

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

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

The following were absent:

None

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.

Consent Agenda

Councilor Barragan requested that items 4-A, 4-B, 4-C and 11 be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda, minus items 4-A, 4-B, 4-C and 11. The motion was seconded by Councilor Hill and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * November 24, 2009 - Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
4. Appointments:
 - A. pulled for separate consideration
 - B. pulled for separate consideration
 - C. pulled for separate consideration
5. Resignations:
 - A. ✓ Accept the resignation of Patrick Green, Police Corporal, effective November 30, 2009.
6. Dates of Hearing:
7. *Travel and Training:
 - A. Water – Permission for four (4) employees to attend the NMWWA Annual Short School in Las Cruces, NM. Request actual expenses.
 - B. Police – Permission for one (1) employee to attend Instructor Development Training in Artesia, NM.
 - C. Police – Permission for one (1) employee to attend the National Animal Control Level 2 Training Academy in Albuquerque, NM. Request actual expenses.
 - D. Fire – Ratification of Mayor Burch's approval for one (1) employee to attend EMT certification in Clovis, NM. Request actual expenses.

8. Use of Facilities *(approval contingent upon receipt of all applicable fees, license(s) and dept approvals):*
9. Budgeted Items:
10. Non-budgeted Items:
11. *pulled for separate consideration

Mayor Pro tem Holmes moved to approve Consent Agenda items 4-A (Approval of re- appointment of Sharon Snowden to the Woodbine Cemetery Board (2 year term), 4-B (Approval of re-appointment of Evelyn Terpening to the Woodbine Cemetery Board (2 year term), and 4-C (Approval of re-appointment of Lynn Atteberry to the Woodbine Cemetery Board (2 year term). The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Hill moved to approve Consent Agenda item 11 (11. *Payment of Bills). The motion was seconded by Councilor Miller 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 to adopt the Infrastructure Design and Construction Standards.

Infrastructure Director Robert Forrest reported that the design and construction standards covers the infrastructure for the city, including streets, alleys, water, wastewater and sewer systems, and runoff.

No public comment was received.

City Attorney John Caraway requested that the word "ordinance" be changed to "section" in 10-2-2, to conform to the recommendations of our codifier.

Mayor Pro tem Holmes moved to adopt Ordinance No. 833, the Infrastructure design and construction standards, with the recommended changes. The motion was seconded by Councilor Miller 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. 833

2. Consideration and approval of an ordinance to sell \$13,250,000 in Revenue Bonds for the Wastewater Treatment Plant.

Chris Muirhead, representing Modrall Sperling, presented the parameters of the bond ordinance. The bonds would be \$12 million for the project, with \$1.25 million in reserve. If the ordinance is adopted, the bond sale will take place on January 12, 2010. Mr. Muirhead reported that they anticipated a public sale similar to the sale of the bonds for the Public Safety Complex.

No public comment was received.

Mayor Pro tem Holmes moved to adopt Ordinance No. 834, the Infrastructure design and construction standards, with the recommended changes. The motion was seconded by Councilor Smith 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. 834

Personnel

Councilor Torrez moved, upon recommendation of the Mayor, to hire Jeff Bishop to the position of Firefighter/EMT, at a salary of \$2,249 per month (CA18), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, with Councilor Barragan voting “nay”, the motion passed.

Councilor Hill moved, upon recommendation of the Mayor, to hire Cliff Rogers to the position of Firefighter/EMT, at a salary of \$2,363 per month (CA20), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Torrez and upon vote, with Councilor Barragan voting “nay”, the motion passed.

Councilor Hill moved, upon recommendation of the Mayor, to promote Jerrod Zuniga to the position of Police Sergeant, at a salary of \$4,110 per month (CA29). The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved, upon recommendation of the Mayor, to promote Tim Argo to the position of Police Sergeant, at a salary of \$4,110 per month (CA29). The motion was seconded by Councilor Torrez and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to promote Scott London to the position of Police Sergeant, at a salary of \$4,110 per month (CA29). The motion was seconded by Councilor Miller and upon vote, the motion passed.

Human Resources Director Bill Thalman distributed the safety statistics for November.

Public Safety

Police

Chief Raley distributed the department statistics for November.

Fire

Chief Hummingbird distributed the department statistics for November.

Community Development Director

Community Development Director Tina Torres distributed the department statistics for November.

Ms. Torres presented a proposal from N K Asphalt dba Holly Asphalt for the lease of Block 1, Lot 1 in the Artesia Industrial Park Phase III. In exchange for leasing the block at no monetary cost, Holly Asphalt will construct a public spur and public dock for the city. Councilor Miller moved to approve the lease agreement with N K Asphalt dba Holly Asphalt for Block 1, Lot 1 of the Artesia Industrial Park Phase III, contingent upon replat. The motion was seconded by Councilor Smith and upon vote, with Councilor Hill abstaining, the motion passed.

Ms. Torres presented a proposal to approve an aerial easement for N K Asphalt for a pipe rack. Previously, the city had approved a revocable right-of-way agreement, but after discussion with the city attorney, it was determined that an easement would be a better way to do this. Councilor Miller moved to approve the aerial easement for a pipe rack granted to N K Asphalt Partners dba Holly Asphalt in the Industrial Park Phase III. The motion was seconded by Mayor Pro tem Holmes and upon vote, with Councilor Hill abstaining, the motion passed.

Infrastructure

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

Ben Jaime, representing Xcel Energy, reported that the city is working with them on the street light issues. Infrastructure Director Robert Forrest reported that there are 894 street lights in Artesia.

City Clerk

Mayor Pro tem Holmes moved to pay bills through December 31, 2009. The motion was seconded by Councilor Miller and upon vote, the motion passed.

City Clerk Aubrey Hobson presented the open meetings resolution for adoption, with a few modifications from the previous year. Councilor Torrez moved to adopt the open meetings resolution, Resolution No. 1367. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

RESOLUTION NO. 1367

Councilor Mille moved to approve the annual records destruction. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Torrez moved to adopt Resolution 1368, a budget adjustment resolution including and additional \$29,936 to complete the project at AVTC, and transfer of funds to cover the cost of the water well construction. The motion was seconded by Councilor Hill and upon vote, with Councilor Barragan voting "nay", and Mayor Pro tem Holmes abstaining, the motion passed.

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

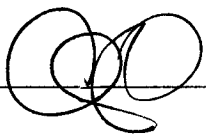
New and other Business from Councilors

Councilor Hill requested that staff be directed to research if additional funds could be located for the construction of a new animal shelter.

There being no further business to come before the Council, the meeting adjourned at 8:33 p.m., December 8, 2009.


Mayor

ATTEST:



City Clerk