31, the resolution opposing the listing of the Lesser Prairie Chicken as a threatened species. Councilor Lucero seconded the motion. Roll call vote of all Council members present was unanimous in support of the motion. Motion carried. No abstentions.*

(D) 2013 PORTALES CITY SPORTS YOUTH BASKETBALL UPDATE

Mayor King asked for action from the Council to table the report on City Youth Basketball in the absence of Michael Doerr due to the birth of his daughter. The Mayor asked the pleasure of the Council. *Councilor Parker made the motion to table the report on City Sports until the next meeting. Councilor Hunton seconded the motion. Seven of the eight Council members present voted in support of the motion. Mayor Pro-Tem Jackson voted against the motion. Motion carried. No abstentions.*

(E) APPROVAL OF CITY SUPPORT TO MOVE BLACKWATER MUSEUM TO ENMU MAIN CAMPUS

Mayor King told the Council that George Crawford is the Director of Eastern New Mexico University's Blackwater Draw Site. She told them that the University is talking about moving the museum back to the ENMU campus, and that they had asked her to find out if the City would support the move. She commented that it is a well-known collection and that it is well visited from around the world. She stated that the administration believes that it would be a good thing to bring people onto the ENMU campus. Councilor Parker asked if the City would be responsible for anything. Mayor King responded that the City would not be responsible. Councilor Thomas asked who the owner of the museum is where it is located. Mayor King responded that ENMU owns it. She added that the plan would be to move it to Lea Hall, which has been recently remodeled. Councilor Parker commented that it should be an asset. Mayor King asked Council's approval for a letter of support on the issue of moving the museum. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to authorize the Mayor to write a letter of support for moving the Blackwater Museum to the Campus of ENMU. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. Motion carried. No abstentions.*

(F) DISCUSSION FOR COUNCIL INPUT INTO PROPOSED ORDINANCE TO PROHIBIT PANHANDLING AT CERTAIN TIMES AND PLACES; AND TO PROHIBIT AGGRESSIVE PANHANDLING AT ALL TIMES AND PLACES WITHIN THE CITY OF PORTALES

Mayor King told the Council that the proposed ordinance in their Council packet was developed to prohibit aggressive panhandling. She asked Police Chief Doug Jones to speak about the issue. Chief Jones told the Council that he had provided them all a copy of his memorandum regarding panhandling by a group of individuals at the intersection of 18th and Avenue D on February 2, 2013. He stated that the individuals had identified themselves on that date as being representatives of the New Life Church of North Dallas. He stated that he had included an article regarding a scam being conducted on the public apparently by this same group. Jones told the Council that the group had come back on February 22, 2013 and that this time they had identified themselves as representing Victory Life Church, a local church that denied connection to the group panhandling. Jones told the Council that this group has moved from Florida all the way across the country. He stated that he believed this group to be scam artists bilking the good citizens of Portales, and that they are not affiliated with any church. Jones stated that the Police Department has received a lot of complaints along with the Mayor and Council. City Attorney Knudson told the Council that the proposed ordinance would not apply to those people who offer services or goods for sale. There was some discussion by the Council about aggressive panhandling versus non-aggressive panhandling and the requirement for a permit. Mayor King wanted the Council to give their input regarding their concerns. She stated that she found it confusing in some areas. Councilor Parker asked what the

policy was for soliciting and the Council discussed soliciting by individuals. Councilor Lovett suggested that the Council review the proposed ordinance and give their input back to the City Attorney for any changes. Mayor King commented that there should be some criteria if you are going to issue a permit. Councilor Thomas was concerned that the group had fraudulently identified themselves as members of a church and that this constituted a crime. Mayor King suggested that the Council send their comments to City Attorney Knudson and that the revision be brought back to the Council for their next meeting.

(G) NOTICE OF INTENT TO ADOPT ORDINANCE NO. 702, AN ORDINANCE APPROVING ECONOMIC DEVELOPMENT PROJECTS

Mayor King asked City Manager Howell to present the notice of intent to adopt Ordinance No. 702. Mr. Howell told the Council that the Local Economic Development Act, which allows municipalities to collect gross receipts tax for funding economic development projects requires municipalities to adopt an ordinance for the projects funded. He stated that Ordinance No. 702 must be adopted for projects funded during the fiscal year. He asked that the Council approve a Notice of Intent to hold a public hearing for Ordinance No. 702 on April 2, 2013. Mayor King asked the pleasure of the Council. *Councilor Parker made the motion to publish the Notice of Intent for Ordinance No. 702. Councilor Thomas seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

(H) CONTRACT FOR ENGINEERING SERVICES WITH SMA FOR WATER LINE REPLACEMENT PROJECT

Mayor King asked Public Works Director DeSha to report on the contract. John DeSha told the Council that the contract was for continuation of the project worked on last year to improve fire protection to the area around Brown School. He told the Council that the engineering services contract was for the amount of \$25,980.68 with SMA (Souder Miller & Associates), which includes the gross receipts tax. He stated that the scope of services was for engineering and design of water line replacement and system improvements in the area that includes Avenue D from 2nd Street to 4th Street; Avenue E from 2nd Street to 5th Street; 3rd Street from Avenue A to Avenue F; and 4th Street from Avenue E to Avenue F. DeSha stated that the contract had been submitted to the City Attorneys for their review and modifications. Mayor King asked City Attorney Knudson if he was satisfied with the contract. Mr. Knudson indicated that he was happy with the contract. Mr. DeSha asked that the Council approve the contract with SMA for the price of \$25,980.68. Mayor King asked the pleasure of the Council. *Mayor Pro-Tem Jackson made the motion to approve the contract for \$25,980.68 with Souder Miller & Associates for engineering and design services for the water replacement and improvement project to improve fire protection around Brown School as presented. Councilor Lovett seconded the motion. All Council members present voted in favor of the motion. Motion carried.*

(I) OTHER BUSINESS/CITIZENS TO BE HEARD

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

Fire Department Report: Fire Chief Nuckols reported that the Roosevelt County Commissioners had declared a burn ban in the County for 45 days; and stated that he expected them to continue with a burn ban for the next few months. He stated that the burn ban covers burning of trash.

Nuckols reported that the Fire Department is fully staffed with the hiring of Reylon Wimbish who started work on Monday. Fire Chief Nuckols told the Council that he appreciated the efforts of Public Works Director John DeSha to improve the delivery of water around Brown Development Center for fire protection services.

Municipal Airport Report: General Services Director Parkey told the Council that the airport is doing great on fuel sales to TriState Care Flight, which is newly based at Roosevelt General Hospital. Mayor King asked if the company kept the helicopter at the airport. Mr. Parkey stated that the company only goes to the airport for servicing.

NMML District 4 Meeting: City Manager Howell reminded the Council of the NMML annual district meeting set for April 5, 2013 to review all the bills passed in the legislature; and that the NMML will also review insurance premiums for the new fiscal year. He stated that this year the meeting will be held in Tucumcari. Howell asked the Council to sign up with Carla Weems of his office.

LGMC Job Fair: Ray Mondragon of the EPCOG thanked City Manager Howell for allowing Ms. Susan Baysinger to work with the LGMC Job Fair held recently. He commented that 25 businesses participated in the Job Fair. Mayor King reminded the Council that the EPCOG was handling part of the tasks that were divided up by the LGMC when Rick Draper left last year.

Comments from Citizen on Online Payments & Traffic Lights: Local citizen Mel Bishop commented on the City's finally offering online payments for utility bills to the community. He commented that the \$2.00 fee for it was too high. City Manager Howell stated that the plan is to reassess the fee after six months. Mr. Bishop also expressed his concern about the traffic light at the intersection of Main and 1st Street, and asked if the Council would consider doing a study to see if a flashing red would work better. Mayor King responded that the problem is that the light at the intersection of Main and 2nd Street is not synchronized with the 1st Street light. She commented that the new traffic lights planned as part of the U.S. Highway 70 improvements will have computer sensors.

(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.**

Mayor King asked for action to convene in closed session to discuss matters provided for under New Mexico Statutes pertaining to Open Meetings in reference to §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; and §10-15-1 H.(8), 1995 for the Purchase, Acquisition, or Disposal of Real Property or Water Rights. *Councilor Parker made the motion to convene in closed session for limited personnel matters; for Attorney-Client privilege pertaining to threatened or pending litigation; and for purchase, acquisition, or disposal of real property or water rights. Councilor Hunton seconded the motion. All Councilors present voted in favor of the motion. Motion carried. No abstentions.*

2. Action to Convene in Open Session.

Mayor King asked for action to convene in open session. *Mayor Pro-Tem Jackson made the motion to convene in open session. Councilor Parker seconded the motion. All Councilors present voted in favor of the motion. Motion carried. No abstentions.*

3. Action Required as a Result of the Closed Session.

Mayor King declared that the matters discussed in the closed meeting were limited to those specified in the motion for closure and as in the notice of the separate closed meeting and stated that no action was needed as a result of the closed session.

ADJOURNMENT:

There being no further business or comments, Mayor King adjourned the meeting at 8:30 p.m.

Joan Martinez-Terry, City Clerk