

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
May 9<sup>th</sup>, 2017**

The City Council of the City of Artesia, New Mexico met at the Artesia Recreation Center, 612 North 8<sup>th</sup> Street, Artesia, New Mexico, on Tuesday, May 9<sup>th</sup>, 2017 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

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

The following were absent:

None

Also present:

Aubrey Hobson, City Clerk  
John Caraway, City Attorney

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

**Consent Agenda**

Councilor Rodriguez 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  
May 9, 2017**

1. **Approval of Minutes:** \*April 25, 2017
2. **Consideration of Bids:**
  - A. \*Approval of award of bid for Audit Services to GPS Griego Professional Services for a 3-year contract
3. **Contracts, Leases and Agreements:**
  - A. \*Request and approval to reassign the Weatherford U.S., L.P. lease at 2404 Parkland Street, Lot 2 of Block 3 of the Industrial Park of Artesia, to LSEP, LLC.
4. **Appointments:**
5. **Resignations:**
  - A. Approval to rescind the resignation of Brenda Meek, Cemetery Equipment Operator
  - B. Accept the resignation of Alonzo Acosta, Street Supervisor, effective April 28, 2017
  - C. Accept the resignation of John M. Fernandez, Street Equipment Operator, effective May 5, 2017
  - D. Accept the resignation of Jacob Cano, Water Technician, effective May 3, 2017
  - E. Accept the resignation of Celestino Gonzales, Street Department Foreman, effective May 5, 2017

F. Accept the resignation of Ruben Sanchez, Recreation Specialist, effective May 19, 2017

**6. Dates of Hearing:**

**7. \*Travel and Training:**

- A. Police – Permission for one (1) employee to attend the Safer NM Annual LE Coordinators Symposium in Albuquerque, NM
- B. Fire – Permission for two (2) employees to attend the NFPA 1081 course in College Station, TX
- C. HR- Permission for one (1) employee to attend the 2017 Annual meeting – Bench and Bar conference in Ruidoso, NM
- D. Police – Permission for two (2) employees to attend the Building Analytical Capacity training in Santa Fe, NM
- E. Police – Permission for one (1) employee to attend the Law Enforcement Coordinators' Symposium in Albuquerque, NM
- F. Executive – Permission to attend the NMML Budget Committee meeting in Santa Fe, NM
- G. Water – Permission for one (1) employee to attend the 2017 Utility Operator Certification and Exam in Ruidoso, NM
- H. Executive - Permission to attend the retirement ceremony of Connie Patrick, Director of the FLETC in Glynco, GA
- I. Police – Ratification of Mayor Burch's approval for one (1) employee to attend the Safer NM Car Seat clinic in Las Cruces, NM

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

**9 Budgeted Items:**

- A. \*Approval of quarterly GL adjustments

**10. Non-budgeted Items:**

**11. \*Payment of Bills**

**Public Hearings:**

Mayor Phillip Burch requested comment from Mayor Pro Tem Terry Hill before opening the meeting for public hearing for the following:

- 1. Consideration and approval of an ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code.

Mayor Pro Tem Hill reported that the Infrastructure Committee had met regarding taking action on the proposed water rate ordinance. He stated that the committee had taken all comments and concerns from the previous public hearing and from phone calls received and as a result it was the committee's recommendation that the proposed ordinance be pulled for consideration from the agenda and postponed indefinitely. Mayor Pro Tem Hill stated that the committee would like to continue to work on an ordinance that will satisfy the needs of both the city and the public.

Mayor Pro Tem Hill moved to pull from consideration the ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code. The motion was seconded by Councilor Rodriguez.

Mayor Burch expressed his appreciation for the work the Infrastructure Committee had put into the proposed ordinance as well as his appreciation for the input from the public. Mayor Burch stated that it had been a difficult process but felt that doing nothing with the water rates would be a disservice to both the city and the public. Mayor Burch expressed concern that there would be problems in the future that the council would need to address. He conceded that this proposed ordinance may not have been the right format but encouraged the public to understand that another proposed ordinance would be brought forward in the future. Mayor Burch agreed with Mayor Pro Tem Hill in that he hoped the new proposed ordinance would satisfy the needs of the city while ensuring public fairness. Mayor Burch thanked the constituents for attending the meeting and for all the previously expressed opinions and assured everyone present that any future proposed ordinances would be advertised so that anyone who wanted to participate would be able to do so.

Upon vote, the motion passed.

### **Other:**

At this point, Mr. William Darr addressed the council regarding his opinion on the financial issues facing the City of Artesia. Mayor Burch informed Mr. Darr that the period for public comments had ended.

### **Board of Appeals**

Council Rogers moved to recess the regular City Council meeting and convene the Zoning Board of Appeals. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed. The regular City Council meeting was recessed at 6:15pm.

Mayor Pro Tem Hill moved to reconvene the regular City Council meeting at 6:24pm. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

### **Visitors:**

Mr. Raye Miller expressed appreciation to the council for attempting to find a solution for the water ordinance. Mr. Miller expressed a desire going forward for the council to provide more notice to the public than is legally required for a public hearing to ensure as many people as possible understand and participate in the process regarding a new proposed water ordinance. Mr. Miller also expressed concerns regarding the proposed shooting range for the Police Department. He asked Mayor Burch if Notice to Offset Property Owners had been given to the community near the proposed site and suggested the council do so if it had not been done.

Mr. Townley thanked the council for giving the public a chance to voice their opinions. He also expressed gratitude that the community had been given a chance to research and identify needs in the city's utility department.

Mr. David Davies apologized to the council regarding his previous erroneous report of employees being unable to attend committee meetings. He stated that he had since been informed that employees could attend committee meetings and expressed his intention to attend many future meetings. Mr. Davies also addressed the council regarding his concern regarding the rise in rates for employee medical insurance, the 10% pay reduction for employees of the city of Artesia, and the city's building of new infrastructure. Mr. Davies expressed his belief that not all the employees

had been treated equally regarding the rate reduction and retirement plans and requested that the council relinquish 10% of each councilor's wages back to the city.

Councilor Jeff Youtsey requested that he be allowed to respond to Mr. Davies concerns. Councilor Youtsey addressed Mr. Davies concerns regarding the budget and the effect the economy has had on the city, the councilors attitudes regarding the gravity of the situation with the employees and the 10% reduction in pay, and the councils' accountability to the citizens of the City of Artesia as well as to the City itself. Councilor Youtsey encouraged continuing to express opinions but urged civility. He also assured everyone that budget discussions would continue for the upcoming year and that the council would be taking all factors into consideration when making decisions and believed that the city could work through the difficult times and come out on top.

Mr. Wayne Kemp stated that since the last council meeting he had an opportunity to speak with several councilors and felt that good discussions had come of it. Mr. Kemp expressed a desire to keep the next proposed water ordinance simple and felt that many people would be accepting of a flat rate increase.

Katherine (inaudible) stated that she had been laid off from Yates Petroleum during the economic downturn and after finding new work ended up with a 42% pay cut. She expressed concern regarding an increase in water rates as she was already finding it difficult and had since stopped using water on her lawn.

### **Committee Reports:**

#### **Budget & Finance**

City Clerk Aubrey Hobson reported that the Budget & Finance Committee recommended an additional six (6) employees for the summer recreation program as well as re-establishing the summer basketball and weights program. City Clerk Hobson indicated that because that decision would affect the current year budget, the council would require a motion to approve the additional recreational summer staffing which would require around \$7000.00 for the current year.

Councilor Jeff Youtsey moved to approve the addition of \$7000.00 to the budget for the hiring of six (6) additional employees for the summer recreation program. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

Councilor Bill Rogers indicated that a copy of the preliminary budget had been handed out to council prior to the meeting and wanted to point out that the preliminary budget considers re-instating the 10% pay to city employees. Councilor Rogers re-iterated that it was a preliminary budget only and expressed concern about external factors that could still affect the decision.

Mayor Burch discussed issues in State and Federal government that may affect incoming revenues for the City of Artesia and expressed concerns regarding the constraints some of those decisions may place on the city's budget.

#### **Government**

Mayor Phillip Burch reported on his meetings with officials and departments during his recent trip to Washington, DC. Mayor Burch indicated that he was optimistic regarding an influx of new people coming through FLETC (Federal Law Enforcement Training Center) for training.

#### **Personnel**

## Hiring

A.

1. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Raul Ramirez to the position of Wastewater Assistant, at a salary of \$2127 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.

2. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Mark Fuentes, II to the position of Wastewater Assistant, at a salary of \$2127 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.

## Openings

B. Human Resources Director Sandi Farley presented all five of the positions to advertise and fill for one motion.

After the list had been read, Councilor Rodriguez moved to advertise and fill the vacant positions of:

- Street Supervisor
- Street Equipment Operator
- Water Technician
- Street Foreman
- Recreation Specialist

The motion was seconded by Councilor Madrid and upon vote, the motion passed.

## Promotions

C. Councilor Rodriguez moved to approve the change of department for promotion of Eli Vasquez from Cemetery Equipment Operator to Solid Waste Equipment Operator. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

## Salary

D. Councilor Rodriguez moved to approve a temporary salary increase for Richard Acosta, Parks Department Foreman, effective May 7<sup>th</sup>, 2017 for additional duties resulting from the resignation of the Street Supervisor. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

## Stats

Director Farley presented stats and stood for questions.

## Public Safety

### Police

Police Chief Don Raley reported on the proposed shooting range at Jaycee Park. Chief Raley indicated that while it was never an ideal solution, it was the most cost effective. However, after speaking with council, it had been established that many citizens did not agree and were opposed

to the location of the proposed range. Chief Raley indicated that going forward, law enforcement would require some kind of training facility to ensure the proper training of Artesia Law Enforcement however, he believed it to be counterproductive to upset the citizens.

Chief Raley withdrew the request for approval of construction of a shooting range at Jaycee Park.

Mayor Burch assured Chief Raley that the council would continue to look for a solution as he agreed with Chief Raley that a facility is required.

Chief Raley presented stats and stood for questions.

Councilor Florez commended the police department for the program "Coffee with Cops" that had taken place the morning of May 9<sup>th</sup>, 2017. He indicated there had been a good turnout and believed that this type of program helps to instill confidence in the police force within the community. Councilor Florez thanked Chief Raley for running the program. Chief Raley in turn thanked Councilor Florez for taking part and thanked McDonald's for their participation.

#### Fire

Chief Kevin Hope presented stats and stood for questions.

Mayor Burch and Mayor Pro Tem Hill inquired about training of new recruits and Chief Hope provided updates on their status.

#### **Community Development**

Community Development Director Jim McGuire requested a ratification of the Mayor's decision to sign the revised subdivision improvement agreement for Stonegate Subdivision #1. Director McGuire explained that since the first approval, a restructuring of names had occurred; the document was the same, only the names of the companies were different.

Councilor Rogers moved to approve the ratification of the Mayor's decision to sign the revised subdivision improvement agreement for Stonegate Subdivision #1. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Director McGuire presented stats and stood for questions.

Councilor Florez relayed a constituent question regarding a parcel of land on Mill Road and the state of the utilities in the area. Director McGuire indicated that his staff was preparing a report on the subject and he would bring the report to the next council meeting.

#### **Infrastructure Department**

Public Works Director Byron Landfair gave progress reports on the ongoing City projects and gave an update on the oxidation issue at the treatment plant. He indicated that the issue had been found and was being dealt with.

Director Landfair stood for questions.

#### **City Attorney**

City Attorney John Caraway advised the council that the City was proceeding with its foreclosure liens and indicated that there would be a substantial, around \$16,000, demolition cost.

City Attorney Caraway stood for questions.

**City Clerk**

City Clerk Aubrey Hobson stood for questions.

**New or other business from Councilors**

There being no further business, the meeting was adjourned at 7:07 p.m. on May 9<sup>th</sup>, 2017.

  
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Mayor

ATTEST:

  
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City Clerk