

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 23, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 23, 2008, 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	J.B. Smith
Raye Miller	Antonio Torrez

The following were absent:

George Holmes
Nora Sanchez

Also present:

Aubrey Hobson, City Clerk-Treasurer
Matt Byers, 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

Mary Beard, employee at the Commission on Aging, thanked the Council for the cost of living increase.

Stephanie Bretz, representing Artesia MainStreet, presented awards from New Mexico MainStreet for Excellence in Urban Design (for 2nd and Texas Phase I) and the Community Award to the City of Artesia. Stephanie also reported that this would be her last meeting, as she has accepted the Chamber Director job in Snyder, Texas.

Richard Lara expressed concerns regarding recent gunshots in his neighborhood and a shortage of police officers.

Hayley Klein, representing the Greater Artesia Chamber of Commerce, requested approval for the use of Eagle Draw between 7th and 13th Street on Saturday, October 25, 2008 for the Annual Balloon Rally. Ms. Klein also requested approval for the closure of 6th Street from Main to Quay and the alley directly behind the Derrick Floor between 5th and 6th Street. Councilor Hill moved to grant permission for this request. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

City Departments and Employees

Dora Fierro, Director of the Commission on Aging, was recognized for 30 years of service to the city.

Judge Kaye Kiper was recognized for her service as a Director of the NM Municipal League Board, as President of the Municipal Judges Association.

Consent Agenda

Community Development Director Tina Torres requested that item 6-A (Permission to set a public hearing for October 14, 2008 for consideration of a 4.5' garage setback variance for Mr. Sam Brandon, located at 1608 Zydeco Place.) be withdrawn. The requestor will reconfigure the garage placement.

Councilor Torrez moved to approve the Consent Agenda, minus item 6-A. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: *September 9, 2008 - Regular meeting
2. Consideration of Bids:
 - A. *Approval of award of bid to provide, for the Solid Waste Department, one 2009 F150 pick-up to Artesia Ford, Artesia, NM and for the Water Department, one 2008 GMC Canyon to Tillery Chevrolet, Moriarity, NM (*line item transfer required for Solid Waste vehicle purchase*)
3. Contracts, Leases and Agreements:
4. Appointments:
5. Resignations:
6. Dates of Hearing:
 - A. item withdrawn.
 - B. *Permission to set a public hearing for October 14, 2008 for consideration of an ordinance for the Leyva replat located on 22nd & Missouri.
 - C. *Permission to set a public hearing on October 14, 2008 for consideration for the Gutierrez/Kirkpatrick Master Plan approval.
 - D. Permission to set a public hearing on October 14, 2008 for consideration of an ordinance revising the graffiti ordinance 5-1C-12.
 - E. *Permission to set a public hearing on October 28, 2008 for consideration for the Trilogy Development, Tom DuBose, Developer:
 - (1) Ordinance for Rezone to PUD
 - (2) Master Plan approval
7. *Travel and Training:
 - A. Solid Waste – Permission for one (1) employee to attend the Compost Facility Operator certification training in Albuquerque, NM. Request actual expenses.
 - B. Purchasing – Permission for one (1) employee to attend the Municipal Clerk's conference in Albuquerque, NM. Request actual expenses.
 - C. Purchasing – Permission for one (1) employee to attend the NMPPA conference in Taos, NM. Request actual expenses.
 - D. Police – Permission for two (2) employees to attend the Applicant Background Investigation and Oral Interview Techniques training in Amarillo, TX. Request actual expenses.
 - E. Maintenance – Permission for two (2) employees to attend an Air Conditioning & Refrigeration training seminar. Request actual expenses.
 - F. Wastewater – Permission for one (1) employee to attend the Ragsdale & Associates Advanced Wastewater workshop in Albuquerque, NM. Request actual expenses.
 - G. Solid Waste – Permission for two (2) employees to attend the SWANA of NM NMED presentation in Santa Fe, NM. Request actual expenses.
 - H. Water – Permission for eight (8) employees to attend the Pipeline Group training in Carlsbad, NM.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
 - A. Sara Guitierrez has requested the use of the west shelter at Jaycee Park on Saturday, September 27, 2008 from 4 pm – 6 pm for a birthday party.

9. Budgeted Items:
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 a side yard variance at 1107 Watson, R1-A zoning, for Chad Harcrow.

Administrative Assistant Terri Hamilton stated that Mr. Chad Harcrow of 1107 Watson, has requested a 2.5 foot side yard variance, (instead of the five foot side yard variance). This request has been recommended for passage by Planning and Zoning.

Councilor Miller moved to approve a 2.5 foot side yard variance at 1107 Watson for Chad Harcrow. The motion was seconded by Councilor Smith and upon vote, the motion passed.

2. Consideration and approval of a home occupation application for Carlos Arenivas, dba Unique Hair Design, located at 2704 Menefee, SA-2 zoning.

Ms. Hamilton reported that Mr. Arenivas has filed a complete application and that Planning and Zoning has recommended approval.

Councilor Torrez moved to approve a home occupation license for Carlos Arenivas dba Unique Hair Design, located at 2704 Menefee. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

3. Consideration and approval of a home occupation application for Barbara Britain, Hypnotherapist, located at 807 S. 10th St., R-2 zoning.

Ms. Hamilton reported that Ms. Britain has filed a complete application and that Planning and Zoning has recommended approval.

Kathy Kolt stated that she supported this application as there was a large parking lot next door if there were overflow traffic.

Councilor Rodriguez moved to approve a home occupation license for Barbara Britain, Hypnotherapist, located at 807 S. 10th St. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

4. Consideration and approval of the Yates Farm Master Plan, located between Richey and Main Streets, and 26th and Bowman (aka 16th) Streets.

Richard Hefler, representing Zydeco, along with Parry Thomas, representing Thomas & Thomas Planning & Urban Design, requested approval for the Master Plan for the 274 acres.

Mr. Hefler reported that the plan would include areas for residential, mixed use and commercial.

It was reported that one item to be resolved was the amount of public use land. The current proposal includes three parcels, totaling 8.6 acres that could be available to the city when a specific purpose is identified, in addition to 19.8 acres in parks. It was reported that the Master Plan is scheduled for a 10-20 year build out and that there will be adjustments over time to the plan.

Bill Darr, area resident inquired how they would handle drainage problems, since their land is higher than the land to the east. Scott Verhines, Engineer, reported that drainage will be addressed at each phase of the development.

Councilor Barragan questioned street widths and inquired how those will be determined. It was reported that a traffic study will be done to determine the street widths for Centennial and Bush, and that Bush will tie into Bowman.

Community Development Director Tina Torres reported that the public land set-aside is still not at the required 5%, but since the city cannot tell them what we want to build at this time, the size of the parcels can be adjusted. The developers are committed to donating the land, but the city must be committed to deciding what to build during the development of the tract.

It was reported that it will be a mutual decision between the developers and the city as to what is built on the public parcels.

Councilor Miller moved to approve the Yates Farm Master Plan, subject to the review by the City Attorney. The motion was seconded by Councilor Hill and upon vote, the motion passed.

5. Consideration and approval of a side yard variance for Tiana & Tony Kennemur, 1803 W. Ray, R-1B zoning.

Ms. Hamilton reported that the request is for a 2 foot side yard variance (instead of the five foot). The request has been reviewed by Planning and Zoning, and they recommend approval.

Councilor Torrez moved to approve a 2 foot side yard variance for Tiana & Tony Kennemur, 1803 W. Ray. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Visitors who did not request to be on the Agenda

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

Committee Reports
Infrastructure

Discussion took place regarding changing J.J. Clarke from Bowman to Centennial from a one-way to a two-way street. Councilor Miller reported that the committee had visited the location and looked at options. The recommendation of the committee was to make J.J. Clarke a two-way street from Bowman to Centennial as a short term solution. The committee recommended for the long term, to consider a bridge from 20th street north across the draw to Centennial, which would allow two-way traffic back to 20th and Main.

It was also recommended that the street lighting in the area needs to be improved.

Councilor Barragan moved to accept the short term plan to make J.J. Clarke a two-way street from Bowman to Centennial, with a 5-way stop at Bowman. The motion was seconded by Councilor Rodriguez and upon vote, with Councilor Hill voting “nay”, the motion passed.

Personnel

Councilor Miller moved, upon recommendation of the Mayor, to hire David Barnes for the position of Wastewater Assistant, at a salary of \$1,757 per month (CA8), effective upon successful completion of required 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 Pamela Huffstutter for the position of City Hall Custodian, at a salary of \$1,553 per month (CA3), effective upon successful completion of required employment testing. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller moved to ratify Mayor Burch’s approval to hire Shelly Ebarb as a Lifeguard at the rate of \$7.00 per hour (T1), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Barragan and upon vote, the motion passed.

Community Development

Community Development Director Tina Torres reported that closing documents for the purchase of land for the Public Safety Complex are awaiting signatures. Ms. Torres also reported that the design work will take approximately six months.

Ms. Torres reported that alternate locations have been identified for the Soccer League to begin their season, and that the regular soccer fields have been reseeded and should be ready for the October tournament.

Ms. Hamilton presented the resolution for the adoption of the Infrastructure Capital Improvement Plan (ICIP) with the rankings as determined at a previous meeting. Councilor Miller moved to adopt the 2010-2015 ICIP, with the rankings as determined previously. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

RESOLUTION NO. 1317

Ms. Torres distributed the building permit statistics for August 2008.

Infrastructure

Infrastructure Director Robert Forrest reported on project activities.

City Clerk

City Clerk Aubrey Hobson reported on the three CDBG hearings that were held. Of the suggestions made for projects, the most likely prospect for this year's application would be to complete the roofing at the Housing Authority and add guttering to all buildings. Staff was directed to begin work on the application.

Mr. Hobson read, for the record, the letter from DFA approving the 2008-2009 fiscal budget.

Mayor

Councilor Torrez moved that in accordance with 10-15-1-H(2) , the Council and Mayor go into executive session regarding the possible disciplinary action of an Infrastructure Department employee and other limited personnel matters. The motion was seconded by Councilor Smith and upon vote, the motion passed.

A short recess was declared at 8:53 p.m.
Council recessed to executive session at 9:00 p.m.
Council reconvened at 10:10 p.m.

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

Councilor Miller moved in response to the recent incident involving Infrastructure Director Robert Forrest, the following actions be taken:

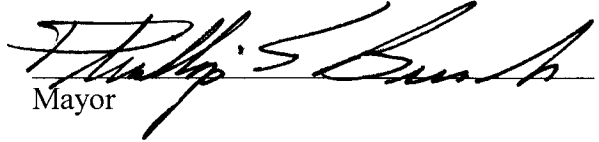
1. Place Mr. Forrest on a one-week suspension without pay
2. Place a reprimand in Mr. Forrest's personnel file
3. Change Mr. Forrest's probationary period from one year to two years.
4. Require Mr. Forrest to seek counseling.

The motion was seconded by Councilor Torrez and upon vote, with Councilor Barragan voting "nay", the motion passed.

New and Other Business from Councilors

Councilor Barragan inquired about who should be in charge in the absence of both the Mayor and the Mayor Pro Tem. Mayor Burch will research this issue.

There being no further business to come before the Council, the meeting adjourned at 10:15 p.m., September 23, 2008.


Mayor

ATTEST:

City Clerk

