

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 8, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 8, 2009, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

The following were absent:

Nora Sanchez (*joined the meeting at 8:13 p.m.)

Also present:

Lisa C. Johnston, Asst. 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

The following employee was recognized for her years of service:

Kay Needham (Commission on Aging) – 25 years

Consent Agenda

Councilor Rodriguez requested that item 3-A be pulled for separate consideration. Councilor Barragan requested that item 11 be pulled for separate consideration. Mayor Pro tem Holmes moved to approve the Consent Agenda, minus items 3-A and 11. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * August 25, 2009 - Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
 - A. pulled for separate consideration
 - B. *Approval of revocable right of way permit and indemnification agreement with Glenn and Lori Stanfield, 1404 S. Runyan.
 - C. *Approval of Airport Hangar Lease with Morgan Tools (Hangar No. 213).
 - D. *Approval of Airport Hangar Lease with J.W. Drilling, Inc. (Hangar No. 108).
4. Appointments:
5. Resignations:
6. Dates of Hearing:
7. *Travel and Training:
 - A. Museum – Permission for one (1) employee to attend the NM Association of Museums annual conference in Santa Fe, NM. Request actual expenses.

- B. F&A - Ratification of Mayor Burch's approval for one (1) employee to attend the Shelter Operations School for Managers in Athens, GA. Request actual expenses.
 - C. Police - Ratification of Mayor Burch's approval for two (2) employees to attend the Shelter Operations School for Managers in Athens, GA. Request actual expenses.
 - D. Police – Permission for two (2) employees to attend the Incident Response to Terrorist Bombings and Prevention of and Response to Suicide Bombing Incident training in Roswell, NM.
 - E. Police – Permission for one (1) employee to attend IPMBA Certified Police Cyclist course in Las Cruces, NM. Request actual expenses.
 - F. Police – Permission for two (2) employees to attend the H2H Combative course in Artesia, NM.
 - G. F&A – Permission for two (2) employees to attend Election School in Albuquerque, NM. Request actual expenses.
 - H. Solid Waste – Permission for one (1) employee to attend Excelling as a Supervisor training in Carlsbad, NM.
 - I. Planning – Permission for one (1) employee to attend the NMML Zoning Officials meeting in Ruidoso, NM. Request actual expenses.
 - J. Purchasing – Permission for (1) employee to attend the 2009 NMPPA Annual Fall conference in Las Cruces, NM. Request actual expenses.
 - K. Recreation – Permission for two (2) employees to attend the NRPA Congress conference and seminar in Salt Lake City, UT. Request actual expenses.
 - L. √Police – Permission to bring in an instructor for Taser training and certification for the Police Department.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. Jennifer Hernandez has requested use of the gazebo at Guadalupe Park on Saturday, October 17, 2009 from 2:30 pm – 5:00 pm for a wedding.
9. Budgeted Items:
10. Non-budgeted Items:
11. *pulled for separate consideration

Discussion took place regarding the extension of the current contract for legal services. It was reported that the current contract has now expired, but that there were still issues being considered for the RFP, and that legal services would be needed until the RFP could be awarded. Councilor Rodriguez moved to approve Consent Agenda Item 3-A (Approval of extension of legal services contract not to exceed three (3) months). The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

Councilor Barragan inquired about several bills that were submitted for payment. Councilor Barragan moved to approve Consent Agenda Item 11 (*Payment of Bills). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Committee Reports

Planning

Councilor Rodriguez reported that the Planning committee would meet on September 10th at 6:30 p.m.

Administrative Services

Discussion took place regarding the scope of work for the RFP for legal services. City Attorney John Caraway reported that there had been some communication difficulties in the past, but that steps have been taken to correct this. Mr. Caraway also reported that his firm would have no problem providing advice to officers who are prosecuting their cases in magistrate court, and that

if the Council decided to request prosecution in Magistrate Court, that it could be done under one contract. It was recommended that the Administrative Committee meet and prepare a recommendation for the next meeting.

Infrastructure

Councilor Miller reported that there is currently a working street light at 15th and Chisum. Councilor Miller also reported that the area around 17th and 18th in the Zydeco and Northgate subdivisions needs additional review before a street light installation can be recommended. Some of the issues to consider include easement for the light and neighbor concurrence regarding the direction of the light and how it affects their property.

Discussion also took place regarding a proposed park at the Senior Mealsite facility. The park would be constructed, then turned over to the city for maintenance. Clarification was requested regarding building responsibility at the MealSite.

Personnel

Human Resources Director Bill Thalman distributed the safety statistics for August 2009.

Public Safety

Police

Chief Raley distributed the department statistics for August 2009.

Fire

Chief Hummingbird distributed the department statistics for August 2009.

Chief Hummingbird reported that the two new ambulances have been delivered.

Community Development Director

Community Development Director Tina Torres distributed the department statistics for August 2009.

Infrastructure

Infrastructure Director Robert Forrest reported that over the last several years, the city has installed eleven (11) miles of paving, 10,000 linear feet of curb and gutter, 10,000 linear feet of water lines and 50,000 linear feet of sewer lines. Mr. Forrest also noted that the city has over 300 acres of parks.

Mr. Forrest reported on current projects and department activities.

City Clerk

Mayor Pro tem Holmes moved to accept the 2007-08 audit and to approve payment of the final invoice in the amount of \$98.00. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Assistant City Clerk Lisa Johnston read into the record that the 2009-10 budget has been approved by the State of New Mexico Department of Finance and Administration.

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 employment status of a Finance & Administration employee and b) Discussion of proposed disciplinary action of an Infrastructure Department employee. The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following voted recorded:

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

Nay: none

the motion passed.

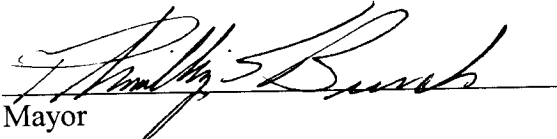
Council recessed to executive session at 8:10 p.m.
Councilor Sanchez joined the meeting at 8:13 p.m.
Council reconvened at 8:37 p.m.

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

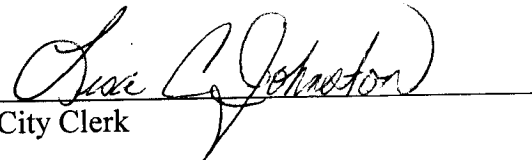
Mayor Pro tem Holmes moved to extend the leave without pay for Margie Cervantes until the September 22, 2009 meeting. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro the Holmes moved to suspend Tom Harrison, without pay, until the September 22, 2009 meeting. The motion was seconded by Councilor Hill and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 8:38 p.m., September 8, 2009.


Mayor

ATTEST:


City Clerk