

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
February 12, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, February 12, 2008, at 7:00 p.m. in regular session with Mayor Burch presiding, and the following present to wit:

Terry Hill	Raul Rodriguez
George Holmes	Judith Stewart
Glenn Kaiser	Antonio Torrez

The following were absent:

Luis Florez

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.

Councilor Kaiser moved to adjust the agenda to consider item 17-A (Appointment of City Councilor – District 3) as the next item. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

**Mayor**

Mayor Burch presented the name of Raye Miller to fill the vacancy of Councilor in District 3. Mayor Pro Tem Holmes moved to appoint Raye Miller to the Councilor vacancy in District 3. The motion was seconded by Councilor Hill and upon vote, the motion passed.

City Clerk Aubrey Hobson administered the oath of office.  
Mr. Miller joined the meeting at 7:05 p.m.

**Visitors**

Adam Blejwas, representing Jaynes construction and George Holmes, representing the Artesia Arts Council, requested approval to close Roselawn Avenue between Main Street and Texas Avenue for a structural steel delivery lasting less than two hours on February 18, 2008, and on a future date to be determined. Councilor Hill moved to approve the closure of Roselawn between Main Street and Texas Avenue on February 18, 2008 for not more than two hours, and on a future date for not more than two hours. The motion was seconded by Councilor Kaiser and upon vote, the motion passed.

Bill McFarland, representing Smith Engineering, presented updates on the Sewer and Public Works Projects. Mr. McFarland reported that both are very large projects and he plans to provide updates each month on progress to date, and proposed activity for the next thirty days.

Linda Stevens, representing Artesia Clean and Beautiful, requested the City of Artesia's acceptance of a vehicle donated to Artesia Clean and Beautiful from Eddy County. Mayor Pro Tem George Holmes moved to accept the donation of vehicle for Artesia Clean and Beautiful from Eddy County. The motion was seconded by Councilor Hill and upon vote, the motion passed.

### **City Departments and Employees**

Patsy Hernandez, Laboratory Technician for the Wastewater Department, was recognized as the recipient of the NM Water & Wastewater Association 2007 Lab Tech of the Year.

Cheryl Hinkle, Code Enforcement Officer for the Planning Department, was recognized for receiving her Commercial Building Inspector and Residential Building Inspector certifications.

### **Consent Agenda**

Councilor Torrez moved to approve the Consent Agenda as written. The motion was seconded by Councilor Stewart, and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* January 22, 2008 - Regular meeting
2. Consideration of Bids:
  - A. \*Approval of award of bid to provide a new loader for the Solid Waste/Transfer Station Department to Sierra Machinery, Inc., El Paso, TX.
3. Contracts, Leases and Agreements:
  - A. \*Approval of renewal of Airport Hangar Lease (Hangar No. 114) to Merle Ericson and Charles Moran
4. Appointments:
  - A. Approval of re-appointment of Sharon Snowden to the Woodbine Cemetery Board (*term to expire 01/27/2010*)
  - B. Approval of re-appointment of Evolyn Terpening to the Woodbine Cemetery Board (*term to expire 01/27/2010*)
  - C. Approval of re-appointment of Lynn Atteberry to the Woodbine Cemetery Board (*term to expire 01/27/2010*)
5. Resignations:
  - A. Accept the resignation of Victor J. Rodriguez, Police Officer, effective January 30, 2008
  - B. Accept the resignation of Randy Phillips, Police Officer, effective February 4, 2008
  - C. Accept the resignation of Sarah Quiroga, Museum Registrar, effective April 30, 2008
6. Dates of Hearing:
  - A. \*Ratification of Mayor Burch's approval to set a public hearing on February 26, 2008 for consideration of an ordinance for the Chisum Subdivision #1, located at North 10<sup>th</sup> & Mahone
7. \*Travel and Training:
  - A. Wastewater – Permission for four (4) employees to attend the NMRWA 30<sup>th</sup> Annual conference in Albuquerque, NM. Request actual expenses.
  - B. Ratification of Mayor Burch's permission for elected officials, department heads and designated City staff to travel to Santa Fe, NM during the 2008 Legislative session. Request actual expenses and mileage.
  - C. Parks – Permission for three (3) employees to attend the Irrigation seminar in Hobbs, NM.

- D. Wastewater – Permission for two (2) employees to attend the OPSEC for Public Safety Agencies Counter-terrorism training at FLETC in Artesia, NM.
  - E. Police – Permission for one (1) employee to attend Advanced Techniques in Evidence and Property Management in Evanston, IL. Request actual expenses.
  - F. Police – Permission for two (2) employees to attend the National Association of School Resource Officers conference in Phoenix, AZ. Request actual expenses.
  - G. Police – Permission for two (2) employees to attend the Intoxilyzer 8000 training in Alamogordo, NM.
  - H. Planning – Permission for one (1) employee to attend the Excelling as a First-time Manager or Supervisor course in Roswell, NM.
  - I. Planning – Permission for one (1) employee to attend the American Planning Association 100<sup>th</sup> conference in Las Vegas, NV. Request actual expenses and mileage.
  - J. Wastewater– Permission to attend monthly NMWWA section meetings (*locations to be determined*)
  - K. Streets – Permission for one (1) employee to attend the Bridge Patching and Repair training in Albuquerque, NM. Request actual expenses.
  - L. Water – Permission for two (2) employees to attend the NMWWA 2008 Spring Water classes and testing in Albuquerque, NM. Request actual expenses.
  - M. √Planning – Permission for one (1) employee to attend the Asbestos Inspector Refresher course in Albuquerque, NM. Request actual expenses.
  - N. √F&A – Permission for one (1) employee to attend IIMC Annual Conference in Atlanta, GA. Request actual expenses and mileage.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. Artesia High School tennis team has requested the use of the tennis courts at Jaycee Park on Friday, April 4, 2008 and Saturday, April 5, 2008 for a tennis tournament.
  - B. Israel Valencia Jr. and Nicole R. Flores have requested the use of Central Park on Saturday, June 7, 2008 from 6 pm – 9 pm for a wedding ceremony.
9. Budgeted Items:
- A. Airport – Permission to bid/purchase maintenance vehicle (*reallocation of funds*)
10. Non-budgeted Items:
11. \*Payment of Bills

### **Public Hearings**

Mayor Burch stated that because of the number of public hearings, each speaker would be allowed one three-minute period to address their comments to Council.

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

- 1. Consideration and approval of an ordinance approving the Amador Annexation Plat, located south of West Avenue behind Country Club Estates on North 26<sup>th</sup> Street.

Community Development Director Tina Torres reported that the property owner has requested the annexation with a zone of MH – mobile home. The Planning and Zoning Commission has reviewed the request and recommended passage.

No public comment was received.

Mayor Pro Tem Holmes moved to adopt Ordinance 784, the Amador Annexation Plat. The motion was seconded by Councilor Stewart and upon roll call vote, with the following votes recorded:

Aye: Hill, Holmes, Kaiser, Miller, Rodriguez, Stewart, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 784**

2. Consideration and approval of the rezone of the City of Artesia property located on the NW corner of 26<sup>th</sup> and Richey Avenue (SE/4 SE/4 of Section 1 – T17S, R25E) from Residential (R1-A) to Suburban Acreage, type 2 (SA-2).

Community Development Director Tina Torres reported that in April, 2007, the Council authorized the purchase of a piece of property at 26<sup>th</sup> and Richey. A public hearing was held in September, 2007 for annexation of the property, and that annexation was continued to November, 2007, due to comments from the public. In November 2007, the property was annexed with a R-1A designation. However, since the City is not in the housing business, it has been determined that a better designation for this property would be SA-2.

Ms. Torres reported that the re-zone has been presented to Planning & Zoning, and has received a recommendation for passage. Letters have been sent to the residents in the affected area.

Thomas Archibald, a homeowner in Loma Vista, stated that he violently objected to the three minute time limit. Mr. Archibald objected to the location of the Public Safety Complex at 26<sup>th</sup> and Richey. Mr. Archibald stated that if the City continued with the project, he would contact the Attorney General's office.

Crissa Carter of 1411 Lewis Road, stated that for the third time, she is opposed to the SA-2 rezone petition, until the City has determined the location of the Public Safety Complex. Ms. Carter stated that she is opposed to locating the Public Safety Complex at 26<sup>th</sup> and Richey. Ms. Carter presented a letter with her opposition, along with an additional page of signatures for a petition opposed to the annexation plat. Ms. Carter also presented a written proposal from Chase Farms to exchange 20 acres, south of 13<sup>th</sup> and Hermosa, along with \$260,000 for the parcel located at 26<sup>th</sup> and Richey.

Roy Crouch stated that he believes things have been done in haste, and asks why the rezone needs to be done at this time. Mr. Crouch stated that he is not opposed to a new Public Safety Complex, but that this parcel of land could have a better use. Mr. Crouch was also concerned about the costs to improve the roadways in the area. Mr. Crouch stated that he was opposed to the rezone.

Phyllis Boneau stated that she lives in the southern part of Artesia and is concerned that locating the Public Safety Complex at 26<sup>th</sup> and Richey would put the services too far away from her. Ms. Boneau stated that other options should be considered.

Carol Griffin asked if the construction contract had been signed and was informed that it had not. Ms. Griffin also asked if the project has gone to bid, and was informed that it had not.

Larry Thompson stated that he was concerned what else would go in this parcel. Mr. Thompson stated that he was not opposed to the Public Safety Complex, but felt that the location at 26<sup>th</sup> and Richey was too far away from the population center. Mr. Thompson was also concerned that a plat/drawing of what is planned, was not submitted and that this should be considered.

Councilor Torrez moved to adopt Ordinance 785, the rezone of a parcel of land at 26<sup>th</sup> and Richey, from R1-A to SA-2. The motion was seconded by Councilor Stewart and upon roll call vote, with the following votes recorded:

Aye: Hill, Holmes, Kaiser, Miller, Rodriguez, Stewart, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 785**

Mayor Burch declared a short recess at 7:52 P.M.

Council reconvened at 8:00 P.M.

3. Consideration and approval of a Home Occupation License for “Elvis’s Custom Building”, located at 1510 W. Yucca Ave #B.

Community Development Director Tina Torres reported that this business would be for home construction and furniture repair, but that only paperwork would be done at the home address. The Planning and Zoning Commission has recommended approval.

No public comment was received.

Councilor Kaiser moved to adopt Ordinance No. 786, the approval of a Home Occupation License for “Elvis’s Custom Building”, located at 1510 W. Yucca Ave. #B. The motion was seconded by Councilor Torrez and upon roll call vote, with the following votes recorded:

Aye: Hill, Holmes, Kaiser, Miller, Rodriguez, Stewart, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 786**

[NOTE: Home Occupation Licenses are not assigned ordinance numbers. Ord. 786 will be reassigned to the next ordinance. 03-11-08]

4. Consideration and approval of a Home Occupation License for “Artesia Weed Control, operated by Juan Calderon at 912 S. 2<sup>nd</sup> St.

Community Development Director Tina Torres reported that this business would provide weed control at the customer’s location, but that only paperwork would be done at the home. Ms. Torres also reported that the only chemical that would be stored at the home would be one gallon of Roundup, and that that amount had been approved by the Fire Department. The Planning and Zoning Commission has recommended approval

Juan Calderon stated that he wants to take care of the alleyways for people. Mr. Calderon also stated that he will only keep one gallon of Roundup in a locked storage area at his home.

Councilor Hill moved to adopt Ordinance No. 787, the approval of a Home Occupation License for “Artesia Weed Control”, located at 912 S. 2nd. The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following votes recorded:

Aye: Hill, Holmes, Kaiser, Miller, Rodriguez, Stewart, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 787**

NOTE: Home Occupation Licenses are not assigned ordinance numbers. Ord. 787 will be reassigned to the next ordinance. 03-11-08]

5. Consideration and approval of a Home Occupation License for a daycare, operated by Suzanne Valencia, located at 1010 W. Dallas.

Community Development Director Tina Torres reported that the application for a home occupation license has been heard by the Planning and Zoning Commission. The Commission recommended approval contingent upon her obtaining the appropriate State of New Mexico License, compliance with City Codes, correcting the fire and safety issues as addressed by the Fire Department, obtaining a business registration, and satisfying the citation at Municipal Court.

Ms. Torres reported that Ms. Valencia has applied for a State of New Mexico license.

Gary May stated that he was concerned with the safety of children and would oppose the license because there has been family accusations for the past ten years.

Elidia Bolanos stated that she was concerned that Ms. Valencia would allow her sister to care for the children. Ms. Bolanos stated that both sisters have been operating daycares that are out of compliance. Ms. Bolanos stated that her family has been affected by child abuse.

Victor Todd stated that he was opposed to the license because there had been accusations against a family member of the family that has applied for the daycare application.

City Attorney John Caraway reported that the license would not be issued until all conditions have been met.

Shan Harlow asked why this was being considered if all the conditions have not yet been met.

Victor Todd asked if this couldn't be postponed until all the licenses are in place. Mr. Todd stated that his 4-year old had brought home tales of things no 4-year old should know.

Gary May stated that he has filed a complaint against the other daycare provider that is still pending.

Elidia Bolanos stated that her concern is that Ms. Fierro could be brought back into the home. Ms. Bolanos asked that the Council consider this, as they had worked together in the past. Ms. Bolanos stated that she has nothing personally against Ms. Valencia.

Rosemary Ramirez stated that she sees the concern of child abuse. Ms. Ramirez reported that she was the victim of child abuse and did not tell her parents until she was 22 years old.

Councilor Torrez moved to postpone the public hearing for a home business occupation license to operate a daycare at 1010 W. Dallas, until all issues have been resolved. The motion was seconded by Councilor Stewart and upon vote, the motion passed.

### **Personnel**

Human Resources Director Bill Thalman distributed the safety statistics for January 2008.

### **Public Safety**

#### **Police**

Chief Raley distributed the statistics for January 2008.

Discussion took place on speeding on Ray and Washington, west of 20<sup>th</sup> Streets. It was requested that additional patrol be made in these areas. Mayor Burch will discuss with the developer, the possibility of having a street light put on the cul-de-sac on W. Washington.

#### **Fire**

Chief Hummingbird distributed the statistics for January 2008.

### **Community Development**

Planning Clerk Sylvia Schneider gave a presentation on the history of setbacks and possible future action.

Statistics for building permits and code enforcement for January 2008 were distributed.

**Public Utilities**

Wastewater Supervisor Michael Stroud distributed pictures of the recently purchased tractor for the department.

**City Clerk**

City Clerk Aubrey Hobson reported that the department has audited two hotels, and no deficiencies were reported. Mayor Pro Tem Holmes moved to approve the Lodgers' Tax Audit report. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Mayor Pro Tem George Holmes presented the mid-year budget adjustments. In the General Fund, revenues are being increased by \$780,000 and expenditures increased by \$1,042,041. Discussion took place that there were still problems with enough revenue for needed expenditures for the Solid Waste department. Councilor Torrez moved to adopt Resolution No. 1282, the mid-year budget adjustments as presented. The motion was seconded by Councilor Stewart and upon vote, the motion passed.

**RESOLUTION NO. 1282**

City Clerk Aubrey Hobson presented two resolutions, identifying the corporate (signing) officers for the City. The resolutions would allow the change of any signatory (add or delete) by letter with the signature of two current signatories. Councilor Rodriguez moved to adopt Resolution No. 1283, corporate resolution for First National Bank and Resolution No. 1284, corporate resolution for Western Bank. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

**RESOLUTION NO. 1283**

**RESOLUTION NO. 1284**

**Mayor**

Councilor Rodriguez moved that in accordance with 10-15-1-H(2), H(7) and H(8), the Council and Mayor go into executive session regarding limited personnel matters (discussion of status of an employee), pending litigation and purchase of real property. The motion was seconded by Councilor Stewart and upon vote, the motion passed.

Mayor Burch declared a short recess at 9:17 p.m.  
Council recessed to executive session at 9:20 p.m.  
Council reconvened at 10:33 p.m.


Councilor Stewart moved that the only matters discussed in executive session pertained to limited personnel matters, pending litigation and purchase of real property, and no action was taken. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Stewart moved to grant Street Department employee Dora Sotelo, a 30-day leave without pay. The motion was seconded by Councilor Kaiser, and upon vote, the motion passed.

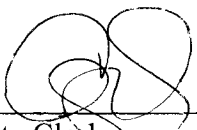
Human Resources Director Bill Thalman presented the updated Position Classification Plan. Councilor Torrez moved to adopt the new Position Classification Plan, Resolution No. 1285. The motion was seconded by Councilor Stewart and upon vote, the motion passed.

**RESOLUTION NO. 1285**

There being no further business to come before the Council, the meeting adjourned at 10:40 p.m., February 12, 2008.

  
Mayor

ATTEST:

  
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City Clerk