

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
June 23, 2015**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, June 23, 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	Nora Sanchez
Manuel Madrid Jr.	Jeff Youtsey

The following were absent:

None

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

Community Development Director Jim McGuire reported that Building Inspector Mike Christensen has passed his asbestos inspector certification.

Consent Agenda

Councilor Rodriguez moved to approve the Consent Agenda as written. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: *June 9, 2015 – Regular meeting
2. Consideration of Bids:
 - A. *Approval of award of bid to provide/construct Wastewater Treatment Plant Improvements for the Wastewater Department to Done Right Construction, LLC, Pecos, NM
3. Contracts, Leases and Agreements:
4. Appointments:
5. Resignations:
 - A. Accept the resignation of Gabriel Trujeque, Water Technician, effective June 26, 2015
 - B. Accept the resignation of Tiaz Johnson, Detention Officer, effective June 28, 2015
6. Dates of Hearing:
 - A. *Permission to set a public hearing on August 11, 2015 for consideration of an ordinance authorizing the issuance of the City of Artesia, New Mexico Gross Receipts Tax Revenue Bonds not to exceed \$7,000,000.

7. *Travel and Training:
 - A. Executive – Permission to attend the NMSIF Mayor/Manager safety training in Ruidoso, NM
 - B. Executive – Permission to attend the NMML Annual conference in Albuquerque, NM
 - C. Police – Permission for one (1) employee to attend the Verbal Judo Instructor course in Farmington, NM
 - D. Police – Permission for one (1) employee to attend the Instructor Development course in Las Cruces, NM
 - E. Police – Permission for one (1) employee to attend the Shooting Incident Reconstruction training in Denver, CO
 - F. Police – Permission for one (1) employee to attend the Glock Armorers training in Baytown, TX
 - G. Safety – Permission for one (1) employee to attend the OSHA training in Farmington, NM
 - H. Police – Permission for five (5) employees to attend the Writing Policy and Procedure training in Artesia, NM
8. Routine Requests for City Facilities:
 - A. *Artesia MainStreet Inc. – “The Foundation” Statue Dedication to be held Friday, July 31, 2015 at 2nd Street and Quay Roundabout (7:30 pm) . Request approval of use of city services and road closures as stated on application and waiver of fees. *Contingent upon proof of insurance*
9. Budgeted Items:
10. Non-budgeted Items:
11. *Payment of Bills

Period for Hearing Visitors

Ben Theobald, Reporter for the Artesia Daily Press, reported that he was leaving his job and that this was the last meeting he would cover. He thanked the Council and staff for all their assistance with city topics.

Erlinda Huerta, of 702 N. 14th Street stated that she objected to the city’s effort to condemn the structures on her property.

Comments from Public Officials and Contracted Services

Sarah Mitchell, representing My Neighborhood, requested use of city land between 24th and 26th Street, off of Washington (the 17-acre well area), for a dog park. Ms. Mitchell reported that they are in the early stages of design and they are seeking volunteers and in-kind donations, and will be ready to proceed with budget. Ms. Mitchell stated that the issue of who will maintain the park has not yet been established. Councilor Rodriguez recommended that the group consider an area at Jaycee Park at the west end of the tennis courts, as it already has grass. Ms. Mitchell stated that she would have something for the council later this summer.

Eric Harrigan of RBC Capital Investments and Duane Brown of Modrell, Sperling Law Firm requested approval of a resolution for the notice of sale for \$7,000,000 in gross receipts tax improvement bonds. Mr. Harrigan reported that the bond structure will be similar to what was passed in 2013. The recommendation is that the bonds be issued in competitive sale, as that will have the lowest costs. Councilor Aguilar moved to approve Resolution No. 1572 for the notice of sale of \$7,000,000 in gross receipts tax improvement bonds. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Mayor Pro tem Hill moved to approve a resolution approving the Biennial Memorandum of Understanding with NM MainStreet Program, Resolution No. 1573. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

RESOLUTION NO. 1573

Personnel

Councilor Rogers moved, upon recommendation of the Mayor, to hire John Meyer to the position of Water Technician at a salary of \$2,363 per month (CA20), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Vernon Nelson to the position of Solid Waste Foreman at a salary of \$3,025 per month (CA30), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Human Resources Director Sandi Farley presented a revised Donation of Sick/Vacation Leave policy. Ms. Farley reported that the changes were required to be compliant with IRS rulings. Councilor Rogers moved to rescind Resolution No. 926, and approve the revised Donation of Sick/Vacation Leave Policy, Resolution No. 1574. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

RESOLUTION NO. 1574

Public Safety

Police

Chief Raley reported that he has met with the new district attorney and that the new DA will again prosecute cases in Magistrate Court.

Fire

Councilor Rogers moved to ban the use of personal fireworks and grills (excluding gas grills) at Jaycee Park (including the parking lot area) on Saturday, July 4, 2015. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Chief Hummingbird presented a report on the status of the 48/96 schedule for the firefighters. Chief reported that the concerns regarding cost, leave, training requirements and fatigue have been addressed and the schedule appears to be successful.

Community Development

Community Development Director Jim McGuire presented a request to re-plat the lots on part of the south side of the 400 block of West Texas. This will be the location for the new city building and the city would like to combine all the lots into one parcel. Planning and Zoning Commission recommended approval.

Councilor Bratcher moved to approve Cast No. 15-29, Summary Re-plat, 400 block of West Texas Street, Robert Additions Amended Lots 7,9,11 of Block 7 re-plat; Owners – City of Artesia; Agent Harcrow Surveying. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

Code Enforcement Officer Cheryl Hinkle presented a request for the condemnation of structures at 702 N. Fourteenth (14th) Street. Ms. Hinkle reported that this property has 40 citations over the last ten (10) years, and there was another fire in the camp trailers behind the property in May 2015. Ms. Hinkle also reported that the taxes are three (3) years behind, and requested that the city pay the taxes and condemn the structure..

Ms. Rosa Salas stated that she would pay one year of taxes, so it would not go to auction, but that she has asked for help in removing her brothers from the camp trailers in the back. Ms. Salas stated that her mother, Erlinda Huerta did not want to leave her home.

Ms. Hinkle stated that a number of citations have been issued to the sons, but the current conditions create a serious health, safety and fire hazard, and it is not a safe place for Mrs. Huerta to live.

Chief Raley stated that the owner must state that the sons can no longer stay on the property, for the Police Department to take any action.

Councilor Bratcher moved to approve the condemnation of the structures at 702 N. 14th Street, Resolution No. 1575, and to pay the taxes if needed. The motion was seconded by Mayor Pro tem Hill and upon roll call vote, with the following votes recorded:

Aye: Bratcher, Hill, Rogers, Youtsey

Nay: Aguilar, Madrid, Rodriguez, Sanchez

Mayor Burch cast an “aye” vote to break the tie, and the motion passed.

RESOLUTION NO. 1575

Ms Hinkle requested approval to foreclose on 904 W. Hank, and pay the taxes. Ms. Hinkle reported that the mother is not capable of making a decision, and she has been unable to track down any of the children.

Councilor Madrid moved to pay the taxes and to foreclose on the property at 904 W. Hank. The motion was seconded by Councilor Youtsey and upon vote, the motion passed.

Ms. Hinkle requested foreclosure on the property at 925 S. Eleventh (11th) Street. Ms. Hinkle reported that the house has been stripped of the heater, water heater and ductwork, but that it could be saved and made habitable. Mayor Pro tem Hill moved to approve the foreclosure of the property at 925 S. 11th Street. The motion was seconded by Councilor Madrid and upon vote, the motion passed,

Infrastructure

Infrastructure Director Byron Landfair reported that they had a good turnout for the Water Conservation program at the Chamber’s Lunch and Learn segment.

Mr. Landfair reported that the intersection of 13th Street and Richey should re-open around the middle of July.

City Clerk

City Clerk Aubrey Hobson presented the amended list of Utility Accounts greater than \$100 from the last year. Mr. Hobson reported that there was one from 2013, because it was a city employee. Mr. Hobson reported that if the Council approved the list, the procedure would be to set a date for appeals. Councilor Rodriguez moved to set a special meeting on Monday, July 13th at 5:00 p.m. to hear appeals to the Utility Accounts subject to lien. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

Mr. Hobson presented the list of Utility Bad Debts and reported that this is a procedural action, it does not forgive the debt, however it does remove the debt from the active accounts receivable. Councilor Rodriguez moved to approve the Utility Bad Debts resolution, Resolution No. 1576. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

RESOLUTION NO. 1576

Mr. Hobson reported that the interim budget has been approved by the Department of Finance and Administration (DFA).

Mayor

Councilor Rodriguez moved that in accordance with 10-15-1-H(2) & (8), the Council and Mayor go into executive session regarding limited personnel matters (employment status of a probationary Wastewater Department employee) and the sale of real property. The motion was seconded by Mayor Pro tem Hill and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passed.

Council recessed to executive session at 8:16 p.m.

Council reconvened at 8:41 p.m.

Councilor Rodriguez moved that the only matters discussed in executive session pertained to limited personnel matters and the sale of real property, and no action was taken. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

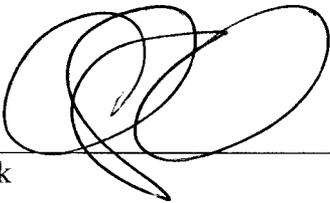
Councilor Youtsey moved to terminate probationary Wastewater employee Jason Chandler, effective June 15, 2015. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

There being no further business to come before the Council, the meeting adjourned at 8:45 p.m.
June 23, 2015.



Mayor

ATTEST:



City Clerk