

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
November 11, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, November 11, 2008, at 7:00 p.m. in regular session with Mayor Pro Tem George Holmes presiding, and the following present to wit:

Manuel Barragan	Nora Sanchez
Terry Hill	J.B. Smith
Raye Miller	Antonio Torrez
Raul Rodriguez	

The following were absent:
Mayor Phillip Burch

Also present:
Aubrey Hobson, City Clerk-Treasurer
John Caraway, City Attorney

It was determined that a quorum was present. The invocation was given by Councilor Rodriguez, and all joined in the Pledge of Allegiance.

Visitors

Dave Boneau and K'Lynn Childress, representing the Artesia Arts Council, requested permission to block four (4) parking spaces on Main Street in front of the Ocotillo Theater for one day for the sign installation on the Ocotillo Theater. Councilor Miller moved to approve this request. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Consent Agenda

Councilor Barragan requested that items 2-B and 5-B be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda minus items 2-B and 5-B. The motion was seconded by Councilor Hill and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * October 28, 2008 - Regular meeting
2. Consideration of Bids:
 - A. *Ratification of Mayor Burch's approval for award of bid to Burn's Construction for the emergency water line project.
 - B. Pulled for separate consideration.
3. Contracts, Leases and Agreements:
 - A. *Approval of Quit Claim Deed to Kenneth Foster
4. Appointments:
5. Resignations:
 - A. Accept the resignation of Ramiro Martinez, Police Officer, effective November 8, 2008.
 - B. Pulled for separate consideration.
6. Dates of Hearing:

7. *Travel and Training:
 - A. Solid Waste – Permission for one (1) employee to attend the Recycling Facility Operator certification in Santa Fe, NM. Request actual expenses.
 - B. F&A – Permission for one (1) employee to attend the New Mexico Finance Government Officers Association annual conference in Albuquerque, NM. Request actual expenses.
 - C. Artesia Clean & Beautiful – Permission for one (1) employee to attend the Keep America Beautiful annual conference in Washington, DC. Request actual expenses and mileage (*costs are reimbursed by the State Grant*).
 - D. F&A – Permission for one (1) employee to attend the NMHRAB meeting in Santa Fe, NM. Request actual expenses and mileage (*costs covered by the NMHRAB Board*)
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
9. Budgeted Items:
10. Non-budgeted Items:
11. *Payment of Bills

Councilor Torrez moved to approve Consent Agenda item 2-B (*Approval of award of bid to construct Lonesome Tank #2 to D&R Tank, Albuquerque, NM.). The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Barragan stated for the record that he hated to see this long-time employee leave. Councilor Hill moved to approve Consent Agenda item 5-B (√Accept the resignation of Jerome Aguilar, Firefighter/EMT, effective November 16, 2008). The motion was seconded by Councilor Torrez and upon vote, with Councilor Barragan voting “nay”, the motion passed.

Public Hearings

Mayor Pro Tem Holmes declared the meeting open for public hearing for the following:

1. Continuation of a public hearing to consideration and approval of an ordinance amending section 5-1C-12, Graffiti.

Community Development Director Tina Torres presented the revised ordinance. The new changes included:

On page 4, E-2D – a new paragraph was added to allow the city to abate obscenities if the property owner denied permission or refused to abate; and E-3 –the paragraph was amended to remove references to specific graffiti removal devices (such as a soda blaster).

On page 5,F-2 – a new paragraph was added to separate the penalties – paragraph one is for the perpetrator of graffiti and paragraph two is for a property owner who allows graffiti to remain. Under F-4, a paragraph was added allowing property owners to pursue civil damages as a result of a graffiti episode.

City Attorney John Caraway noted that in E-6, on the fifth line, the word “code” should be “section”.

Bill McCaw inquired if the city would be subject to the ordinance as well.

Councilor Barragan moved to amend Section 5-1C-12, Graffiti, with the additional change to section E-6, changing the word "code" to "section", Ordinance No. 803. The motion was seconded by Councilor Hill and upon roll call vote, with the following votes recorded:

Aye: Barragan, Hill, Holmes, Miller, Rodriguez, Sanchez, Smith, Torrez

Nay: none

the motion passed.

ORDINANCE NO. 803

2. Consideration and approval of an ordinance adopting a Project Participation Agreement between the City of Artesia and Artesia Vocational Training Center (AVTC); a partnership pursuant to Section 2-4-8 of the Artesia Municipal Code.

Mayor Pro Tem Holmes reported that as a result of discussions at the last meeting, the City would pursue the funding for the expansion at AVTC, since the building belongs to the city. As a result, this public hearing is withdrawn.

Visitors who did not request to be on the Agenda

Allen Sartin, the new Eddy County Manager, was introduced to the Council.

Rebecca Prendergast, the new Artesia MainStreet Director was introduced to the Council.

Personnel

Councilor Hill moved, upon recommendation of the Mayor, to hire Randolph Samora to the position of Cemetery Equipment Operator I, at a salary of \$1,892 per month (CA11), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Public Safety.

Police

Chief Raley distributed the statistics for October 2008.

Fire

Chief Hummingbird distributed the statistics for October 2008.

Community Development

Community Development Director Tina Torres distributed the statistics for October 2008.

Infrastructure

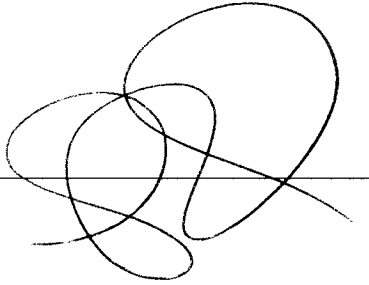
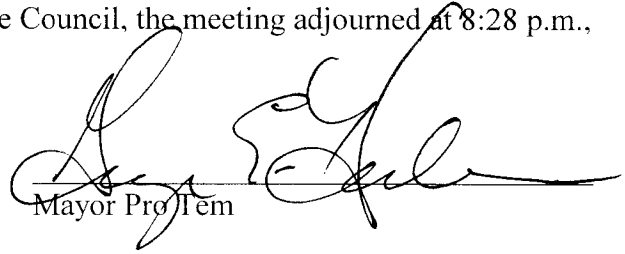
Infrastructure Director Robert Forrest reported on project activities in the Infrastructure department.

Councilor Miller moved to hire two temporary full-time employees for three months, at a cost of \$13,500, to clean alleys and assist with graffiti eradication. The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting "nay", the motion passed.

There being no further business to come before the Council, the meeting adjourned at 8:28 p.m., November 11, 2008.

ATTEST:

City Clerk

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.A large, stylized handwritten signature in black ink, featuring a prominent loop at the top and a long horizontal stroke at the bottom.

Mayor Pro Tem