

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
November 24, 2009**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, November 24, 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	Antonio Torrez

The following were absent:

Raye Miller (\*joined the meeting at 7:42 p.m.)  
J.B. Smith

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.

**City Departments and Employees**

The following employees were recognized for their years of service:

Bonnie Sanders (Police)	5 years
Jamie Imai (Police)	5 years
Shawna Pruett (Police)	5 years
Steven Thompson (Solid Waste)	10 years
Sammy Martinez (Fire)	35 years

**Consent Agenda**

Councilor Barragan requested that items 5, 9 and 11 be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda, minus items 5, 9 and 11. The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* November 10, 2009 - Regular meeting
2. Consideration of Bids:
  - A. \*Approval of award of bid to construct Wastewater Treatment Plant Improvements Phase III to RMCI, Inc, Albuquerque, NM (*subject to availability of funding*)
3. Contracts, Leases and Agreements:
4. Appointments:
  - A. Approval of appointment of Bill Siegenthaler to the Planning and Zoning Commission (*2 year term*)
5. pulled for separate consideration

6. Dates of Hearing:
  - A. \*Permission to set a public hearing for January 12, 2010 for consideration of an ordinance for the Robert A. Smith replat, located on Lots 2 & 4 of Chisum Addition, SU-1 zoning
  - B. \*Permission to set a public hearing for January 12, 2010 for consideration of an ordinance to allow assessment of fees by resolution for zoning variance requests
7. \*Travel and Training:
  - A. Police – Permission for one (1) employee to attend the New Fire/Arson Investigator Academy in Las Vegas, NV. *(expenses paid through the Atoka Volunteer Fire Department)*
  - B. Police – Permission for three (3) employees to attend Instructor Development training in Artesia, NM.
  - C. Fire – Permission for one (1) employee to attend Fire Officer I certification in Socorro, NM. Request actual expenses.
8. Use of Facilities *(approval contingent upon receipt of all applicable fees, license(s) and dept approvals):*
9. pulled for separate consideration
10. Non-budgeted Items:
11. pulled for separate consideration

Councilor Rodriguez moved to approve Consent Agenda item 5 (Resignations: A. Accept the resignation of Robert Scot Naylor, Police Sergeant, effective November 16, 2009). The motion was seconded by Mayor Pro tem Holmes and upon vote, the motion passed.

Mayor Pro tem Holmes moved to approve Consent Agenda item 9 (Budgeted Items: A. Fire – Permission to purchase/install heavy-duty work bench and storage cabinets in engine bay). The motion was seconded by Councilor Torrez and upon vote, with Councilor Barragan voting “nay”, the motion passed.

Councilor Barragan moved to approve Consent Agenda item 11 (11. \*Payment of Bills). The motion was seconded by Mayor Pro tem Holmes 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 rescinding Ordinance No. 824, changes to the Trilogy PUD Master Plan.

City Clerk Aubrey Hobson reported that the master plan for Trilogy was adopted by simple motion, not by ordinance, so that no ordinance number was needed for any changes. This ordinance would rescind the ordinance number, but the approval of the changes would still be in effect.

No public comment was received.

Mayor Pro tem Holmes moved to adopt Ordinance No. 829, rescinding Ordinance No. 824. The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following votes recorded:

Aye: Barragan, Hill, Holmes, Rodriguez, Sanchez, Torrez

Nay: none

the motion passed.

### **ORDINANCE NO. 829**

2. Consideration and approval of an ordinance authorizing an application to the New Mexico Environment Department for a Rural Infrastructure Program loan in the amount of \$2,000,000 for improvements to the Wastewater Treatment Plant.

City Clerk Aubrey Hobson reported that the city would not be approved for the loan and recommended that the public hearing be cancelled and the project be funded with bond money.

Councilor Rodriguez moved to cancel this public hearing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

3. Consideration and approval of an ordinance adopting the 2009 changes to the 2004 compilation of the Uniform Traffic Ordinance and changes to the Penalty Assessment Program.

Asst. City Clerk Lisa Johnston reported that the 2009 changes to the Uniform Traffic Ordinance applied mainly to off-road vehicles. A second ordinance involved changes to the penalty assessment ordinance.

No public comment was received.

Mayor Pro tem Holmes moved to adopt Ordinance No. 830, the 2009 changes to the Uniform Traffic Ordinance. The motion was seconded by Councilor Hill and upon roll call vote, with the following votes recorded:

Aye: Barragan, Hill, Holmes, Rodriguez, Sanchez, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 830**

Mayor Pro tem Holmes moved to adopt Ordinance No. 831, changes to the penalty assessment ordinance. The motion was seconded by Councilor Hill and upon roll call vote, with the following votes recorded:

Aye: Barragan, Hill, Holmes, Rodriguez, Sanchez, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 831**

4. Consideration and approval of an ordinance for Trilogy Subdivision Unit #1, located on North 26<sup>th</sup> Street, South of the Country Club, PUD zoning.

Community Development Director Tina Torres reported that Unit #1 encompasses the entire Trilogy property and that the developer wished to divide the property into four parts, as part of a business decision.

No public comment was received.

Mayor Pro tem Holmes moved to adopt Ordinance No. 832, approving an ordinance for Trilogy Subdivision Unit #1. The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following votes recorded:

Aye: Barragan, Hill, Holmes, Rodriguez, Sanchez, Torrez

Nay: none

the motion passed.

### **ORDINANCE NO. 832**

5. Consideration and approval of a home occupation application for Running Wrench Appliance Repair, located at 1111 S. Roselawn Avenue, R1-B zoning.

Community Development Director Tina Torres reported that this application has been reviewed by Planning and Zoning and has been recommended for approval. The business would be doing all work at the client's location.

No public comment was received.

Councilor Rodriguez moved to approve the home occupation application for Running Wrench Appliance Repair, located at 1111 S. Roselawn Ave. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

### **Period for hearing Visitors**

Susie Taylor, representing the Artesia Drug and Crime Coalition, reported on current activities.

Councilor Miller joined the meeting at 7:42 p.m.

### **Committee Reports**

#### **Police and Fire**

Councilor Hill stated that he was still supportive of building a new shelter, but that the committee has reviewed the list of proposed renovations and would recommend that the upgrades be completed as long as the cost does not exceed \$25,000. The proposed renovations include enclosing the top of the outside kennels, enclosing the sally port with a gate, and work on the heating unit.

Mayor Pro tem Holmes moved to authorize the upgrades to the animal shelter not to exceed \$25,000. The motion was seconded by Councilor Hill and upon vote, with Councilors Barragan and Rodriguez voting "nay", the motion passed.

### **Personnel**

Mayor Pro tem Holmes moved to approve Mayor Burch's recommendation to provide a one-time, non-recurring pay increase for City employees in the amount of \$400 for full time employees and \$200 for part time employees hired on or before December 1, 2009, and including all bargaining units. The motion was seconded by Councilor Miller and upon vote, with Councilor Rodriguez abstaining, the motion passed.

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Angelica Armendariz as a temporary part-time receptionist at \$7.50 per hour, subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

**Public Safety**  
**Police**

Chief Raley reported that the department is the accreditation process is 70% complete.

**Fire**

Chief Hummingbird reported that the Fire Academy is progressing very well, with graduation scheduled for just before Christmas.

**Community Development Director**

Community Development Director Tina Torres requested approval to begin foreclosure on liens for 2602 and 2608 W. Main. Ms. Torres reported that the lien balance is now \$76,802.30 and taxes are due on the property. Councilor Miller moved to proceed with the foreclosure of 2602 and 2608 W. Main. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Ms. Torres reported that Holiday Inn will begin building 72 units plus a meeting room on the north side of the current Holiday Inn Express facility.

**Infrastructure**

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

Discussion took place on whether the city could change out street lights that are no longer working and replace them with LED lights.

**City Clerk**

Councilor Rodriguez moved to adopt Resolution No. 1365, the Election Resolution setting the municipal election for March 2, 2010. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

**RESOLUTION NO. 1365**

Mayor Pro tem Holmes moved to adopt Resolution No. 1366, stating that the city has the \$50,000 match budgeted for the Airport terminal upgrade. The motion was seconded by Councilor Hill and upon vote, the motion passed.

**RESOLUTION NO. 1366**

**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 (a – Disciplinary action of an Infrastructure Department Employee; and b – Employment status of an Infrastructure Department employee). The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passed.

Council recessed to executive session at 8:50 p.m.


Council reconvened at 9:08 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 Councilor Rodriguez and upon vote, the motion passed.

Mayor Pro tem Holmes moved to uphold the one-day suspension without pay for Emilio Franco of the Solid Waste Department. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Mayor Pro tem Holmes moved to extend the probationary period for Sam Martinez of the Water department until February 2010 or until he passes the Operator I exam. 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 9:22 p.m., November 24, 2009.

  
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Mayor

ATTEST:

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City Clerk

