

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 12th, 2017**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 12th, 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Kent Bratcher	Mayor Pro Tem Hill
Nora Sanchez	Manuel Madrid Jr.
Bill Rogers	Jeff Youtsey
Raul Rodriguez	

The following were absent:

Luis Florez

Also present:

John Caraway, City Attorney
Aubrey Hobson, City Clerk

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

Consent Agenda

Councilor Rodriguez moved to approve the consent agenda pulling item 8(A), Mayor Pro Tem Hill seconded the motion and upon vote, the motion passed.

Item 8(A) Councilor Rodriguez inquired where the NM MESA Energy Education Fair would be held. Ms. Vicki Grousnick answered that it would be held at the Artesia Public Schools Training Center and the participants would be bussed to certain places. She also stated that their request for the closure of Bulldog Blvd was a precaution for the participants who would be crossing back and forth to Bulldog Bowl all day. A motion was made by Councilor Rodriguez with a second by Mayor Pro Tem Hill to approve Item 8(A). Upon vote, the motion passed 7-0.

The consent agenda includes:

**CONSENT AGENDA
September 12, 2017**

1. **Approval of Minutes:** * August 22, 2017
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
 - A. *Approval of the First Amendment to Industrial Park Lease Agreement (renewal for an additional 10-Year term) for COG Operating LLC, at 2407 N. Pecos Ave., Lots 5 and 6 of Block 5 of the Industrial Park of Artesia
 - B. Approval of a 48 month Copier Contract with PTS Office Solutions, Inc. to replace expired contract with Sparks Business Solutions. Lease to be in strict accordance with GSA Contract #GS-03F-045D

4. Appointments:

- A. Approval of appointment of Sandy Schuetz to the Artesia Library Board (*term to expire June 2020*)
- B. Approval of re-appointment of Deborah Younggren to the Artesia Library Board (*term to expire June 2020*)

5. Resignations:

6. Dates of Hearing:

- A. *Permission to set a public hearing for October 10, 2017 for consideration of an ordinance amending Section 1-6-6B Changes in Employment Status (Promotions) of the Artesia Municipal Code
- B. Permission to set a public hearing for October 10, 2017 to consider adoption of an ordinance amending Sections 12-1-5.1, 12-1-67, 12-6-7.4, 12-7-9.2, 12-7-9.9, 12-10-1.44 of the Uniform Traffic Ordinance

7. *Travel and Training:

- A. F&A – Ratification of Mayor Burch's approval for one (1) employee to attend the JJAC Grant training in Santa Fe, NM
- B. Police – Ratification of Mayor Burch's approval for one (1) employee to attend the ATF Phoenix All Hands training in Phoenix, AZ
- C. Police – Ratification of Mayor Burch's approval for one (1) employee to attend the SFST Instructor update training in Albuquerque, NM
- D. Fire – Permission for one (1) employee to attend the 19th Annual NM Fire Services conference in Ruidoso, NM
- E. F&A – Permission for one (1) employee to attend the Clerks Certification Institute – Year One in Albuquerque, NM
- F. Police – Permission for one (1) employee to attend the American Heart Association Instructors training in Roswell, NM
- G. Fire – Permission for one (1) employee to attend the NFPA 451 Development meeting in Henderson, NV
- H. Fire – Permission for one (1) employee to attend the Medical Direction Committee meeting in Albuquerque, NM
- I. Executive – Permission to attend the NMML Board of Directors meeting in Santa Fe, NM

8. Routine Requests for City Facilities:

- A. *Artesia Chamber of Commerce has requested permission to hold the NM MESA Energy Education Fair on Monday, October 23, 2017 and Tuesday, October 24, 2017. Request approval of use of city services and road closures as stated on application and waiver of fees *Contingent upon proof of insurance*
- B. *Artesia High School Cross Country has requested permission to hold their annual AHS Cross Country Meet at Jaycee Park on Thursday, September 28, 2017 from 8 am – 7 pm

9. Budgeted Items:

10. Non-budgeted Items:

11. *Payment of Bills:

- A. Approval to pay bills thru the end of September 2017 in the event the September 26, 2017 council meeting is cancelled

Public Hearings:

- A. Consideration and approval of an ordinance amending Section 7-1-2-(A)(1)(A) of the Artesia City Code removing the transport user rate matrix and allowing the rate to be set by resolution; Amending Section 7-3-2 (C) and (D) and allowing for setting of rates by resolution.

Infrastructure Director Byron Landfair explained the proposed ordinance and resolution as well as rates, prohibitions, and limitations.

There was no public input.

Councilor Bratcher moved to approve the ordinance amending Section 7-1-2-(A)(1)(A) of the Artesia City Code removing the transport user rate matrix and allowing the rate to be set by resolution; Amending Section 7-3-2 (C) and (D) and allowing for setting of rates by resolution. The motion was seconded by Councilor Rogers and upon roll call vote, with the following votes recorded;

Aye: Councilors Youtsey, Bratcher, Madrid, Rodriguez, Rogers, Sanchez, Mayor Pro Tem Hill

Nay: None
the motion passed.

ORDINANCE NO. 1015

Period for Hearing Visitors

There was no public input.

Comments from Public Officials and Contracted Services

Corporal Anthony Baca and Mr. Dan Schwertner, Lead Juvenile Probation Officer with CYFD, presented a report on the Artesia Juvenile Justice Advisory Committee. Corporal Baca stated that Finance Supervisor Summer Valverde had been sent to training in Santa Fe regarding the process of the committee and indicated that she could provide more information should the council require it. Corporal Baca explained that the JJAC differs from 7024U in that it is a committee, not a program. The committee will support the programs that benefit the community. He also went over the board members and explained that the application is currently in its initial process phase.

There was discussion regarding the responsibilities and duties of becoming the fiscal agent as well as discussion regarding county involvement. Corporal Baca stated that the main program to be supported in the beginning would be the Teen Court program. He explained how Teen Court works and then went over funding and grant status.

Mayor Burch thanked Corporal Baca and Mr. Schwertner for the report.

Committee Reports:

Police & Fire

Councilor Bratcher indicated that he had recently taken a tour of the SANE(Sexual Assault Nurse Examiner) Exam room at the PSC and was impressed with the presentation.

Recreation

Councilor Rodriguez gave a report on the Flag Football program.

Personnel

Hiring

1. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Jeremy Parks to the position of Equipment Operator I, Streets Department, at a salary of \$2482 per month (CA22), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rogers.

Councilor Rodriguez inquired as to where Mr. Parks was from. Human Resources Director Sandi Countryman indicated she did not have that information with her but could get it. Councilor Rodriguez indicated that he would like to see that information and Director Countryman stated that she could begin providing it during future Council meetings.

Upon vote, the motion passed.

2. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Aaron Gear to the position of Uncertified 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 Rogers.

Mayor Pro Tem Hill asked if Mr. Gear was local. Director Countryman stated that she was unsure but would get the information and update him.

Upon vote, the motion passed.

3. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Larry Esquibel to the position of Wastewater Assistant, Wastewater Department, at a salary of \$2363 per month (CA20), 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.

4. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Anthony Franks to the position of Certified Firefighter/EMT, Fire Department, at a salary of \$3566 per month (CA27), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rogers.

Councilor Rodriguez asked if Mr. Franks was from Carlsbad. Director Countryman replied in the affirmative.

Upon vote, the motion passed.

5. Mayor Pro Tem Hill moved, upon recommendation of the Mayor, to hire Jorge Martinez to the position of Equipment Operator I, Cemetery, at a salary of \$2482 per month (CA22), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez.

Councilor Bratcher inquired regarding staffing levels. Director Countryman indicated that the Cemetery is now fully staffed.

Upon vote, the motion passed.

Report of Hire

Director Countryman reported the hire of Destiny Rojo, Municipal Court Specialist/Bilingual, Municipal Courts, at the salary of \$2194(CA17).

Openings

1. Councilor Rogers moved to advertise and fill the position of Purchasing Agent/Assistant City Clerk-Treasurer/Records Supervisor. The motion was seconded by Councilor Bratcher.

Councilor Rogers asked if the position was one person. Director Countryman replied in the affirmative. Councilor Rodriguez asked Director Countryman to explain to the Council as it was to the Personnel Committee how the position came to be. Director Countryman provided explanation regarding the applications received for stand-alone positions and certification requirements.

Mayor Pro Tem Hill expressed concern with the amount of responsibility this position would place on one person. He stated that he believed the positions should remain separated so as not to overload one employee. Mayor Burch discussed the possibility of help from other sources as well as the State requirements on having a Purchasing Agent. Director Countryman mentioned that a Clerk position may be something to consider in the future.

Councilor Youtsey inquired about the location of the current Purchasing Assistant. Mayor Burch discussed moving that employee to City Hall in order to work closer with the Purchasing Agent.

Upon vote with the following votes recorded;

Aye: Councilors Bratcher, Youtsey, Sanchez, Rogers, Rodriguez, Madrid

Nay: Mayor Pro Tem Hill

the motion passed.

Executive Session

Councilor Rogers moved that in accordance with the State of New Mexico Open Meetings Act, Section 10-15-1(H)(2), limited personnel matters, the Council and Mayor enter into executive session to discuss the employment status of a probationary employee. The motion was seconded by Councilor Rodriguez and upon vote with the following votes recorded;

Aye: Councilors Rodriguez, Bratcher, Madrid, Youtsey, Rogers, Sanchez, Mayor Pro Tem Hill

Nay: None

the motion passed.

Council recessed to executive session at 6:35pm

Council reconvened at 6:48pm

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

Action as a result of Executive Session

Councilor Youtsey moved to terminate Tom Riley, IT Technician effective September 8th, 2017. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Personnel (continued)

Openings (continued)

2. Councilor Rodriguez moved to advertise and fill the position of IT Technician. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

Other

Director Countryman presented stats and stood for questions.

Public Safety

Police

Commander Ricardo Huerta, standing in for Chief Kirk Roberts, presented stats and stood for questions.

Fire

Chief Kevin Hope gave updates on staffing levels and presented stats, then stood for questions.

Community Development

Community Development Director Jim McGuire gave an update on Roselawn Manor, presented stats and then stood for questions.

Infrastructure Department

A. Consideration and approval of a Resolution setting fees for the Bulk use of the Artesia Water Department, Transfer Station, and Waste Water Department utilities.

Infrastructure Department Director Byron Landfair presented the request and went over the rates. He indicated that a letter of protest was received on September 12th, 2017 and that it would be investigated and brought to the Council at a later time. Council requested clarification concerning the protest. City Attorney John Caraway provided additional details.

Councilor Rogers moved to approve the Resolution setting fees for the Bulk use of the Artesia Water Department, Transfer Station, and Waste Water Department utilities. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

RESOLUTION NO. 1645

Director Landfair presented stats and stood for questions.

City Attorney

City Attorney John Caraway stood for questions.

City Clerk

A. Report on Waiver of Fees for Events

City Clerk Aubrey Hobson presented options for dealing with the issues regarding waivers of fees for events. He stated that in order to be certain of compliance with anti-donation laws, his recommendation would be to waive fees for government entities only.

There was discussion regarding anti-donation laws, various fee options, effects on organizations with Lodgers Tax, and staff involvement.

Council agreed with City Clerk Hobson's recommendation of not waiving fees for any entity other than government. Council directed staff to write a policy regarding the waiver of fees.

B. Consideration and approval of request from Our Lady Grace Catholic Church for the waiver of fees for their 2017 Annual Family Fun Fall Fiesta.

No action was taken for this item due to the decision regarding waiving fees only for government entities.

C. Reading into minutes of the DFA approval of the 2017-2018 budget.

City Clerk Hobson stated that the DFA approved the 2017-2018 budget for the City of Artesia. He indicated that the DFA changed some items on the budget and as a result, City Clerk Hobson will file an official complaint with the DFA because they cannot change with the City Council has decided regarding their budget.

D. Discussion and possible action of cancelling the September 26th, 2017 council meeting.

City Clerk Hobson stated that at least three councilors would be absent for the September 26th, 2017 meeting with the possibility of two more being unable to attend. There was discussion regarding attendance.

Mayor Burch declared the regular council meeting of September 26th, 2017 cancelled.

E. Consideration and approval of a resolution authorizing the filing of delinquent utility liens.

City Clerk Hobson presented the proposed resolution and indicated that he would again go through the list for payments made before the liens were filed.

Councilor Rogers moved to approve the resolution authorizing the filing of delinquent utility liens. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

RESOLUTION NO. 1646

New or other business from Councilors

There being no further business, the meeting was adjourned at 7:34 pm on September 12th, 2017.



Mayor

ATTEST:



City Clerk

