

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
March 10, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, March 10, 2009, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

The following were absent:
none

Also present:

Lisa C. Johnston, Assistant City Clerk
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.

City Departments and Employees

Chief Hummingbird reported that he had accepted an award from the New Mexico National Guard thanking employers for their support of Guard members.

Consent Agenda

Councilor Barragan requested item 4-A through 4-F be pulled from the Consent Agenda for separate consideration.

Councilor Hill moved to approve the Consent Agenda, minus items 4-A through 4-F. The motion was seconded by Councilor Miller and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * February 23, 2009 – Special meeting
 * February 23, 2009 – Regular meeting

2. Consideration of Bids:
 - A. *Approval of award of bid to remove existing and replace gymnasium floor for the Recreation Harrison Contracting Co., Albuquerque, NM.
 - B. *Approval of award of bid to provide and construct improvements including concrete slabs and install fencing at Jaycee Park to Triman Construction Industries, Inc, Belen, NM.

3. Contracts, Leases and Agreements:
 - A. Approval to renew contract with Strickler & Prieto for accounting services (*2nd year of 3 year contract*)
 - B. *Approval of Professional Services Agreement with Dr. Kim Lark for AFD Medical Director services

4. Appointments:
 - A. Pulled for separate consideration.
 - B. Pulled for separate consideration.
 - C. Pulled for separate consideration.
 - D. Pulled for separate consideration.
 - E. Pulled for separate consideration.
 - F. Pulled for separate consideration.
5. Resignations:
6. Dates of Hearing:
 - A. *Permission to set a public hearing on April 14, 2009 to consider an ordinance amending Sections 4-2-3 and 4-2-4 of the Municipal Code (*Solicitation*)
7. *Travel and Training:
 - A. Police – Permission for one (1) employee to attend First Line Supervision and Management training in Roswell, NM.
 - B. Police – Permission for three (3) employees to attend Conducting Pre-employment Background Investigations training in Roswell, NM.
 - C. Police – Permission for two (2) employees to attend Vehicle Criminal Interdiction training in Artesia, NM.
 - D. Planning – Permission for one (1) employee to attend the NM Floodplain Managers Association Spring conference in Albuquerque, NM. Request actual expenses.
 - E. Airport – Ratification of Mayor Burch's approval for two (2) employees to attend the FAA Spring conference in Dallas, TX. Request actual expenses.
 - F. Legislative – Ratification of Mayor Burch's approval for one (1) elected official to attend the NLC 2009 Congressional City conference Washington DC. Request actual expenses and mileage.
 - G. Permission for elected officials and City staff to attend the NMML District meeting in Hobbs, NM. Request mileage.
 - H. Museum - Permission for one (1) employee to attend NM Association of Museum Board meetings in Santa Fe and Albuquerque, NM. (*travel expenses covered by the Board*)
 - I. F&A – Permission for three (3) employees to attend the NM Clerk's Association Spring meeting in Albuquerque, NM. Request actual expenses.
 - J. F&A – Permission for one (1) employee to attend the NMHRAB Board meeting in Santa Fe, NM. (*travel expenses covered by the Board*)
 - K. Executive and Legislative – Permission for Mayor Burch and Councilor Smith to travel to Washington DC. Request actual expenses and mileage.
 - L. Police – Permission for one (1) employee to attend Leadership Development Conference for Women in Albuquerque, NM. Request actual expenses and mileage.
 - M. Police – Permission for one (1) employee to attend Successful Project Management training in Albuquerque, NM. Request actual expenses and mileage.
 - N. Fire – Permission for two (2) to attend a Rope/Rescue course in Ruidoso, NM. Request actual expenses.
 - O. F&A – Permission for one (1) employee to attend the Aviation Expo in Las Vegas, NV. Request actual expenses.
 - P. RSVP – Permission for one (1) employee to attend the 2009 National Conference on Volunteering in San Francisco, CA. Request actual expenses and mileage.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
 - A. Stephanie Poe has requested the use of the west shelter and restrooms at Jaycee Park Saturday, March 21, 2009 from 11:30 am – 2:00 pm for a birthday party.
 - B. Artesia High School Tennis team has requested the use of the tennis courts at Jaycee Park on Friday and Saturday, April 3 & 4, 2009 for the Bulldog Invitational Tennis Tournament.
 - C. Artesia Chamber of Commerce has requested a waiver of fees for an ambulance at their BMX Bike/Skate Jam on Saturday, March 14, 2009.
9. Budgeted Items:

10. Non-budgeted Items:
 - A. Fire – Purchase two (2) continuous positive air pressure (CPAP) machines for ambulances
11. *Payment of Bills

Councilor Hill moves to approve Consent Agenda items 4A through 4F, as listed:

- A. Approval to re-appoint Jimmy Bustamante to the Woodbine Cemetery Board *(2 year term)*
- B. Approval to re-appoint Epie Bustamante to the Woodbine Cemetery Board *(2 year term)*
- C. Approval to appoint Alex Vasquez to the Housing Authority Board *(5 year term)*
- D. Approval to re-appoint Dean Chumbley to the Planning & Zoning Commission *(2 year term)*
- E. Approval to re-appoint Aleen Ivy to the Planning & Zoning Commission *(2 year term)*
- F. Approval to re-appoint Gary Sims to the Planning & Zoning Commission *(2 year term)*

The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Public Hearing

Mayor Burch declared the meeting open for public hearing to consider the following:

1. Consideration and approval of an ordinance repealing section 6-1 Excavations and 6-2 Sidewalk Specifications of the Artesia Municipal Code.

Assistant City Clerk Lisa Johnston reported that at a previous meeting, the City had adopted new Street and Sidewalk regulations. During the codification process, it was discovered that there were existing code sections on excavation and sidewalks. The section on excavations was originally adopted as Ordinance 411 in 1979, and the section on sidewalks was adopted as Ordinance 114 in 1948. The proposed ordinance would repeal the old sections of the code without affecting the recently adopted regulations.

No public comment was received.

Mayor Pro Tem Holmes moved to adopt Ordinance 812, repealing section 6-1 Excavations and 602 Sidewalks of the Artesia Municipal Code. The motion was seconded by Councilor Smith and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passes.

ORDINANCE NO. 812

Period for Hearing Visitors

Linda Stevens, representing Artesia Clean and Beautiful, reported on the upcoming graffiti course to be held in Artesia on April 3, 2009.

Committee Reports

Planning

Councilor Rodriguez reported on the recent Recreation Commission meeting.

Personnel

Human Resources Director Bill Thalman distributed the safety statistics for February 2009. Mr. Thalman reported that the City would conduct a Career Fair on Saturday April 11, 2009 at the Artesia Center.

Public Safety

Police

Chief Raley distributed the department statistics for February 2009.

Councilor Miller moved to approve the Memorandum of Understanding between the City of Artesia, the 5th Judicial District Attorney's Office, City of Carlsbad and County of Eddy for the development, implementation and operation of a drug enforcement task force to be named Pecos Valley Drug Task Force. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Chief Raley requested permission to apply for the COPS Ahead grant, when it opens. This is a revised version of the COPS grant and now allows the city to use the grant funds to pay existing positions or current open positions. There is no match to the grant except to continue employing the officers hired for one full year after the grant period. Chief Raley requested permission to apply for four positions. Councilor Hill moved to authorize an application for four (4) positions to be funded through the COPS Ahead grant. The motion was seconded by Councilor Barragan, and upon vote, the motion passed.

Chief Raley reported that the new District Attorney has now requested face to face meetings with officers filing cases. To assist with the paperwork, the Chief is requesting a temporary position to serve as a Liaison to the District Attorney. Mayor Pro Tem Holmes directed staff to pursue hiring a DA Liaison temporary position.

Chief Raley presented the four television commercials recently produced for local airing.

Fire

Chief Hummingbird presented the department statistics for February 2009.

Councilor Torrez moved to donate one 15" computer monitor and two small inkjet printers to Artesia Junior High School. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Hill moved to apply for FY2008 AFG grant for exhaust control systems for Fire Department vehicles. The total grant request would be \$100,000 and would require a 5% city match. Councilor Hill moved to authorize a grant application for FY2008 AFG grant for exhaust control systems for department vehicles. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Community Development

Community Development Director Tina Torres presented the department statistics for February 2009.

Code Enforcement Officer Cheryl Hinkle requested approval to pursue foreclosure on liens against several properties. Ms. Hinkle reported that all properties were vacant lots, had high value lien totals and many were delinquent in tax payments. It was discussed that a new title report would be obtained prior to beginning the foreclosure process and when necessary, the city would pay the delinquent tax bill.

Mayor Pro Tem Holmes moved to approve the foreclosure of liens for 605 W. Washington Avenue, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve the foreclosure of liens for 908 N. 6th St., subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve the foreclosure of liens for 808 Denton Street, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Hill moved to approve the foreclosure of liens for 1109 S. Roselawn Avenue, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve the foreclosure of liens for 906 N. 7th Street, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Hill moved to approve the foreclosure of liens for 318 W. Runyan, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved to approve the foreclosure of liens for 914 S. 2nd Street, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve the foreclosure of liens for 1114 W. Washington Avenue, subject to the review of an updated title report with final determination by staff, and payment of delinquent taxes, if necessary. The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting "nay", the motion passed.

Infrastructure

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

City Clerk

Mayor Pro Tem Holmes moved to adopt Resolution 1333, authorizing an application for stimulus funding from NM Finance Authority for the Lonesome Well #2. The motion was seconded by Councilor Hill and upon vote, the motion passed.

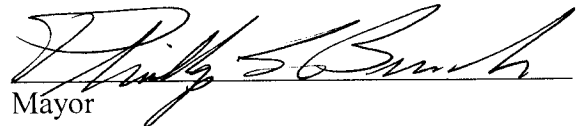
RESOLUTION NO. 1333

Assistant City Clerk Lisa Johnston discussed a draft ordinance to amend the Solicitation sections (Section 4-2-3 and 4-2-4). The proposed ordinance would allow properly licensed solicitors to solicit on weekends. This item has been set for public hearing.

Councilor Miller moved to adopt Resolution No. 1334, authorizing an application for MAP grant funding for 26th Street South from Grand to south of Jaycee Park. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

RESOLUTION NO. 1334

There being no further business to come before the Council, the meeting adjourned at 9:01 p.m., March 10, 2009.


Mayor

ATTEST:

City Clerk

