

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
February 23, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Monday, February 23, 2009, at 7:00 p.m. in special session with Mayor Phillip Burch presiding, and the following present to wit:

Manuel Barragan	Nora Sanchez
George Holmes	J.B. Smith
Raye Miller	Antonio Torrez
Raul Rodriguez	

The following were absent:

Terry Hill

Also present:

Aubrey Hobson, City Clerk-Treasurer
John Caraway, City Attorney

It was determined that a quorum was present.

Public Hearings

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

1. Consideration and approval of an ordinance for the Leyva-Cruz replat, located on W. Grand Avenue and 23rd Street.

Community Development Director Tina Torres presented the request. The Leyvas own four lots and are selling two lots to a developer. In addition there is a request to vacate an existing twenty foot (20') alley and to combine lots 3 and 4 to make Lot 5. Ms. Torres reported that Planning and Zoning recommends approval.

No public comment was received.

Mayor Burch stated that the developer of the two lots will need to develop 23rd Street.

Councilor Torrez moved to approve the Leyva-Cruz replat, located on W. Grand Avenue and 23rd Street, Ordinance No. 811. The motion was seconded by Councilor Barragan and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passed.

ORDINANCE NO. 811

Councilor Miller moved to vacate the alley portion of the Leyva-Cruz replat, Resolution No. 1332. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

RESOLUTION NO. 1332

2. Consideration and approval of an ordinance for the El Angel replat, located on the NW corner of 6th Street and Quay Avenue.

Ms. Torres reported that this public hearing has been cancelled due to a change in ownership.

3. Consideration and approval of an ordinance amending City Code 9-9-5, Fencing and Plantings.

Community Development Director Tina Torres and City Attorney John Caraway presented the draft ordinance. Ms. Torres stated that the current ordinance is insufficient, as it does not require a permit to erect a fence when the fence is six feet in height or less. This has created some encroachment problems in the city.

The draft ordinance would define permanent and temporary fences, require a permit to erect any permanent fence, establish the "good side" of the fence to face the neighbor, require two gates and sets a completion time for the fence at 180 days.

No public comment was received.

Mayor Pro Tem Holmes expressed concern that pet barriers or fences would be banned since they are electrically charged.

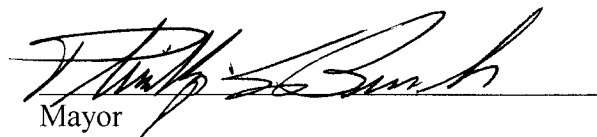
Several councilors expressed concern about the requirement to have a design professional sign off on the footing design for masonry walls, and thought it was excessive. It was requested that guidelines for footings be developed for the ordinance.

Other areas of concern were regarding the provision to require the "good side" to face the neighbor.

Mayor requested that the language for corner lots be reviewed to ensure that the location of the back fence is clear and understood.

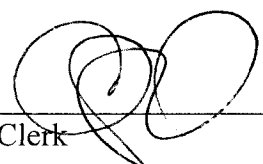
Mayor Pro Tem Holmes moved to continue the public hearing to the April 14th meeting, and to have the revised draft in the packets of the March 24th meeting. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 8:13 p.m., February 23, 2009.



Mayor

ATTEST:



City Clerk