

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
October 13, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, October 13, 2009, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Terry Hill	Nora Sanchez
George Holmes	J.B. Smith
Raye Miller	Antonio Torrez
Raul Rodriguez	

The following were absent:

Manuel Barragan

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 United Way of Eddy County has requested to close 6th Street between Main Street and Quay Avenue, and the alley behind the Derrick Floor on Saturday, October 31, 2009 from 9:00 a.m. to 8:00 p.m. for the Battle of the Bands. Mayor Pro tem Holmes moved to approve this request, contingent upon receiving proof of insurance and security. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Artesia MainStreet requested the closure of 6th Street between Main Street and Quay Avenue and the alley behind the Derrick Floor on Saturday, October 31, 2009 from 9:00 a.m. to 10:00 p.m. for the Monster Mash on Main. Artesia MainStreet also requested the use of Baish Park on Saturday, October 31, 2009 for the Paws and Claws Pet Parade. Councilor Hill moved to approve these requests. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

City Departments and Employees

The following employees were recognized for their years of service:

Marvin Laman (Solid Waste) – 10 years
Aubrey Hobson (Finance & Administration) – 5 years

The Museum Department thanked other departments for their help and assistance.

Human Resources Director Bill Thalman reported that citizen David Romine had expressed thanks to John Beasley and a Community Service Officer for their assistance with a medical problem when he attended the Artesia/Carlsbad football game.

Consent Agenda

Mayor Pro tem Holmes requested that item 9-A be pulled for separate consideration. Councilor Miller requested that items 7-H and 7-I be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda, minus items 9-A, 7-H and 7-I. The motion was seconded by Councilor Hill and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes:
 - * September 21, 2009 - Special meeting
 - * September 22, 2009 – Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
 - A. *Approval of Memorandum of Understanding between the City of Artesia Recreational Center and the Regents of New Mexico State University (Adult Basic Education Program at NMSU-Carlsbad)
4. Appointments:
5. Resignations:
 - A. Accept resignation of Thomas Smith, Firefighter, effective September 26, 2009.
 - B. Accept resignation of Raymond Williams, Police Officer, effective September 23, 2009.
 - C. Accept resignation of Chris Valenzuela, Detention Officer, effective October 13, 2009.
 - D. Report the end of employment term, effective August 14, 2009, for the following Summer Youth Workers: Anthony Martinez, Angelica Armendariz, Anthony Samora, Alonzo Samora, Aaron Wagner, Michael Van Slyke, Dayna Fletcher, Robert Smith, Saige Soto, Oscar Bejarano, and Albert Hernandez.
 - E. Report the end of employment term, effective August 14 2009 for the following Summer Recreation Workers: Deborah Kinnibrough, Lesa Mallett, Monique Martinez, Chelsea Matthews, Jeremiah Mendoza, Juan Muniz, Deven Nelson, Jacob Olivas, Noemi Padilla, Sheri Perkins-Mullins, T'Naya Pierce, Candace Pollard, Kevin Price, Jerry Quiroga, Luis Reyes, Anthony Rivera, Gregory Rodriguez, Henry Rodriguez, Jourdan Rodriguez, Sarah Acosta, Chance Allen, Tyson Anderson, Jasmine Austin, Kayce Buck, Shelby Burnett, Devon Callaway, Carla Casares, Koby Caton, Kevin Chandler, Ryan Elkins, Chris Gomez, Ashley Gonzales, Aurelia Gonzales, Vanessa Guajardo, Haley Harper, Joshua Houghtaling, Isaiah Jordan, Ramon Rodriguez, Aaron Solares, Tiedra Tilton, Antonia Valdez, Niko Valenzuela, Dacotah Watts, Chris Wiles, Brandon Worley, Christopher Worley, Nathan Worley, and Ryan Ybarra.
6. Dates of Hearing:
 - A. Permission to set a public hearing for November 10, 2009 to consider a Wastewater Treatment Plant Bond Ordinance.
 - B. Permission to set a public hearing for November 10, 2009 to consider an ordinance adopting the 2009 amendments to the Uniform Traffic Ordinance, 2004 compilation.
 - C. Permission to set a public hearing for November 10, 2009 to consider an ordinance amending Chapter 12-2, Penalty Assessment.
 - D. Ratification of Mayor Burch's approval to set a public hearing for October 27, 2009 to consider an ordinance adopting the National Electric Code.
7. *Travel and Training:
 - A. Police – Ratification of Mayor Burch's approval for two (2) employees to attend the Agency Accreditation and Recognition program in Las Vegas, NM. Request actual expenses.
 - B. Police – Ratification of Mayor Burch's approval for one (1) employee to attend a Mid-management course in Ruidoso, NM. Request actual expenses.
 - C. Police - Approval for one (1) employee to attend Use of Force, Risk Management & Legal Strategies Seminar (TASER) training in Las Cruces, NM. Request actual expenses.
 - D. Police – Approval for one (1) employee to attend a First Line Supervisor and Management training in Artesia, NM.
 - E. Police – Approval for one (1) employee to attend a Burglary/Robbery Investigations training in Rio Rancho, NM. Request actual expenses.
 - F. Police – Approval for one (1) employee to attend a Criminal Drug Interdiction training in Santa Fe, NM. Request actual expenses.

- G. Police – Ratification of Mayor Burch's approval for one (1) employee to attend a Taser Instructor training in Santa Fe, NM. Request actual expenses.
 - H. pulled for separate consideration.
 - I. pulled for separate consideration
 - J. Library – Permission for one (1) employee to attend the Summer Reading Program workshop in Portales, NM. Request actual expenses.
 - K. Solid Waste – Permission for (2) employees to attend Transfer Station Re-Certification training in Moriarty, NM. Request actual expenses.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. Ratification of Mayor Burch's approval of Trampas Spence's request to waive the fees for a dedicated ambulance for the Artesia High School Rodeo held Friday, October 2, 2009 (9 am – 10 am and 7 pm – 9 pm), Saturday, October 3, 2009 (9 am – 2 pm) and Sunday, October 4, 2009 (9 am – 2 pm).
 - B. Bill Thalman and Tina Torres have requested use of Baish Park on Friday, October 23, 2009 from 11 am – 1 pm for a United Way Kick-off. They have requested the closure of 5th Street between Texas Street and the alley just south of City Hall.
 - C. Artesia High School has requested the use of Jaycee Park on Friday, October 30, 2009 from 12 noon – 5 pm for the District Championship Cross Country Meet.
 - D. First Baptist Church has requested permission for the closure of S. 4th Street between Grand Avenue and Richardson Avenue from 3 pm – 9 pm on Saturday, October 31, 2009 for their Annual Trunk or Treat festivities.
 - E. Katharina McCormack has requested the use of the west shelter and restrooms at Jaycee Park on Saturday, October 17, 2009 from 10 am – 2 pm for a birthday party.
9. Budgeted Items:
- A. pulled for separate consideration.
10. Non-budgeted Items:
11. *Payment of Bills

Mayor Pro tem Holmes moved to approve Consent Agenda item 9-A (*Infrastructure – Approval to purchase utility pick-up truck off of State contract (*requires budget transfer*)). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Miller moved to approve Consent Agenda items 7-H (Artesia Clean & Beautiful – Permission for one (1) employee to attend the Keep America Beautiful Annual conference in Washington, DC. Request actual expenses and mileage.) and 7-I (Planning – Permission for one (1) employee to attend Managing Property Maintenance Code Compliance training in Madison, WI. Request actual expenses.). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Public Hearings

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

- 1. Consideration and approval of an ordinance for Environmental Department Loan for the Wastewater Treatment Plant.

City Clerk Aubrey Hobson requested that this item be postponed until the November 10, 2009 meeting due to publication issues. Councilor Hill moved to postpone this public hearing until the November 10, 2009 meeting. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

2. Consideration and approval of front and side yard variances for Raul Vega, 710 N. 4th Street, R-2 zoning.

Community Development Director Tina Torres presented this request to allow Mr. Vega to build an open carport. The request has been reviewed by Planning and Zoning Commission and they recommend passage.

No public comment was received.

Councilor Torrez moved to approve front and side yard variances for Raul Vega, 710 N. 4th Street. The motion was seconded by Councilor Hill and upon vote, the motion passed.

3. Consideration and approval of Trilogy Land Development, located on N. 26th, south of the Country Club, PUD zoning:
 - a. PUD changes and Document
 - b. Ordinance for the Trilogy Subdivision Unit #2
 - c. Ordinance for the Trilogy Subdivision Unit #3
 - d. Ordinance for the Trilogy Subdivision Unit #4

Tom DeBose, representing Trilogy Land Development gave a presentation on the proposed changes.

The PUD would be amended to change the number of units from 122 to 115 and the number of units in the Greens area from 52 to 56. Rear yard setbacks would be less than twenty feet (20') in the cul-de-sac units of "Traditions". The Greens (cluster units) would be clusters of four, except for one cluster of five.

The changes for Units 2, 3, and 4 allow for the formation of different business entities for each unit. The final plat for Unit #1 will be presented at the meeting of November 10, 2009, and will divide the PUD into four parcels.

Mr. DeBose also presented draft floor plans and facades for the subdivision areas.

No public comment was received.

Councilor Smith moved to amend the Trilogy PUD (Ordinance 802), Ordinance No. 824. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

ORDINANCE NO. 824

Councilor Miller moved to approve Trilogy Subdivision Unit #2, Ordinance No. 825. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

ORDINANCE NO. 825

Councilor Rodriguez moved to approve Trilogy Subdivision Unit #3, Ordinance No. 826. The motion was seconded by Councilor Smith and upon vote, the motion passed.

ORDINANCE NO. 826

Mayor Pro tem Holmes moved to approve Trilogy Subdivision Unit #4, Ordinance No. 827. The motion was seconded by Councilor Hill and upon vote, the motion passed.

ORDINANCE NO. 827

Committee Reports

Planning

Community Development Director Tina Torres reported that the committee recommends, for this sale only, offering the property at 404 W. Dallas to the adjoining neighbor first, at a minimum bid of 70-75% of the lien amount, and allow them sixty (60) days to close on the sale. If the sale doesn't close, then offer the property through an open bid process.

Councilor Smith stated for the record, that the committee recommendation was not unanimous.

Councilor Rodriguez stated for the record, that all committee members were invited to the meeting and that Councilor Barragan had referred to a similar sale of the parking lot to the Hermosa Church of Christ. He also stated that two members voted to offer the land to the adjoining neighbor, Liz Griffin, and that it had been postponed to seek legal counsel. Councilor Rodriguez read the letter from Liz Griffin into the record.

Councilor Hill moved that the property should be put up for sale through an open auction process at city hall, with the minimum bid to be the value of the lien amount. The motion was seconded by Councilor Miller and upon vote, with Councilors Rodriguez and Torrez voting "nay", the motion passed.

Mayor Burch will work with staff to develop procedures for future property sales.

Infrastructure

Councilor Miller reported that he has not received a request to date, for a street light in the Northgate Addition. He has received one letter against placing a street light.

Councilor Rodriguez delivered a petition for the street light to Councilor Miller.

Personnel

Human Resources Director Bill Thalman requested that permission to hire an uncertified police officer be pulled, as the pre-hiring review was not complete.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Ramiro Martinez to the position of Certified Part-time as needed Police Officer, at \$19.47 per hour (PT41), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Hill moved, upon recommendation of the Mayor, to hire Justin Smith to the position of Certified Part-time as needed Police Officer, at \$17.40 per hour (PT41), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Mr. Thalman distributed the safety statistics for September 2009.

Discussion took place regarding proposed changes to the Substance Abuse Policy. It was recommended that this item be considered for adoption at the next meeting.

Public Safety

Police

Commander Olivas distributed the statistics for September 2009.

Fire

The statistics for September 2009 were distributed.

Community Development Director

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

Infrastructure

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

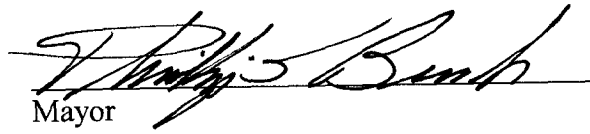
City Clerk

City Clerk Aubrey Hobson presented a budget adjustment resolution, including bond issue, pickup truck for Water, bond council and bond fees. Mayor Pro tem Holmes moved to adopt the budget adjustment resolution, Resolution No. 1360. The motion was seconded by Councilor Hill and upon vote, the motion passed.

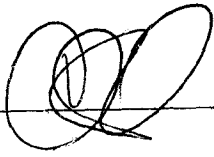
RESOLUTION NO. 1360

Mayor Pro tem Holmes moved to set the December meeting on December 8, 2009. The motion was seconded by Councilor Miller and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 9:07 p.m.,
October 13, 2009.


Mayor

ATTEST:


City Clerk