

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

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

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

The following were absent:

Manuel Barragan  
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.

**Request for City Facilities**

City Clerk Aubrey Hobson presented the request of Artesia MainStreet for the use of the MLK Recreation Complex on Friday, August 21, 2009 from 4:30 p.m. to 8:00 p.m. for the annual Back to School Bash. They have also requested barricades for the closure of Lolita between Champ Clark and west of the parking lot located off of 10<sup>th</sup> Street. Mayor Pro tem Holmes moved to approve this request. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

**City Departments and Employees**

Patsy Hernandez of the Wastewater Department, was recognized for achieving the Wastewater Level 4 certification.

**Consent Agenda**

Councilor Torrez requested that item 7-I be pulled for separate consideration. Mayor Pro tem Holmes moved to approve the Consent Agenda minus item 7-I. The motion was seconded by Councilor Miller and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes:                   \* July 21, 2009 - Regular meeting  
  \* July 24-26, 2009 – Council retreat
  
2. Consideration of Bids:
  - A. \*Approval of award of bid to provide a multi-term, indefinite quantity contract for pre-asbestos survey and abatement services to GWC Construction Inc., Lovington, NM.

- B. \*Approval of award of bid to provide a multi-term, indefinite quantity contract for demolition services to B&R Trucking, Carlsbad, NM.
  - C. \*Approval of award of bid to provide a multi-term, indefinite quantity contract for wood grinding services to Bio Grind Inc, Ruidoso, NM.
  - D. \*Approval of award of bid to provide a multi-term, indefinite quantity contract for refuse containers to Sanco Metal Fabricators, Lubbock, TX.
  - E. \*Approval of award of bid to provide a multi-term, indefinite quantity contract for pump and pump repair to Pecos Valley Pump, Artesia, NM.
- 3. Contracts, Leases and Agreements:
  - 4. Appointments:
  - 5. Resignations:
  - 6. Dates of Hearing:
- 7. \*Travel and Training:
    - A. Police – Permission for one (1) employee to attend the 21<sup>st</sup> Annual Crimes Against Children conference in Dallas, TX. Request actual expenses.
    - B. Police – Permission for one (1) employee to attend First Line Supervision Management in Artesia, NM.
    - C. Police – Permission for two (2) employees to attend the IAPE and NMPET conference in Albuquerque, NM. Request actual expenses.
    - D. Police – Permission for one (1) employee to attend the Law Enforcement Supervision, Management and Leadership Skills for Challenging Times seminar in Rio Rancho, NM. Request actual expenses.
    - E. Police – Permission for two (2) employees to attend the International Latino Gangs Investigators Association conference in Denver, CO. Request actual expenses.
    - F. Ratification of Mayor Burch's approval for Israel Barela, Glenn Hinkle and Alex Martinez to attend traffic school training in Deming, NM.
    - G. Wastewater – Permission for one (1) employee to attend the RMSAWWA/RMWEA Annual conference in Albuquerque, NM. Request actual expenses.
    - H. Purchasing – Permission for one (1) employee to attend the NMPPA 2009 Summer conference in Taos, NM. Request actual expenses.
    - I. pulled for separate consideration.
    - J. Planning – Permission for one (1) employee to attend the International Code Council Property Maintenance training in Milwaukee, WI. Request actual expenses.
    - K. Planning – Permission for two (2) employees to attend the Southern NM Building Association Chapter meeting in Ruidoso, NM. Request actual expenses.
    - L. F&A – Permission for one (1) employee to travel to Glynco, GA. Request actual expenses.
    - M. Solid Waste – Permission for two (2) employees to attend the 2009 Arid Climate Symposium and Training session in Albuquerque, NM. Request actual expenses.
    - N. Executive – Permission for one (1) employee to attend a Payroll Law seminar in Roswell, NM.
    - O. Solid Waste – Permission for two (2) employees to attend the Transfer Station certification class in Moriarity, NM. Request actual expenses.
    - P. Fire – Permission for two (2) employees to attend the Fire Rescue International conference in Dallas, TX. Request actual expenses.
    - Q. Fire – Permission for one (1) employee to attend the APCO meeting in Las Vegas, NV. Request actual expenses (*costs reimbursed by ECCCA*).
    - R. Infrastructure – Permission for one (1) employee to attend the 9<sup>th</sup> Annual New Partners for Smart Growth: Building Safe, Healthy and Livable Communities in Seattle, WA. Request actual expenses.
    - S. Infrastructure – Permission for one (1) employee to attend the Communicating with Tact, Influence and Finesse in Albuquerque, NM. Request actual expenses.
    - T. Infrastructure – Permission for one (1) employee to attend the Managers & Supervisors conference in Albuquerque, NM. Request actual expenses.
    - U. √F&A – Permission for two (2) employees to attend the NMDOT Aviation conference in Santa Fe, NM. Request actual expenses.

8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
  - A. Diana Harvey representing Artesia High School Paw Prowlers has requested permission to close Bulldog Boulevard on Monday, August 31, 2009 from 4 pm – 7 pm for the Annual Painting of the Paws.
  - B. Yolanda Jones has requested use of the north shelter at Jaycee Park on Saturday, August 22, 2009 from 5 pm – 9 pm for a birthday party.
9. Budgeted Items:
  - A. Fire – Permission to purchase three (3) rescue mannequins
  - B. Fire – Permission to remodel radio room
  - C. Fire – Permission to purchase an electronic whiteboard for training room
10. Non-budgeted Items:
11. \*Payment of Bills

Councilor Miller moved to approve Consent Agenda item 7-I (I. Police – Permission for four (4) employees to attend Animal Care and Certified Euthanasia Tech training in Roswell, NM). The motion was seconded by Councilor Torrez and upon vote, with Councilor Hill voting “nay”, the motion passed.

### **Public Hearings**

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

1. Consideration and approval of an ordinance approving changing the judicial education fee.

City Clerk Aubrey Hobson reported that this ordinance would increase the judicial education fee from \$2.00 to \$3.00, and was mandated by state statute.

Mr. Hobson requested that this public hearing be continued to the next meeting, to insure sufficient notification time.

No public comment was received.

Mayor Pro tem Holmes moved to continue this public hearing to the August 25, 2009 meeting. The motion was seconded by Councilor Hill and upon vote, the motion passed.

2. Consideration and approval of a Home Occupation application for Fierro’s Tint & Graphic Design, 1501 W. Bullock, R1-A zoning.

Community Development Director Tina Torres reported that this business would do window tint at his home, with a maximum of two cars present at any time. The request has been presented to the Planning and Zoning Commission and they recommended approval.

Mr. Michael Fierro, applicant, reported that he would advertise only phone number and email address, then when the customer made contact, he would schedule the work.

Councilor Torrez moved to approve the Home Occupation application for Fierro’s Tint & Graphic Design, located at 1501 W. Bullock, R1-A zoning. The motion was seconded by Councilor Miller and upon vote, the motion passed.

## **Personnel**

Mayor Pro tem Holmes moved, upon recommendation of the Mayor, to hire Pamela Huffstutter to the position of City Hall Maintenance Tech/Custodian, at \$1,757 per month (CA6), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Human Resources Director Bill Thalman presented a follow-up to the retreat discussion about federal broadband stimulus funding grants. Mr. Thalman reported that the city would proceed with the application to extend the city wireless network, as the match money was already in the budget. It was discussed that the wireless canopy was extremely complex and would be better suited to the round 2 application process, as would the expansion of computer labs.

Mr. Thalman reported that the estimated cost for camera systems to cover the exterior of city buildings would be approximately \$170,000. The federal grant would cover 80% of that cost, PVT has indicated that they would contribute 10%, leaving a 10% match for the city.

Mayor Pro tem Holmes moved to apply for federal broadband stimulus funds for camera systems to cover the city's building exteriors, a total project cost of \$170,000, with PVT providing 10% match, leaving the city's 10% portion not to exceed \$17,000. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mr. Thalman distributed the Safety statistics for July.

## **Public Safety**

### **Police**

Chief Raley distributed the statistics for July 2009.

Chief Raley reported that the digital material gathered from the cameras at the MLK Recreation Complex are currently stored on PVT servers, and that an agreement was needed to ensure that the information collected was protected. Councilor Miller moved to ratify Mayor Burch's approval of the Mutual Confidentiality Agreement with Penasco Valley Telecommunications. The motion was seconded by Councilor Hill and upon vote, the motion passed.

### **Fire**

Chief Hummingbird distributed the statistics for July 2009.

Mayor Pro tem Holmes moved to donate Medical Unit 35 when the new ambulance arrives, to Eddy County for use by Cottonwood VFD as a rescue vehicle. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Miller moved to approve Memoranda of Agreement with Elite Medical Transport of Texas and Elite Medical Transport of Luna County for transfer transports when Fire Department personnel are available. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

**Community Development Director**

Community Development Director Tina Torres distributed the statistics for July 2009.

**Infrastructure**

Infrastructure Director Robert Forrest reported on current public work projects and department activities.

**City Clerk**

Mayor Pro tem Holmes moved to adopt a resolution for the certification of ARRA funds for the bridge, Resolution No. 1352. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

**RESOLUTION NO. 1352**

Mayor Pro tem Holmes moved to adopt a resolution for the approval of funds from the FAA for the airport access road, Resolution No. 1353. The motion was seconded by Councilor Smith and upon vote, the motion passed.

**RESOLUTION NO. 1353**

Discussion took place regarding the Infrastructure Capital Improvement Plan (ICIP) projects. Councilors discussed which projects should be submitted to the legislature for the 2010 legislative session.

No public comment was received.

After discussion, the following ranking for the 2011 projects was recommended:

- #1 – Pumper replacement
- #2 – City Hall Annex
- #3 – Collection Equipment (Solid Waste)
- #4 – Streets (Hermosa, South 13<sup>th</sup>, Bowman)
- #5 – Fire Training Tower
- #6 – Fire Optic network for City
- #7 – Baish Park design

Councilor Miller moved to approve the ranking list for the 2011-2015 ICIP plan. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Mayor Pro tem Holmes moved to approve a resolution for the 2011-2015 ICIP, Resolution No. 1354. The motion was seconded by Councilor Smith and upon vote, the motion passed.

**RESOLUTION NO. 1354**

Discussion took place regarding the legality of all-terrain vehicles on city streets. City Clerk Aubrey Hobson will further research the two issues: what types of vehicles are allowed on city streets; and do we need to adopt a local ordinance to allow them? Mr. Hobson was also directed to investigate motorized wheelchairs.

**Mayor**

Mayor Pro tem Holmes moved that in accordance with 10-15-1-H(2), the Council and Mayor go into executive session regarding limited personnel matters: a) Discussion of re-assignment of a F&A employee; b) Discussion of employment status of F&A employee; and c) Discussion of Department Head performance. The motion was seconded by Councilor Hill and upon roll call vote, with the following voted recorded:

Aye: Hill, Holmes, Miller, Smith, Torrez

Nay: none

the motion passed.

Council recessed to executive session at 8:28 p.m.

Council reconvened at 8:56 p.m.


Councilor Torrez moved that the only matters discussed in executive session pertained to limited personnel, and no action was taken. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Mayor Pro tem Holmes moved to reassign Jimmy Joseph from the Airport to Finance & Administration as a part-time Grant Writer, effective August 16, 2009, with no change in salary. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro tem Holmes moved to promote Lance Goodrich to the position of Airport Supervisor, with a five percent (5%) increase in salary, effective August 16, 2009. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Mayor Pro tem Holmes moved to grant a leave without pay for Margie Cervantes of the Library, effective immediately, until September 8, 2009. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 9:03 p.m., August 10, 2009.

  
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Mayor

ATTEST:

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City Clerk

