

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
May 13, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, May 13, 2008, at 7:00 p.m. in regular session with Mayor Burch presiding, and the following present to wit:

Manuel Barragan	Raye Miller
Luis Florez	Raul Rodriguez
Terry Hill	J.B. Smith
George Holmes	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.

**Visitors**

Barbara Parrish representing the Faith-based Action Group of the Artesia Drug and Crime Coalition, requested permission to use Central Park on Saturday, August 16, 2008 from 6 pm to 10 pm for a Teen Challenge Concert and Substance Abuse Education program. Councilor Rodriguez moved to grant this request for use of Central Park. The motion was seconded by Councilor Florez and upon vote, the motion passed.

Stephanie Bretz, representing Artesia MainStreet, requested permission to use Central Park on Friday, May 30, 2008 from 1 pm to 5 pm for the annual School's Out Summer Splash. Ms. Bretz also requested one porta-potty; and the use of thirty (30) cones for the requested closure of Quay and Richardson Avenue between 7<sup>th</sup> and 8<sup>th</sup> and 8<sup>th</sup> Street from Quay to Richardson. In addition, Artesia MainStreet requested Fire Department personnel and a firetruck be at the event for water entertainment. Councilor Rodriguez moved to approve this request for the use of Central Park and for the other requested materials and services. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Tom Gunn, representing First Baptist Church, requested the use of Central Park on Sunday, May 25, 2008 from 5 pm to 8 pm for their Party in the Park. Councilor Hill moved to grant this request for the use of Central Park. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Rob Morrissey, representing The Jahva House, requested permission to close 5<sup>th</sup> Street between Main Street and Texas and the alley between Texas and Main Street, from 4<sup>th</sup> to 6<sup>th</sup> Street from 4 pm to 9:30 pm on Monday, June 9, 2008 for an Ever Stays Red Concert. Mr. Morrissey also requested the use of barricades for the requested street closures. Councilor Florez moved to approve the request for the street closure and use of barricades. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Richard Lara presented concerns about the Public Safety Complex and how the location was selected.

### **City Departments and Employees**

Mayor Burch presented a proclamation recognizing the Fire Department for EMS Week.

### **Consent Agenda**

Mayor Pro Tem Holmes moved to approve the Consent Agenda as written. The motion was seconded by Councilor Hill, and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* April 22, 2008 - Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
4. Appointments:
  - A. ✓Ratification of Mayor Burch's approval to appoint Janice Caudle Thomas to the Artesia Library Board of Trustees (*term: June 1, 2008 – June 30, 2011*)
  - B. ✓Ratification of Mayor Burch's approval to appoint Kay Abell to the Artesia Library Board of Trustees (*term: June 1, 2008 – June 30, 2011*)
5. Resignations:
  - A. Accept the resignation of Leon Gormley, Wastewater Operator, effective April 22, 2008
  - B. Accept the resignation of Stephen Devore, Police Officer, effective May 3, 2008
6. Dates of Hearing:
  - A. \*Ratification of Mayor Burch's approval to set a public hearing on May 27, 2008 for consideration of an ordinance adopting the 2008 changes to the 2004 compilation of the Uniform Traffic Ordinance
  - B. \*Request approval to set a public hearing on June 10, 2008 for consideration of a transfer of liquor license (*ownership only*) from PAM, Inc dba Allsup's Store No. 203 at 1910 W. Main Street, Artesia, NM to Allsup's Convenience Stores, Inc. dba Allsup's Store No. 203 at 1910 W. Main St., Artesia, NM.
  - C. \*Request approval to set a public hearing on June 10, 2008 for consideration of a home occupation license for EXP-UR-INT, LLC (dba NONIKING), George & Regina Mullen, 714 Champ Clark
  - D. \*Request approval to set a public hearing on June 10, 2008 for consideration of a home occupation license for Grandma's House, Bessie Major, 1703 S. 21<sup>st</sup> St.
  - E. \*Request approval to set a public hearing on June 10, 2008 for consideration of an ordinance for Quality Milk Sales, Inc. Summary Plat, Redivision of Lots 19 & 20 of the Ansley Redivision of Lot 6, Block 4, Roselawn Subdivision, located at 4<sup>th</sup> and Hermosa
7. \*Travel and Training:
  - A. Solid Waste and HR – Permission for two (2) employees to attend the NMML Safety Class on Solid Waste in Albuquerque, NM. Request actual expenses.
  - B. Executive and Legislative – Permission for interested elected officials to attend the NMML 51<sup>st</sup> Annual Conference in Clovis, NM. Request actual expenses and mileage.
  - C. HR – Permission for one (1) employee to attend the Safety Counselling, Inc. OSHA 500 training in Albuquerque, NM. Request actual expenses.
  - D. Wastewater – Permission for two (2) employees to attend the NM Pretreatment Association training in Socorro, NM. Request actual expenses.

- E. Police – Permission for one (1) employee to attend the NM Police Chief's Association meeting in Albuquerque, NM. Request actual expenses.
  - F. Police – Permission for four (4) employees to attend Microsoft Publisher training in Artesia, NM.
  - G. Police – Permission for four (4) employees to attend Microsoft Word training in Artesia, NM.
  - H. Police – Permission for four (4) employees to attend Microsoft Excel training in Artesia, NM.
  - I. F&A – Permission for one (1) employee to attend the IPER & NAGARA conference in Atlanta, GA. Request actual expenses and mileage (*all expenses will be grant reimbursed*).
  - J. Solid Waste – Permission for one (1) employee to attend the 2008 NM Recycling Conference in Albuquerque, NM. Request actual expenses.
  - K. Library – Permission for one (1) employee to attend the Equipment & Product Show – Janitorial in Roswell, NM.
  - L. Police – Permission for three (3) employees to attend Enforcement in Stalking Investigations training in Carlsbad.
  - M. Police – Permission for two (2) employees to attend NHTSA Standardized Child Passengers Safety Tech training in Roswell, NM.
  - N. Fire – Permission for two (2) employees to attend the HAZMAT Technician Class-40 hr HazWoper by 64<sup>th</sup> in Carlsbad, NM.
  - O. Fire – Permission for two (2) employees to attend Fireworks Training for the Fire Service in Socorro, NM. Request actual expenses.
  - P. Water – Permission for one (1) employee to attend the Jake Hands Memorial workshop in Ruidoso, NM. Request actual expenses.
  - Q. √RSVP – Permission to send one (1) RSVP employee or alternate to Atlanta, GA for the RSVP National conference. Request actual expenses and mileage. (*Grant funded*)
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. Sheri Hitt has requested the use of the gazebo at Central Park on Friday, June 13, 2008 from 5:00 pm – 8:00 pm for a wedding ceremony
  - B. Alice Granado has requested the use of the west shelter at Jaycee Park on Sunday, August 31, 2008 from 11:00 am – 5:00 pm for a family reunion.
  - C. Tom Schneider has requested the use of Baish Park on Monday, May 26, 2008 at 10:00 am for the annual Memorial Day event.
  - D. Artesia General Hospital has requested the use of the west shelter at Jaycee Park on Saturday, June 21, 2008 from 12 noon – 3:00 pm for their Annual Employee Appreciation party.
9. Budgeted Items:
- A. Police – Permission to purchase guns, gun lights and holsters
  - B. Police – Permission to purchase canine, kennel, unit insert, supplies and accessories
  - C. Fire – Permission to purchase Incident Command Workstation for a vehicle
  - D. √F&A – Permission to purchase additional laser fiche software module
10. Non-budgeted Items:
11. \*Payment of Bills

### **Public Hearings**

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

1. Consideration and approval of ordinances amending Chapter 5-1C-5 (Petty Larceny) and Chapter 5-1C-7 (Shoplifting) of the Artesia Municipal Code.

City Attorney John Caraway reported that the state statute amount for petty larceny has been increased from \$100 to \$250. The amended ordinance would reflect the higher amount.

No public comment was received.

Mayor Pro Tem Holmes moved to adopt Ordinance No. 790, amending the dollar amount for petty larceny in Chapter 1-5C-5. The motion was seconded by Councilor Hill and upon roll call vote, with the following votes recorded:

Aye: Barragan, Florez, Hill, Holmes, Miller, Rodriguez, Smith, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 790**

City Attorney John Caraway reported that the value for items that have been shoplifted also needs to be adjusted from \$100 to \$250.

No public comment was received.

Mayor Pro Tem Holmes moved to adopt Ordinance No. 791, amending the dollar amount for shoplifting in Chapter 1-5C-7. The motion was seconded by Councilor Smith and upon roll call vote, with the following votes recorded:

Aye: Barragan, Florez, Hill, Holmes, Miller, Rodriguez, Smith, Torrez

Nay: none

the motion passed.

**ORDINANCE NO. 791**

**Visitors who did not request to be on the Agenda**

Susie Taylor, representing Artesia Drug and Crime Coalition, reported that FLETC had sponsored a program on Child Abduction.

**Personnel**

Councilor Torrez moved, upon recommendation of the Mayor, to hire Samuel Martinez to the position of Parks Equipment Operator I at a salary of \$1,892 per month (CA11 step min), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Marcos Munoz to the position of Solid Waste Equipment Operator II at a salary of \$1,988 per month (CA13 step min), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved, upon recommendation of the Mayor, to hire Gil Martinez to the position of Solid Waste Part-Time Equipment Operator II at \$11.23 per hour (PT30), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor Pro Tem Holmes moved, upon recommendation of the Mayor, to hire Yvonne Granados to the position of RSVP Director at a salary of \$1,717 per month (based on grant), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Smith and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Debbie Cyrus to the position of Finance Clerk I at a salary of \$2,143 per month (CA7 mid), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mr. Thalman presented the safety statistics for April 2008.

Mr. Thalman reported that the employee health insurance premiums would increase 24.5% this year. To help reduce the cost to employees, it was recommended retain the same insurance plan Blue Cross PPO but to increase the co-pay for doctors' visits from \$10 to \$20. In addition, it was recommended that an alternate major medical plan, Blue Cross HSA, which has a high deductible, but lower premium be offered for those employees who are healthy and do not see the doctor often. Mayor Pro Tem Holmes moved to approve the changes to employee health insurance, to keep the BCBS PPO plan with an increase co-pay from \$10 to \$20; and to add the BCBS HSA plan as an option for employees. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Torrez moved to approve the collective bargaining contract between the City and Firefighters Local 3814. The motion was seconded by Councilor Florez and upon vote, with Councilor Barragan voting "nay", the motion passed.

Councilor Barragan stated "I have a list of things that have been scratched out and since I don't know what you're replacing them with, I can't support the document."

Mayor Pro Tem Holmes moved to hire Summer Recreation Aides, Leaders and Youth Workers from the approved list, at \$6.50 per hour, upon the successful completion of required pre-employment testing. The motion was seconded by Councilor Barragan and upon vote, with Councilor Rodriguez abstaining, the motion passed.

## **Public Safety**

### **Police**

Chief Raley distributed the statistics for April 2008.

### **Fire**

Chief Hummingbird distributed the statistics for April 2008.

Councilor Rodriguez requested that the Volunteer hours be included in the monthly report.

## **Community Development**

Community Development Director Tina Torres distributed the department's statistics for April 2008.

Chris Fleck, representing CE&M, Inc. presented a report on the City Hall Annex (the old Senior Center) located at 5<sup>th</sup> and Texas. Mr. Fleck reported that the building was originally the City's first Fire Station, and that there have been two additions to the original building. Due to the age and condition of the building, it would be more costly to renovate the building (approximately \$300/S.F.) rather than demolish the building and re-build (approximately \$235/ S.F.). Mayor Pro Tem Holmes moved to demolish the existing structure at City Hall Annex and to chip seal the lot for a temporary parking lot, with funds for the parking lot to come from General Fund. The motion was seconded by Councilor Miller, and upon vote, the motion passed.

Ms. Torres presented a Memorandum of Understanding with the State Motor Vehicle Division to all the City's Code Enforcement Officer access to their database. This will allow the Code Officer to check on the ownership of inoperable vehicles. Mayor Pro Tem Holmes moved to approve a Memorandum of Understanding (MOU) with the State of New Mexico Motor Vehicle Department for the use of their database. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Ms. Torres presented a report requesting the condemnation of property at 1114 W. Washington. Ms. Torres reported that a structure file at this location has made this a safety hazard because of the proximity to Zia School. Mr. Frank Porter has been informed that he is responsible for demolishing the structure. Mr. Porter has stated that he doesn't have the money to tear down the structure. City Attorney John Caraway requested that the phrase "City of Artesia, NM" be added to the legal description. Mayor Pro Tem Holmes moved to approve the condemnation of property at 1114 W. Washington, Resolution NO. 1296, with the correction to the resolution wording, and contingent upon having the Code Enforcement Officer obtain a signed release that Mr. Porter understands the condemnation process. The motion was seconded by Councilor Hill, and upon vote, the motion passed.

#### **RESOLUTION NO. 1296**

Ms. Torres presented a request from the Village of Cloudcroft to use the Artesia Center as an evacuation location as part of their Emergency Operation Plan. Councilor Torrez moved to approve submitting a letter of intent to enter into a Memorandum of Understanding (MOU) with the Village of Cloudcroft as part of their Emergency Operations Plan. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Hill moved to set a public hearing for June 10, 2008 to consider an ordinance addressing lot setbacks for the City of Artesia. The motion was seconded by Mayor Pro Tem Holmes, and upon vote, the motion passed.

#### **Infrastructure**

Infrastructure Director Robert Forrest reported on project activities.

**City Clerk**

City Clerk Aubrey Hobson reported that the Council has received the draft 2008-2009 budget. It was requested that a special meeting be set for May 20<sup>th</sup> 2008 as a Budget Workshop.

**Mayor**

Councilor Torrez moved that in accordance with 10-15-1-H(2) and H(8), the Council and Mayor go into executive session regarding limited personnel matters and purchase of real property. The motion was seconded by Councilor Florez and upon vote, the motion passed.

Mayor Burch declared a short recess at 9:11 p.m.  
Council recessed to executive session at 9:18 p.m.  
Council reconvened at 11:22 p.m.

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

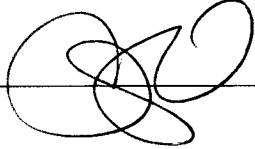
**New and Other Business from Councilors**

Councilor Barragan stated that he wanted to change from direct deposit to receiving a check, because he believes that the employees that receive checks feel they are being treated as "second class citizens".

There being no further business to come before the Council, the meeting adjourned at 11:28 p.m., May 13, 2008.

  
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Mayor

ATTEST:

  
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City Clerk