

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
October 28, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, October 28, 2008, at 7:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Manuel Barragan	Raul Rodriguez
George Holmes	Nora Sanchez
Raye Miller	Antonio Torrez

The following were absent:

Terry Hill  
J.B. Smith

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.

**City Departments and Employees**

Mayor Burch presented a plaque to Mayor Pro Tem Holmes to commemorate his completion of the MOLI program, designating him a Certified Municipal Official.

City Hall Receptionist/Clerk Rosie Soto was introduced.

**Consent Agenda**

Councilor Torrez requested that item 6-C be pulled for separate consideration. Councilor Barragan requested that item 3-A be pulled for separate consideration. Councilor Torrez moved to approve the Consent Agenda minus items 3-A and 6-C. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* October 14, 2008 - Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
  - A. pulled for separate consideration
  - B. ✓Approval of Lease Agreement with the State of New Mexico Corrections Department, Probation and Parole Division.
4. Appointments:
5. Resignations:
6. Dates of Hearing:
  - A. \*Permission to set a public hearing for November 25, 2008 for consideration and approval for the Central Valley Annexation:
    - 1) Ordinance for Annexation
    - 2) Zoning of Property

- B. \*Permission to set a public hearing for November 25, 2008 for consideration and approval of an ordinance for Yates Farms, LLC, Tract A Summary Subdivision Plat, located east of Bowman Drive.
  - C. pulled for separate consideration
  - D. \*Permission to set a public hearing for November 25, 2008 for consideration and approval of an ordinance for Bowman Estates Subdivision Plat
  - E. \*Permission to set a public hearing for November 25, 2008 for consideration and approval for Complex Annexation to the City of Artesia Plat:
    - 1) Ordinance for Annexation
    - 2) Zoning of property
7. \*Travel and Training:
- A. Wastewater – Permission for two (2) employees to participate in Equipment Demonstrations being held in Pittsburgh, PA. Request actual expenses. (*costs covered by Applied Products Group*)
  - B. Police – Permission for one (1) employee to attend a Domestic Violence Instructor course in Albuquerque, NM. Request actual expenses.
  - C. Police – Permission for one (1) employee to attend the Chaves County Comprehensive Strategy Board Juvenile Justice conference in Roswell, NM. Request actual expenses.
  - D. Police – Permission for two (2) employees to attend the NMML Accreditation seminar in Los Alamos, NM. Request actual expenses.
  - E. Police – Permission for two (2) employees to attend a School Violence and Emergency Planning for Potential Threats in School training in Rio Rancho, NM. Request actual expenses.
  - F. Police – Permission for two (2) employees to attend the Incident Command System training in Carlsbad, NM.
  - G. Solid Waste – Permission for one (1) employee to attend Transfer Station Certification training in Farmington, NM. Request actual expenses.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. First Baptist Church has requested permission for the closure of S. Roselawn Avenue between Grand Avenue and Richardson Avenue from 1 pm – 7 pm on Saturday, November 1, 2008 for their Trunk or Treat festivities.
9. Budgeted Items:
- A. Streets – Reallocation and line item transfer to purchase two (2) dump trucks instead of one (1) dump truck and one (1) backhoe
10. Non-budgeted Items:
11. \*Payment of Bills

Discussion took place regarding the new Head Start building. The City's major interest is because the land belongs to the city, however, Eddy County served as fiscal agent for the project and Southeast NM Community Action Corporation will be providing the legal service to get the problems resolved. Councilor Torrez moved to approve Consent Agenda item 3-A ( \*Assignment of City of Artesia's right to Southeast NM Community Action Corporation for any claims, cause of action or lawsuit against NSR Architects, Inc. and Brad Nesser.). The motion was seconded by Councilor Miller and upon vote, the motion passed.

Councilor Miller stated that he has some concerns about the proposed plat for Bowman Estates because the plat includes cul de sacs rather than through streets. Councilor Miller moved to approve Consent Agenda item 6-C ( \*Permission to set a public hearing for November 25, 2008 for consideration and approval for the Bowman Estates Annexation Plat:

- 1) Ordinance for Annexation
- 2) Zoning of property).

The motion was seconded by Councilor Barragan and upon vote, the motion passed.

## **Public Hearings**

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

1. Consideration and approval of the Trilogy Development, Tom DuBose, Developer, ordinance for rezone to PUD and Master Plan approval.

Community Development Director Tina Torres reported that her department has had three site plan meetings with the developer.

Mr. Tom DuBose of Development Design & Engineering of El Centro CA, gave a short presentation of the project. The site is 56 acres north of West Street and West of 26<sup>th</sup> Street, adjacent to the Country Club. The plan includes areas for single family homes, condominiums, senior housing, a gated community, as well as recreation facilities for the complex. Mr. DuBose stated that the landscaping and parkways would be maintained by the homeowners association.

Rance Miles stated that he owns property adjacent to this parcel and that he supports the development and the project.

Ms. Torres reported that she had received a favorable response from Heyco and from some of the surrounding property owners.

Councilor Torrez moved to approve the rezone of the property for the Trilogy Development to PUD, Ordinance No. 802. The motion was seconded by Mayor Pro Tem Holmes, and upon roll call vote, with the following votes recorded:

Aye: Barragan, Holmes, Miller, Rodriguez, Sanchez, Torrez

Nay: none

the motion passed.

### **ORDINANCE NO. 802**

Councilor Barragan stated for the record, that while he welcomes the new housing, he is concerned that the city still doesn't have affordable housing for those who need it.

Councilor Rodriguez moved to approve the master plan for the Trilogy Development. The motion was seconded by Councilor Miller and upon vote, the motion passed.

## **Committee Reports**

### **Budget and Finance**

Mayor Pro Tem Holmes reported that the committee had met and that gross receipts revenue still appear to be steady and slightly above budget.

### **Planning**

Councilor Rodriguez reported that the Recreation Commission is accepting nominees for commission members.

## **Personnel**

Human Resources Director Bill Thalman presented a resolution to update the City Substance Abuse Policy. The only changes are to the new job titles that would be covered under the random testing section.

Councilor Barragan moved to table discussion of this item until after the executive session. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

## **Public Safety.**

### **Fire**

Mayor Pro Tem Holmes moved to approve the submission of applications for EMS grant funds for vehicle replacement (approximately \$110,000) and field data computer equipment (toughbooks) (approximately \$50,000), with a 25% city match. The motion was seconded by Councilor Miller and upon vote, the motion passed.

## **Infrastructure**

Jim Landfair, representing Smith Engineering, reported on project activities for the Infrastructure department.

## **City Clerk**

Councilor Barragan moved to set the December 2008 Council meeting for Monday, December 8<sup>th</sup>. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Mayor Pro Tem Holmes moved to approve a resolution to accept a NMDOT Aviation grant in the amount of \$6,190 with a similar match by the City, Resolution No. 1320. The motion was seconded by Councilor Miller and upon vote, the motion passed.

## **RESOLUTION NO. 1320**

Discussion took place regarding the request by the Artesia Vocational Training Center (AVTC) for economic development funding from the Greater Artesia Economic Development Corporation (GAEDC). Since the City owns the building, it would be more appropriate for city to request funding. AVTC wants to proceed with the project as soon as possible, so that no legislative money is lost. City Clerk Aubrey Hobson presented three options for this:

- 1) Have the City of Artesia request the \$100,000 from the GAEDC to finish the project;
- 2) Take \$100,000 from the City's general fund;
- 3) Request the \$100,000 from the GAEDC, but guarantee the \$100,000 from the city's general fund if the GAEDC denies the request. This would allow AVTC to go out to bid for the construction so they won't lose any legislative funding.

Councilor Miller moved to do option 3 – have the City request the \$100,000 from GAEDC, but guarantee the money from the general fund to allow AVTC to go out to bid for the construction. The motion was seconded by Mayor Pro Tem Holmes and upon vote, the motion passed.

**Mayor**

It was reported that the Emergency Water line repair bid for Highway 82 would open on October 31<sup>th</sup> and that it was important to proceed as quickly as possible to get the construction started. Councilor Rodriguez moved to authorize the Mayor to accept the bid for the Emergency Water line repair if it falls within budget, and to ratify it at the next Council meeting. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

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

A short recess was declared at 8:30 p.m.  
Council recessed to executive session at 8:32 p.m.  
Council reconvened at 9:37 p.m.

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

**Personnel**

Discussion continued about the substance abuse policy. It was noted that the current policy prohibits transporting alcohol in a city vehicle, whether the employee is on duty or not. It was also clarified that the policy allows the city to make an exception for the consumption of alcohol when it was during a business or social function sponsored or approved by the City of Artesia, such as attendance at a Municipal League function.

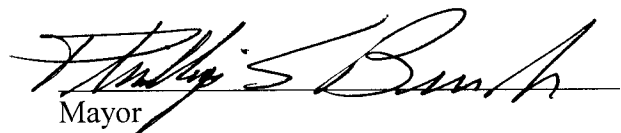
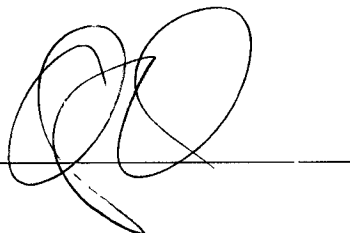
Councilor Torrez moved to adopt the updated Substance Abuse Policy, Resolution No. 1321. The motion was seconded by Councilor Miller and upon vote, the motion passed.

**RESOLUTION NO. 1321**

There being no further business to come before the Council, the meeting adjourned at 9:50 p.m., October 28, 2008.

ATTEST:

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City Clerk

  
Mayor