

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
March 24, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, March 24, 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:

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.

**Consent Agenda**

Councilor Torrez moved to approve the Consent Agenda as written. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* March 10, 2009 - Regular meeting
2. Consideration of Bids:
  - A. \*Approval of award of bid to provide a wheel loader for the Infrastructure Department to Sierra Machinery, Artesia, NM.
  - B. \*Approval of award of bid for the construction of 2009 street projects to Constructors, Carlsbad, NM.
3. Contracts, Leases and Agreements:
  - A. \*Approval of MOA with the Artesia Chamber of Commerce to provide services for the economic development trip to Washington D.C.
4. Appointments:
  - A. Report the appointments of Mayor Pro tem Holmes, Councilor Miller, Greg Marrs, and Patricia Hopkins to the GAEDC (*2 year terms*)
  - B. Approval of the re-appointment of Richard Price to the GAEDC (*2 year term*)
  - C. Approval of the re-appointment of Jim Resinger to the GAEDC (*2 year term*)
  - D. Approval of the re-appointment of Peyton Yates to the GAEDC (*2 year term*)
  - E. Approval of the re-appointment of Felix Chavez to the Planning and Zoning Commission (*2 year term*)
5. Resignations:
6. Dates of Hearing:
  - A. \*Request approval to set a public hearing for April 14, 2009 for consideration of the S.B.T. Vending home occupation application located at 1110 W. Yucca Avenue, R-2 zoning.

7. \*Travel and Training:
  - A. Police – Permission for one (1) employee to attend the Ethics – Train the Trainer course in Dallas, TX. Request actual expenses.
  - B. Police – Permission for (3) employees to attend the NM Gang and Terrorism Task Force 12<sup>th</sup> Annual Gang conference in Albuquerque, NM. Request actual expenses.
  - C. Police – Permission for (1) employee to attend FTO training in Ruidoso, NM. Request actual expenses.
  - D. Wastewater – Permission for one (1) employee to attend a SkillPath Microsoft Excel training in Las Cruces, NM. Request actual expenses.
  - E. Fire – Permission for one (1) employee to attend Conducting Pre-employment Background Investigations training in Roswell, NM.
  - F. Fire – Permission for two (2) employees to attend Fire Officer II training in Socorro, NM. Request actual expenses.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
  - A. Artesia High School has requested a waiver of fees for use of the Artesia Recreation Center on Sunday, May 3, 2009 for the annual Sophomore Class fund raising event.
  - B. Artesia High School has requested a waiver of fees for use of the Artesia Recreation Center the week of May 24-29, 2009 for the Annual Senior Salute.
  - C. Michele Petrey representing the Girl Scouts has requested permission to use Central Park on Saturday, April 4, 2009 from 8 am – 5 pm for a Girl Scout Easter Fun Family celebration.
9. Budgeted Items:
10. Non-budgeted Items:
11. \*Payment of Bills

### **Public Hearings**

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

1. Consideration and approval of an ordinance for the Yates Drilling: Clayton and Stegman Replat, located at the northwest corner of 6<sup>th</sup> and Quay, SU-1 zoning.

Community Development Director Tina Torres presented this request and reported that it has been heard by Planning and Zoning and received a positive recommendation. Ms. Torres stated that the replat was done so that the property could be sold.

No public comment was received.

Mayor Pro Tem Holmes moved to approve the Yates Drilling: Clayton and Stegman Replat, Ordinance No. 813. The motion was seconded by Councilor Miller, 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. 813**

2. Consideration and approval of a home occupation application for Elvis' Custom Building, located at 812 S. 4<sup>th</sup> St., R1-B zoning.

Community Development Director Tina Torres presented this request and reported that it has been heard by Planning and Zoning and received a positive recommendation.

No public comment was received.

Councilor Rodriguez moved to approve the home occupation application for Elvis' Custom Building, located at 812 S. 4<sup>th</sup> St. The motion was seconded by Councilor Hill and upon vote, the motion passed.

3. Consideration and approval of an ordinance for West Acres Subdivision No. 8, located between 24<sup>th</sup> and 26<sup>th</sup> Streets, installing Mann Avenue, R1-B zoning.

Community Development Director Tina Torres reported that the owner has requested a cancellation of this public hearing, due to a change in lot sizes.

### **Period for Hearing Visitors**

Joel Arnwine, representing the Eddy County Emergency Management Advisory Board discussed proposed changes to the funding amounts in the Joint Powers Agreement, and reviewed proposed program activities. It was requested that this item be placed on the next agenda for action.

### **Personnel**

Councilor Hill moved, upon recommendation of the Mayor, to hire Oscar James to the position of Water Department Technician, at \$1,757 per month (CA8), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Mayor Pro Tem Holmes moved, upon recommendation of the Mayor, to promote Pete Esquibel to the position of Garage Department Mechanic, at \$2,249 per month (CA18), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

### **Public Safety**

#### **Police**

Councilor Barragan moved to contract with Esperanza House for \$16,000 to provide services to the department, with the funding to come from General Fund. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Chief Raley reported that the Safety Fair had been a success.

### **Community Development**

Community Development Director Tina Torres presented an updated draft of the fence ordinance and reported that the public hearing will be continued on April 14<sup>th</sup>.

Ms. Torres presented a request for a partial easement vacation between lots 11 and 12 of West Acres Subdivision No. 6. The developer had received an incorrect plat from the realtor and built four feet into the easement. The sewer line was rerouted to accommodate the encroachment, and an existing water line remains in the un-encroached portion of the easement. Councilor Miller moved to vacate five feet (5') off the east side of the easement between Lots 11 and 12 of the West Acres Subdivision No. 6, located between 2203 and 2205 W. Washington, Resolution No. 1335. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

### **RESOLUTION NO. 1335**

### **Infrastructure**

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

### **City Clerk**

Paws and Claws has requested an increase to their contract to provide services to the Animal Shelter. It was recommended that this be referred to the Budget and Finance Committee and that a recommendation be brought to the next meeting.

City Clerk Aubrey Hobson reported that the City will receive \$841, 000 plus for the bridge project on 20<sup>th</sup> Street.

### **Mayor**

Discussion took place regarding city commissions and boards regarding membership and residency requirements. It was recommended that language be added to define residency as "residing within ten (10) miles of the intersection of 13<sup>th</sup> and Main". It was determined that both the resolutions and the ordinances should be considered at the next meeting, and to include the 10-mile limit.

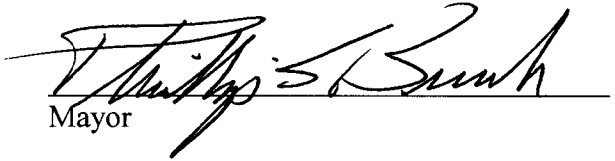
Discussion took place about graffiti in the County. Mayor Burch reported that the County currently does not have an ordinance on graffiti, nor do they have the staff to do the removal. The County has been asked to adopt a graffiti ordinance and once that has been done, the City could do a memorandum of understanding for eradication near city limits.

### **New and other business from Councilors**

Mayor Pro Tem Holmes discussed recycling and stated that the city needs to develop a plan. There are a number of issues that must be resolved first. Mayor Burch requested that the Department Heads bring suggestions to the Council.

Mayor Pro Tem Holmes discussed the problem of feral cats in Artesia and how it can be addressed.

There being no further business to come before the Council, the meeting adjourned at 9:03 p.m., March 24, 2009.



Mayor

ATTEST:

City Clerk

