

MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
January 13, 2009

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 13, 2009, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Manuel Barragan	Raye Miller
Terry Hill	J.B. Smith
George Holmes	Antonio Torrez

The following were absent:

Raul Rodriguez
Nora Sanchez

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 Miller, and all joined in the Pledge of Allegiance.

Consent Agenda

The following items were requested pulled from the Consent Agenda:

Council Hill requested item 7-H
Mayor Pro Tem Holmes requested 3-A
Councilor Barragan requested 4-B, 5-A, 9-A and 10-A

Councilor Torrez moved to approve the Consent Agenda, minus items 3-A , 4-B, 5-A, 7-H, 9-A and 10-A. The motion was seconded by Councilor Miller and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * December 8, 2008 - Regular meeting
 * December 9, 2008 - Worksession
2. Consideration of Bids:
A. *Approval of award of bid to provide an indefinite quantity contract for sprinkler heads and associated supplies for the city through the Water Department
3. Contracts, Leases and Agreements:
A. √Pulled for separate consideration.
4. Appointments:
A. Approval of appointment of Chad Harcrow to the Artesia Recreation Advisory Commission
 (term: 01/14/2009 – 01/14/2012)
B. Pulled for separate consideration.
5. Resignations:
A. Pulled for separate consideration.

6. Dates of Hearing:
 - A. Ratification of Mayor Burch's approval to set a public hearing on January 27, 2009 to consider an ordinance approving the Streets and Alley Public Works Specifications.
 - B. Request approval to set a public hearing on February 10, 2009 for consideration of an ordinance approving the site plan for Yates Farms Phase I.

7. *Travel and Training:
 - A. Permission for elected officials and City staff to attend the NMML 20th Annual Municipal Day in Santa Fe, NM. Request actual expenses and mileage.
 - B. Infrastructure – Permission for one (1) employee to attend the New Partners for Smart Growth conference in Albuquerque, NM. Request actual expenses.
 - C. Building Maintenance – Permission for two (2) employees to attend a Boiler Operation Maintenance and Safety seminar in Albuquerque, NM. Request actual expenses.
 - D. Building Maintenance – Permission for two (2) employees to attend an Air Conditioning and Refrigeration training in Albuquerque, NM. Request actual expenses.
 - E. Executive – Permission for one (1) employee to attend the NMSIF Mayor/Manager Safety training in Albuquerque, NM. Request actual expenses and mileage.
 - F. Library – Permission for one (1) employee to participate in the on-line training course Reading Instruction & Children's Books.
 - G. Planning – Permission for one (1) employee to attend the Public Contracts and Competitive Public Bidding training in Albuquerque, NM. Request actual expenses and mileage.
 - H. Pulled for separate consideration.
 - I. Fire – Permission for three (3) employees and one (1) volunteer to attend Fire Instructor I training in Hobbs, NM.
 - J. Infrastructure – Permission for one (1) employee to attend the Fundamentals of Project Management seminar in Tulsa, OK. Request actual expenses.
 - K. Planning – Permission for one (1) employee to attend an Asbestos Inspector Refresher course in Albuquerque, NM. Request actual expenses.
 - L. Police – Permission for one (1) employee to attend Ethics Instructor training in Santa Fe, NM. Request actual expenses.
 - M. F&A – Permission for one (1) employee to attend the IIMC Annual conference in Chicago, IL. Request actual expenses and mileage.

8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
9. Budgeted Items:
 - A. Pulled for separate consideration.

10. Non-budgeted Items:
 - A. Pulled for separate consideration.

11. *Payment of Bills

Councilor Hill reported that item 7-A (Fire – Permission for one (1) employee to attend the Hose and Hydrant testing at the NM Firefighter Training Academy in Socorro, NM. Request actual expenses.) was pulled because the training has been cancelled. No action was taken.

Mayor Pro Tem Holmes moved to table Consent Agenda item 3-A (Approval of a contract for water connection for Mason Investments located at 209 N. 41st.) until after item 15-A (Approval of a Memorandum of Agreement with Eddy County for the extension of water lines and service to 41st and 42nd Streets). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Barragan stated that he would like to see other candidates have a chance on the recreation commission and moved to postpone consideration of Consent Agenda item 4-B (Approval of re-appointment of Dave Boneau to the Artesia Recreation Advisory Commission (*term: 01/14/2009 – 01/14/2012*)). The motion died for lack of a second.

Councilor Miller moved to approve Consent Agenda item 4-B (Approval of re-appointment of Dave Boneau to the Artesia Recreation Advisory Commission (*term: 01/14/2009 – 01/14/2012*)). The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting “nay”, the motion passed.

Mayor Pro Tem Holmes moved to approve Consent Agenda item 5-A (to rescind the retirement of Ramona Haskins, Police Sergeant). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Torrez moved to approve Consent Agenda item 9-A (Fire – Approval of line item transfer for purchase of vehicle) The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Councilor Torrez moved to approve Consent Agenda item 10-A (Fire – Approval to purchase twenty-one (21) lockers). The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Public Hearings

Mayor Burch declared the meeting open for public hearing of the following:

1. Consideration and approval of a Home Occupation Application for TnT Clog Buster located at 506 S. 4th St., R-2 zoning.

Community Development Director Tina Torres presented the request. Ms. Torres reported that Planning & Zoning has reviewed the request and recommends approval.

Mr. Jerry Tidwell, owner, stated that customers would not be coming to the house.

No public comment was received.

Councilor Torrez moved to approve the Home Occupation Application for TnT Clog Buster, located at 506 S. 4th St. The motion was seconded by Councilor Hill and upon vote, the motion passed.

2. Consideration and approval of a five foot (5') variance and resolution for a vacation of a ten foot (10') utility easement for Mike Jorren, 2206 W. Briscoe, R1-B zoning.

Community Development Director Tina Torres reported that there were two issues to be considered: a request for the city to vacate a ten foot (10') utility easement, and a separate request for a five foot (5') rear yard setback variance.

Ms. Torres reported that the City has no plans to use this easement and has vacated it at several other lots in the area.

The request for the five foot (5') variance on the rear yard setback to allow Mr. Jorren to build a woodshop building with a door that opens to the alley. Mr. Jorren has indicated that he would only use the door for loading and unloading materials for his shop.

Ms. Torres stated that one option would be to approve the variance as long as no vehicles were stored or parked in the structure.

Chief Raley stated that he would prefer the regular 12 foot setback, but if there were no vehicles, he would not have an issue with the variance.

No public comment was received.

Mayor Pro Tem Holmes stated that he was concerned about the number of variances that were being requested.

Councilor Miller suggested that a "no parking" clause could be added to the vacation resolution.

Mayor Pro Tem Holmes moved to approve the vacation of a utility easement at 2206 W. Briscoe, Resolution Nol. 1325. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

RESOLUTION NO. 1325

Mayor Pro Tem Holmes moved to approve the five foot (5') rear yard variance for 2206 W. Briscoe. The motion was seconded by Councilor Miller and upon vote, with Mayor Pro Tem Holmes voting "nay", the motion passed.

3. Consideration and approval of a front yard fence height variance and ordinance for property annexation for William and Brenda Hope, 909 W. Mann, R1-B zoning.

Community Development Director presented a request for front yard fence height variance and an ordinance for annexation of property at 909 W. Mann.

William Hope, owner, stated that he wasn't interested in having property annexed if the front yard variance isn't included.

Ms. Torres reported that Mr. Hope has made adjustments on his fence corners to insure that there are not line-sight problems for vehicles. Ms. Torres also reported that there is no sidewalk on Mann, but that the city code only requires sidewalk on one side of the road.

Mr. Hope stated that the fence across the front would be open, but would be six foot high.

Ms. Torres also reported that Planning and Zoning has recommended approval of the variance.

Councilor Hill moved to approve the front yard fence height variance, subject to the successful passage of the annexation ordinance for 909 W. Mann. The motion was seconded by Councilor Torrez.

Mr. Hope stated that his biggest reservation was dealing with Mayor Pro Tem Holmes and withdrew his request for annexation.

No action was taken on the motion.

4. Consideration and approval of a variance to SU-1 allowable uses to include a restaurant for Stacy Wallace dba Blessings Café & Catering, 307 S. 7th Street, SU-1 zoning.

Community Development Director Tina Torres reported that this item is being postponed indefinitely at the request of Ms. Wallace.

5. Consideration and approval of an ordinance amending Sections 4-2-1 through 4-2-4 (Solicitations) of the Artesia Municipal Code.

City Clerk Aubrey Hobson reported some of the changes would prohibit solicitation on public right of ways; prohibit people soliciting employment; allow the Clerk to deny a permit application if necessary; requires the application to be submitted two weeks prior to the solicitation period; and limits the solicitation period to thirty (30) days.

No public comment was received.

It was noted that this ordinance would make “boot” drives illegal.

Councilor Miller moved to adopt an ordinance amending Section 4-2-1 through 4-2-4 (Solicitations), Ordinance No. 808. The motion was seconded by Councilor Smith, and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passed.

ORDINANCE NO. 808

Comments from Public Officials and Contracted Services

Eddy County Commissioner Lewis Derrick reported that progress is being made on the Morningside project.

Personnel

Councilor Torrez moved, upon recommendation of the Mayor, to hire Jamie Hatchett to the position of Firefighter-Trainee, at \$2,141 per month (CA16), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Richard Davis to the position of Firefighter-Trainee, at \$2,141 per month (CA16), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting "nay", the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Thomas Smith to the position of Firefighter-Trainee, at \$2,141 per month (CA16), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting "nay", the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire James Collins to the position of Firefighter-Trainee, at \$2,141 per month (CA16), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, with Councilor Barragan voting "nay", the motion passed.

The Safety statistics for December 2008 were distributed.

Councilor Miller moved to adjust the pay plan for the Part-time Museum Registrar to \$7.50 per hour, due to the increase in the State minimum wage. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to ratify Mayor Burch's approval to hire Catrina Steptoe, temporary Part-Time Receptionist, at \$6.50 per hour, effective December 15, 2008. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Public Safety

Police

Chief Raley distributed the statistics for December 2008.

Councilor Hill moved to approve the contract form for the Volunteer Reserve Stipend Reimbursement program. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Miller moved to approve the annual Mutual Assistance Agreement between the Roswell Correctional Center and the Artesia Police Department. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Fire

Chief Hummingbird distributed the statistics for December 2008

Community Development

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

Ms. Torres reported that the traffic study by the NM Department of Transportation found that none of the three intersections: Highway 285 and Richey, Highway 285 and Hermosa and Highway 285 and Mill Road met warrants for a traffic signal. Ms. Torres reported that the total number of vehicles had decreased since the last traffic study.

Infrastructure

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

Discussion took place regarding the permanent closure of a portion of Lolita Avenue that runs through Roberts Park. Mayor Pro Tem Holmes moved to postpone consideration of this item to the January 27, 2008 meeting. The motion was seconded by Councilor Hill and upon vote, the motion passed.

City Clerk

Discussion took place regarding the Memorandum of Agreement between Eddy County and the City of Artesia for the extension of water lines and service to 41st and 42nd Streets and how to make it as easy as possible for people to connect to the service.

Mayor Pro Tem Holmes moved to approve the Memorandum of Agreement with Eddy County for the extension of water liens and service to 41st and 42nd Streets. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to bring back to the table consideration of Consent Agenda item 3-A. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve Consent Agenda Item 3-A (Approval of a contract for water connection for Mason Investments located at 209 N. 41st). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Miller moved to adopt Resolution 1326, permitting the Mayor to approve outside water user contracts for 41st and 42nd Street water users. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

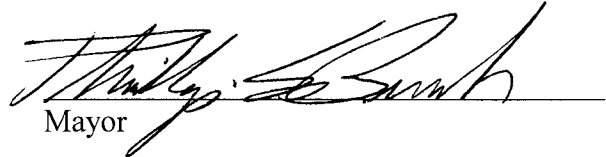
RESOLUTION NO. 1326

City Clerk Aubrey Hobson reported that he had received a request to donate the Suburban used by the AVTC Video department to New Mexico State University. This would allow New Mexico State University to provide insurance and gas cards for the vehicle. Mayor Pro Tem Holmes moved to transfer the Suburban used by the AVTC Video Department to New Mexico State University. The motion was seconded by Councilor Smith and upon vote, the motion passed.

New and other Business from Councilors

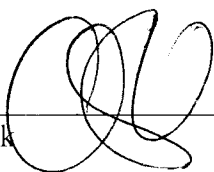
Councilor Barragan requested a list of city vehicles and who they are assigned to.

There being no further business to come before the Council, the meeting adjourned at 9:30 p.m.,
January 13, 2009.



Mayor

ATTEST:



City Clerk