

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 11, 2018**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September, 11, 2018, at 6:00 p.m. in regular session with Mayor Miller presiding, and the following present, to wit:

Bill Rogers	Kent Bratcher
Manuel Madrid Jr.	Jeff Youtsey
Terry Hill	Mayor Pro tem Luis Florez
Raul Rodriguez	

The following were absent:
George G. Mullen

Also present:
Matt Byers, 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.

New requests for City Facilities

None.

City Departments and Employees

None.

Special Reports

- A. Consideration and approval of the Artesia Aquatic Center Subdivision- Preliminary Plat. The division of Tract B into two tracts of land with an access easement to Bush Ave. Located in the E1/2 NW1/4 SE1/4 of Section 7, T.17 S., R.26 E. north of JJ Clarke Avenue; Owner- Artesia Aquatic Center Foundation; Agent- Harcrow Surveying LLC.

Community Development Director Jim McGuire informed the Council the preliminary plat is for the subdivision tract B that is 10 acres. It is deeded to the Artesia Aquatic Center Foundation from Yates Farms LLC.

Councilor Rogers moved to approve the Artesia Aquatic Center Subdivision- Preliminary Plat. Councilor Hill provided a second and upon vote, the motion carried 7-0.

Consent Agenda

Councilor Rodriguez moved to approve the Consent Agenda. Councilor Hill provided a second and upon vote, the motion carried 7-0.

The Consent Agenda includes:

**CONSENT AGENDA
September 11, 2018**

- 1. **Approval of Minutes** August 28, 2018
- 2. **Consideration of Bids:**
 - A. *Approval of award of RFP for auctioneer services to Bill Johnston Auctioneer
- 3. **Contracts, Leases and Agreements:**
 - A. *Approval of the Reciprocal Easement Agreement between the Artesia Aquatic Center Foundation, City of Artesia and the Artesia Public School Board of Education
- 4. **Appointments:**
- 5. **Personnel Resignations, Hirings, Promotions, and Transfers:**

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

A. Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. Rene Frazee	Water	Water Technician	\$2363 per month CA20
2. Chad Boadway	Garage	Apprentice Mechanic	\$2249 per month CA18

- B. Accept the resignation of Virginia Franks, Police Records Clerk, effective September 6, 2018
- C. Accept the resignation of Uriel Marquez, Wastewater Assistant, effective September 18, 2018
- D. Accept the resignation of Larry Esquibel, Wastewater Assistant, effective September 13, 2018
- E. Permission to advertise and fill:
 - 1) Police Records Clerk (Ratification of Mayor Miller's approval)
 - 2) Wastewater Assistant (2 positions)

6. **Dates of Hearing:**

7. **Travel and Training:**

- A. Police – Permission for one (1) employee to attend the Response to Resistance training in Hobbs, NM

- B. Police – Permission for two (2) employees to attend the FAA Part 107 Test Preparation & Basic Drone Flight training in Austin, TX
- C. Fire – Permission for one (1) employee to attend the Air Medical Transport conference in Phoenix, AZ
- D. Planning – Permission for one (1) employee to attend the NMAPA conference in Las Cruces, NM
- E. Museum – Permission for one (1) employee to attend the NM Association of Museums Annual conference in Taos, NM

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 to amend Chapter 9-11 “Signs” of the Artesia City Code (*continued from August 28, 2018 meeting*).

Community Development Director Jim McGuire stated to the Council the Planning Committee majority recommended to focus on only billboards at this time. Mr. McGuire requested the Council to dismiss the Ordinance indefinitely.

Councilor Hill moved to dismiss Ordinance to amend Chapter 9-11 “Signs” of the Artesia City Code. Councilor Rodriguez provided a second and upon vote, the motion carried 7-0.

- B. Consideration and approval of an ordinance adopting changes to the Uniform Traffic Ordinance.

Police Chief Kirk Roberts informed the Council the New Mexico Municipal League recommendations for the Uniform Traffic Ordinances, Chief Roberts stated there are two parts of the Ordinances which are the penalty assessments and the amendments to the 2010 compilation.

Councilor Rogers moved to approve the Uniform Traffic Ordinance. Councilor Rodriguez provided a second and with the following roll call votes recorded:

Yay: Councilors Youtsey, Bratcher, Mayor Pro tem Florez, Councilors Hill, Rodriguez, Madrid, Rogers.

Nay: None.

The motion passed 7-0.

ORDINANCE 1032

C. Consideration and approval of an ordinance to amend the penalty assessments within the UTO.

Councilor Rogers moved to approve the ordinance to amend the penalty assessments within the UTO. Councilor Rodriguez provided a second and with the following roll call votes recorded:

Yay: Councilors Rogers, Madrid, Rodriguez, Hill, Mayor Pro tem Florez, Councilors Bratcher, Youtsey.

Nay: None.

The motion passed 7-0.

ORDINANCE 1033

D. Consideration and approval of an ordinance approving a PPA with Jahva House.

City Clerk Aubrey Hobson informed the Council they were provided with a copy of the PPA in their packets. Mr. Hobson stated G.A.E.D.C. approved the PPA for \$40,000.

Mayor Miller called the public hearing open for public input.

There was no public input.

Councilor Hill moved to approve the ordinance approving a PPA with Jahva House. Councilor Madrid provided a second and with the following roll call votes recorded:

Yay: Councilor Hill, Mayor Pro tem Florez, Councilors Bratcher, Youtsey, Rodriguez, Madrid, Rogers.

Nay: None.

The motion passed 7-0.

ORDINANCE 1034

E. Consideration and approval of an ordinance for the Artesia Aquatic Center Subdivision- Final Plat. The division of Tract B into two tracts of land with an access easement to Bush Ave. located in the E1/2 NW1/4 SE1/4 of Section 7, T.17 S., R.26 E. north of JJ Clarke Avenue; Owner- Artesia Aquatic Center Foundation; Agent- Harcrow Surveying LLC.

Community Development Director Jim McGuire informed the Council the Ordinance is a formality to adopt final plat.

Mayor Miller called the public hearing open for public input.

There was no public input.

Councilor Youtsey moved to approve the ordinance for the Artesia Aquatic Center Subdivision-Final Plat. Councilor Rodriguez provided a second and with the following roll call votes recorded:

Yay: Councilors Youtsey, Bratcher, Mayor Pro tem Florez, Councilors, Hill, Rodriguez, Madrid, Rogers.

Nay: None.

The motion passed 7-0.

ORDINANCE 1035

Period for Hearing Visitors

Mr. Ignacio Mariscal addressed the Council regarding speeding and traffic on Yucca Ave and Bush Ave. Mr. Mariscal stated it is dangerous and that the speed of the vehicles is still a safety issue.

Mayor Miller directed Infrastructure Director Bryon Landfair and Police Chief Kirk Roberts to investigate the matter.

Comments from Public Officials and Contracted Services

None.

Committee Report

Police and Fire:

- 1) Consideration and approval of a resolution approving special pay for commanders.

Councilor Bratcher informed the Council the Police & Fire Committee have discussed the special pay for the commanders. Mr. Bratcher stated it is a good opportunity for the Commanders being able to work at public events.

Councilor Youtsey inquired about the difference with the events the commanders can work at. Chief Roberts informed Councilor Youtsey it would be any events not funded by the City.

Councilor Rodriguez moved to approve the resolution approving special pay for commanders. Councilor Madrid provided a second and upon vote, the motion carried 7-0.

RESOLUTION 1674

- 2) Consideration and approval of a resolution amending Vehicle Take-Home Policy.

Police Chief Kirk Roberts asked the council for their consideration and approval to consider the vehicle take-home policy on a case-by-case basis for the police officers.

There was discussion from the Councilors regarding the vehicle take-home policy. Several Councilors discussed their concerns regarding the policy. Chief Roberts informed the Council the benefits and his concerns for the policy.

Councilor Bratcher moved to approve the resolution amending the vehicle take-home policy. Mayor Pro tem Florez provided a second and with the following roll call votes recorded:

Yay: Councilors Youtsey, Bratcher, Mayor Pro tem Florez, Councilors Rodriguez, Madrid, Rogers.

Nay: Councilor Hill.

The motion passed 6-1.

RESOLUTION 1675

Personnel

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

Public Safety

Police

Police Chief Kirk Roberts presented stats and stood for questions.

Fire

Division Chief of Training Rick Burks informed the Council of the Fire Protection Grant Application. Mr. Burks stated it is a request for up to \$100,000 with a 10% match which would come from the Fire Fund.

Community Development

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

Infrastructure Department

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

City Attorney

City Attorney Matt Byers discussed the letter from the ACLU. Mr. Byers recommended to the Council to repeal Ordinances 421 and 422 and produce new ordinances. He also suggested that employees not enforce these ordinances until further notice. Employees were so directed.

Mayor Miller directed Mr. Byers to present the new ordinances to the Police & Fire Committee for their approval.

City Clerk

A. DFA Approval of 18/19 Budget.

City Clerk Aubrey Hobson informed the Council that DFA approved the 2018-2019 budget.

B. Discussion of Capital Outlay Legislative Priorities.

City Clerk Hobson reported to the Council on Legislative Priorities for funding in the next Legislative Session. He stated the request has to be on the ICIP but does not have to be from our top 5 priorities.

Mayor Miller directed the project approval to be discussed at the Planning and Zoning and Infrastructure Committee meeting and be discussed at the next Council meeting.

C. Approval of a Resolution Authorizing the City Clerk/Treasurer to file delinquent utility account liens.

City Clerk Aubrey Hobson informed the Council that approximately half of the delinquent utility accounts have been paid and no one from the utility liens list came to the appeals hearing.

Councilor Rogers moved to approve Resolution authorizing the City Clerk/Treasurer to file delinquent utility account liens. Councilor Bratcher provided a second and upon vote, the motion carried 7-0.

RESOLUTION 1676

City Clerk Hobson requested the Council to direct him to open a Money Market Account. Councilor Rogers approved to direct Mr. Hobson to open a money market account for investing public funds.

Mayor:

Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(6):

1. Purchases

Councilor Rodriguez moved that in accordance with 10-15-1-(H)(6), the Council and Mayor go into executive session regarding purchasing matters. The motion was seconded by Councilor Rogers and upon roll call vote, with the following votes recorded:

Aye: Councilors Youtsey, Bratcher, Mayor Pro tem Florez, Councilors Hill, Rodriguez, Madrid, Rogers.

Nay: None.

The motion passed 7-0.

Council recessed to executive session at 7:36 p.m.

Council reconvened at 7:49 p.m.

Councilor Rodriguez moved that the only matters discussed in executive session pertained to limited purchasing matters and no action was taken. The motion was seconded by Councilor Rogers and upon vote, the motion carried 7-0.

Councilor Bratcher moved to pursue outside contracts for the operation of the Artesia Aquatic Center as a preferred option. Councilor Youtsey provided a second and upon vote, the motion carried 7-0.

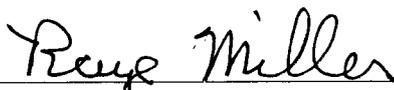
New or other business from Councilors

Mayor Pro tem Florez thanked the Council and Mayor for their support.

Councilor Hill mentioned there have been encounters of snakes at J.C. Park and to be observant of the area.

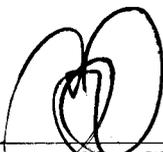
City Clerk Hobson reminded Council on September 18th at 5:00 p.m. is the Special Council Meeting/Quarterly Retreat.

There being no further business, the meeting was adjourned at 7:54 p.m. on September 11, 2018.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson - City Clerk