

**MINUTES OF CITY COUNCIL MEETING**  
**ARTESIA, NEW MEXICO**  
**August 22<sup>nd</sup>, 2017**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, August 22<sup>nd</sup>, 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Kent Bratcher	Luis Florez
Nora Sanchez	Manuel Madrid Jr.
Bill Rogers	

The following were absent:

Terry Hill  
Jeff Youtsey  
Raul Rodriguez

Also present:

John Caraway, City Attorney  
Joanne Jones, Records Supervisor – filling in for Aubrey Hobson, City Clerk

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

**New Requests for City Facilities**

Records Supervisor Joanne Jones presented a request from Our Lady of Grace Catholic Church for use of Guadalupe Park on Saturday September 23<sup>rd</sup>, 2017 from 8am – 10pm and Sunday September 24<sup>th</sup>, 2017 from 8am – 7pm for the Annual Family Fun Fall Fiesta. The request was for use of city service and road closures as stated on the application as well as a request for a waiver of fees.

Records Supervisor Jones explained that there have been recent questions on City policy regarding waiver of fees. Routine practice is to only waive fees for schools, government entities, and events funded by Lodger's tax. She explained that waiving fees outside of those parameters could put us in danger of facing anti-donation issues. Records Supervisor Jones relayed a suggestion from City Clerk Aubrey Hobson that the council consider adopting a policy outlining a firm stance on fees and when to waive them.

Councilor Bratcher inquired about fee maximums and schedules.

Councilor Florez informed the Council that this event is through his church and that it has been an annual event for over 50 years. Councilor Florez stated that he wanted to bring the waiver of fees to the attention of the Council as he does not believe that the current practices are fair and equal. He discussed the lack of a formal policy as well as his experience with the application process concerning Lodger's Tax. Councilor Florez then asked City Attorney John Caraway about anti-donation application in regards to individuals vs entities. City Attorney Caraway explained that the anti-donation clause applies to everyone, both individuals and entities.

Councilor Bratcher asked City Attorney Caraway about the possibility of changing the fee schedule for religious entities. Attorney Caraway stated that if that were to happen, any and all religious entities, regardless of persuasion, would be included.

Mayor Burch explained the origins of the Lodger's Tax fee waiver and suggested that the Council direct City Clerk Hobson to research how other communities handle event fees and to create a policy with clear direction. Mayor Burch also suggested postponing the fee portion of the agenda item until the September 12<sup>th</sup>, 2017 meeting.

Councilor Bratcher moved to approve the request for Our Lady of Grace Catholic Church to use Guadalupe Park on Saturday September 23<sup>rd</sup>, 2017 from 8am – 10pm and Sunday September 24<sup>th</sup>, 2017 from 8am – 7pm for the Annual Family Fun Fall Fiesta, with the waiver of fees postponed to the September 12<sup>th</sup>, 2017 meeting. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

### **Consent Agenda**

Councilor Rogers moved to approve the Consent Agenda as written. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

The consent agenda includes:

### **CONSENT AGENDA August 22, 2017**

1. **Approval of Minutes:**
  - \* August 8, 2017 – Regular meeting
  - \* August 8, 2017 – Board of Appeals
  - \* August 15, 2017 – Special meeting
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
  - A. \*Approval of Airport Hangar Lease for Hangar No. 213 with Stephen Brindeiro dba Dairy Co
4. **Appointments:**
5. **Resignations:**
  - A. Accept the resignation of Joe Herrera, Street Department Equipment Operator, effective August 25, 2017
6. **Dates of Hearing:**
7. **\*Travel and Training:**
  - A. Fire – Permission for one (1) employee to attend the Ambulance Billing Compliance 360 conference in Hershey, PA. Request mileage to/from airport
  - B. Executive – Permission to attend the NMML/NMSIF Mayor, Managers & Safety Coordinators Safety workshop in Albuquerque, NM
  - C. HR – Permission for one (1) employee to attend the NMML/NMSIF Mayor, Managers & Safety Coordinators Safety workshop in Ruidoso, NM
  - D. Planning – Permission for two (2) employees to attend the NMML Zoning Officials training in Ruidoso, NM

- E. Police – Ratification of Mayor Burch’s approval for one (1) employee to attend the Interviewing Transnational Offenders in Artesia, NM
- F. Police – Permission for one (1) employee to attend the Tactical Leadership training in Albuquerque, NM
- G. Police – Permission for one (1) employee to attend the Pepperball Instructor training in Albuquerque, NM
- H. HR/IT – Permission for one (1) employee to attend the GIS Technician training in Las Cruces, NM
- I. Fire – Permission for four (4) employees to attend the Resuscitation Academy in Las Alamos, NM
- J. Police – Ratification of Mayor Burch’s approval for four (4) employees to attend the Armorer’s course in Las Cruces, NM

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

**9 Budgeted Items:**

**10. Non-budgeted Items:**

**11. \*Payment of Bills**

**Public Hearings:**

There were no scheduled public hearings.

**Period for Hearing 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.

Mayor Burch asked Chief Kirk Roberts to increase police presence in that area to attempt to dissuade speeders in the area.

**Committee Reports:**

**Government**

Mayor Burch reported on his recent attendance at the New Mexico Municipal League annual conference in Clovis, NM as well as gave an update on issues with gross receipts taxes and the status of the lawsuit filed regarding the reduction of said taxes.

**Personnel**

Human Resources Director Sandi Countryman withdrew items 10(B)(1) and 10(D)(1) from the agenda.

**Hiring**

A.

1. Councilor Rogers moved, upon recommendation of the Mayor, to hire Jarvis Seamore to the position of Uncertified Police Officer, Police Department, at a salary of \$3178 per month (CA32), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid.

Councilor Bratcher inquired as to where Mr. Seamore would be attending Academy. Chief Roberts informed him that Mr. Seamore qualifies to certify by waiver and had already attended Academy. Councilor Bratcher then inquired if Mr. Seamore's salary would be increased after certification to which Chief Roberts replied in the affirmative.

Upon vote, the motion passed.

2. Councilor Rogers moved, upon recommendation of the Mayor, to hire Ruben Baca to the position of Equipment Operator II, Solid Waste Department, at a salary of \$2673 per month (CA25), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Florez and upon vote, the motion passed.

#### Promotions

B. Item 10(B)(1) – promotion of Tony Wolf to Equipment Operator, Cemetery, was removed from the agenda.

#### Other

C. Councilor Bratcher moved to temporarily increase the salary of Joanne Jones to \$3685 per month (CA38) effective 06/30/2017 for extra job duties as a result of the absence of the Purchasing Agent. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

#### Vacancies

D. Item 10(D)(1) – permission to advertise and fill Community Improvement Tech I, was removed from the agenda.

2. Councilor Rogers moved to advertise and fill the position of Street Department Equipment Operator. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

#### **Public Safety**

##### Police

Chief Kirk Roberts reported on his recent attendance at the New Mexico Municipal League's Police Association meeting. Chief Roberts stated that there had been discussion of statewide personal property insurance increases (as much as 12%) due to the increase in thefts in Albuquerque. He advised that we may see an increase in both thefts and insurance here as well and wanted to make the Council aware of the possibility.

Chief Roberts stood for questions.

##### Fire

Chief Kevin Hope gave updates on staffing levels and Academy training, then stood for questions.

#### **Community Development**

Community Development Director Jim McGuire requested consideration and approval of a resolution adopting the FY 2019-2023 Infrastructure Capital Improvement Plan.

Director McGuire went over the top 5 projects and Mayor Burch suggested switching the positions of the new City Hall Annex and the Lights at Eagle Draw as the Lights at Eagle Draw project was a more feasible project. After discussion the list of the top five projects are:

- #1 – Water tower at Jaycee Park
- #2 – Lights at Eagle Draw
- #3 – City Hall Annex
- #4 – Hermosa Street – 13<sup>th</sup> to 26<sup>th</sup>
- #5 – Jaycee Park

Councilor Bratcher moved to approve the resolution adopting the FY 2019-2023 Infrastructure Capital Improvement Plan with the change to project order. The motion was seconded by Councilor Florez and upon vote, the motion passed.

### **RESOLUTION NO. 1644**

Director McGuire gave updates on projects and stood for questions. Councilor Bratcher suggested that the City ensure all of its property is compliant with City Codes.

#### **Infrastructure Department**

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

#### **City Attorney**

City Attorney John Caraway stood for questions.

#### **City Clerk**

Records Supervisor Joanne Jones presented a request for approval to publish delinquent utility accounts and set a hearing date for owners to address Council.

Councilor Bratcher inquired regarding the outstanding due amounts. Records Supervisor Jones replied that she would find out and let him know.

Councilor Bratcher moved to publish the delinquent utility accounts and set the hearing time and date for 5:30 pm on September 12, 2017. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

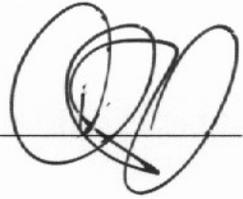
#### **New or other business from Councilors**

There being no further business, the meeting was adjourned at 6:59 pm on August 22<sup>nd</sup>, 2017.

*T. Philip S. B...*  
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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

A handwritten signature consisting of several overlapping loops, positioned over a horizontal line that serves as the signature line for the City Clerk.