

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
April 11, 2017**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, April 11, 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Luis Florez	Kent Bratcher
Terry Hill	Nora Sanchez
Manuel Madrid Jr.	Jeff Youtsey
Raul Rodriguez	Bill Rogers

The following were absent:

None

Also present:

Aubrey Hobson, City Clerk
John Caraway, City Attorney

It was determined that a quorum was present. The invocation was given by Raul Rodriguez and all joined in the Pledge of Allegiance.

New Requests for City Facilities

Mayor Pro Tem Hill moved to approve the use of Jaycee Park on Tuesday, July 4, 2017 by Changing Lives Coalition from 6:30 a.m.-8:30 p.m. for the Star Spangle Dash. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Consent Agenda

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

The consent agenda includes:

**CONSENT AGENDA
April 11, 2017**

1. **Approval of Minutes:** *March 28, 2017
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
 - A. *Approval of Memorandum of Agreement with Changing Lives Coalition (CLC) for Artesia Center Kitchen Facilities Use
 - B. *Request and approval to reassign the Mid-States Supply Company, Inc. lease at 2801 Freeman Road, Lots 3A and 4A of Block 1 of the Industrial Park Phase III of Artesia, to Jennifer and Jason Mendoza

4. Appointments:

- A. Approval of re-appointment of Gary Sims to the Planning and Zoning Commission (*term to expire April 2019*)
- B. Approval of re-appointment of Dean Chumbley to the Planning and Zoning Commission (*term to expire April 2019*)
- C. Approval of re-appointment of Aleene Ivy to the Planning and Zoning Commission (*term to expire April 2019*)
- D. Approval of re-appointment of Steve Moreno to the Planning and Zoning Commission (*term to expire April 2019*)

5. Resignations:

6. Dates of Hearing:

- A. Accept the retirement of Don Raley, Police Chief, effective June 30, 2017

7. *Travel and Training:

- A. Police – Permission for one (1) employee to attend the Traffic Crash Reconstruction training in Albuquerque, NM
- B. Police – Permission for one (1) employee to attend the Backcountry Tactics training in Capitan, NM
- C. Police – Permission for one (1) employee to attend the Selective Traffic Enforcement Program (STEP) training in Carlsbad, NM
- D. Police – Permission for one (1) employee to attend the NM Police Chief's Association meeting in Albuquerque, NM
- E. Planning – Permission for one (1) employee to attend the NMML Zoning Officials workshop in Albuquerque, NM
- F. AC&B – Permission to attend the NMCB Grant Writing workshop in Santa Fe, NM
- G. Executive – Permission to attend the NLC City Summit in Charlotte, NC
- H. Solid Waste – Permission for one (1) employee to attend the NM SWANA Regional Roundtable meeting in Las Cruces, NM
- I. Solid Waste – Permission for one (1) employee to attend the Compost certification in Carlsbad, NM
- J. Recreation – Permission for one (1) employee to attend the NMRPA board meeting in Rio Rancho, NM

8. Routine Requests for City Facilities:

- A. *Dixi Campanella representing I Am Not 4Gotten – request use of Jaycee Park from 9 am on Saturday, June 3, 2017 thru 5 pm on Sunday, June 4, 2017 for their annual Kickin It for Africa 3x3 soccer tournament. *Contingent upon proof of insurances, security and State of NM License for Inflatable Games*
- B. *Raul Martinez representing Our Lady of Grace Catholic Church – request use of City Streets and City Police Department Assistant as stated on application with their Annual Good Friday Walk to be held at 10 am on Friday, April 14, 2017. *Contingent upon proof of insurance*

9. Budgeted Items:

10. Non-budgeted Items:

11. *Payment of Bills

Public Hearings:

There were no scheduled public hearings.

Visitors:

Ignacio Mariscal addressed the Council on the parking on Mahone Drive. Mr. Mariscal stated the prohibition of parking was dangerous and that the speed of the vehicles is a safety issue.

Committee Reports:

Recreation

Councilor Rodriguez stated that there would be a committee meeting on Monday April 17, 2017 and that all are welcome to attend.

Infrastructure

Mayor Burch inquired as to whether the restroom issue at Jaycee Park that was presented by Vernon Nelson at the March 28th, 2017 council meeting had been resolved. Public Works Director Byron Landfair indicated that he had turned over the keys to the softball league so that they would be able to unlock the restrooms during games.

Mayor Pro Tem Hill requested the council consider holding a workshop in order to better inform themselves on the proposed water rate ordinance prior to the public hearing. Councilor Rogers agreed with Mayor Pro Tem Hill and indicated that having been a part of the ongoing committee meetings with the same three councilors, he would be interested in hearing and addressing the other councilors opinions on the matter.

Councilor Bratcher indicated that after having spoken with Public Works Director Byron Landfair he has a better understanding of what the rate changes would entail and has been able to better inform his constituents. He also believes the council would benefit from the workshop. Councilor Sanchez agreed that it would be a good idea to hear all opinions.

Councilor Rogers stated that one thing that should be discussed is the reason for the change. He indicated that he believed the utility needs to be more self-sufficient. There are major projects that are still required in order to ensure a good working system for the constituents and in order to do that the utility needs to generate revenue.

Councilor Youtsey had questions regarding a conservation policy and a large purchase of water and how they might affect the proposed ordinance.

Mayor Burch stated that all the councilors had good questions and indicated that these questions were a good reason to hold an informative session.

Public Works Director Byron Landfair and City Clerk Aubrey Hobson indicated that they would set a date and advertise accordingly for the workshop.

Personnel

Hiring

A.

1. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Monique Ramirez to the position of Cashier I, at a salary of \$1835 per month (CA14), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

2. Mayor Pro Tem Hill moved, upon recommendation of the Mayor, to hire Jacob Cano to the position of Water Technician, at a salary of \$2127 per month (CA20), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

3. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Jorge Martinez to the position of Police Corporal, at a salary of \$4473 per month (CA35), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

Openings

B.

1. Councilor Rodriguez moved to ratify Mayor Burch's permission to advertise and fill the vacant position of Police Chief. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Other

Human Resource Director Sandi Farley indicated that she has received twenty applications in less than one week for the position of Police Chief. Human Resource Director Farley also presented stats and stood for questions.

Public Safety

Police

Police Chief Don Raley opened discussion for a possible future agenda item regarding the construction of an outdoor shooting range. Chief Raley stated that for ten years the Police Department has struggled with firearms training; because there is no local facility they have had to rely on facilities in other cities and have had to spend money on travel and are only able to train when the other facilities can accommodate them. Chief Raley stated that his department has been looking at several local locations and the most promising one is at Jaycee Park, west of the ponds. That area is currently being used as a site to store waste such as dirt and concrete. Chief Raley indicated that that location is secluded, has access control and several local contractors may be willing to donate resources to the project. Chief Raley stated that one major consideration the council would have would be whether to grant use of the shooting range to only Law Enforcement or whether they would eventually like the range to be for public use. Allocation of proper funds would need to be carefully considered going forward. Councilor Bratcher agreed and stressed the importance of understanding the implications of funding for a Police vs. a public range.

Mayor Burch requested that Chief Raley describe the layout of the proposed range. Chief Raley indicated that it would be a 3 tier layout; the outside would be 30 foot tall berms around the exterior of the range and 20 foot tall berms on the interior of the range separating a pistol fire range, a training range in the middle, and a rifle fire range. Mayor Burch then inquired about

private funding and whether all the construction would be in one phase. Chief Raley indicated that all of the berm work would be done in one phase and that materials that are currently on site would be used. He also indicated that should they want to eventually make the range public, there would be some additional things required.

Mayor Burch inquired about cost to the city and private donations. Chief Raley indicated that the total cost to the city would be an estimated \$15,000.00 for surveying, trucks, and dirt hauling. Other items and materials would be donated by private companies. Chief Raley again stressed the differing allocation of funds depending on whether this was to be a Police or public range.

Councilor Florez inquired as to whether a Public Hearing would be required to involve the public in the decision. Mayor Burch indicated that this was a decision the council could make during regular session as a regular agenda item. Mayor Burch also discussed questions of staffing the range should it be a public range and expressed the need to remember that it would be an ongoing expense should that route be taken.

Councilor Sanchez inquired as to whether there would be a fee charged to the public if the proposed project became a public range. Mayor Burch indicated that fees and hours of operation are something that can be decided by the council during a regular session as a regular agenda item.

Mayor Pro Tem Hill inquired about electrical, sewer, and water needs at the location. Chief Raley stated that donations may be incoming regarding the electrical but sewer and water would be different. A water barrel would be located on site as well as portable restrooms. Mayor Pro Tem Hill inquired about how difficult it would be to integrate those items should the need arise. Public Works Director Byron Landfair stated that the closest water is on the other side of the pond and should not be too difficult if required.

Councilor Rogers inquired about noise and how it would affect constituents living close to the shooting range. He also inquired as to whether a conversation should occur with the current developer that is working on the new subdivision in that area. Chief Raley concurred that it would be a good idea to have that discussion. Councilor Rogers then inquired about insurance liability for the range. Chief Raley stated that there would be obstacles regarding insurance, staffing, and lead abatement. Chief Raley indicated that lead abatement issues would happen regardless of whether the range was for Police or public use but did indicate that it would be a bigger issue should the range become public.

Councilor Rogers inquired about the original allocated purpose for the area. Community Development Director Jim McGuire stated that there was a draft for an RV Park but that it had never become official. Mayor Burch stated that the use of this area should be discussed by the recreation committee as they were the committee responsible for allocating where things needed to go in Jaycee Park. Councilor Rodriguez concurred.

Councilor Youtsey inquired about a location near the airport for the range. Chief Raley stated that they had looked at that area but believed the expense would be much higher than at the Jaycee Park location because of several factors, including the trucking in of materials that are already currently located at the Jaycee Park location.

Councilor Rogers inquired about Chief Raley's earlier statement regarding private donations and whether there would be cash and donations both. Chief Raley indicated the donations were in services only. Councilor Rogers then posited that there may be support for an indoor range with

better security if the County and Sheriff's office wanted to participate. Chief Raley indicated that it would be a good option if it could be made to happen.

Mayor Burch inquired about expansion to the south of the area. Chief Raley stated that the range may preclude the city from expanding into the south or west of the area.

Mayor Pro Tem Hill inquired about security of the facility and concern regarding children nearby in the park. Chief Raley stated that there were two gates on the incoming roads that could be locked. Vehicles would be restricted but indicated it would not restrict someone from jumping the fence.

Mayor Burch requested that Chief Raley attend the Recreation committee meeting in order to answer any questions they may have before the request is placed on the agenda for action.

Councilor Florez commended Chief Raley and his staff for their work on the Child Safety Fair at Guadalupe Park the previous weekend.

Fire

Fire Chief Kevin Hope had no items on the agenda but stood for questions.

Mayor Burch asked about the recent fires that had occurred. Chief Hope stated that the most recent was still under investigation and that the City of Artesia was in a season of severe fire weather. He cautioned the public to be careful with any fire or heat generating equipment.

Community Development

Community Development Director Jim McGuire requested a recommendation to proceed with the foreclosure of 1006 W. Washington Ave., Block 18, Lot 6, Forest Hill Addition. Director McGuire stated that the property had been condemned with Resolution #1566 in April of 2015 and currently had three liens as well as one dilapidated and one burned out RV currently on the property. Director McGuire stated that the city has not been able to recoup the funds owed that are currently in the amount of \$16,683.00 on liens. Director McGuire reminded the council that the Public Hearing on the condemnation had already occurred and that this request is to proceed with the foreclosure.

Councilor Youtsey moved to approve proceeding with the foreclosure of 1006 W. Washington Ave., Block 18, Lot 6, Forest Hill Addition. The motion was seconded by Councilor Rodriguez.

There was discussion by Councilor Bratcher regarding the declining conditions of the property in only a few months.

Attorney John Caraway recommended amending the motion to include advancing funds for judgment for the unpaid ad valorem taxes owed on the property from 2013 forward in the amount of \$543.08.

There was discussion by Councilor Youtsey regarding public endangerment in regards to properties in deplorable conditions.

Councilor Youtsey amended the motion to approve proceeding with the foreclosure of 1006 W. Washington Ave., Block 18, Lot 6, Forest Hill Addition to include advancing funds for judgment for unpaid ad valorem taxes of \$543.08. The amended motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Community Development Director McGuire presented stats and stood for questions.

Infrastructure Department

Public Works Director Byron Landfair gave progress reports on the ongoing City projects and stood for questions.

City Attorney

City Attorney Caraway stood for questions.

Councilor Bratcher requested an estimate on a timeframe for foreclosure on the 1006 W. Washington Ave. property. Attorney Caraway responded that it would likely be between six and eight weeks, perhaps longer depending on whether the owners could be found to be served with legal documents.

City Clerk

City Clerk Aubrey Hobson reported on the upcoming Retreat that will take place on July 28th and 29th, 2017 at the Hotel Artesia at 1:00 p.m.-4:30 p.m. Friday July 28th, 2017 and 8:00 a.m.-4:30 p.m. Saturday July 29th, 2017.

Mayor Burch requested feedback from the council on schedule and location.

Mayor Pro Tem Hill agreed that the retreat should be held in Artesia and not out of town due to budget constraints.

City Clerk Hobson gave an update on the ongoing legal issues with NM Taxation & Revenue. Clerk Hobson indicated that the attorneys have met with all involved cities and are waiting on more data from NM Taxation & Revenue so they may sort the data and look further into the issue.

City Clerk Hobson reported that he would like to meet with the Budget Committee meeting on April 20th, 2017 from 4:00 p.m.-5:00 p.m. as a preliminary meeting and indicated that the committee would then set a date for a budget meeting with department heads.

Councilor Rogers requested that budget numbers be included in future council packets.

New or other business from Councilors

Councilor Rogers encouraged all council members to attend the water rate workshop stating that it is imperative they all be well informed before the Public Hearing on the proposed water rate changes.

Mayor Burch presented a complimentary letter from a recent visitor to the City of Artesia which stated that they were impressed with the civic improvements and positive attitudes of the city.

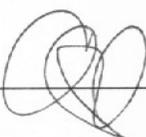
Councilor Bratcher made note of the continuing turnaround in the economy of the City even through its' various ups and downs.

There being no further business, the meeting was adjourned at 7:21 p.m. on April 11, 2017.



Mayor

ATTEST:



City Clerk