

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
February 27th, 2018**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, February 27th, 2018 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

The following were absent:
Bill Rogers

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

City Attorney John Caraway announced his retirement as counsel for the City of Artesia. He introduced one of his partners, Attorney Matt Byers as the new representative for the City of Artesia. Attorney Byers stated that he looked forward to serving the City.

Consent Agenda

Councilor Florez moved to approve the consent agenda removing Item #9 from the consent agenda for separate consideration. Councilor Rodriguez provided a second and upon vote, the motion passed 7-0.

The consent agenda includes:

**CONSENT AGENDA
February 27, 2017**

1. **Approval of Minutes:** * February 13, 2017
2. **Consideration of Bids:**
 - A. *Consideration and approval of award of RFP to provide Roof Replacement & Repairs on three (3) locations: City Hall – 511 W Texas Avenue, Recreation Center – 612 N 8th Street, Artesia Senior Center – 202 W. Chisum Avenue to Custom Construction & Roofing, LLC, Roswell, NM
3. **Contracts, Leases and Agreements:**
 - A. *Approval of the Memorandum of Agreement with Eddy County DWI Program to file a joint application for CDWI funds

- B. *Approval of the sublease between Ralph C. Watts and Canary Drilling Services, LLC and Canary Production Services, LLC for Lot 6 of Block 2 of the Industrial Park of Artesia, 2405 N. Parkland Avenue

4. Appointments:

5. Resignations:

- A. Accept the resignation of Mark Anthony Fuentes, Wastewater Assistant, effective February 12, 2018

6. Dates of Hearing:

7. *Travel and Training:

- A. Police – Ratification of Mayor Burch’s approval for one (1) employee to attend the NM State Legislative Session in Santa Fe, NM
- B. Planning – Permission for one (1) employee to attend the New Mexico Floodplain Managers Association (NMFMA) Spring 2018 workshop in Santa Fe, NM
- C. Fire – Permission for one (1) employee to attend the EMS Committee meetings in Ruidoso, NM
- D. Fire – Permission for four (4) employees to attend the Region 3 EMS conference in Ruidoso, NM

8. Routine Requests for City Facilities:

- A. *Artesia Police Department – Annual Child Safety Fair to be held on Saturday, April 7, 2018 from 10 am – 2 pm in Guadalupe Park. Approval of City Street/Alley closures as indicated on application.

9. Budgeted Items:

- A. *Approval of Lodger’s Tax requests:

Event	Event Date	FY18-FY19 Funds Requested	Amount Recommended for Approval	Council Approval
1) 9-11 Golf Tournament	9/11/2018	\$7,000.00	\$3,500.00	
2) AHS City of Champions Basketball	12/0/2018	\$6,750.00	\$6,750.00	
3) AHS Lady Dog Softball	3/30/2018-4/1/2018	\$4,450.00	\$4,450.00	
4) AHS NM High School Rodeo	9/28-9/30/2018	\$4,100.00	\$4,100.00	
5) AHS Varsity Baseball	3/15-3/17/2018	\$4,450.00	\$4,450.00	
6) Balloons & Tunes	11/2-11/4/2018	\$8,350.00	\$8,350.00	
7) Clays Crusher Fun Shoot	9/21-9/22/2018	\$7,200.00	\$7,200.00	
8) Cruz'n For Vets*	5/4-5/5/2018	\$15,000.00	\$7,500.00	
9) Eddy County Fair	7/23-7/28/2018	\$18,000.00	\$18,000.00	
10) Fall Fiesta	9/0/2018	\$3,000.00	\$-	
11) Fourth of July Celebration	7/4/2018	\$7,500.00	\$7,500.00	
12) Mack Energy Select Golf Tourn.	8/2-8/4/2018	\$1,000.00	\$1,000.00	
13) NM MESA Energy Education Fair	TBD	\$4,000.00	\$4,000.00	
14) Red Dirt Black Gold Festival	8/25/2018	\$47,100.00	\$47,100.00	
15) Smokin' On the Pecos	6/22-6/24/2018	\$36,850.00	\$36,850.00	
16) Star Spangled Dash	7/4/2018	\$5,000.00	\$5,000.00	
17) Wet N Wild	6/9/2018	\$3,000.00	\$3,000.00	
18) Main Event Car Show 2019	3/29-3/30/2019	\$11,000.00	\$11,000.00	

FY18-FY19 Total Event Requests

\$193,750.00

\$179,750.00

B. *Approval of Lodger's Tax requests:

Tourism Entities	
1) Artesia Arts Council	\$51,000
2) Artesia Historical Museum	\$30,000
3) Artesia MainStreet	<u>\$25,000</u>
	\$106,000

10. Non-budgeted Items:

11. *Payment of Bills

Consent Agenda - Item #9

9. Approval of Lodger's Tax requests

Councilor Florez questioned why request #10 – Fall Fiesta was blank. He stated that he felt it was unfair that religious organizations were not considered for Lodger's Tax.

Ms. Vickie Grousnick, Events and Marketing Director of the Artesia Chamber of Commerce, stated that the committee had previously spoken with the Fall Fiesta event planners and discussed how they could change their presentation in order to qualify for Lodger's Tax. Ms. Grousnick indicated that a re-wording in the app to be a more community based event as well as a survey of the participants in the event would be helpful in determining eligibility for Lodger's Tax. Councilor Florez asked if there was enough time to receive approval for this year's event. Ms. Grousnick indicated that it was possible if the changes were made and returned in a timely manner.

Mayor Pro Tem Hill moved to approve Item #9 – Lodger's Tax requests. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed 7-0.

Public Hearings

- A. Consideration and approval of Case 18-01 – Home Business (Occupation) License-Accounting practice 2406 Sierra Vista Road Owner/Applicant – Chris Pruitt C.P.A. *(postponed from February 13, 2018)*

Director Jim McGuire informed the Council that after the February 13, 2018 meeting he spoke with Mr. Chris Pruitt. Mr. Pruitt informed Director McGuire that he wished to withdraw his application for the Home Occupation License.

Period for Hearing Visitors

There was no public input.

Committee Reports:

There were no Committee Reports.

Personnel

A. Hiring

1. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Jason Bealer 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. Upon vote, the motion passed 7-0.

2. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Jon McDonald to the position of Parks Foreman, Parks Department, at a salary of \$3025 per month (CA30), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher. Upon vote, the motion passed 7-0.

3. Councilor Bratcher moved, upon recommendation of the Mayor, to hire Emilio Bustos to the position of Uncertified Firefighter, Fire 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. Upon vote, the motion passed 7-0.

4. Councilor Bratcher moved, upon recommendation of the Mayor, to hire Collin Prescott to the position of Uncertified Firefighter, Fire 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 Rodriguez. Upon vote, the motion passed 7-0.

5. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Deborah Brazas to the position of Receptionist/Clerk, Finance & Administration Department, at a salary of \$2037 per month (CA14), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro Tem Hill. Upon vote, the motion passed 7-0.

6. Mayor Pro Tem Hill moved, upon recommendation of the Mayor, to hire Luis Almanza 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 Madrid. Upon vote, the motion passed 7-0.

B. Openings

Councilor Rodriguez moved to advertise and fill the positions of:

1. Wastewater Assistant

There was discussion regarding staffing levels across the City.

The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed 7-0.

Public Safety

Police

Chief Kirk Roberts gave an update on meetings with Legislative representatives in Santa Fe and stood for questions.

There was discussion regarding the school delay on Friday February 23rd, 2018 in response to a shooting threat. Both the Council and Chief Roberts attributed an excellent relationship between

the schools and the Police Department as a major factor in how quickly the threat was responded to.

Fire

Chief Kevin Hope stood for questions.

Community Development

Community Development Director Jim McGuire presented stats, gave project updates, and stood for questions.

Infrastructure Department

A. Acceptance of donation of real property from Holly

Infrastructure Director Byron Landfair and Mayor Phillip Burch presented a request to accept a donation of .972 acres of land located in an area of frontage that is slated to be landscaped and beautified by the City of Artesia.

Mayor Pro Tem Hill moved to accept the signing of the quit claim deed to be presented by Holly Frontier for .972 acres of land. Councilor Madrid seconded the motion.

Councilor Rodriguez requested clarification of the location.

Upon vote, the motion passed 7-0.

Director Landfair gave updates on projects, the re-surfaced fields at Jaycee Park, and stood for questions.

Councilor Rodriguez publicly thanked the Little League organization for all that they've done for the children of the City of Artesia.

City Attorney

City Attorney John Caraway stood for questions.

Mayor Burch thanked Attorney Caraway for his years of service to the City and stated that he enjoyed working with him.

Attorney Caraway stated that he had served the City of Artesia for 16 years and had likewise enjoyed his time working for, and that it had been an honor to represent, the City.

City Clerk

City Clerk Aubrey Hobson reminded everyone that Early Voting ends on Friday, March 2nd, 2018 and that the regular Municipal Election will be held on Tuesday, March 6th, 2018.

Mayor

A. Progress report on lawsuit against the NM Taxation & Revenue Department

Mayor Burch and City Clerk Hobson presented an update on the lawsuit stating that the City was moving from an individual lawsuit into a class action law suit against the Taxation & Revenue Department. They stated that \$6 million dollars of gross receipts earned by the City of Artesia had been kept back the Taxation & Revenue Department with no explanation or warning. The hope of the lawsuit is to have the Taxation & Revenue Department cease the practice of withholding funds with no explanation or reason.

There was discussion regarding other cities involved as well as delays and timelines.

- B. Discussion and possible action for extending participation in the consortium responsible for Phoenix air service to Roswell.

City Clerk Aubrey Hobson presented the request to extend the participation in the consortium for Phoenix air service to Roswell. There was discussion regarding a similar agreement for flights to Dallas in previous years as well as discussion regarding passenger seat count fulfilment and length of extension.

Councilor Rodriguez moved to approve a 3 month extension for participation in the consortium responsible for Phoenix air service to Roswell. Councilor Youtsey seconded the motion and upon vote, the motion passed 7-0.

- C. Executive session: In accordance with the State of New Mexico Open Meetings Action, Section 10-15-1-(H)(8):
 - 1. Purchase of Real Property

Mayor Burch declared an executive session was not necessary and that two items would be discussed and acted upon during this regular session.

Item #1 – Two 40-acre tracts of land.

Mayor Burch advised the Council that the contract had been written up by City Attorney John Caraway and that the purchase of the property had been approved at the February 13th, 2018 Council meeting. Attorney Caraway requested approval from the Council to submit the contract to the land owner for review with the understanding that the contract would then come back before Council for signing.

Mayor Pro Tem Hill moved to approve the submission of the contract for two 40-acre tracts of land to the current owner for review. Councilor Bratcher seconded the motion and upon vote, the motion passed 7-0.

Item #2 – Discussion of Purchase of Water Rights

Council discussed directing staff to pursue a discussion for the negotiation of the purchase of Water Rights.

Councilor Bratcher moved to direct staff to pursue a discussion for the negotiation of the purchase of Water Rights. Councilor Youtsey seconded the motion.

Mayor Pro Tem Hill questioned where the funds were coming from for the purchase. Mayor Burch explained that the purchase would actually break down into 3 or 4 individual purchases

over different budget years. City Clerk Aubrey Hobson noted that the first purchase would come out of the Water Fund.

Upon vote, the motion passed 7-0.

New or other business from Councilors

All of the Councilors thanked Mayor Burch, Councilor Sanchez, and Attorney Caraway for their years of service.

There being no further business, the meeting was adjourned at 7:18 pm on February 27th, 2018.



Raye Miller - Mayor

ATTEST:



Aubrey Hobson - City Clerk