

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
January 22, 2008**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 22, 2008, at 7:00 p.m. in regular session with Mayor Pro Tem Burch presiding, and the following present to wit:

Luis Florez	Raul Rodriguez
Terry Hill	Judith Stewart
George Holmes	Antonio Torrez
Glenn Kaiser	

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 Kaiser, and all joined in the Pledge of Allegiance.

Visitors

Richard Hefler, representing Hotel Artesia, presented a Property Development Agreement regarding the parking situation for Hotel Artesia. The developer is considering the possible future development of the Tract 1 area, but at this time, is willing to utilize space for forty-four (44) off-street spaces. If Tract 1 is developed in the future, the developer and the city will renegotiate parking at that time. Councilor Torrez moved to approve the Property Development Agreement with Hotel Artesia. The motion was seconded by Councilor Stewart and upon vote, the motion passed.

Yvonne Basabilvaso, representing Eddy County, requested approval of a joint resolution with Eddy County to approve the Morningside Preliminary Engineering Report. It was discussed that the water and sewer systems would be brought to city standards, while the roads would be brought to county standards. Councilor Holmes moved to approve the joint resolution with Eddy County regarding the Morningside Preliminary Engineering Report. The motion was seconded by Councilor Florez and upon vote, the motion passed.

Councilor Kaiser moved to adjust the agenda to consider item 18 (New and Other Business from Councilors) as the next item. The motion was seconded by Councilor Torrez and upon vote, the motion passed.

New and other Business from Councilors

Mayor Pro Tem Burch announced with sadness that the Mayor's position was declared vacant, due to the death of Mayor Manuel Madrid on January 15, 2008.

Councilor Kaiser moved to appoint Mayor Pro Tem Phillip Burch as Mayor to serve out the remaining term of Mayor Madrid. The motion was seconded by Councilor Torrez and upon vote, with Mayor Pro Tem Burch abstaining, the motion passed.

Councilor Torrez moved to appoint Councilor George Holmes to the position of Mayor Pro Tem. The motion was seconded by Councilor Kaiser and upon vote, with Councilor Holmes abstaining, the motion passed.

City Clerk Aubrey Hobson administered the oath of office to Phillip Burch.

Mayor Burch reported that there is now a vacancy in District 3 and requested that interested applicants contact him prior to the next meeting.

City Departments and Employees

Tony Wolf of the Recreation Department was recognized for five years of service to the City.

Tom Richards, Evidence Tech for the Police Department was recognized for his work in the department, as well as for establishing the State Property and Evidence Technicians Association and serving as its first President.

Consent Agenda

Mayor Pro Tem Holmes requested to pull Consent Agenda item 10-A. Councilor Torrez moved to approve the Consent Agenda, minus item 10-A. The motion was seconded by Mayor Pro Tem Holmes, and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: * January 8, 2008 - Regular meeting
2. Consideration of Bids:
 - A. *Recommend approval of award of bid to provide a new tug tractor for the Solid Waste/Transfer Station Department to Iceberg Enterprises, Albuquerque, NM.
3. Contracts, Leases and Agreements:
4. Appointments:
 - A. Approval of the appointment of Janice Southard Burk to the Artesia Historical Museum Commission (*term to expire 01/31/2012*)
 - B. Approval of the appointment of Debbie Juarez to the Artesia Historical Museum Commission (*term to expire 01/31/2012*)
 - C. ✓Approval of appointment of Tina Torres to the Technical Committee of the Southeast Regional Planning Organization (SERPO).
5. Resignations:
6. Dates of Hearing:
 - A. *Request permission to set a public hearing for February 12, 2008 for consideration of an ordinance for the Amador Annexation Plat, located south of West Avenue behind Country Club Estates on North 26th Street
 - B. *Request permission to set a public hearing for February 12, 2008 for consideration of a Home Occupation License for "Elvis's Custom Building", located at 1510 W. Yucca Avenue #B

- C. *Request permission to set a public hearing for February 12, 2008 for consideration of a Home Occupation License for "Artesia Weed Control", located at 912 S. 2nd Street
 - D. √Request permission to set a public hearing on February 12, 2008 for consideration of a Home Occupation License for a daycare at 1010 W. Dallas Avenue, Suzanne Valencia.
 - E. √Request permission to set a public hearing on February 12, 2008 for consideration of the rezone of the City of Artesia property located on NW corner of 26th and Richey from R1-A "Residential" to S-A2 "Suburban Acreage, type 2"
7. *Travel and Training:
- A. Wastewater – Permission for two (2) employees to attend the NM Pretreatment Association meeting in Socorro, NM. Request actual expenses.
 - B. Police – Permission for one (1) employee to attend the NMML Police Chief's meeting in Santa Fe, NM. Request actual expenses and mileage.
 - C. Police – Permission for five (5) employees to attend the Operations Security for Public Safety Agencies Counterterrorism Training Program in Artesia, NM.
 - D. Police – Permission for one (1) employee to attend a Mid-Management training in Albuquerque, NM. Request actual expenses.
 - E. Police – Permission for one (1) employee to attend a Media Relations and PIO training in Rio Rancho, NM. Request actual expenses.
 - F. Police – Permission for one (1) employee to attend Basic Criminal Investigations training in Rio Rancho, NM. Request actual expenses.
 - G. Police – Permission for one (1) employee to attend the National Association School Resource Officers training conference in Phoenix, AZ. Request actual expenses.
 - H. Garage – Permission for one (1) employee to attend an ASE certification testing in Lubbock, TX.
 - I. Fire – Permission for three (3) employees to attend the State test for EMT-Basic in Clovis, NM. Request actual expenses.
 - J. Fire – Permission for three (3) employees to attend the Roswell Fire Academy.
 - K. √Library – Permission for one (1) employee to attend the Mars Inside and Out workshop in Santa Fe, NM. Request actual expenses.
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
- A. Candice Johnston has requested the use of the gazebo at Central Park on Saturday, October 11, 2008 from 2:00 pm to 4:00 pm for a wedding ceremony.
9. Budgeted Items:
- A. Police – Permission for the purchase and installation of cameras and emergency equipment for five new vehicles and the two School Resource units
 - B. Airport – Permission to purchase tractor
10. Non-budgeted Items:
- A. Pulled for separate consideration.
 - B. Consideration and approval of task order for design and study of City Hall Annex
 - C. Consideration and approval of task order for study of use of other public buildings
11. *Payment of Bills

Discussion took place regarding which items would be included in the bid and alternate for the Electrical project at Martin Luther King Recreation Complex. Mayor Pro Tem Holmes moved to approve Consent Agenda Item 10-A (Parks – Permission to bid electrical for Martin Luther King Recreational Complex). The motion was seconded by Councilor Florez and upon vote, the motion passed.

Public Hearings

Mayor Pro Tem Phillip Burch declared the meeting open for public hearing for the following:

1. Consideration and approval of an ordinance approving the replat of Block 2 Original Town of Artesia, located at 2nd and Texas (*continued from the January 8, 2008 meeting*).

Community Development Director Tina Torres reported that this replat for the Hotel Artesia, will be the replat, vacation of easement and relocation of the utility easement. Ms. Torres reported that the parking section has been removed from the ordinance and has now been covered with the previously approved agreement.

No public comment was received.

Mayor Pro Tem Holmes moved to approve the replat of Block 2, Original Town of Artesia, Ordinance No. 783. The motion was seconded by Councilor Torrez and upon roll call vote, with the following votes recorded:

Aye: Florez, Hill, Holmes, Kaiser, Rodriguez, Stewart, Torrez

Nay: none

the motion passed.

ORDINANCE NO. 783

Visitors who did not request to be on the Agenda

Nora Vasquez, speaking on behalf of Susanne Valencia, expressed concern over the fact that the City has cited Ms. Valencia for operating a daycare without a home occupation license. Ms. Vasquez was upset over how the citation was delivered, and wanted to know if a warning could have been issued to allow time for the paperwork to be filed.

Mayor Burch reported that the Planning & Zoning Commission has agreed to hold a special meeting on January 23rd to hear this issue. It was stated that there are two issues – Ms. Valencia will need a Home Business license, as well as a State license for a daycare.

Robbie Harrison stated that closing the two daycares was personal to her. She supports both daycare providers (Susanne Valencia and Rosemary Fierro), and asked what a single parent was to do in this situation. Ms. Harrison stated that there was an impact on the children as well.

Darlene Hooten asked if a daycare provider cares for less than four children and the state doesn't require a license, what license is needed? It was reported that a home occupation license would be required.

Annesa Golden spoke on behalf of Rosemary Fierro, stating that the way the citations were handled was not good, the children were scared.

Mayor Burch stated again that the Planning and Zoning Commission would here the request for a home business license on Wednesday, January 23rd. If approved by P&Z, the Council will consider the request at their next meeting, February 12th.

Mayor Burch declared a short recess at 8:30 p.m.
Council reconvened at 8:40 p.m.

Committee Reports

Community Development

Councilor Stewart reported that at the Recreation Meeting, concerns were expressed over the condition of our Parks. Discussion also took place regarding the Artesia Center and whether the City should be considering a new recreation facility.

Personnel

Councilor Stewart moved, upon recommendation of the Mayor, to hire Roberto Silvas to the position of Solid Waste Equipment Operator, at a salary of \$1,892 per month (CA11 step min), subject to successful completion of pre-employment testing. The motion was seconded by Councilor Kaiser and upon vote, the motion passed.

Councilor Stewart moved, upon recommendation of the Mayor, to hire William Babers to the position of Solid Waste Equipment Operator, at a salary of \$1,892 per month (CA11, step min) subject to successful completion of pre-employment testing. The motion was seconded by Councilor Florez and upon vote, the motion passed.

Councilor Stewart moved, upon recommendation of the Mayor, to hire Vernon Nelson to the position of Solid Waste Part-Time Equipment Operator at \$10.69 per hour, subject to successful completion of pre-employment testing. The motion was seconded by Councilor Kaiser and upon vote, the motion passed.

Community Development

Community Development Director Tina Torres presented a request for a variance from the required 30 ft. rear setback to 20 ft. for a lot in the Monterrey Way Estates Subdivision. Ms. Torres reported that Planning & Zoning has recommended a blanket variance for the entire subdivision, rather than hearing the requests one at a time. Mayor Pro Tem Holmes moved to approve a 20 ft. rear setback for all lots in Monterrey Way Estates Subdivision. The motion was seconded by Councilor Kaiser and upon vote, with Councilor Hill voting "nay", the motion passed.

Public Works

Parks Supervisor Karl Reeve reported that the Martin Luther King Complex sign has been delivered and is ready to be installed.

Public Utilities

Water Supervisor Jamey Schwiger reported on the sewer line project. Mr. Schwiger also reported that the intersection of 1st and Main will not be shut down because the contractor will be boring the street instead.

City Clerk

Councilor Torrez moved to approve the list of precinct workers and pay rates (\$150 for head judges, \$125 for workers and \$20 for alternates) for the March 2008 Election. The motion was seconded by Councilor Rodriguez, and upon vote, the motion passed.

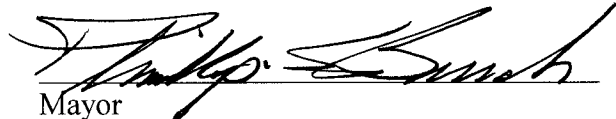
Mayor Pro Tem Holmes moved to approve the list of records for the annual records destruction. The motion was seconded by Councilor Hill and upon vote, the motion passed.

Mayor

It was reported that employee Leon Gormley has returned to work.

New and other business from Councilors

There being no further business to come before the Council, the meeting adjourned at 9:32 p.m., January 22, 2008.


Mayor

ATTEST:



City Clerk