MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
October 10th, 2017

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, October 10th , 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Kent Bratcher	Luis Florez
Manuel Madrid Jr.	Jeff Youtsey
Bill Rogers	Raul Rodriguez

The following were absent:
Terry Hill
Nora Sanchez

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.

City Departments and Employees

Infrastructure Director Byron Landfair recognized Janeth Cox for acquiring her Wastewater III certification.

Consent Agenda

Councilor Rodriguez moved to approve the consent agenda removing Item 3 C from the agenda per Mayor Burch's recommendation. Councilor Rogers provided a second and upon vote, the motion passed.

The consent agenda includes:

CONSENT AGENDA
October 10, 2017

1. **Approval of Minutes:**
   * September 12, 2017 – Special meeting
   * September 12, 2017 – Regular meeting
   * September 20, 2017 – Emergency meeting

2. **Consideration of Bids:**

3. **Contracts, Leases and Agreements:**
   A. *Approval of Memorandum of Understanding (MOU) with Chaves County Children's Advocacy Center & Artesia Advocacy Center

4. **Appointments:**

5. **Resignations:**
   A. Accept the resignation of Tammy Brown, Police Department Administrative Assistant, effective October 13, 2017

B. Accept the resignation of David Orquiz, Street Department Equipment Operator, effective October 6, 2017
C. Accept the resignation of Billy Bailey, Water Technician, effective September 27, 2017
D. Approval of probationary termination of Jeremy Parks – failure to successfully complete post-employment testing effective September 28, 2017
E. Accept the resignation of Monique Ramirez, Cashier, effective October 13, 2017
F. Accept the resignation of Isaac Sanchez, Cemetery Equipment Operator, effective October 13, 2017

6. Dates of Hearing:

A. Ratification of Mayor Burch's approval to advertise a public hearing for October 10, 2017 for consideration of an ordinance adopting a Project Participation Agreement between the City of Artesia and Chase Energy Services pursuant to Section 2-4-8 of the Artesia City Code

7. *Travel and Training:

A. Fire – Permission for one (1) employee to attend the Fire Instructor III certification in Socorro, NM
B. Fire – Ratification of Mayor Burch's approval for one (1) employee to participate in the Site Visit and cadaver lab at Trans Aero Medevac in Dallas, TX
C. Police – Permission for four (4) employees to attend the Simunitions – Instructor course in Fort Worth, TX
D. Wastewater – Permission for one (1) employee to attend the NMRWA Southern Fall Conference in Las Cruces, NM

8. Routine Requests for City Facilities:

A. *Ratification of Mayor Burch's approval of Trampas Spence's request (representing Artesia High School) for an ambulance for the AHS Rodeo held September 29, 2017 – October 1, 2017 and waiver of fees
B. *Artesia MainStreet has requested permission to hold the following events (approval of use of city services and road closures as stated on application):
   1) Trick-or-Treat Main Street to be held Saturday, October 28, 2017 from 4:00 pm – 7:00 pm along Main Street from Seventh Street to First Street and 4th Street between Main and Quay. *Contingent upon NM Department of Transportation approval*
   2) Veteran's Day Celebration to be held Friday, November 10, 2017 from 10:00 am – 12 noon at Baish Veterans Park
   3) Lighted Holiday Parade to be held Thursday, November 30, 2017 from 6:00 pm – 7:00 pm (gathering at Bulldog Bowl headed east on Main Street turning south on First Street) *Contingent upon NM Department of Transportation approval*

9 Budgeted Items:

10. Non-budgeted Items:

11. *Payment of Bills

Public Hearings:

A. *Consideration and approval of an ordinance amending Section 1-6-6B Changes in Employment Status (Promotions) of the Artesia Municipal Code

Human Resources Director, Sandi Countryman presented the Ordinance changing the procedure for determining salaries when an employee is promoted.

There was no public input.

Councilor Bratcher moved to approve Ordinance 1016 amending Section 1-6-6B of the Artesia City Code Changes in Employment Status (Promotions). Councilor Rodriguez provided the second. Votes were as follows:

Aye: Councilors Youtsey, Bratcher, Madrid, Rodriguez, Rogers, and Florez
Nay: None
the motion passed.

ORDINANCE NO. 1016

B. Consideration and approval 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.

After a brief discussion, City Clerk Hobson suggested this item be continued until the next meeting so more information could be provided. Councilor Bratcher moved to continue this hearing to the next meeting. The motion was seconded by Councilor Rodriguez and upon vote the motion passed.

C. *Consideration and approval of an ordinance adopting a Project Participation Agreement between the City of Artesia and Chase Energy Services pursuant to Section 2-4-8 of the Artesia City Code

The Mayor reported that Chase Energy requested this not be considered at this time.

Period for Hearing Visitors

Elizabeth Jackson, representing Artesia MainStreet presented a report on two events coming up, Downtown Trick or Treat and the Veteran's Day. She also asked the Council to reconsider not waiving fees for events except for government entities as paying fees would prevent them from doing events like the two scheduled for October and November.

Councilor Florez moved with a second by Councilor Rodiguez to move Item 15 A. Consideration of a Resolution setting event fees to this point in the agenda. Upon vote the motion passed.

There were several aspects and possibilities discussed pertaining to the subject of waiving fees for events. For the last 6 or 7 years we have waived fees for government entities as well as organizations who received lodger's tax funding for their events. At previous meetings questions were raised stating churches should have that opportunity also. The concern was with the Anti-Donation Clause of the Constitution which doesn't allow a government to provide benefit to an organization, for profit or nonprofit, without receiving a like benefit in return. A motion was made by Councilor Florez with a second by Councilor Rodriguez to postpone the consideration of the Resolution until the next meeting when more information could be provided. The motion passed with the following votes registered:

Ayes: Councilors Florez, Rogers, Rodriguez, and Madrid

Nays: Councilors Bratcher and Youtsey

Comments from Public Officials and Contracted Services

There were none

Committee Reports:

A. Budget and Finance
B. Personnel

C. Police and Fire
D. Planning *(Project Management, Code Enforcement, Permits and Inspections)*
E. Recreation
Councilor Rodriguez reported there would be a Recreation Committee Meeting on October 16th at City Hall
F. Infrastructure (*Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance)*
G. Government

Personnel

Hiring

1. Councilor Rogers moved, upon recommendation of the Mayor, to hire Jarod Acosta to the. position of Community Service Officer CA 14 $2037 per month. The motion was seconded by Councilor Madrid and upon vote, the motion passed 6-0.

2. Councilor Rogers moved, upon recommendation of the Mayor, to hire Virginia Franks to the position of Records Clerk, Police Department, at a salary of $2037 per month (CA14), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher. Upon vote, the motion passed 6-0.

3. Councilor Rodriguez Rogers, upon recommendation of the Mayor, to hire Philip Bustamante to the position of Equipment Operator I, Street 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 Youtsey and upon vote, the motion passed 6-0.

4. Councilor Rogers moved, upon recommendation of the Mayor, to hire Jordan Herrera to the position of IT Technician, at a salary of $3100 per month (CA22), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher. Upon vote, the motion passed 6-0.

5. Councilor Rogers moved, upon recommendation of the Mayor, to hire Marie Garcia to the position of Humane Officer, Police Department, at a salary of $2037 per month (CA14), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher. Upon vote, the motion passed 6-0.

6. Councilor Rogers moved, upon recommendation of the Mayor to hire Clarissa Cabazuela to the position of Community Service Officer, Police Department, at a salary of $2037 per month (CA 14), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid. Upon vote, the motion passed 6-0.

Volunteer Demotion

1. Councilor Rogers moved to approve the voluntary demotion of Amber Thornton from Court Specialist to Police Clerk at a salary of $2197 per month (CA 15). The second was made by Councilor Madrid and upon vote, the motion passed 6-0.

Promotions

1. Councilor Rogers moved to promote Anthony Heady from Detention Officer to Un-certified Police Officer at a salary of $3178 per month (CA 32). The second was made by Councilor Madrid and upon vote, the motion passed 6-0.
2. Councilor Bratcher moved to promote Joanne Jones from Records Supervisor to the position of Purchasing Agent/Assistant Clerk-Treasurer/Records Supervisor at a salary of $3969 per month (CA41). The second was made by Councilor Rogers and upon vote, the motion passed 6-0.

Openings

1. Councilor Rogers moved to advertise and fill the positions of:
    A. Police Department Administrative Assistant (ratification of Mayor Burch's approval)
    B. Detention Officer
    C. Street Department Equipment Operator (2 positions)
    D. Water Technician
    E. Cashier
    F. Cemetery Equipment Operator

The second was made by Councilor Youtsey and upon vote, the motion passed 6-0.

Director Countryman provided stats and stood for questions.

Public Safety

Police

Chief Roberts presented stats and stood for questions.

Fire

Division Chief Nason, representing Chief Hope, presented stats, and stood for questions.

Community Development

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

Infrastructure Department

Director Landfair provided reports on projects. He stated that Occam engineering was still working on the recommendation for treatment or non-treatment of City water. He stated the firm would have a report at the October 24th meeting. Representative Townsend addressed the Council and said he and Representative Cathrynn Brown would help at the legislative session if funding was needed. Landfair then stood for questions.

City Attorney

City Attorney John Caraway stood for questions.

City Clerk

City Clerk Hobson reported that filing day for the municipal election would be January 9th and stood for questions.

Executive Session

In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(7):

1. Threatened or pending litigation

A motion was made by Councilor Rogers with a second by Councilor Bratcher to go into executive session at 7:50 pm. Upon roll call vote, the motion passed 6-0.

Councilor Rodriguez made a motion to come out of executive session at 8:20 pm, only threatened litigation was discussed and no action taken. The second was made by Councilor Florez and upon roll call vote, the motion passed 6-0.

Councilor Rogers made a motion to enforce Resolution 1645 and discontinue water service to Fisher Sand and Gravel on October 20, 2017 at 5:00 pm. The second was made by Councilor Rodriguez and upon vote, the motion passed 6-0.

New or other business from Councilors

Councilor Rodriguez thanked the Mayor, staff and employees for their hard work with the water situation.

There being no further business, the meeting was adjourned at 8:24 pm on October 10th, 2017.

Mayor

ATTEST:

City Clerk