

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
April 28, 2015**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, April 28, 2015 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Jose Luis Aguilar	Raul Rodriguez
Kent Bratcher	Bill Rogers
Terry Hill	Jeff Youtsey

The following were absent:  
Manuel Madrid, Jr.  
Nora Sanchez

Also present:  
Aubrey Hobson, City Clerk-Treasurer  
John Caraway, 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.

**City Departments and Employees**

Jim McGuire acknowledged Mike Christiansen has passed his State Building Inspector test, as well as his Commercial and Residential Building Inspector tests. He passed all three tests the first time he took them.

**Consent Agenda**

Councilor Rodriguez moved to pass the Consent Agenda as written. The Mayor explained the minutes presented to the councilors before the meeting would be the minutes approved in lieu of the ones in the packet. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* April 14, 2015
2. Consideration of Bids:
  - A. \*Approval of award of bid to provide an indefinite quantity contract for solid waste hauling, wood chipping, container repair and graffiti removal for the Solid Waste/Transfer Station Department for item(s) #1,3,and 4 to J & S Enterprises and Item #2 to L & M Firewood
  - B. \*Approval of award of bid to provide Engineering Services for the 24<sup>th</sup> Street Loop Line for the Infrastructure Director to the top ranked and rated firm of Souder-Miller, Roswell, NM
3. Contracts, Leases and Agreements:
  - A. \*Approval of PSC lease agreement with Probation and Parole
4. Appointments:
5. Resignations:

6. Dates of Hearing:
  - A. Approval to set a public hearing for May 26, 2015 for consideration of Case No. 15-16, Zone Change from PUD to R1-B District; 401 S. 20<sup>th</sup> Street; being 3.5 acres in NW1/4NW1/4SW1/4 Section 18, T.17 S. R.26 E.; Owner- Faith Baptist Church; Agent- Smith Engineering Company
  - B. Approval to set a public hearing for May 26, 2015 for consideration of Case No. 15-21, A Variance to City Code 9-9-3 A. Requiring a minimum lot width of 50 feet and lot size of 6,000 square feet in the R1-B District; 606 W. Cleveland Avenue; being Lot 2 of Block 21, including the 30 feet east of Lot 2 of Artesia Heights Subdivision; Owners- Habitat for Humanity of Artesia; Agent-Teresa Ashley
  - C. Approval to set a public hearing for May 26, 2015 for consideration of an ordinance amending Sections 9-2-2, 9-3-1, 9-4-2, 9-4-3, 9-4-5, 9- 4-6, 9-4-7, 9-4-8, 9-4-9, 9-4-10, 9-4-11, 9-5-2, 9-6-2, 9-6-3, 9-8-1, 9-8-2, 9-8-3, 9-8-4, 9-8-5, 9-10-1, and 9-10-2. Also to include a new Chapter 9-16
  
7. \*Travel and Training:
  - A. Police – Permission for one (1) employee to attend the Crimes Against Children conference in Dallas, TX
  - B. Police – Ratification of Mayor Burch's approval for one (1) employee to attend the American Heart Association Instructor course in Roswell, NM
  - C. Police – Permission for one (1) employee to attend the Annual Law Enforcement Coordinators' Symposium in Albuquerque, NM
  - D. Police – Permission for one (1) employee to attend the Suicide Prevention Train the Trainer course in Mesquite, TX
  - E. Police – Permission for one (1) employee to attend the Crisis Intervention Techniques in Albuquerque, NM
  - F. Police – Permission for one (1) employee to attend the Advanced Interviewing for Law Enforcement Investigators training in Artesia, NM
  - G. Police – Permission for one (1) employee to attend the Controlled F.O.R.C.E. Defensive Tactics Level 3 training in El Paso, TX
  - H. COA – Ratification of Mayor Burch's approval for one (1) employee to attend the NM Luck O'State Line Dance Jamboree in Las Vegas, NM
  - I. Police – Permission for two (2) employees to attend the Pepperball Instructor/Armorer certification in Artesia, NM
  - J. Police – Permission for one (1) employee to attend the Investigative Interviewing for Internal Affairs in Scottsdale, AZ
  - K. Fire – Permission for three (3) employees to attend the Certified Fitness Coordinator training in Hobbs, NM
  - L. Fire – Permission for ten (10) employees to attend the AFD Fire Academy testing in Socorro, NM
  - M. Fire – Permission for one (1) employee to attend the NFPA 1021 Fire Officer III/IV combination training in Plano, TX
  - N. Infrastructure – Ratification of Mayor Burch's approval for one (1) employee to attend the Permit Settlement conference in Santa Fe, NM
  
8. Routine Requests for City Facilities:
  
9. Budgeted Items:
  - A. \*General ledger adjustments for the 3<sup>rd</sup> quarter
  
10. Non-budgeted Items:
11. \*Payment of Bills

**Public Hearings**

Mayor Burch declared the meeting open for public hearing for the following:

A. Consideration and approval of an ordinance approving Case No.15-12, Street Name Plat (Private Streets) Permian Pavilion Street North, Permian Pavilion Street South, and 25<sup>th</sup> Street; located in Permian Pavilion Subdivision; Owners-Permian Pavilion LLC (*postponed from April 14, 2015 meeting*)

No public comment was received.

Councilor Rogers moved to approve the ordinance for Case No.15-12, Street Name Plat (Private Streets) Permian Pavilion Street North, Permian Pavilion Street South, and 25<sup>th</sup> Street; located in Permian Pavilion Subdivision; Owners-Permian Pavilion LLC. The motion was seconded by Councilor Rogers and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Rodriguez, Rogers, Youtsey

Nay: none

the motion passed.

**ORDINANCE NO. 963**

C. Consideration and approval of an ordinance approving Case No.15-13, Street Name Plat (Private Street) 25<sup>th</sup> Street; Victus Fountain Plat; Owners-Victus Fountain LLC, Fountaingates Investment Group LLC, and Minority Business Enterprise LLC (*postponed from April 14, 2015 meeting*)

No public comment was received.

Councilor Bratcher moved to approve the ordinance for Case No.15-13, Street Name Plat (Private Street) 25<sup>th</sup> Street; Victus Fountain Plat; Owners-Victus Fountain LLC, Fountaingates Investment Group LLC, and Minority Business Enterprise LLC. The motion was seconded by Councilor Rodriguez and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Rodriguez, Rogers, Youtsey

Nay: none

the motion passed.

**ORDINANCE NO. 964**

D. Consideration and approval of an ordinance approving Case No. 15-14, Summary Replat Subdivision, 2606 W. Mann Avenue; Lots 3 and 4 of West Acres #8 Subdivision; Owners- Mike and Anita Shannon; Agent-Harcrow Surveying LLC(*postponed from April 14, 2015 meeting*)

No public comment was received.

Councilor Rodriguez moved to approve the ordinance for Case No. 15-14, Summary Re-plat Subdivision, 2606 W. Mann Avenue; Lots 3 and 4 of West Acres #8 Subdivision; Owners- Mike and Anita Shannon; Agent-Harcrow Surveying LLC. The motion was seconded by Councilor Rogers and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Rodriguez, Rogers, Youtsey  
Nay: none  
the motion passed.

**ORDINANCE NO. 965**

E. Consideration and approval of an ordinance amending Title 7 (Public Utilities) of the Artesia Municipal Code by adding Chapter 7-4 Water Conservation (*postponed from February 10, 2015 and April 14, 2015 meetings*)

Van Webster came before the Council with his questions about the ordinance. He stated he understands we live in a desert, but does not want to see Artesia in the same position Almagordo is currently in.

Scott Verhines representing OCCAM came before the Council to answer questions the Council had about the ordinance.

Councilor Aguilar moved to approve the ordinance amending Title 7 (Public Utilities) of the Artesia Municipal Code by adding Chapter 7-4 Water Conservation. The motion was seconded by Councilor Youtsey and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Rodriguez, Rogers, Youtsey  
Nay:  
the motion passed.

**ORDINANCE NO. 966**

F. Consideration and approval of an ordinance for the sale of property located at 1<sup>st</sup> and Texas

Jim McGuire stated this sale would be between the City and McAlister's Deli.

Economic Development Director Michael Bunt representing GAEDC stated they approved of this sale to McAlister's Deli.

Councilor Rodriguez moved to approve the ordinance for the sale of property located at 1<sup>st</sup> and Texas. The motion was seconded by Councilor Rogers and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Rodriguez, Rogers, Youtsey  
Nay:  
the motion passed.

**ORDINANCE NO. 967**

### **Period for Hearing Visitors**

Scott Verhines representing OCCAM came before the Council stating he was helping to develop an education plan for the Water Conservation Ordinance for the public and also stated he has enjoyed working with the City.

### **Comments from Public Officials and Contracted Services**

Beverly Sweatt and Bunny Newton representing Paws and Claws came before the Council to speak on behalf of the addendum to the contract for Animal Care Services and Maintenance.

Mayor Burch stated they were still working on the new budget, and the request has been given to Chief Raley for consideration.

### **Personnel**

Sandi Farley gave an update on the open IT Administrator position. She stated there has been one interview completed, and two more candidates to interview.

### **Community Development**

- A. Case No. 15-10, Subdivision Plat (West Acres #9) 2400 and 2500 block of West Bullock Avenue; a portion of Tract A of West Acres #8; Owner- Westacres LLC; Agent- Smith Engineering

Jim McGuire stated this has been recommended for approval by the Planning and Zoning Committee.

Councilor Rogers moved to approve Case No. 15-10, Subdivision Plat (West Acres #9) 2400 and 2500 block of West Bullock Avenue; a portion of Tract A of West Acres #8; Owner- Westacres LLC; Agent- Smith Engineering. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

- B. Case No. 15-17, Summary Re-plat; 401 S. 20<sup>th</sup> Street being 16.1 acres in NW1/4SW1/4 Section 18, T.17 S. R.26 E.; Owner- Faith Baptist Church; Smith Engineering Company

Jim McGuire stated the Church wanted to consolidate all of their lots into one.

Councilor Rogers moved to approve Case No. 15-17, Summary Re-plat; 401 S. 20<sup>th</sup> Street; being 16.1 acres in NW1/4 SW1/4 Section 18, T.17 S. R.26 E.; Owner- Faith Baptist Church; Smith Engineering Company. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

- C. Case No. 15-18, Summary Re-plat; 200 and 202 N. 8<sup>th</sup> Street, being Lot 12 of Block 10 of Chisum Addition; Owners-Israel and Leslie Catano; Agent- Harcrow Surveying LLC and Melissa Brooker of Century 21

Jim McGuire stated this is being recommended for approval by the Planning and Zoning Committee.

Councilor Rogers moved to approve Case No.15-18, Summary Re-plat; 200 and 202 N. 8<sup>th</sup> Street, being Lot 12 of Block 10 of Chisum Addition; Owners-Israel and Leslie Catano; Agent- Harcrow Surveying LLC and Melissa Brooker of Century 21. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

- D. Case No.15-19, Summary Re-plat; 100 W. Texas Avenue; being Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 of Block 5 of Original Town of Artesia. Owner-City of Artesia

Jim McGuire stated that this re-plat was part of the purchase agreement with McAlister's Deli.

Councilor Rogers moved to approve Case No.15-19, Summary Re-plat; 100 W. Texas Avenue; being Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 of Block 5 of Original Town of Artesia. Owner-City of Artesia. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

- E. Case No. 15-20, Summary Re-plat; 714 W. James Avenue; being Lots 7 and 9 of Block 2 of Chihuahua Subdivision; Owner- Refugio Alvarado; Agent-Harcrow Surveying LLC

Councilor Rodriguez moved to approve Case No. 15-20, Summary Re-plat; 714 W. James Avenue; being Lots 7 and 9 of Block 2 of Chihuahua Subdivision; Owner- Refugio Alvarado; Agent-Harcrow Surveying LLC. The motion was seconded by Mayor Pro Tem Hill and upon vote, the motion passed.

Jim McGuire presented the Pool Survey results to the Council, as well as the Pool Committee's report to USA Swimming for their recommendation on proceeding with the project.

### City Clerk

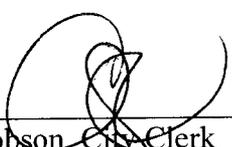
Councilor Rogers moved to approve the resolution to reduce the City's operating property tax to 0.00. The motion was seconded by Councilor Youtsey and upon vote, the motion passed.

### RESOLUTION NO. 1570

There being no further business to come before the Council, the meeting adjourned at 7:36 p.m. April 28, 2015.

  
Phillip S. Burch, Mayor

ATTEST:

  
Aubrey Hobson, City Clerk