

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
October 27, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, October 27, 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	Nora Sanchez
George Holmes	J.B. Smith
Raye Miller	Antonio Torrez

The following were absent:

None

Also present:

Lisa C. Johnston, Assistant 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

Richard Earnest of the Water Department, was recognized for achieving Water System Level 4 Operator.

The following employees were recognized for their years of service:

Cristina Losoya (Police) – 5 years
Cheryl Hinkle (Planning) – 5 years
Diana Coronado (Police) – 10 years
Karl Reeve (Facilities Maintenance) – 25 years
Angel Gonzales (Water) – 25 years
Virginia Hudson (Police) – 30 years

Consent Agenda

Councilor Barragan requested that items 2-A, 3-B and 3-C be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda, minus items 2-A, 3-B and 3-C. The motion was seconded by Councilor Hill and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * October 13, 2009 - Regular meeting
2. Consideration of Bids:
 - A. pulled for separate consideration.
 - B. *Approval of award of bid to provide a multi-term, indefinite quantity contract for vehicle equipment and accessories for the Public Safety Department to Artesia Fire Equipment, Artesia, NM.

3. Contracts, Leases and Agreements:
 - A. *Approval of Industrial Park Lease with Habitat for Humanity for Lot 1, Block 4, Phase III.
 - B. pulled for separate consideration.
 - C. pulled for separate consideration.
4. Appointments:
5. Resignations:
6. Dates of Hearing:
 - A. *Permission to set a public hearing for November 24, 2009 for consideration of an ordinance for Trilogy Subdivision Unit #1, located on North 26th Street, South of the Country Club, PUD zoning.
 - B. *Permission to set a public hearing for November 24, 2009 for consideration of a home occupation application for Running Wrench Appliance Repair, located at 1111 S. Roselawn Avenue, R1-B zoning.
 - C. *Ratification of Mayor Burch's approval to set a public hearing for November 10, 2009 for consideration of an ordinance rescinding Ordinance No. 824, changes to the Trilogy PUD Master Plan.
7. *Travel and Training:
 - A. HR – Permission for one (1) employee to attend the Safety Counseling Safety Coordinators meeting in Albuquerque, NM. Request actual expenses.
 - B. F&A – Permission for one (1) employee to attend the Government Finance Officers conference in Albuquerque, NM. Request actual expenses.
 - C. Fire – Permission for one (1) employee to attend Essentials of Communicating with Diplomacy in Carlsbad, NM.
 - D. Fire – Permission for two (2) employees to attend Dealing with Unacceptable Employee Behavior in Carlsbad, NM.
 - E. Fire – Permission for one (1) employee to attend the Emergency Management Training for Local Leaders in Abilene, TX. Request actual expenses.
 - F. Executive – Permission for one (1) employee to attend the SENMEDD Council of Government Southwest Executive Directors conference in Santa Fe, NM. *(All costs covered by the SENMEDD/COG)*
 - G. Planning – Permission for two (2) employees to attend a Board Development workshop in Ruidoso, NM. Request actual expenses.
8. Use of Facilities *(approval contingent upon receipt of all applicable fees, license(s) and dept approvals)*:
 - A. Lynn Sundheimer, representing the Artesia Public Schools, has requested use of Baish Park on Wednesday, November 11, 2009 from 10 am – 12 noon for their Annual Veteran's Day Program.
9. Budgeted Items:
10. Non-budgeted Items:
11. *Payment of Bills

Councilor Miller moved to approve Consent Agenda item 2-A (*Approval of award of bid to construct the 36th Street Improvements including water and sewer to Constructors Inc., Carlsbad, NM). The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Councilor Torrez moved to approve Consent Agenda items 3-B (√Approval of revocable right-of-way permit and indemnification agreement with NK Asphalt Partners to occupy Industrial Park Rail Spur right-of-way for fall protection system.). and 3-C (√Approval of revocable right-of-way permit and indemnification agreement with NK Asphalt Partners to occupy Industrial Park Spur right-of-way for pipe rack.). The motion was seconded by Mayor Pro tem Holmes and upon vote, with Councilor Barragan voting “nay”, and Councilor Hill abstaining, the motion passed.

Public Hearings

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

1. Consideration and approval of an ordinance adopting the National Electric Code, the National Electrical Safety Code and the State Electric and Electrical Safety Code.

Community Development Director Tina Torres reported that the city must adopt the electric codes prior to being able to issue permits and inspect electrical work.

City Attorney John Caraway stated that he had made some minor changes to the ordinance.

No public comment was received.

Councilor Miller moved to table this item to section 12 in the agenda, to allow time to review the changes from the attorney. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Comments from Public Officials and Contracted Services

Eddy County Commissioner Lewis Derrick reported that the graffiti ordinance is still under consideration and will be forwarded to the city in the future.

Susie Taylor, representing the Drug and Crime Coalition, reported on activities for Red Ribbon Week, and other projects for the Coalition.

Committee Reports

Budget and Finance

Mayor Burch reported that revenues are approximately 12% down from last year, but that there are no plans for any employee hiring freezes or employee cuts in position, salaries or benefits, at this time.

Infrastructure

Councilor Miller reported that all of the neighbors on the west end of the Northgate subdivision support the installation of a street light. The committee recommends that Council authorize the installation.

Personnel

Councilor Rodriguez moved, upon recommendation of the Mayor, to transfer Gabriel Herrera to the position of Street Department Equipment Operator II, at a salary of \$2,635 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 Hill moved, upon recommendation of the Mayor, to hire Gracie Romero to the position of Un-Certified Police Officer, at a salary of \$2,544 per month (CA23), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Human Resources Director Bill Thalman explained the changes to the Substance Abuse Policy. Most of the changes were in the disciplinary section, but that the employee titles subject to random testing were also being pulled, to be adopted in a separate resolution.

Councilor Miller moved to adopt the updated Substance Abuse Policy, Resolution No. 1361. The motion was seconded by Councilor Smith, and upon vote, the motion passed.

RESOLUTION NO. 1361

Councilor Miller moved to adopt the list of employee titles subject to random drug testing, Resolution No. 1362. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

RESOLUTION NO. 1362

Public Safety
Police

Chief Raley presented the draft RFP for Animal Care Services and Maintenance for discussion. It was noted that item 11 on page 2, should include the word “monthly”.

Councilor Miller moved to proceed and go out for RFP for Animal Care Services and Maintenance. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Discussion took place regarding constructing a new animal shelter or renovate the existing shelter. Chief Raley reported that a team from the City of Roswell had visited the current shelter and concluded that the current size could work, with some renovations. Councilor Hill recommended that the city consider renovation, only because of the current economic situation.

Mayor Pro tem Holmes moved to ask the Police and Fire Committee to review the renovations needed for safety purposes, and to bring a cost estimate to the next meeting. The motion was seconded by Councilor Miller and upon vote, with Councilors Barragan and Rodriguez voting “nay”, the motion passed.

Fire

Mayor Pro tem Homes moved to grant permission to apply for the EMS grant for \$125,000 for an ambulance replacement, noting that the grant requires a 25% match from the city. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Barragan moved to grant permission to apply for the EMS grant for \$50,000 for paramedic training (no match required from the city). The motion was seconded by Councilor Hill and upon vote, the motion passed.

Discussion took place regarding a resolution to remove the residency requirement for firefighters. Chief Hummingbird reported that this resolution would only affect the firefighter position – the position of Lieutenant or higher would still be required to live within the response area. Councilor Torrez moved to adopt the Fire Department Residency requirements, Resolution No. 1363. The motion was seconded by Councilor Hill and upon vote, with Councilors Barragan and Rodriguez voting “nay”, the motion passed.

RESOLUTION NO. 1363

Public Hearing

Mayor Pro tem Holmes moved to bring back to the table the public hearing regarding the adoption of the Electric Code. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Mayor Pro tem Holmes moved to adopt the Electric Code, Ordinance No. 828. 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. 828

Community Development Director

Community Development Director Tina Torres presented a resolution to establish fees for electrical permits and inspections. Councilor Miller moved to adopt the schedule of fees for electrical permits and inspections, Resolution No. 1364. The motion was seconded by Councilor Smith, and upon vote, the motion passed.

RESOLUTION NO. 1364

Ms. Torres reported that Electrical Inspector Paul Klontz has passed his exams, and that the department hopes to begin issuing permits by mid November.

Infrastructure

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

Mayor

Councilor Torrez moved that in accordance with 10-15-1-H(2), the Council and Mayor go into executive session regarding limited personnel matters: 1) Discussion of disciplinary action of a Police Department employee; and 2) Status of an employee in the Infrastructure Department. The motion was seconded by Mayor Pro tem Holmes and upon roll call vote, with the following votes recorded:

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

Nay: Barragan

the motion passed.

Mayor Burch declared a short recess at 8:57 p.m.

Council recessed to executive session at 9:03 p.m.

Council reconvened at 9:25 p.m.

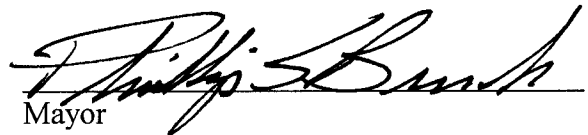
Councilor Torrez moved that the only matters discussed in executive session pertained to limited personnel matters and no action was taken. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Mayor Pro tem Holmes moved to grant John Doporto of the Facilities Maintenance Department, leave without pay for the period of November 10, 2009 through December 31, 2009. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

New and other Business from Councilors

Councilor Barragan requested a traffic study at Richey and 1st and also Hermosa and 1st.

There being no further business to come before the Council, the meeting adjourned at 9:28 p.m., October 27, 2009.


Mayor

ATTEST:

City Clerk

