

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 22, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 22, 2009, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Manuel Barragan	Raye Miller
Terry Hill	Raul Rodriguez
George Holmes	Nora Sanchez

The following were absent:

J.B. Smith
Antonio Torrez

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

The Chamber of Commerce has requested the use of Eagle Draw between 7th and 13th Streets on Saturday, November 7, 2009 and Sunday, November 8, 2009, beginning at 7:00 a.m. each day, for their annual Balloons and Bluegrass Festival. Mayor Pro tem Holmes moved to approve this request. The motion was seconded by Councilor Hill and upon vote, the motion passed.

The Chamber of Commerce has requested permission to close 6th Street from Main Street to Quay Avenue (including alleys) from 5:00 p.m. on both Friday, November 6, 2009 through 5:00 p.m. Sunday, November 8, 2009 for their annual Balloons and Bluegrass Festival at the Derrick Floor Park. Mayor Pro tem Holmes moved to approve this request. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

City Departments and Employees

The following employee was recognized for her years of service:

Kevin Hope (Fire) – 5 years
Marvin Laman (Solid Waste) – 10 years
Guy Chavarria (Police) – 35 years
Patsy Hernandez – Recipient of the Rocky Mountain Water Environment Association Lab Analyst Award
Wastewater Department – Recipient of the Rocky Mountain Water Environment Association Plant Performance Award

New employee, Paul Klontz, Electrical Inspector, was introduced.

Consent Agenda

Mayor Pro tem Holmes requested that item 2-A be pulled for separate consideration. Councilor Hill requested that item 7-I be pulled for separate consideration. Councilor Rodriguez requested that item 11 be pulled for separate consideration. Councilor Miller moved to approve the Consent Agenda, minus items 2-A, 7-I and 11. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * September 8, 2009 - Regular meeting
2. Consideration of Bids:
 - A. pulled for separate consideration
3. Contracts, Leases and Agreements:
4. Appointments:
5. Resignations:
 - A. Accept the resignation of Jamie Hatchett, Firefighter effective September 8, 2009.
6. Dates of Hearing:
 - A. Permission to set a public hearing for October 13, 2009 for consideration of an ordinance for Environment Department Loan for the Wastewater Treatment Plant.
 - B. *Permission to set a public hearing for October 13, 2009 for consideration of front and side yard variances for Raul Vega, 710 N. 4th Street, R-2 zoning.
 - C. *Permission to set a public hearing for October 13, 2009 for consideration of Trilogy Land Development, located on N. 26th Street, south of the Country Club, PUD zoning:
 - 1) PUD Changes and Document
 - 2) Trilogy Subdivision Unit #2
 - 3) Trilogy Subdivision Unit #3
 - 4) Trilogy Subdivision Unit #4
7. *Travel and Training:
 - A. F&A – Permission for one (1) employee to instruct a NMML Budget class in Albuquerque, NM. Request actual expenses.
 - B. F&A – Permission for one (1) employee to attend the NM Infrastructure conference in Albuquerque, NM. Request actual expenses.
 - C. F&A – Permission for one (1) employee to attend the Intermediate Government Accounting seminar in San Antonio, TX. Request actual expenses.
 - D. F&A and Airport – Permission for three (3) employees to attend the FAA Fall Conference in Dallas, TX. Request actual expenses.
 - E. F&A – Permission for one (1) employee to attend the NM Clerks Academy in Albuquerque, NM. Request actual expenses.
 - F. Fire – Ratification of Mayor Burch's approval for one (1) employee to attend the Fire Officer II training in Socorro, NM. Request actual expenses.
 - G. Fire – Permission for two (2) employees to attend the Firehouse Training seminar in Orlando, FL. Request actual expenses.
 - H. Planning – Permission for one (1) employee to attend the Electrical Inspector Exam in Roswell, NM.
 - I. pulled for separate consideration
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
 - A. Artesia High School has requested the use of Jaycee Park on Thursday, October 1, 2009 from 12 noon – 5 pm for their annual cross country meet.
 - B. √Artesia High School Band has requested permission to close Quay Avenue between 7th and 8th Street for about one hour (approximately 5:30 pm – 6:30 pm) on Friday, October 9, 2009 to paint the cakewalk circle.

9. Budgeted Items:
 - A. Police – Permission to purchase additional tasers
10. Non-budgeted Items:
11. pulled for separate consideration

Mayor Pro tem Holmes moved to approve Consent Agenda item 2-A (*Approval of award of bid to provide construction for the Wastewater Treatment Plant Phase III to Renolyds Inc., Orleans, ID) contingent upon the resolution of the bid protest. The motion was seconded by Councilor Miller and upon vote, with Councilors Barragan and Sanchez voting “nay”, the motion passed.

Mayor Pro tem Holmes moved to approve Consent Agenda item 7-I(Streets – Permission for one (1) employee to attend the 17th Annual PRZ Sports Field Maintenance & Design for Sustainability. Request actual expenses). The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved to approve Consent Agenda item 11 (*Payment of Bills). The motion was seconded by Councilor Hill and upon vote, with Councilors Barragan and Rodriguez voting “nay”, the motion passed.

Period for Hearing Visitors

Boy Scout Troops 219 and 228 thanked Mayor Burch for meeting with them and explaining city government.

Mayor Pro tem Holmes moved to changed the agenda order to consider item 15-A at this time. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

City Clerk

Kevin Powers of RBC Dain Rauscher and Duane Brown of Modrell Sperling presented the bids for the sale of bonds for the Public Safety Complex. Mr. Powers stated that the low bid was for 3.69% (net) from Kious & Company of Albuquerque, and recommended that the Council accept this bid. Mr. Brown reviewed the sale documents and the resolution of sale. Mayor Pro tem Holmes moved to accept the bids for the sale of bonds for the Public Safety Complex and adopt the sales resolution, Resolution No. 1358. The motion was seconded by Councilor Rodriguez and upon vote, with Councilor Miller abstaining, the motion passed.

RESOLUTION NO. 1358

Committee Reports **Budget and Financing**

Mayor Pro tem Holmes reported that the Budget and Finance Committee had met to discuss the financing for the expansion for the Wastewater Treatment Plant and that the committee’s recommendation was to direct staff to pursue the purchase of \$9.5 million in bonds for this project.

Planning

Councilor Rodriguez requested the City Attorney review the procedure to dispose of surplus property: property valued under \$25,000 can be sold privately to a willing purchaser or the city could sell the property through public bid; property valued over \$25,000 must be sold through public bid. Councilor Miller moved to postpone consideration of the sale of 404 Dallas until the October 13th meeting to allow the committee to prepare a recommendation for this property. The motion was seconded by Mayor Pro tem Holmes and upon vote, with Councilor Hill voting “nay”, the motion passed.

Administrative Services

Councilor Hill reported that the committee has reviewed the current scope of service for legal services and recommends that staff be directed to develop a more definitive prosecution scope of service and that the RFP be drafted to allow a firm to present a proposal for either the general legal work, the prosecutorial work, or both.

Infrastructure

Councilor Miller reported that the committee had reviewed issues for the Northgate subdivision regarding street lighting and closure of easements. The committee recommends that a request for a street light should include a letter from the property owner granting easement for the placement of the pole, and a letter of support for the light from the area neighbors. For a request to close a utility easement, the property owner should apply to the city for approval to build over the easement.

Mayor Burch declared a short recess at 9:00 p.m.
Council reconvened at 9:05 p.m.

Personnel

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Dickie Reedy to the position of Museum Custodian, at a salary of \$1,553 per month (CA3), 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 Erik Nunez to the position of Certified Firefighter, at a salary of \$2,540 per month (CA20), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Public Safety

Police

Chief Raley reported that staff have returned from training regarding the operation of an animal shelter and will be working on the RFP scope of work.

Fire

Chief Hummingbird reported that the first Fire Academy to be conducted in Artesia, began on Monday.

Community Development Director

Community Development Director Tina Torres reported that the new owner of 1105 W. Missouri has brought the property up to code and that the department recommends rescinding the condemnation resolution. Councilor Barragan moved to rescind Resolution 1107, condemning the structures at 1105 W. Missouri, Resolution No. 1359. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

RESOLUTION NO. 1359

Ms. Torres reported that the Artesia Youth Baseball League has requested permission to have ball field lights this fall. The Recreation Commission has approved their request and the League has agreed to sign a new use agreement. It was requested that the league be encouraged to use an open process to fill their team positions.

Infrastructure

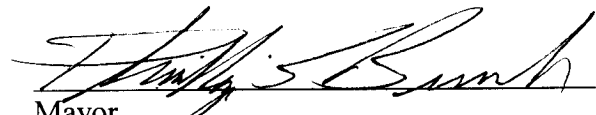
Mayor Pro tem Holmes moved to award the bid for Lonesome Well #2 to Constructors Inc, and to lend \$54,000 from the General Fund to the Water Fund, for this project. The motion was seconded by Councilor Hill and upon vote, the motion passed.

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

Mayor

Mayor Pro tem Holmes moved to name Mayor Burch as the voting delegate for the NLC Annual Business meeting in San Antonio, TX. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 9:56 p.m., September 22, 2009.



Mayor

ATTEST:

City Clerk

