

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
February 13th, 2018**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, February 13th, 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
Bill Rogers	Raul Rodriguez
Manuel Madrid Jr.	Terry Hill

The following were absent:

None

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 Bratcher moved to approve the consent agenda removing Item 3(A) from the consent agenda for separate consideration. Councilor Rodriguez provided a second and upon vote, the motion passed 8-0.

The consent agenda includes:

**CONSENT AGENDA
February 13, 2018**

1. **Approval of Minutes:** *January 23, 2018
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
 - A. *Approval of the Lease Agreement for Warren Development, LLC, at 205 Fletcher Road, Lot 2A of Block 2 of the Navajo Refining Replat
4. **Appointments:**
5. **Resignations:**
 - A. Accept the resignation of Kevin Schrader, Wastewater Lead Operator, effective January 19, 2018
 - B. Accept the resignation of Jorge Martinez, Police Corporal, effective February 9, 2018
 - C. Accept the resignation of Jarrod Davis, Street/Park Department Equipment Operator, effective January 30, 2018
 - D. Accept the resignation of James Hernandez, Receptionist/Clerk, effective February 16, 2018
 - E. Accept the retirement of Clarence "Buddy" Sentell, Street/Park Department Equipment Operator, effective March 6, 2018

- F. Accept the resignation of Angela Schoonmaker, Firefighter, effective February 20, 2018
- G. Accept the resignation of Lucio Ordonez, Water Technician, effective February 15, 2018
- H. Accept the resignation of Gracie Gonzales, Police Corporal, effective February 23, 2018

6. Dates of Hearing:

- A. Permission to set a public hearing for March 13, 2018 for consideration of an ordinance amending Section 8-1-7 "Existing Building Code" and Section 8-1-8 "Property Maintenance Code" of the Artesia City Code

7. *Travel and Training:

- A. Police – Permission for one (1) employee to attend the Basic Criminal Investigator training in Albuquerque, NM
- B. Police – Permission for one (1) employee to attend the Administrative and Mid-Level Supervision (PATC) in Rio Rancho, NM
- C. Police – Permission for one (1) employee to attend the Selective Traffic Enforcement Program (STEP) in Clovis NM
- D. Fire – Permission for one (1) employee to attend the Critical Care Transport Medicine Conference and the Pittman Course in San Antonio, TX
- E. Fire – Permission for one (1) employee to attend the Executive Leadership conference in Emmitsburg, MD
- F. Fire – Permission for two (2) employees to attend the Instructors Development workshop in Socorro, NM
- G. Fire – Permission for one (1) employee to attend the Fire Department Instructor conference in Indianapolis, IN
- H. Police – Permission for one (1) employee to attend the Desert Snow Interdiction training in Albuquerque, NM
- I. Fire – Permission for one (1) employee to attend the Rope Tech Test at the NM Fire Academy in Socorro, NM
- J. Garage – Permission for three (3) employees to attend the NAPA Brake training clinic in Roswell, NM
- K. Fire – Permission for two (2) employees to attend the NM Chapter of the International Association of Arson Investigator training in Los Alamos, NM

8. Routine Requests for City Facilities:

9. Budgeted Items:

10. Non-budgeted Items:

11. *Payment of Bills

Consent Agenda - Item #3A

3.A. Approval of the Lease Agreement for Warren Development, LLC, at 205 Fletcher Road, Lot 2A of Block 2 of the Navajo Refining Replat

There was discussion between the Council and Mr. Steven Warren of Warren Development, LLC, regarding precedents on leasing and subleasing as well as discussion regarding the intended use of Industrial Park leases.

Councilor Bratcher moved to approve the Lease Agreement for Warrant Development, LLC, at 205 Fletcher Road, Lot 2A of Block 2 of the Navajo Refining Plat. The motion was seconded by Councilor Rogers and upon vote, the motion passed 8-0.

Agenda Item Moved – Item #12A

Councilor Rodriguez moved to address Agenda Item #12A – Consideration and approval of an Addendum to the Subdivision Improvement Agreement for Stonegate Subdivision #1 to this point in the meeting. The motion was seconded by Councilor Youtsey and upon vote, the motion passed 8-0.

Community Development Director Jim McGuire presented. There was discussion regarding permits, accessibility issues, and Certificates of Occupancy.

Councilor Youtsey moved to approve the Addendum to the Subdivision Improvement Agreement for Stonegate Subdivision #1. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed 8-0.

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.

Director Jim McGuire presented. Director McGuire went over discovery of the situation as well as discussions that took place during the Planning and Zoning committee meetings. Director McGuire stated that the Planning and Zoning committee recommends approval of the Home Business (Occupation) License to Mr. Pruitt.

Mayor Burch called the Public Hearing open for Public input.

Mr. Jeff Bowman of the Loma Vista community expressed his concerns regarding the precedent he felt approval of this license would set. Mr. Bowman stated that Loma Vista is zoned as a residential neighborhood and expressed concern that allowing this license would allow future applications to be granted as well. Mr. Bowman sited equal and fair application of the law as a reason the Council would be bound to approve future licenses and worried that the district could become a business district.

There was discussion regarding prior knowledge of the business, contacting Mr. Pruitt, and the possibility of Mr. Pruitt changing locations.

As Mr. Pruitt was not present at the meeting, Councilor Rodriguez stated that it would be prudent for the Council to speak with Mr. Pruitt as well as any other neighbors that would like to speak with Council before a decision should be made.

Councilor Rodriguez moved to postpone the decision on approval of Case 18-01 – Home Business (Occupation) License-Accounting practice 2406 Sierra Vista Road Owner/Applicant – Chris Pruitt C.P.A. to the February 27th, 2018 regular City Council meeting. The motion was seconded by Councilor Florez and upon vote, the motion passed 8-0.

B. Consideration and approval of the title and subject matter (Per State Statute 3-17-3.A.) of an Ordinance to amend Chapters 1, 2 and 11 of Section 9 of the Artesia City Code.

Director Jim McGuire presented the amendments for Chapters 1, 2, and 11 which included Obstruction of View (Site Triangle), Definitions, and Signs.

There was discussion regarding current non-compliant issues and grandfathering, sources for definitions, mobile signs, sign sizes, temporary signs, digital signs, and billboards.

Director McGuire indicated that the Planning and Zoning department had received a letter from Mr. Tom Palmer of Linmark Outdoor Media that disagreed with several of the City's suggestions on the proposed ordinance. Director McGuire also indicated that the Planning and Zoning board felt that Mr. Palmer's suggestions were too restrictive.

Mr. Palmer addressed the council and praised Planning and Zoning for trying to develop a sign ordinance. He indicated that it is a difficult task for any city. Mr. Palmer clarified some points of his letter regarding sizes and locations of signs as well as the points Director McGuire felt were restrictive. Mr. Palmer suggested a "Cap & Replace" method for billboards. He indicated that this would mean that the amount of billboards in the city would remain static; if the city was at maximum capacity for billboards and a new one was to go up then another must come down to maintain the maximum, or "capped", number.

Councilors Youtsey and Florez both indicated that they felt that the Council would benefit from more time to go over the proposed ordinance.. Considering the amount of information contained within as well as the new information presented, it was suggested that the decision on approval of the ordinance be postponed to a future meeting.

There was no further public input.

Councilor Bratcher moved to postpone the decision on approval of an Ordinance to amend Chapters 1, 2 and 11 of Section 9 of the Artesia City Code to the March 13th, 2018 regular City Council meeting. The motion was seconded by Councilor Florez and upon vote, the motion passed 8-0.

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

Infrastructure Director Byron Landfair presented. Director Landfair indicated that changes were made in the ordinance to reflect input received after the last presentation of a proposed utility rate ordinance. This proposed ordinance would institute a fixed rate increase and allow for annual rate increases to be reviewed yearly by the Council. Yearly increases would be considered, adjusted, and capped between 0 and 3%.

There was some discussion regarding Artesia's history of rate increases or the lack thereof as well as Artesia being one of the 5 lowest water rates in the state. There was also discussion regarding the cap and how that would affect future Councils. Councilor Rogers suggested striking the 0-3% limitation but leaving in the yearly consideration by the Council.

There was no public input.

Councilor Rogers moved to approve the ordinance amending Sections 7-1-2 A and 7-1-2 B (Water Rates) of the Artesia Municipal Code with an amendment removing the 0-3% yearly cap. The motion was seconded by Mayor Pro Tem Hill and upon vote with the following votes recorded;

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

Nay: None
the motion passed 8-0.

ORDINANCE NO. 1022

Director Landfair thanked the Infrastructure committee for their long hours and hard work in creating the ordinance.

- D. Consideration and approval of an ordinance amending 7-1-2-1 (Service Outside the City Limits – specifically residents of Paris and York) of the Artesia Municipal Code

Infrastructure Director Byron Landfair presented. There was discussion regarding County sewer line tie ins as well as incentive programs in place. Director Landfair indicated that the Ordinance would not survive Sale of Property and that anyone purchasing the property after would be subject to outside rates.

There was no public input.

City Attorney John Caraway suggested a change in language of the last sentence of Paragraph 3.

Councilor Bratcher moved to approve the ordinance amending 7-1-2-1 (Service Outside the City Limits – specifically residents of Paris and York) of the Artesia Municipal Code with an amended change of language in Paragraph 3. The motion was seconded by Councilor Youtsey and upon vote with the following votes recorded;

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

Nay: None
the motion passed 8-0.

ORDINANCE NO. 1023

Mayor Phillip Burch called for a break at 7:46pm.

Council reconvened at 7:54pm.

Period for Hearing Visitors

Ignacio Mariscal addressed the Council regarding a large amount of grackles in the City. Mr. Mariscal expressed concern regarding the waste the birds are leaving on city streets and property.

Ms. Christine Gonzales addressed the Council regarding the amount of chlorine in the water. Ms. Gonzales expressed concern about an allergic reaction she believes she is having due to the chlorine levels. She stated that the City has been by to test the water at her location and that she will be seeing a physician regarding the reaction.

Mayor Burch expressed thanks for Ms. Gonzales bringing the situation to the Council's attention and asked that she continue to update the Council on the subject.

There was discussion regarding water wells and chlorine levels around the city as well as normal ranges.

Ms. Linda Vanderveen addressed the Council and stated that she lived two blocks from Ms. Gonzales and that she too had noticed a strong chlorine odor in her home. Ms. Vanderveen stated that she was not presenting any allergic reaction but that her husband had begun to use bottled water due to the strong odor.

Committee Reports:

There were no Committee Reports.

Personnel

A. Hiring

1. Councilor Youtsey moved, upon recommendation of the Mayor, to hire Christopher Herrera 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 Bratcher. Upon vote, the motion passed 8-0.

2. Councilor Rogers moved, upon recommendation of the Mayor, to hire Alicia Planas to the position of Administrative Assistant I, Police Department, at a salary of \$2673 per month (CA25), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez. Upon vote, the motion passed 8-0.

3. Councilor Madrid moved, upon recommendation of the Mayor, to hire Caryle Goss to the position of Supervisor, Commission on Aging, at a salary of \$3339 per month (CA34), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

4. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Richard McNeil to the position of Equipment Operator II, Solid Waste Department, at a salary of \$2673 per month (CA25), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid. Upon vote, the motion passed 8-0.

5. Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Kristen Cook to the position of Part-time DA Liaison, Police Department, at a salary of \$11.80 per hour (PT32), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

B. Safety Stats

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

C. Openings

Councilor Rogers moved to advertise and fill the positions of:

1. Wastewater Lead Operator

2. Police Officer (2 positions)
3. Street/Park Equipment Operator (2 positions)
4. Receptionist/Clerk (Ratification of Mayor Burch's approval)
5. IT Administrator (Ratification of Mayor Burch's approval)
6. Firefighter
7. Water Technician

The motion was seconded by Councilor Rodriguez and upon vote, the motion passed 8-0.

Public Safety

Police

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

Fire

Chief Kevin Hope presented stats and stood for questions.

Community Development

Item #12(A) moved to earlier in the agenda (after consent agenda).

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

Infrastructure Department

Infrastructure Director Byron Landfair gave updates on projects and stood for questions.

City Attorney

City Attorney John Caraway stood for questions.

City Clerk

City Clerk Aubrey Hobson reminded everyone that Early Voting starts on February 14th, 2018 at 8:00am at City Hall.

Mayor

- A. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(8):
 1. Purchase of real property

A motion was made by Councilor Rogers with a second by Councilor Rodriguez to go into executive session at 8:24pm. Upon roll call vote, with the following votes recorded:

Yay – Councilors Rogers, Madrid, Rodriguez, Youtsey, Florez, Sanchez, Mayor Pro Tem Hill, Councilor Bratcher

Nay – None
the motion passed 8-0.

Councilor Rodriguez made a motion to come out of executive session at 9:01 pm, only purchase or sale of real property was discussed and no action taken. The second was made by Councilor Rogers and upon vote, the motion passed 8-0.

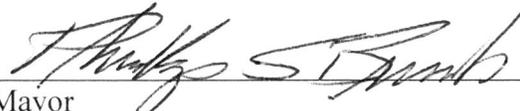
Councilor Rodriguez made a motion to authorize the sale of property in the Industrial Park, proceeds to go into the Industrial Park Fund. The second was made by Councilor Rogers. City Clerk Hobson advised the Council that the approval would have to go through ordinance and advertisement of private sale. Upon vote, the motion passed 8-0.

Councilor Rodriguez made a motion to approve the purchase of two 40 acre tracts of property for the City. The second was made by Councilor Rogers and upon vote, the motion passed 8-0.

New or other business from Councilors

Councilor Florez updated the Council regarding a lighting system on Bulldog Blvd.

There being no further business, the meeting was adjourned at 9:10 pm on January 23rd, 2018.



Mayor

ATTEST:

City Clerk

