

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
October 14, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, October 14, 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	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.

Visitors

LuAnn Beardemphl and Tammy Ingram, representing Artesia MainStreet, requested approval for the annual New Year's Eve event. The request included street closures and additional services as indicated on the Public Event application. Councilor Hill moved to approve the public event application for the New Year's Eve event sponsored by Artesia MainStreet. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Hayley Klein, representing the Artesia Chamber of Commerce, presented a request from the Greater Artesia Economic Development Corporation (GAEDC) to set a public hearing for November 11, 2008 to consider a project participation agreement with Artesia Vocational Training Center (AVTC) in the amount of \$100,000 for building expansion. Councilor Torrez moved to set the public hearing for November 11, 2008. The motion was seconded by Councilor Hill and upon vote, the motion passed.

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

City Departments and Employees

New Police Department employees, Officer Pat Green and Animal Control Officer Richard Schultz were introduced.

Consent Agenda

Councilor Hill requested that item 7-A be pulled for separate consideration. Councilor Miller requested that item 9-A be pulled for separate consideration.

Councilor Torrez moved to approve the Consent Agenda, minus items 7-A and 9-A. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * September 23, 2008 - Regular meeting
2. Consideration of Bids:
 - A. *Approval of award of bid to provide new vacuum sweeper equipment for the Street Department to MCT Industries, Inc., Albuquerque, NM.
3. Contracts, Leases and Agreements:
 - A. *Approval of Industrial Park Lease with Southwest Body and Towing for Block 3, Lot 7 of Phase II.
4. Appointments:
 - A. Approval of Mayor Phillip Burch as Voting Delegate at the NLC Annual Business meeting in Orlando, FL.
5. Resignations:
 - A. Accept the resignation of Justin Smith, Police Sergeant, effective October 3, 2008.
 - B. Report the end of employment term for Heather Silvas, Recreation Aide, effective September 17, 2008.
 - C. Accept the resignation of Donald Thurman, part-time Airport Attendant, effective October 9, 2008.
6. Dates of Hearing:
7. *Travel and Training:
 - A. pulled for separate consideration.
 - B. F&A – Permission for three (3) employees to attend the Incode Connect 2009 Educational Forum in Austin, TX. Request actual expenses.
 - C. Wastewater – Permission for two (2) employees to attend the NM Pretreatment Association conference in Albuquerque, NM. Request actual expenses.
 - D. Wastewater – Permission for one (1) employee to attend the NMWWA Northeast Section workshop in Albuquerque, NM. Request actual expenses.
 - E. Police – Permission for one (1) employee to attend the Texas Association Property Evidence Tech annual conference in Corpus Christi, TX. Request actual expenses.
 - F. Police – Permission for five (5) employees to attend Incident Command Systems training in Carlsbad, NM.
 - G. Wastewater – Permission for one (1) employee to attend the NMWWA Central Section workshop in Albuquerque, NM. Request actual expenses.
 - H. F&A – Permission for three (3) employees to attend the DFA Local Government Division Budget conference in Albuquerque, NM. Request actual expenses.
 - I. Fire – Permission for two (2) employees to attend the Fire Inspector II & Plans Examiner testing in Kilgore, TX. Request actual expenses.
 - J. Fire – Permission for two (2) employees to attend Hazardous Materials training in Las Vegas, NV. *(costs are covered by the Department of Homeland Security)*
 - K. Fire – Permission for one (1) employee to attend a Communications Skills for Women training in El Paso, TX. Request actual expenses.
 - L. Library – Permission for one (1) employee to participate in the Introduction to Reference Work independent study course from the University of Idaho.
 - M. √Police – Permission for one (1) employee to attend the FBINA re-trainer course in Albuquerque, NM. Request actual expenses.
 - N. √RSVP – Permission for one (1) employee to attend a Training Site meeting in Alamogordo, NM. Request actual expenses and mileage.
8. Use of Facilities *(approval contingent upon receipt of all applicable fees, license(s) and dept approvals):*

9. Budgeted Items:
 - A. ✓pulled for separate consideration.
 - B. ✓Police – Permission to purchase twelve (12) portable radios
10. Non-budgeted Items:
11. *Payment of Bills

Councilor Torrez moved to approve Consent Agenda Item 7-A (7-A Police – Permission for two (2) employees to attend Microsoft Excel Techniques training in Carlsbad, NM) with the inclusion of Request actual expenses and mileage. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

Infrastructure Director Robert Forrest reported that a water leak exists west of 26th Street on Highway 82. Mr. Forrest recommended running a 12” line from 26th street to 41st street to create a backbone for future service. Mayor Pro Tem Holmes moved to approve Consent Agenda Item 9-A (9-A. Request and approval to reallocate \$180,000 from street project to utilities project)with \$220,000 additional from the Infrastructure fund to do the 12” line from 26th to 41st streets. The motion was seconded by Councilor Miller and upon vote, the motion passed. Mayor Pro-Tem Holmes stated the Budget and Finance Committee would meet to seek alternate funding besides from the Infrastructure Fund.

Public Hearings

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

1. Consideration and approval of an ordinance for the Leyva replat located at 22nd and Missouri.

Mayor Burch reported that this public hearing has been cancelled due to property line disputes. It will be rescheduled when the issues are resolved.

2. Consideration and approval of the Gutierrez/Kirkpatrick Master Plan.

Community Development Directory Tina Torres reported that these parcels are not part of the Yates Farm Master Plan, but are surrounded by Yates Farm. To provide both property owners with the maximum flexibility, the master plan will allow them any and all uses from the current “C” commercial zoning.

It was noted that the Kirkpatrick owners have been notified and support the master plan, but are not in attendance at the meeting.

Martin Gutierrez, one of the property owners, stated that he would like the opportunity to start a business in the future, and appreciated the “C” zoning uses. Mr. Gutierrez also stated that he has a letter of support from the Yates Farm development, supporting this master plan (PUD).

Mayor Pro Tem Holmes moved to approve the Gutierrez/Kirkpatrick Master Plan. The motion was seconded by Councilor Hill and upon vote, the motion passed.

3. Consideration and approval of an ordinance revising section 5-1C-12, graffiti.

Community Development Director Tina Torres and Code Enforcement Officer Cheryl Hinkle presented draft language to amend the Municipal Code section on graffiti.

The proposed changes would define first notice of violation and would give the city permission to remove graffiti from private property.

Discussion took place regarding allowing for civil damages.

Robert Duncan stated that he appreciated the proposed improvements to the ordinance that released the victim from feeling like a criminal. Mr. Duncan encouraged the Council to consider additional fees to be used for graffiti prevention as well.

Bill McCaw stated that he appreciated the city being sensitive to the victims of graffiti. Mr. McCaw requested that some consideration be given for a property owner who wishes to have the painting done by a professional, as that might take longer than the allowed three days.

Susie Taylor stated that it might be difficult to hold some parents responsible for their children's actions, as they are afraid of their children.

Councilor Miller requested that an additional section be added for penalties for parents of juveniles who might be cited.

Councilor Miller moved to send the draft ordinance back to the Planning Committee for additional work, and to continue the public hearing to the November 11, 2008 meeting. The motion was seconded by Councilor Smith, and upon vote, the motion passed.

Visitors who did not request to be on the Agenda

Beverly Sweat requested that the City do something about animals running loose at the Ponderosa RV Park. Ms. Sweat indicated that the owners are not caring for the animals and that she has been feeding them. This item was directed to the Police Department for further investigation.

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

Mayor Burch declared a short recess at 8:55 p.m.
Council reconvened at 9:05 p.m.

Personnel

Human Resources Director Bill Thalman presented a proposal to create a Police Corporal position and adjust the pay plan. Mr. Thalman reported that the Corporal position would allow for senior officers below the Sergeant position and would give an additional career step for the patrol officers. Councilor Torrez moved to approve the creation of a Police Corporal position and the adjustment to the pay plan to provide for this position. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Eugene De Los Santos for the position of Certified Police Officer, at a salary of \$3,419 per month (CA23), effective upon successful completion of required employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Torrez moved, upon recommendation of the Mayor, to hire Scott London for the position of Certified Police Officer, at a salary of \$3,350 per month (CA23), effective upon successful completion of required employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Mayor Pro Tem Holmes moved, upon recommendation of the Mayor, to hire Gabriel Chavez for the position of Certified Police Officer, at a salary of \$3,419 per month (CA23), effective upon successful completion of required 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 Jason Kuykendall for the position of Un-certified Police Officer, at a salary of \$2,544 per month (CA23), effective upon successful completion of required employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Councilor Miller moved, upon recommendation of the Mayor, to hire Ada Yandell for the position of Street Department Equipment Operator II, at a salary of \$1,988 per month (CA13), effective upon successful completion of required employment testing. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mr. Thalman distributed the safety statistics for September 2008.

Councilor Torrez moved to approve a 30-day extension of leave without pay for Gary Smith. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

Public Safety.

Police

Chief Raley distributed the statistics for September 2008.

Fire

Chief Hummingbird distributed the statistics for September 2008.

Mayor Pro Tem Holmes moved to donate the “old” E-3 fire pumper to Eddy County Fire Services to be utilized for training. The motion was seconded by Councilor Miller and upon vote, the motion passed.

Community Development

Community Development Director Tina Torres distributed the statistics for September 2008.

Code Enforcement Officer Cheryl Hinkle requested approval of condemnation of structures at 2602 and 2608 W. Main Street. Ms. Hinkle reported that the owner has done the asbestos abatement, but that all work has ceased and the structures are unsafe in their current condition. Councilor Miller moved to approve the condemnation of structures at 2602 and 2608 W. Main Street, Resolution No. 1318. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

RESOLUTION NO. 1318

Ms. Torres reported that the city now owns the property at 33rd and Main. ASA Architects have been instructed to finalize the design for the Public Safety Complex for this site.

Infrastructure

Infrastructure Director Robert Forrest reported on project activities.

City Clerk

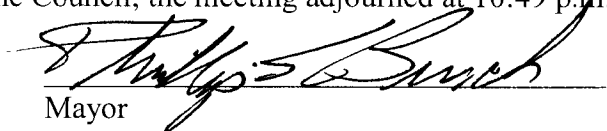
City Clerk Aubrey Hobson reported that the City is required to create an identity theft prevention program for any city service that is billed in arrears. Councilor Miller moved to adopt the “Red Flag” Policy, Resolution No. 1319. The motion was seconded by Councilor Hill and upon vote, the motion passed.

RESOLUTION NO. 1319

New and Other Business from Councilors

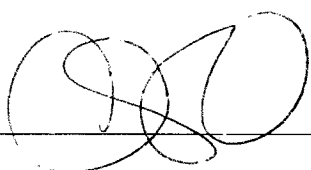
Mayor Burch reminded Council that “Trick or Treat” will be celebrated on Saturday, November 1, 2008 so that safety issues can be met for the home football game on Friday, as well as coverage for “Trick or Treat” on Saturday.

There being no further business to come before the Council, the meeting adjourned at 10:49 p.m., October 14, 2008.



Mayor

ATTEST:



City Clerk