

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
January 8, 2019.**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 8, 2019, at 6:00 p.m. in regular session with Mayor Raye Miller presiding, and the following present, to wit:

Bill Rogers	Kent Bratcher
Manuel Madrid Jr.	Jeff Youtsey
Terry Hill	George G. Mullen
Raul Rodriguez	

The following were absent:
Mayor Pro tem Luis Florez

Also present:
Aubrey Hobson, City Clerk
Matt Byers, City Attorney

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

New requests for City Facilities

None.

City Departments and Employees

A. Peggy Swafford, Librarian II – 50 years of service

Mayor Raye Miller informed the Council and public that Peggy Swafford celebrated 50 years of service, and stated it is a remarkable accomplishment.

Special Reports

None.

Consent Agenda

Councilor Rodriguez moved to approve the consent agenda. Councilor Mullen provided a second and upon vote, the motion passed 7- 0.

**CONSENT AGENDA
January 8, 2019**

- 1. Approval of Minutes** **December 11, 2018**
 - 2. Consideration of Bids:**
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3. Contracts, Leases and Agreements:

- A. *Approval of Contract for City Services Connection with Lisa and Zach Ferguson for 2622 West Avenue
- B. *Approval of Contract for City Services Connection with Arturo Galvan for 303 N. Paris

4. Appointments:

5. Personnel Resignations, Hirings, Promotions, and Transfers:

- A. Accept the resignation of Simranjit Khurana, Police Officer, effective December 26, 2018
- B. Accept the resignation of Brandon Sinclair, Wastewater Operator II, effective January 11, 2019
- C. Accept the retirement of Rick Burks, Division Chief of Training/Safety, January 12, 2019
- D. Permission to advertise and fill:
 - 1) Police Officer
 - 2) Wastewater Assistant
 - 3) Division Chief of Training/Safety (Ratification of Mayor Miller’s approval)
 - 4) Battalion Chief – Fire Department

Upon recommendation of the Mayor, subject to successful completion of required pre-employment testing, permission to:

E. Promote:

	<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1.	Jeremy Kirkham	Fire	Division Chief of Training/Safety	\$5802 per month CA42

F. Hire:

	<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1.	Francisco Orosco	Water	Technician	\$2363 per month CA20

6. Dates of Hearing:

- A. Ratification of Mayor Miller’s approval to advertise and set a public hearing on January 8, 2019 for the consideration of an Ordinance for Case No. 18-15 Zone Change from Suburban Acreage -2 type “SA-2” to Manufactured Home District “MH”. Lots 30-36

and Lots 43-49 of Block 2 of the Grand Heights Redivision; Located on the south side of the 2400-2500 Block of W. Missouri Ave.; Owner- Ben Hernandez.

7. Travel and Training:

- A. Police – Permission for one (1) employee to attend the Buckle Up 2019 training in Albuquerque, NM
- B. Wastewater – Permission for one (1) employee to attend the NMWWA Annual school in Las Cruces, NM
- C. Police – Ratification of Mayor Miller’s approval for one (1) employee to visit NM Department of Public Safety office in Santa Fe, NM for file review

8. Routine Requests for City Facilities:

9. Routine Resolutions(to be assigned a number by staff)

10. Budgeted Items:

11. Quarterly Journal Entries

12. Non-budgeted Items:

13. *Payment of Bills

Public Hearings - including consideration of final passage of any ordinance as to which proper notice has been published.

- A. Consideration and approval of an ordinance for Case No. 18-11 zone change from General Residential District “R-2” to Business District “C”. Tract 2 of the Beardemphl Land Division being 3.986 acres in size; Located in the SE1/4 SE1/4 of Section 13, T.17 S., R 25 E. within the Stonegate Subdivision with access onto Remington Street; Owner- Escudilla Drive LLC.

Louis Jaramillo, Planning & Zoning Administrator, stood in for Community Development Director Jim McGuire. Mr. Jaramillo informed the Council the proposed zone change is for Lot Tract 2 of Beardemphl Land Division. The zone change request is from R2 to commercial for the purpose of RV storage only. The Planning & Zoning Commission recommended approval for the zone change with owners agreeing to a deed restriction limiting the land use of the property to recreational vehicles only.

Mayor Miller asked if there is any public input.

There was no public input.

Councilor Rogers moved to approve the ordinance for Case No. 18-11 zone change from General Residential District "R-2" to Business District "C". Tract 2 of the Beardemphl Land Division. The motion was seconded by Councilor Bratcher.

Upon vote with the following vote recorded:

Aye: Councilors Youtsey, Bratcher, Mullen, Hill, Rogers, Rodriguez, Madrid.

Nay: None.

The motion passed 7-0.

ORDINANCE 1040

B. Consideration and approval of an ordinance for Case No. 18-12 Final Plat-West Grand Subdivision Phase 1 A proposed residential development consisting of 12 lots, Tracts A and B, right-of-way for a 25' wide and a 50' wide alley; Zoned "SA-2" Suburban Acreage-type 2; Located in the NW1/4 NE1/4 of Section 13, T.17 S., R.25 E. on the north side of the 2800-3200 block of W. Grand Ave.; Owner- Habitat for Humanity; Agent- Smith Engineering.

Mr. Jaramillo informed Council Case No. 18-12 is a final Plat for Phase 1, W. Grand Subdivision. The preliminary plat was approved in October 2018. The owner is Habitat for Humanity and the engineering company is Smith Engineering. The location of the proposed final plat is the North side of 28th Street through 33rd block of W. Grand Street. The Planning & Zoning Committee recommended approval.

Mayor Miller asked if there is any public input.

There was no public input.

Councilor Rodriguez moved to approve ordinance for Case No. 18-12 Final Plat-West Grand Subdivision. The motion was seconded by Councilor Rogers.

Upon vote with the following vote recorded:

Aye: Councilors Madrid, Rodriguez, Rogers, Hill, Mullen, Bratcher, Youtsey.

Nay: None.

The motion passed 7-0.

ORDINANCE 1041

C. Consideration and approval of an ordinance for Case No. 18-13 Zone Change from Suburban Acreage -2 type "SA-2" to Single Family District "R1-B". Lots 1 through 12 and Tract B of West Grand Avenue Subdivision Phase 1; Located in the NW1/4 NE1/4 of Section 13, T.17 S., R.25 E. on the north side of the 2800-3200 block of W. Grand Ave.; Owner- Habitat for Humanity; Agent- Smith Engineering.

Mr. Jaramillo informed the Council Case No. 18-13 is a zone change for Tract B, lots 1-12 for the W. Grand Subdivision Phase 1. The owners wish to have a zone change from SA-2 to R1-B. Mr. Jaramillo stated the Planning & Zoning Committee recommended approval.

Mayor Miller asked if there is any public input.

There was no public input.

Councilor Rodriguez moved to approve ordinance for Case No. 18-13 Zone Change from Suburban Acreage -2 type SA-2 to Single Family District R1-B. The motion was seconded by Councilor Mullen.

Upon vote with the following vote recorded:

Aye: Councilors Rogers, Hill, Mullen, Rodriguez, Madrid, Bratcher, Youtsey.

Nay: None.

The motion passed 7-0.

ORDINANCE 1042

D. Consideration and approval of an ordinance approving Case No. 18-14 A Vacation and Replat of the Replat Industrial Park of Artesia Phase III Block 4, Block 5 & Block 6. The creation of Tracts A and B and Lot 1A with the replat of Lots 1-5 of Block 3, Lot 1 of Block 4 and Lot 8 of Block 6 of the Replat Industrial Park of Artesia Phase III, Lots 2A and 3A of Block 4, Lots 4A and 5A of Block 5 and Lot 9A of Block 6 of the Industrial Park of Artesia-Phase III, and Tract 1 of the Lot 6A and 7A Artesia Industrial Park-Phase III; the designation of utility easements; and vacating public rights-of-way for a portion of Fletcher Road and all of Parkway Road, Parkland Road and Railway Avenue located in the Artesia Industrial Park; Owner- City of Artesia.

Mr. Jaramillo informed the Council Case No. 18-14 is a Vacation and Replat of blocks 3, 4, 5 and 6 of the Artesia Park for phase 3 subdivision. The creation of Tracts A and B and Lot 1A with the Replat of Lots 1-5 of Block 3. Mr. Jaramillo stated the City would keep Tract A and sell Tract B. Mr. Jaramillo stated staff and Planning & Zoning Committee recommended approval.

Mayor Miller asked if there is any public input.

There was no public input.

Councilor Rogers moved to approve ordinance for Case No. 18-14 A Vacation and Replat of the Replat Industrial Park. The motion was seconded by Councilor Bratcher.

Upon vote with the following vote recorded:

Aye: Councilors Mullen, Bratcher, Youtsey, Rogers, Rodriguez, Madrid.

Nay: Councilor Hill.

The motion passed 6-1.

ORDINANCE 1043

E. Consideration and approval of an ordinance for amending Title 10-1-12, 10-3-1, 10-4-1, 10-4-2, 10-4-3, AND 10-5-2 of the Artesia City Code. The purpose of the amendment is to distinguish a "Minor" subdivision from a "Major" subdivision by definition and process.

Mr. Jaramillo informed the Council the amendments are to create two types of subdivisions. The proposed changes are (majors and minors). The change would have a different approval process and requirements. The Planning & Zoning Committee recommended approval.

Mayor Miller asked if there is any public input.

There was no public input.

There was some discussion regarding the different restrictions for each subdivision type.

Councilor Bratcher moved to approve ordinance for amending Title 10-1-12, 10-3-1, 10-4-1, 10-4-2, 10-4-3, and 10-5-2 of the Artesia City Code. The motion was seconded by Councilor Youtsey.

Upon vote with the following vote recorded:

Aye: Rodriguez, Madrid, Rogers, Mullen, Hill, Rogers, Bratcher, Youtsey.

Nay: None.

The motion passed 7-0.

ORDINANCE 1044

F. Consideration and approval of an ordinance replacing Ordinance No. 1024. Purpose of the amendment is to reference the New Mexico Existing Building Code, and extend the life of the International Property Maintenance Code, 2018 edition, by removing references to state statute and specific years and replacing with "latest edition of".

Mr. Jaramillo informed the Council Ordinance 1024 was originally for an existing building code to be in compliance with the State's code. Mr. Jaramillo also stated that Sterling Codifiers caught a mistake that noted year "2012" instead of "2015" in section 102.7.

Mayor Miller asked if there is any public input.

There was no public input.

Councilor Bratcher moved to approve Ordinance 1045, replacing Ordinance 1024. The motion was seconded by Councilor Rodriguez.

Upon vote with the following vote recorded:

Aye: Councilors Rogers, Rodriguez, Hill, Mullen, Bratcher, Youtsey, Madrid.

Nay: None.

The motion passed 7-0.

ORDINANCE 1045

G. Consideration and approval of an ordinance for Case No. 18-15 Zone Change from Suburban Acreage -2 type "SA-2" to Manufactured Home District "MH". Lots 30-36 and Lots 43-49 of Block 2 of the Grand Heights Redivision; Located on the south side of the 2400-2500 Block of W. Missouri Ave.; Owner- Ben Hernandez.

Mr. Jaramillo informed the Council Case No. 18-15 is to change the zoning classification from SA-2 to MH. Mr. Jaramillo stated the owner Mr. Hernandez is present at the Council meeting, staff and Planning and Zoning recommended approval with the reasoning being it is utilizing the existing utilities and provides affordable housing for the area.

Mayor Miller asked if there is any public input.

Selena Carson, the owner of Carson Real Estate and homeowner on Grand Avenue addressed the Council regarding the proposed zone change, Ms. Carson stated it is not a positive move for the area and the manufactured homes in the area have negative tendencies for the area and are not well kept. Ms. Carson suggested residential homes instead of manufactured homes and stated the zone change will decrease the homes's value around the area and increase traffic.

Councilor Bratcher asked Mr. Hernandez if his intention is to lease the property or sell it. Mr. Hernandez stated he has a buyer for 6 lots. Mr. Hernandez also stated there has been several individuals interested in the property and does not believe the zone change will negatively decrease the value in the area.

There was discussion regarding the proposed zone change.

Councilor Rogers moved to approve ordinance Case No. 18-15 to change the zoning classification from SA-2 to MH. The motion was seconded by Councilor Mullen.

Upon vote with the following vote recorded:

Aye: Councilors Mullen, Hill, Rogers, Rodriguez, Madrid.

Nay: Councilors Youtsey, Bratcher.

The motion passed 5-2.

ORDINANCE 1046

H. Protest of the amendment to the delinquent utility liens.

City Clerk Aubrey Hobson requested Council to table the item 7H until a later time in the meeting.

Councilor Rogers moved to table item 7H to a later time in the meeting. The motion was seconded by Councilor Rodriguez and upon vote, the motion carried 7-0.

Period for Hearing Visitors

None.

Comments from Public Officials and Contracted Services

None.

Committee Report

None.

Personnel

Human Recourse Director Sandi Countryman presented stats and stood for questions.

Councilor Bratcher addressed his concerns regarding the resignations for the Water & Waste Water Department. Director Countryman stated recently the employees transfer to another department and is going to discuss the concern with the Personnel Committee.

Public Safety

Police

Police Chief Kirk Roberts presented stats and stood for questions.

Fire

Chief Kevin Hope presented stats and stood for questions.

Community Development

Planning and Zoning Administrator Louis Jaramillo stood for questions.

Infrastructure Department

Infrastructure Director Byron Landfair gave project updates and stood for questions.

City Attorney

City Attorney Matt Byers stood for questions.

City Clerk

Protest of the amendment to the delinquent utility liens.

Councilor Rogers moved to remove tabled item 7H for discussion. The motion was seconded by Councilor Mullen and upon vote, the motion carried 7-0.

City Clerk Aubrey Hobson stated the public hearing is for a protest to the utility roll and two of the accounts on the delinquent utility lien list have been paid and removed from the list. City Clerk Hobson stated no one from the public is in attendance regarding the public hearing.

Mayor Miller asked if there is any public input.

There was no public input.

Consideration and approval of a resolution adopting the amendment to the delinquent utility lien roll.

City Clerk Aubrey Hobson informed Council their copy of the resolution will have the first and third names removed.

Councilor Rogers moved to approve the resolution adopting the amendment to the delinquent utility lien roll. The motion was seconded by Councilor Mullen and upon vote, the motion carried 7-0.

RESOLUTION 1687

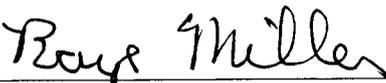
Mayor

None.

New or other business from Councilors

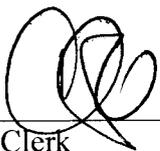
Councilor Hill thanked the Infrastructure Department for their hard work.

There being no further business, the meeting was adjourned 7:22 p.m. on January 8, 2019.



Raye Miller, Mayor

ATTEST:



Aubrey Hobson - City Clerk