# MINUTES OF CITY COUNCIL MEETING
# ARTESIA, NEW MEXICO
# April 25, 2017

The City Council of the City of Artesia, New Mexico met at the Artesia Recreation Center, 612 North 8th Street, Artesia, New Mexico, on Tuesday, April 25, 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

The following were absent:
Kent Bratcher

Also present:
Aubrey Hobson, City Clerk
John Caraway, City Attorney

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

## City Departments and Employees

City Clerk Aubrey Hobson thanked the employees of the Recreation Center for setting up the tables and equipment for the council meeting.

## Consent Agenda

Councilor Rodriguez moved to approve the Consent Agenda as written. The motion was seconded by Mayor Pro Tem Hill. Councilor Florez had a question regarding the accuracy of Item 6-C of the Consent Agenda. Mayor Burch confirmed that the item was correct and upon vote, the motion passed.

The consent agenda includes:

### CONSENT AGENDA
### April 25, 2017

1. **Approval of Minutes:** *April 11, 2017
   *April 19, 2017

2. **Consideration of Bids:**

3. **Contracts, Leases and Agreements:**

4. **Appointments:**

5. **Resignations:**
   A. Accept the resignation of Chase Bugh, Solid Waste Equipment Operator, effective April 7, 2017

B. Accept the retirement of LeRoy Coronado, Police Corporal, effective July 1, 2017
C. Accept the retirement of Diana Coronado, Administrative Assistant, effective July 1, 2017
D. Accept the resignation of Christina Wolf, HR Clerk, effective April 21, 2017
E. Accept the resignation of Luis Melendez, Street/Parks Department Equipment Operator, effective April 28, 2017
F. Accept the resignation of Christopher Boor, Police Sergeant, effective June 30, 2017
G. Accept the resignation of Jin Oh, Wastewater Operator IV, effective April 20, 2017
H. Accept the resignation of Brenda Meek, Cemetery Equipment Operator, effective April 28, 2017
I. Accept the resignation of Bill Goodson, Part-time Airport Attendant, effective May 12, 2017

**6. Dates of Hearing:**

A. Approval to set a public hearing for the Board of Appeals (City Council) on May 9, 2017 for consideration of the following case:
   Case No.17-02, a variance to Subsection 9-9-2.A. of City Code, Required Front Yard Setback of 30 ft. in the SA-2 District. 2608 W. Menefee Avenue; a Replat of a part of Lot 40, Block 2 of Waller Subdivision. Owner-Jessica and Jason Huggins
B. Approval to set a public hearing on May 23, 2017 for consideration of an Ordinance to amend Ordinance No.888, a correction to the stated width of Third Street that was vacated, from 40 feet to 50 feet, as shown in the Replat of Original Town of Artesia vacating Third Street from Main Street to Richardson Avenue, and filed in the Eddy County Clerk's Office (Cabinet 5, Slide 552-1)
C. Approval to set a public hearing on May 23, 2017 for consideration an Ordinance to amend Ordinance No.889, a correction to the stated width of Richardson Avenue that was vacated, from 61 feet to 6 feet, as shown in the Replat of Original Town of Artesia vacating Third Street from Main Street to Richardson Avenue, and filed in the Eddy County Clerk's Office (Cabinet 5, Slide 552-1)

**7. *Travel and Training:**

A. Wastewater – Permission for one (1) employee to attend the NMWWA Northern School in Espanola, NM
B. Wastewater – Permission for one (1) employee to attend the SW Section Jake Hands Memorial workshop in Ruidoso, NM
C. Fire – Permission for two (2) employees to attend the Firefighter I and II testing in Socorro, NM
D. Commission on Aging – Permission for one (1) employee to attend the NM State Line Dance Jamboree in Ruidoso, NM
E. Executive – Permission to attend the NLC Pool Trustees workshop in Indianapolis, IN

**8. Routine Requests for City Facilities:**

A. *Artesia MainStreet – request the use of Downtown/Mainstreet from 10 am to 4 pm on Saturday, April 29, 2017 for the Spring ARTesia Art Walk

**9 Budgeted Items:**

**10. Non-budgeted Items:**

**11. *Payment of Bills**

## Public Hearings:

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

1. Consideration and approval of an ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code.

Infrastructure Director Byron Landfair reported that the Infrastructure Committee met on Thursday April 20th, 2017 to go over the concerns of the council resulting from the Special Meeting of Wednesday April 19th, 2017. Director Landfair indicated that the proposed water rate ordinance had been changed to reflect those concerns and that a new amended proposed ordinance was now before the council. Director Landfair indicated that the primary changes were in the residential tables. Minor changes included some language changes, and rewording of Section 5 as well as 2 escalators being removed. Director Landfair also thanked Emily Connelly and Occam Engineering for helping to put together a set of tables that visually demonstrated the current rates, the original proposed ordinance rates, and the new amended ordinance rates in relation to the user class; generalized by low, average, and high water users. Director Landfair expressed concern that the council had just received the newly amended proposed ordinance and stated that he would like if the council had a week or two to review the amended ordinance.

Mayor Burch inquired as to whether the Infrastructure Committee wanted to comment at this time.

Mayor Pro Tem Terry Hill, Committee Chair, indicated that the committee has had difficulty putting together this proposed ordinance. He indicated that there had, up to this point, been very little input from the community and poorly attended public meetings. However, Mayor Pro Tem Hill did express appreciation for the input they had received from the portion of the community that had participated and valued the input at the current public hearing as well. Mayor Pro Tem Hill stated that this was the council and committees' first opportunity to see the amended ordinance and requested that the item be pulled from consideration but recommended continuing on with the public hearing in order to receive more input and information from the community.

Mayor Burch declined to pull the item from consideration and requested public input at this time.

Mr. Raye Miller distributed a letter to the council that summarized his position on the proposed water rate ordinance. Mr. Miller stated that he was not opposed to a rate increase to maintain the city's water system but that he was opposed to the surcharges which he felt punished people with large families, lawns, and gardens. Mr. Miller also stated that he believed the surcharges were designed to force water conservation and discussed the reasoning behind his stance. Mr. Miller then requested that the council carefully consider what increase is required and to make the adjustment to all users rates. He also stated that he was opposed to the ordinance proposal that the city reduce the minimum charge for water and discussed his reasoning.

Ms. Anne Hollinger thanked the council for the opportunity to voice her opposition to the proposed water rate increases and surcharges. Ms. Hollinger stated that she felt conservation education should come before what she feels are punitive actions against residents. Ms. Hollinger stated that she believed the increases would place a heavy burden on residents and that many would fall under the heavy user category in the summer months.

Mr. Robert Duncan stated that he appreciated the opportunity to address his concerns regarding the proposed water rate ordinance. Mr. Duncan stated that he agreed with Mr. Miller regarding charges to maintain the city's water system but indicated that it should be a simple increase that could be easily understood as he felt the proposed ordinance was needlessly complicated. Mr. Duncan stated that the way the proposed ordinance was broken up was another concern. Being a commercial user, he felt that the citizens would essentially be charged twice with this ordinance.

Once at the residential level and then again when local business owners needed to pass the increased costs on to their customers. Mr. Duncan stated that the city was just coming out of a depression and he did not want to see a heavy burden placed onto the residents.

Mr. David Boneau stated his address as 1407 S 23rd Street and indicated that he would be discussing rates regarding the citizens within city limits. Mr. Boneau stated that he felt the water rates in regards to dollars per gallon should be the same for all customers and the same for each gallon a customer receives. Mr. Boneau indicated that he believed flat rates would be a better solution than the current proposed ordinance and that he believed the sewer charge should be incorporated into the water rate increase. Mr. Boneau also stated that he believed everyone should be treated the same.

Ms. Linda VanDerVeen thanked the council for giving the public the opportunity to speak their minds and to let the council know what their concerns are. Ms. VanDerVeen stated that she agreed with everything the other speakers had said, especially Mr. Raye Miller. She also stated that she agreed with Anne Hollinger regarding education on conservation. Ms. VanDerVeen indicated that many people are not aware of the current watering schedule and believes that more education and time should be given to the current conservation ordinance (Ordinance No. 966 – Water Waste). Ms. VanDerVeen also indicated that she was in opposition to the surcharges proposed in the new water rate ordinance.

Ms. Ida Perez stated that her concern in regards to the proposed water rate ordinance is the senior citizens, especially those living on a fixed income. Ms. Perez indicated that many seniors do not have the income for new fees and asked that the council take this into consideration when deciding how to vote.

Mr. Greg Marrs thanked the council for allowing the public the chance to address the issue. Mr. Marrs stated that he agreed with the other speakers but wanted to share another perspective. He indicated that a lot of money has been spent on economic development to make the city attractive and that Artesia stands out in southeast New Mexico. Mr. Marrs stated that his concern regarding the proposed ordinance is that people will not use their water and as a result, the landscape would turn brown and reduce the attractiveness of the city making it difficult to recruit new people to move to the city. He urged the council to be careful not to make the city less attractive to people trying to make the decision on whether or not to move to the city.

Mr. Wayne Kemp asked Mayor Pro Tem Terry Hill if this was the first time the council had seen the ordinance. Mayor Pro Tem Hill clarified that while the council had reviewed the ordinance before, this was the first time the council had seen the amended version that had resulted from the special meeting workshop of April 19th, 2017. Mr. Kemp then inquired as to whether or not any citations had been issued since the implementation of the current ordinance (Ordinance No. 966 – Water Waste). Mayor Phillip Burch responded by informing Mr. Kent that the council had decided that during the first year of the ordinance, the residents would be advised of an infraction rather than cited in order to allow the residents time to understand the new rules. Mr. Kemp stated that he believed the council should allow the current ordinance (Ordinance No. 966 – Water Waste) time to work.

No other public comments were received at this time.

Mayor Burch expressed his pleasure that so many people had participated in this public hearing. He stated that one of the goals the council had when beginning this proposed ordinance was to

help individuals with fixed or low incomes. Mayor Burch also discussed revenue and system maintenance goals and provided information on Artesia's water rates as compared to others in Southeastern New Mexico. Mayor Burch then opened the floor to council comments.

A member of the public, Mr. Jerry Fanning asked Mayor Burch if he could address the council at this time. Mr. Fanning indicated that his neighborhood has low water and had questions regarding how it was possible to build new communities if the city was so low on water. Mr. Fanning also stated that he did not understand what caused the city to use less water in the last year. Mayor Burch advised Mr. Fanning that over the last year, the city had encouraged citizens to conserve water. Mr. Fanning thanked the council for the opportunity to speak.

Councilor Bill Rogers indicated that he would like to respond to Mr. Fanning's query regarding the low water issue. Councilor Rogers stated that the Infrastructure Committee was aware of the low flow issues with the water system and had been working on projects to attempt to alleviate some of the problem. Councilor Rogers noted however, that some areas of the city had not been designed to have more areas built out around them. In regards to the proposed water rate ordinance, Councilor Rogers stated that the utility must be able to take care of itself. He stated that if the utility cannot take care of itself, then it would not be able to maintain or improve the current problems facing it. Councilor Rogers indicated that the last two to three years has been spent trying to repair as much as possible but that the city has already done about as much as possible above ground. Councilor Rogers expressed appreciation for the public input and stated that he believed the council needed to be fair with the rates but that they must take care of the utility as well.

Councilor Luis Florez thanked the members of the public for their participation in the hearing. Councilor Florez stated that each member of the council is also a member of the community who must also abide by any ordinances that they pass. He indicated that the public's comments were heard and will be taken into consideration as the committee and council move forward on this issue. Councilor Florez stated that he agreed with the participants regarding enforcing the current ordinances and indicated that the information provided by their participation helps the council to make informed decisions.

Councilor Jeff Youtsey expressed his gratitude for the public participants at the public hearing. He stated that he had received many phone calls from his constituents and reiterated Councilor Florez's comment that the public is not going unheard. Councilor Youtsey stated that the information received from this meeting had made him understand that education on the issue may have been lost and that the current ordinance (Ordinance No. 966 – Water Waste) may not be getting used to its full potential.

Mayor Burch stated that he would entertain a motion to postpone the consideration and approval of an ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code. City Clerk Aubrey Hobson requested that the motion be changed from a postponement to a continuation of the public hearing to the council meeting on May 9th, 2017.

Councilor Raul Rodriguez moved to continue the public hearing for the Consideration and approval of an ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code at the May 9th, 2017 council meeting. The motion was seconded by Councilor Nora Sanchez and upon vote the motion passed.
Mayor Burch thanked the public participants and expressed appreciation for all of the opinions shared.

**Visitors:**

David Davies addressed the council regarding the 10% pay reduction for employees of the city of Artesia. Mr. Davies expressed his displeasure at the lack of communication between the council and the employees as well as his belief that not all the employees had been treated equally regarding the rate reduction. Mr. Davies reported that he believed many of the employees who were leaving the city were doing so because of the rate reduction and urged the council to re-instate the 10% employee wages.

**Committee Reports:**

Recreation
Councilor Raul Rodriguez reported that the Recreation Committee met on April 17th, 2017 to discuss the proposed shooting range with Chief Don Raley, go over statistics with Luis Reyes, and discuss the hiring summer workers. Councilor Rodriguez requested direction from the council regarding summer workers for the summer recreation program.

Infrastructure
Mayor Pro Tem Terry Hill reported that the Infrastructure Committee met on April 20th, 2017 in preparation for this public hearing. Mayor Pro Tem Hill indicated that the committee would consider all the opinions expressed and revisit the proposed ordinance over the next weeks before the May 9th, 2017 meeting.

**Personnel**

Hiring
A.

1. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Simon Navarette 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 Rogers and upon vote, the motion passed.
2. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Russell Najar 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 Rogers and upon vote, the motion passed.

Promotions
1. Councilor Rodriguez moved, upon recommendation of the Mayor, to promote Eli Vasquez to the position of Equipment Operator I, at a salary of $2234 per month (CA22), 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. Human Resources Director Sandi Farley requested that the council allow her to present all nine of the positions to advertise and fill for one motion. Mayor Burch consented requesting that Director Farley read the positions so if the council had any questions on an individual position it could be pulled from the list and voted on individually.

After the list had been read, Councilor Rogers moved to advertise and fill the vacant positions of:

- Solid Waste Equipment Operator
- Police Officer/Corporal
- Police Department Administrative Assistant
- HR Clerk
- Street/Parks Equipment Operator
- Police Sergeant
- Wastewater Operator
- Cemetery Equipment Operator
- Part-Time Airport Attendant

The motion was seconded by Councilor Rodriguez. Councilor Rogers inquired as to whether these positions were to cover recent resignations to which Director Farley replied in the affirmative. Upon vote, the motion passed.

Councilor Rodriguez inquired whether any decisions had been made regarding the summer recreation personnel issue. Human Resource Director Farley responded that Clerk Hobson would be taking the issue before the Budget & Finance committee.

**Public Safety**

Police

Police Chief Don Raley refreshed the council on the specifications of the proposed shooting range and reported that he had met with the Recreation Committee who had voted 4-1 to recommend approving the range as a Law Enforcement range only, not open to the public. Chief Raley reported that he had time restrictions on available funds and stood for questions.

Councilor Florez stated that he had viewed the area and had questions on gate access.

Councilor Rogers indicated that several citizens had contacted him with concerns as to the location of the proposed range. Councilor Rogers stated that he believed an alternative location should be found. Chief Raley stated that he did not necessarily disagree but that the cost of this location is about one-tenth the cost of any other location and suggested that the location could be used as an interim location until the city becomes more financially stable.

Mayor Pro Tem Hill stated that he too had been contacted by citizens who were concerned about the noise. Mayor Pro Tem Hill also requested clarification regarding a Recreation Committee recommendation to designate a gate to control traffic as it seemed to contradict information received from Chief Raley's initial presentation. Chief Raley stated that he did not fully understand the recommendation as he had been presenting only, not voting. In regards to the noise concerns, Chief Raley stated that he did not believe there would be any more noise than is currently generated by the FLETC firing range.

Councilor Rodriguez clarified that the recommendation of the Recreation Committee regarding the gate had been done before the offer had been made to view the location. Councilor Rodriguez indicated that he would welcome a police presence in Jaycee Park and stated that a range might help start development in that area.

Councilor Youtsey reported that he had received several calls from citizens and that were not positive in regards to opening a shooting range. Councilor Youtsey also expressed concerns regarding the location of the proposed range.

Councilor Sanchez reported that she had visited the range on April 24th, 2017 and that afternoon she received several calls from her constituents expressing their concerns.

Councilor Sanchez moved to postpone the consideration of approval of construction of a shooting range to a later date. The motion was seconded by Councilor Youtsey. Chief Raley expressed concerns regarding the timeline and the funding required for the project. Upon vote the motion passed.

Councilor Rogers inquired about working in conjunction with the range at FLETC. Chief Raley responded that there were several State & Federal regulations associated with the use of that range and with that consideration it was easier to train at the Roswell facility which incurs travel costs.

Fire

Divison Chief Mark Nason, standing in for Chief Kevin Hope, gave an update on the status of several recruits and stood for questions. Mayor Burch inquired as to whether the Fire Department would be fully staffed after the current round of training. Division Chief Nason indicated that the department would still be 3 positions short but that was due to the positions being frozen by budget constraints.

**Community Development**

Community Development Director Jim McGuire reported that during the next meeting he would be presenting an agreement for the Stonegate subdivision. He stated there had been some entity name issues for tax purposes and the agreement would need to be re-approved. Community Development Director McGuire also stood for questions.

**Infrastructure Department**

Public Works Director Byron Landfair gave progress reports on the ongoing City projects and reported on an oxidation issue at the treatment plant. Public Works Director Landfair also stood for questions.

**City Attorney**

City Attorney Caraway stood for questions.

**City Clerk**

City Clerk Aubrey Hobson stood for questions.

**New or other business from Councilors**

Councilor Rogers thanked the constituents for attending the meeting. He stated that it is difficult to make decisions without input from the public and their participation was appreciated.

Councilor Rodriguez also thanked the constituents for sharing their opinions and stances. Councilor Rodriguez presented a letter from a citizen regarding fairness in the recreation programs and stated that he would turn the letter over to the Recreation Director, Luis Reyes for consideration.

Mayor Pro Tem Hill thanked the attendees of the meeting and assured them that their opinions would not be taken lightly.

Mayor Burch also thanked the people for attending the meeting and hoped that they felt they had an opportunity to be heard. He stated that all opinions were welcome and they would each be considered in the final decision.

There being no further business, the meeting was adjourned at 7:28 p.m. on April 25th, 2017.

Mayor

ATTEST:

City Clerk