MINUTES OF REGULAR CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
March 25, 2008

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, March 25, 2008 at 7:00 p.m. in regular session with Mayor Phil Burch presiding, and the following present to wit:

Terry Hill
Luis Florez
George Holmes
J. B. Smith
Raul Rodriguez

Also present:

Aubrey Hobson, City Clerk/Finance Director
John Caraway, City Attorney
Bill Thalman, Human Resource Director

Absent:

Antonio Torrez
Manuel Barragan
Raye Miller

Councilor Rodriguez gave the invocation and Mayor Burch led the group in the pledge of allegiance.

Visitors:

Steve Mahan addressed the Council requesting a three month extension of the condemnation of 806 W. Centre Avenue(Resolution 1272). After discussion Councilor Florez moved, with a second by Councilor Holmes, to grant the three-month extension. Motion carried 5-0.

Debbie Bell presented information about the Crystal Darkness Campaign and requested the City provide mailing labels of all utility customers. Council directed staff to provide the labels.

Laura Garcia, representing Artesia Arts Council, requested use of Central Park on Thursday July 3, 2008 and Friday, July 4, 2008 from 9 am – 7 pm for the Annual July Arts and Crafts show with two extra dumpsters and one electrical distribution panel. Mrs. Garcia also requested use of Central Park on Friday, October 17, 2008 and Saturday, October 18, 2008 from 9 am-6 pm for the Annual Art in the Park with the use of four(4) barricades for the street closure of Quay Avenue between 7th and 8th Streets, two(2) electrical distribution boxes and four(4) extra dumpsters. Motion to approve both requests was made by Mayor Pro Tem Holmes with second by Councilor Rodriguez. The motion carried 5-0.

City Departments and Employees:

Mayor Burch presented a commemorative plaque to Bill Goodson who is retiring.

Mayor Burch presented the New Mexico Rural Water Association's Operator of the year award to Kenny Lipe. He also presented a certificate acknowledging the Wastewater Department for receiving the Wastewater Treatment Plant of the Year from the New Mexico Rural Water Association. Mayor Burch thanked the employees for their hard work and for their recognition at the State level.

Consent Agenda:

The consent agenda was as follows:

1. Approval of Minutes: * March 11, 2008 - Regular meeting

2. Consideration of Bids:

3. Contracts, Leases and Agreements:
   A. *Approval of outside water users contract with Steven Chavez for 705 N. 41st Street
   B. *Approval of intent to participate in FAA and NMDOT Aviation Grants and permission to bid the access road portion of project
   C. Approval of letter of intent to act as fiscal agent for the MainStreet Grant

4. Appointments:
   A. Approval of appointment of Mayor Burch to the Southeastern NM Economic Development District/Council of Governments Board

5. Resignations:
   A. Accept the resignation of Whitney Ryan, Firefighter Trainee, effective March 11, 2008
   B. Accept the retirement of Bill Goodson, Police Sergeant, effective April 1, 2008
   C. Accept the retirement of John D. Williams, School Resource Officer, effective March 31, 2008 *(20 yrs with Roswell, NM Police Department and 1 1/2 yrs with Artesia, NM Police Department)*

6. Dates of Hearing:
   A. *Ratification of Mayor Burch's approval to set a public hearing for April 8, 2008 for consideration of a Home Occupation License for Big Heart Travel World, located at 606 W. Chisum Avenue, Aida Florez
   B. √Permission to set a public hearing for April 22, 2008 for consideration of a transfer of liquor license (Ownership and Location) from Taos Lodging Associates, LP dba The Fechin Inn, Taos, NM to Mount Difficulty, LLC dba Hotel Artesia located at 203 N. 2nd Street, Artesia, NM

7. *Travel and Training:
   A. Planning – Permission for one (1) employee to attend the New Mexico League of Zoning Officials semi-annual meeting in Silver City, NM. Request actual expenses.
   B. Police – Permission for two (2) employees to attend a Crime Scene Investigation course in Truth or Consequences, NM. Request actual expenses.
   C. Police – Permission for two (2) employees to attend a MySpace.com An Internet Investigation course in Golden, CO. Request actual expenses.
   D. Fire – Permission for one (1) employee to attend the New Mexico State Haz Mat meeting in Albuquerque, NM.

8. Use of Facilities *(approval contingent upon receipt of all applicable fees, license(s) and dept approvals)*:
   A. Gavin Vaughan representing the Artesia Ministerial Alliance has requested the use of the Heritage Walkway on Thursday, May 1, 2008 from 12:15 pm – 12:45 pm for the Annual Day of Prayer recognition.
   B. Artesia High School has requested use of the Artesia Recreation Center, May 25 – 30, 2008 for the 2008 Senior Salute. Request waiver of fees.
   C. Elisa Aguilar has requested use of the north shelter at Jaycee Park on Sunday, March 30, 2008 from 2:00 pm – 4:30 pm for a birthday party.

9. Budgeted Items:
   A. Museum – Approval for Monarch Equipment Inc. to refurbish fire truck

10. Non-budgeted Items:

11. *Payment of Bills

Motion was made by Mayor Pro Tem Holmes with a second by Councilor Hill to approve the consent agenda as written. The motion carried 5-0.

Public Hearings:

Community Development Director Tina Torres presented Ordinance 786 changing setback requirements for certain Zoning classifications. Councilor Hill expressed concerns that if passed, the City would be allowing bigger houses to be built when smaller, more affordable houses are needed. City Attorney Caraway suggested that the entire verbage from the existing Section 9-9-2 A be included in the Ordinance. City Clerk Hobson reported that at a previous meeting, ordinance numbers were assigned to approvals for home occupation licenses requiring these numbers to be reassigned. Motion to approve Ordinance 786 Amending Section 9-9-2 A, as amended, was made by Mayor Pro Tem Holmes with a second by Councilor Flores. Upon roll call vote, the motion failed 4-1(Councilor Hill voting no).

ORDINANCE No 786 (Failed)

A public hearing was held for a home occupation license for Harcrow Surveying located at 1107 Watson. A motion was made to approve the home occupation license after a motion by Councilor Rodriguez with a second by Mayor Pro Tem Holmes. The motion carried 5-0.

A public hearing was held to consider an ordinance approving the rezone of the South 476 feet of the west 2/3 of Block 10 and the east 1/3 of Block 11, Gunter Redivision. The rezone was from SA-2, Suburban Acreage, type 2, to R1-B Single Family Residence. Three citizens in the neighborhood expressed their disagreement with the development of the area because of limited egress as well as a concern of having a trailer park. Terri Hamilton, Planning Administrative Assistant, explained that this request was only to rezone the two lots being readied for construction and that any change to the rest of the property would need to be brought before the Planning and Zoning Commission and City Council. Councilor Florez asked the Community Development Director to take the names of the concerned citizens present and notify them when the developer submits additional requests to the Commission or Council. A motion to approve Ordinance 787 was made by Mayor Pro Tem Holmes with a second by Councilor Hill. The motion carried 5-0.

ORDINANCE No. 787

At the request of the Community Development Director, Item 7(D), consideration and approval of the Robert Addition Replat of Block 11, Lots 1,2,3 and 4 of Block 11, Robert Addition was pulled from consideration.

A public hearing was held to consider an ordinance approving Tract F-2 Northgate Addition Replat, a replat of Tract F, Northgate Subdivision. Robert Duncan asked Terri Hamilton for an explanation of the replat which was provided to his satisfaction. A motion was made to approve Ordinance 789 Tract F-2 Northgate Replat with a second by Councilor Rodriguez. The motion carried 5-0.

ORDINANCE No. 789

A public hearing was held to consider approval of a 10' backyard variance request by Jimmy and Jacque Naylor, Lot 1, Block 4, West Acres Subdivision #7. Councilor Hill restated his concern about the Council allowing larger homes instead of smaller, more affordable homes. A motion was made by Mayor Pro Tem Holmes with a second by Councilor Rodriguez. The motion passed 4-1(Councilor Hill voting no).

Visitors who did not wish to be on the Agenda:

Mayor Burch recognized visitors from the audience:
Susie Taylor from the Artesia Drug and Crime Coalition reported on some of the coalition programs such as Neighborhood Watch, Safe Haven and the Legislative Committee.

Owen Nichols presented a complaint about high usage reflected on his water bill. Jan Briggs, Assistant City Clerk/Treasurer informed Mr. Nichols to come to her office during the week and they would run a consumption report.

Sonya Raftery with Senator Bingaman's office introduced herself to the Council. Ms. Raftery is responsible for liaison between the Senator's Office and Lea, Eddy and Chavez counties. She invited the Mayor and Council to contact her with requests and concerns on behalf of the City.

Committee Reports:
Planning:
Community Development Director Torres presented pros and cons of placing a splashpad vs. a swimming pool at MLK Park. Representatives from the Keep the Dream Alive Committee stated their preference was for a pool so all ages could benefit. The splashpad is designed more for young children. It was suggested, because of the cost of the pool, that a splashpad be installed now, and survey the citizens to ascertain what they wanted. A motion was made by Mayor Pro Tem Holmes with a second by Councilor Florez to proceed with a splashpad at MLK Park with a sufficiently sized lift station to handle discharge from a pool and to survey citizens on what kind of water recreation facilities they would prefer. The motion carried 5-0.

The Council broke for 5 minutes and reconvened at 9:15 pm.

Personnel:

Motions were made upon recommendation of the Mayor, subject to successful completion of required pre-employment testing, permission to:

Transfer:
Richard Zuniga to the Cemetery Department as Equipment Operator I at $2838 per month CA11 Motion made by Mayor Pro Tem Holmes with a second by Councilor Florez. The motion carried 5-0.

Promote:
David Serna to Solid Waste Foreman at a rate of $2429 per month CA18.
Motion made by Mayor Pro Tem Holmes with a second by Councilor Rodriguez. Motion carried 5-0.

Hire:
David Rodriguez as an uncertified Police Officer at a rate of $2544 per month CA 23 step min.
Motion made by Councilor Rodriguez with a second by Councilor Hill. Motion carried 5-0.

The Human Resource Director asked for permission to hire temporary employees at a rate of $8.50 per hour through employment agencies for the Park and Street Departments from April 1st to June 30th of fiscal year 07/08 with continuation until September 20, 2008 contingent on funding. A motion to approve the request was made by Mayor Pro Tem Holmes with a second by Councilor Florez. The motion carried 5-0.

Public Safety:

Police:
Chief Raley stood for questions from the Council.

Fire:
Fire Chief Hummingbird presented a Joint Powers Agreement between the Energy, Minerals and Natural Resources Department, Forestry Division and the City of Artesia for Wildland Fire Protection and Suppression. A motion to approve the JPA was made by Mayor Pro Tem Holmes with a second by Councilor Hill. The motion carried 5-0.

Chief Hummingbird presented a Resolution that would waive the residency requirement for Fire Department personnel, currently contained in the City job descriptions for these positions, for a period of two years. This waiver would assist the Chief in building a larger pool of applicants. Councilor Rodriguez asked the Police Chief how the waiver was working in the Police Department. Chief Raley stated there had been no real problems within the Police Department. A motion to approve Resolution 1289 was made by Councilor Hill with a second by Councilor Florez. Motion failed 4-1(Rodriguez voting no).

RESOLUTION No. 1289(failed)

Community Development:

Community Development Director Torres presented a resolution adopting restrictive covenants for Artesia Industrial Park Phase III. A motion was made by Mayor Pro Tem Holmes with a second by Councilor Florez to adopt Resolution 1290. The motion passed 5-0.

RESOLUTION No. 1290

City Attorney:

The City Attorney requested a public hearing be set for May 13, 2008 to consider an ordinance to amend section 5-1C-7 of the Artesia City Code(Shoplifting). This amendment would change the City Code to reflect changes made in the State Statutes. Attorney Caraway also stated that Section 5-1C-5 (Petty Larceny) would also need to be amended to agree with State Statutes. Because this Section was not placed on the agenda, a motion was made by Mayor Pro Tem Holmes with a second by Councilor Hill to set a public hearing for May 13, 2008 to consider an ordinance amending Section 5-1C-7 of the Artesia City Code. The motion carried 5-0. Council directed staff to place the setting of a public hearing for Section 5-1C-5 as an action item on the consent agenda for the next meeting.

City Clerk:

City Clerk Hobson presented a resolution to adopt the City logo. He explained that logo number 6 was chosen by the employees 47 to 45. A motion was made by Mayor Pro Tem Holmes with a second by Councilor Hill to adopt Resolution 1291 adopting logo No. 6 as the official City of Artesia logo. The motion carried 5-0.

RESOLUTION No. 1291

Clerk Hobson presented a budget adjustment resolution to reflect the budget adjustment of $15,000 for security at City Hall which was approved by the Council at the March 11, 2008 Council Meeting. The budget adjustment also included adjustments in the Airport Fund to approve a grant award from FAA and NMDOT. A motion was made by Mayor Pro Tem Holmes with a second by Councilor Florez to adopt Resolution 1292. The motion carried 5-0.

RESOLUTION No. 1292

Clerk Hobson presented a resolution establishing procedures and fees for inspecting public records. Hobson explained the only changes occurred in the fees schedule that set fees for electronic data and increased fees for basic documents to better reflect the City's cost. Mayor Burch asked if there were any changes to the records available to citizens to which Hobson replied no and that the resolution tracks with State Statutes. A motion was made to approve Resolution 1293 by Mayor Pro Tem Holmes with a second by Councilor Hill. The motion carried 5-0.

RESOLUTION No. 1293

Clerk Hobson provided information concerning meals, State per diem rules and IRS treatment of meals.

Clerk Hobson reminded the Mayor and Council of the Retreat July 26-27, 2008 at La Quinta in Ruidoso Downs. Hobson asked the Council to provide him topics they would like to see discussed at the retreat.

Mayor:

At 10:15 pm, a motion was made by Councilor Rodriguez with a second by Councilor Florez to go into executive session to discuss limited personnel matters. The motion carried 5-0.

At 11:35 PM a motion was made by Councilor Rodriguez with a second by Mayor Pro Tem Holmes to come out of executive session, that only limited personnel items were discussed and no action was taken. The motion carried 5-0.

Other Business:
Councilor Rodriguez expressed concern on contractors not wetting down dirt at their construction sites. Community Development Director Torres informed the Councilor she would have the Building Inspector check on this.

There being no further business, the meeting was adjourned at 11:40 pm.

Phillip S. Burch, Mayor

ATTEST

Aubrey Hobson, City Clerk