

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
May 26, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, May 26, 2009, at 7:05 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

Request for City Facilities

City Clerk Aubrey Hobson presented the requests of Artesia Chamber of Commerce to use the Martin Luther King Jr. Recreational Complex for the Gus Macker Tournament on July 18-19, 2009, with the closure of Champ Clark and Lolita Drive from 13th Street to the "Y" intersection in Roberts Park from July 17-19, 2009. Councilor Hill moved to approve this request. The motion was seconded by Councilor Smith and upon vote, with Councilor Barragan voting "nay", the motion passed.

City Departments and Employees

The following employees were recognized for their years of service:

Richard Earnest (Water Department) – 30 years
Gloria Heredia (Fire Department) – 5 years

Consent Agenda

Councilor Barragan requested that items 2-A and 3-A be pulled for separate consideration. Mayor Pro Tem Holmes moved to approve the Consent Agenda, minus items 2-A, and 3-A. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes:
 - * May 12, 2009 – Regular meeting
 - * May 19, 2009 – Disciplinary hearing
 - * May 19, 2009 – Budget workshop
2. Consideration of Bids:
 - A. pulled for separate consideration.

3. Contracts, Leases and Agreements:
 - A. pulled for separate consideration.
4. Appointments:
5. Resignations:
 - A. Accept the resignation of Mark Keough, Firefighter, effective May 31, 2009.
 - B. Accept the resignation of Joshua Whitmire, Fire Department Lieutenant, effective May 16, 2009.
 - C. Accept the resignation of Jamey Schwiger, Water Department Supervisor, effective May 21, 2009.
6. Dates of Hearing:
7. *Travel and Training:
 - A. Water – Permission for three (3) employees to attend the Southwest Section Jake Hands Memorial workshop in Ruidoso, NM. Request actual expenses.
 - B. COA – Permission for two (2) employees to attend the New Mexico Conference on Aging in Albuquerque, NM. Request actual expenses.
 - C. COA- Permission for one (1) employee to attend the Line Dance Jamboree in Silver City, NM. Request actual expenses.
 - D. Legislative – Permission for one (1) City Councilor to attend the Municipal Officials Leadership Institute (MOLI) in Santa Fe, NM. Request actual expenses and mileage.
 - E. Permission for elected officials and City staff to attend the NMML Policy Committee meeting in Albuquerque, NM. Request actual expenses and mileage.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
 - A. Susan Valencia has requested use of the gazebo and east shelter at Guadalupe Park on Saturday, June 20, 2009 from 1 pm – 6 pm for a 40th wedding anniversary celebration
 - B. Susie Parker has requested the use of the gazebo and west section of Central Park on Thursday, May 28, 2009 from 9 am – 2 pm for a Choir end of year celebration.
9. Budgeted Items:
10. Non-budgeted Items:
11. *Payment of Bills

Councilor Miller moved to approve Consent Agenda Items 2-A (A. * Approval of award of bid to provide one (1) side load refuse vehicle for the Solid Waste Department to Albuquerque Freightliner, Albuquerque, NM.) The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Councilor Hill moved to approve Consent Agenda Items 3-A (A. * Approval of assignment of Industrial Park Lease for Lot 3 of Block 4 of the Industrial Park from Silliker, Inc. to Deans, Inc). The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Public Hearings

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

1. Consideration and approval of a Home Occupation application for Penny Rodgers Photography, LLC located at 710 W. Grand Avenue, R-2 zoning.

Community Development Director Tina Torres presented this request and stated that Mr. & Mrs. Rodgers were in the audience to answer any questions. Ms. Torres reported that all photography will take place at the client's location and that only office work will be done at the residential location

No public comment was received.

Councilor Miller moved to approve the Home Occupation application for Penny Rodgers Photography, LLC, located at 710 W. Grand Avenue. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

2. Consideration and approval of an ordinance for West Acres Subdivision #8, located between 24th and 26th Streets, installing Mann Avenue, R1-B zoning.

Community Development Director Tina Torres presented this request and stated that Mr. Van Webster and Mr. Steve Underwood were in the audience to answer any questions. Ms. Torres reported that the subdivision has been re-drawn with smaller lots and that Planning and Zoning has recommended approval of the subdivision.

No public comment was received.

Mayor Pro tem Holmes moved to adopt an ordinance for West Acres Subdivision #8, located between 24th and 26th Streets, installing Mann Avenue, Ordinance No. 821. 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. 821

Personnel

Councilor Torrez moved, upon recommendation of the Mayor, to hire Josh Stites to the position of Firefighter/EMT Certified, at \$2,418 per month (CA18), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Hill moved, upon recommendation of the Mayor, to hire Daryl Fedric to the position of Firefighter Trainee, at \$2,249 per month (CA18), 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.

Mayor Pro tem Holmes moved, upon recommendation of the Mayor, to hire Marcus Teets to the position of Firefighter Trainee, at \$2,249 per month (CA18), 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.

Councilor Miller moved, upon recommendation of the Mayor, to hire Johnny Doportto to the position of Facilities Maintenance Technician, at \$1,988 per month (CA13), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Miller moved, upon recommendation of the Mayor, to hire Timothy Orquiz to the position of Solid Waste Equipment Operator II, at \$1,988 per month (CA13), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Mayor Pro tem Holmes moved, upon recommendation of the Mayor, to hire Rebecca Wonenburg to the full-time temporary position of Police Department District Attorney Liaison, at \$10.80 per hour, (T-1), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill, and upon vote, the motion passed.

Councilor Hill moved to hire Kimberly Tucker, Shane Helton, Isaiah Mendoza and Chaz Hammond to the position of Lifeguards, at \$8.50 per hour, subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved to approve a temporary salary increase to \$3,532 per month (CA-32) for Richard Earnest, Water Department Acting Supervisor, effective May 21, 2009. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Public Safety

Fire

Mayor Pro tem Holmes moved to approve a resolution declaring extreme or severe drought conditions and restricting the sale and use of fireworks, Resolution No. 1341. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

RESOLUTION NO. 1341

Councilor Torrez moved to ban the use of personal fireworks and charcoal grills at Jaycee Park (including the parking lot area) on Saturday, July 4, 2009. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Mayor Pro tem Holmes moved to approve a Memorandum of Understanding with Eddy County covering the use of Wildland Cache Equipment provided by Eddy County. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Community Development Director

Rebecca Prendergast, representing Artesia MainStreet, introduced Dean Sparaco, Architect with Fortis to present the conceptual design for renovating Central Park. The park renovation includes restroom facilities, parking areas, improvements to the basketball court, gazebo, playground areas, lighting and walkways. Councilor Smith moved to direct staff to work with Artesia MainStreet to finalize the design and projected construction costs for review by Council. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Mayor Burch declared a short recess at 8:26 p.m.

Council reconvened at 8:31 p.m.

Infrastructure

Infrastructure Director Robert Forrest presented the traffic proposal for Roberts Park. The proposal would close the short section of Lolita from the loop to 10th Street and would make traffic one-way around the loop. Mayor Pro tem Holmes suggested that Champ Clark remain two-way traffic for the entire section of the park. Councilor Miller moved to adopt the traffic plan for Roberts Park, closing the section of Lolita from the loop to 10th Street, one-way traffic on Lolita (south loop) and two-way traffic on Champ Clark throughout the park. The motion was seconded by Councilor Smith and upon vote, with Councilor Hill voting "nay" the motion passed.

Chief Raley suggested adding speed control on Champ Clark to slow traffic.

City Clerk

Mayor Burch turned the meeting over to Mayor Pro tem Holmes, chairman of the Budget and Finance Committee, and discussion resumed about the 2009-2010 budget.

Councilor Miller supported adding the \$250,000 for the animal shelter, but wanted to wait until the building was started to see if there would be space at the Public Safety Complex location.

Councilor Hill moved to add \$250,000 for the Animal Shelter and to leave the money in the budget for the Jaycee Park concession stand and Shooting Range Road design. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Councilor Miller moved to add \$10,000 to non-capital equipment for Cemetery funeral equipment (such as canopy, frame, chairs, covers). The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Miller moved to approve the budget with the approved modifications. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

The meeting was turned back over to Mayor Burch.

Mayor Pro tem Holmes moved to approve the 2009-2010 Interim budget, Resolution NO. 1342. The motion was seconded by Councilor Miller and upon vote, the motion passed.

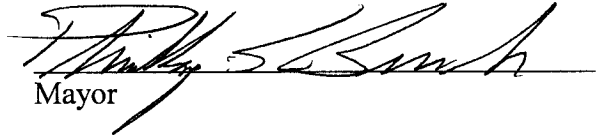
RESOLUTION NO. 1342

New and Other Business from Councilors

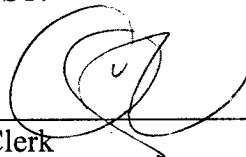
Councilor Barragan requested an executive session on limited personnel at the next meeting. Mayor Burch will work on the notice wording with Councilor Barragan.

Copies of the current animal ordinance and the contract with Paws and Claws was requested for all Council members.

There being no further business to come before the Council, the meeting adjourned at 9:43 p.m., May 26, 2009.


Mayor

ATTEST:



City Clerk