

**MINUTES OF CITY COUNCIL MEETING**  
**ARTESIA, NEW MEXICO**  
**August 25, 2015**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, August 25, 2015 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Jose Luis Aguilar	Manuel Madrid Jr,
Kent Bratcher	Raul Rodriguez
Terry Hill	

The following were absent:

Bill Rogers  
Nora Sanchez  
Jeff Youtsey

Also present:

Aubrey Hobson, City Clerk-Treasurer  
Jay Franchis, 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.

**New Requests for City Facilities**

City Clerk Aubrey Hobson presented a request from First Baptist Church to use Jaycee Park (the grass area inside the walking track) on Sunday, September 20, 2015 and Sunday, October 4, 2015 from 1:30 p.m. to 8:30 p.m, for Seek 1<sup>st</sup> Flag Football Tournaments. Councilor Rodriguez moved to approve this request. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Mr. Hobson presented a request from Faith Baptist Church to use Jaycee Park (men's softball fields) on Saturday, August 29, 2015 from 10:00 p.m. to 12:00 midnight for youth kickball. They also request the use of city services as stated on the application. Councilor Rodriguez moved to approve the request. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

**City Departments and Employees**

Human Resources Director Sandi Farley reported that she had received a phone call from Joe Rodriguez, a defense attorney, complementing all city employees he has worked with, but wanted to especially complement Christina Wolf for her professionalism and attention to detail.

**Consent Agenda**

Mayor Pro tem Hill moved to approve the Consent Agenda as written. The motion was seconded by Councilor Madrid upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \* August 11, 2015

2. Consideration of Bids:
3. Contracts, Leases and Agreements:
  - A. \*Approval of Contract for City Services Connection for 208 N. York with Gerardo H. Gardea
4. Appointments:
5. Resignations:
  - A. Accept the resignation of Scott McIlwain, Water Technician, effective August 13, 2015
  - B. Accept the resignation of Eddy Methola, IT Tech, effective August 14, 2015
6. Dates of Hearing:
  - A. Approval to set a public hearing for September 22, 2015 for consideration of an ordinance for Case No.15-38, Annexation; Lots 2, 3, and 4 of Block 2; Lots 1 and 2 of Block 3; and Lots 8, 9, and 10 of Block 4 of Artesia Estates; Owners-Ottie Speir, Speir Properties, LLC; Agent-Smith Engineering
7. \*Travel and Training:
  - A. Legislative – Permission to attend the MOLI Governance Program in Santa Fe, NM. Request actual expenses and mileage
  - B. Police – Permission for one (1) employee to attend the Glock Armorers training in Fort Worth, TX
  - C. Planning – Permission for one (1) employee to attend the NM Floodplain Management Concepts Fall 2015 workshop in Ruidoso, NM
  - D. Solid Waste – Ratification of Mayor Burch’s approval for one (1) employee to attend the Collection Center training in Albuquerque, NM
  - E. Legislative – Permission to attend the NRPA convention in Las Vegas, NV. Request actual expenses and mileage
  - F. Recreation – Permission for two (2) employees to attend the NRPA convention in Las Vegas, NV. Request mileage
  - G. Police – Permission for one (1) employee to attend the NM Police Chief’s Association meeting in Albuquerque, NM
  - H. Infrastructure – Permission for one (1) employee to attend the 2014 NMIFC conference in Santa Fe, NM
  - I. HR/Executive/Police/Fire – Permission for four (4) employees to attend the Human Resource training in Albuquerque, NM
  - J. Planning – Permission for one (1) employee to attend the AACE conference in Orlando, FL
  - K. Police – Permission for one (1) employee to attend the HB 93 Train the Trainer course in Santa Fe, NM
  - L. Police – Permission for one (1) employee to attend the Internal Affairs Certification and Conference in Las Vegas, NV
  - M. Police – Permission for one (1) employee to attend the Response to Resistant Instructor School in Santa Fe, NM
  - N. Police – Permission for one (1) employee to attend the Child Safety Seat Clinic in Albuquerque, NM
8. Routine Requests for City Facilities:
9. Budgeted Items:
10. Non-budgeted Items:
11. \*Payment of Bills (through the end of August)

**Public Hearing**

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

1. Consideration and approval of an ordinance to vacate an alley-way (Case No. 15-31), Alley Vacation and New Alley Dedication Plat – Southside of the 4000 block West Missouri Avenue, Lots 15-18 of Block 8 and Tract 1 of Davis Addition; Owner – City of Artesia and William Wolf; Petitioners – William Wolf and Sabra Raylene Kimple.

Community Development Director Jim McGuire reported that the platted alleyway is not used, nor are there any utilities in the area. In addition, a house has been built in the right-of-way area.

No public comment was received.

Mayor Pro tem Hill moved to approve the vacation of alleyway, Case 15-31., Ordinance No. 972. The motion was seconded by Councilor Bratcher and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez

Nay: none

the motion passed.

**ORDINANCE NO. 972**

2. Consideration and approval of an ordinance to accept dedication of an alley way (Case No. 15-32), Alley Vacation and New Alley Dedication Plat; southside of the 4000 block West Missouri Avenue; Lots 15-18 of Block 8 and Tract 1 of Davis Addition; Owner: City of Artesia and William Wolf; Petitioners – William Wolf and Sabra Raylene Kimple.

Mr. McGuire reported that this would be the new alley easement on the east side.

No public comment.

Councilor Rodriguez moved to approve the dedication of alley way, Case 15-32, Ordinance No. 973. The motion was seconded by Councilor Bratcher and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez

Nay: none

the motion passed.

**ORDINANCE NO. 973**

3. Consideration and approval of a Variance Case No. 15-37, a Variance to City Code 9-10-2 Required off-street parking”; 800 S. Roselawn Avenue, Block 1 of Hightower Subdivision; Owners – Matt Grosz and Don Johnston.

Mr. McGuire reported that the original parking plan for Roselawn Manor would allow parking on 4<sup>th</sup> Street, however, that cannot be accommodated without disrupting trash pickup. The current code requires 1.5 spaces per unit and they are requesting that the ratio be dropped to 1.33. Since this will be an affordable housing unit, this should be adequate parking, based on their experience with similar facilities.

Councilor Aguilar moved to approve the variance for the 800 block of S. Roselawn, Roselawn Manor. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

4. Consideration and approval of an ordinance to add sections 9-5-3 and 9-7-13; and to amend sections 9-11-1C, 9-12-2.A.2, 9-13-1.E.2, 9-13-5.B, 9-13-5.C.1.b, and 9-13-7.B of the Artesia City Code.

Mr. McGuire stated that the Planning and Zoning commission is still reviewing the planning fees that will be removed from the ordinance and adopted by resolution, and requested that this be continued to the September 22, 2015 meeting.

No public comment was received.

Councilor Rodriguez moved to continue this public hearing to the meeting on September 22, 2015. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

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

Linda Stevens, representing Artesia Clean and Beautiful, reported on summer projects, including adopting Baish Park for cleanup, dumpster painting and E-waste.

### **Personnel**

Mayor Pro tem Hill moved, upon recommendation of the Mayor, to hire Cedric Perez 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 Isaac Sanchez 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 Mayor Pro tem Hill, and upon vote, the motion passed.

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Christopher Vallegas to the position of Solid Waste Equipment Operator I, at a salary of \$2,482 per month (CA22). subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid, and upon vote, the motion passed.

**Public Safety**

**Fire**

Chief Hummingbird reported that Eddy County would be updating the Hazard Mitigation Plan later in the year, so he has no action on this item at this time.

**Community Development**

Mr. McGuire presented the six projects as selected by the Council for the 2017-2021 Infrastructure Capital Improvement Plan (ICIP). The software would not allow him to combine the City Hall building with the next phase of 2<sup>nd</sup> and Texas, so both are listed as separate projects. Councilor Bratcher moved to approve the 2017-2021 ICIP, Resolution No. 1583. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

**RESOLUTION NO. 1583**

Community Development Director Jim McGuire presented the restrictive covenants for the Artesia Industrial Park North subdivision. Councilor Rogers moved to approve the restrictive covenants for the Artesia Industrial Park North subdivision. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

Mr. McGuire presented Case No. 15-32, Summary Plat, for the 600 block of West Cleveland Avenue, Lot 2, Block 21 and the west 30 feet of vacated Sixth Street of Artesia Heights Addition. The owners are Habitat for Humanity. Councilor Aguilar moved to approve the summary plat. The motion was seconded by Councilor Youtsey and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Mr. McGuire presented Case 15-39, a summary plat for 811 W. Richardson, Lot 11 of Block 31 of the Artesia Improvement Company Addition, Owner – Timmy and Theresa Baize. Mr. McGuire reported that this plat, located in an SU-1 district would combine two lots into one.

Mayor Pro tem Hill moved to approve Case 15-39, Summary Plat of 811 W. Richardson Avenue. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Councilor Rodriguez moved to postpone the consideration of a Resolution for schedule of fees for permissible applications and required permits established in Titles 9 and 10 of the Artesia City Code to the September 22, 2015 meeting. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

Mr. McGuire presented an updated schedule of fees for building, plumbing, mechanical and electrical permits. The new fee schedule does add an administrative fee to help compensate for staff time for the permits and inspections. Mayor Pro tem Hill moved to approve the updated schedule of fees for building, plumbing, mechanical and electrical permits, Resolution No. 1584. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

**RESOLUTION No. 1584**

**Infrastructure**

Infrastructure Director Byron Landfair reported on projects.

**City Clerk**

City Clerk Aubrey Hobson presented a resolution for the filing of liens for delinquent utility service accounts. Mr. Hobson reported that nine people had paid, leaving 54 liens to file. Mayor Pro tem Hill moved to adopt a resolution determining the delinquency of payment for utility service, Resolution No. 1585. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

**RESOLUTION No. 1575**

**Mayor**

Mayor Burch presented a proposal to oppose the gross receipts tax (GRT) increases proposed by Eddy County. Mayor Burch reported that the county has already adopted a 1/8% GRT to cover the loss of the hold harmless monies, which will general \$500,000 which is \$200,000 over the amount needed to compensate for the hold harmless. Eddy County would like to now adopt the additional 2/8% GRT.

Councilor Bratcher moved to approve the resolution opposing the Eddy County GRT increases. The motion was seconded by Mayor Pro tem Hill. After discussion, the motion and second were withdrawn by Councilor Bratcher and Mayor Pro tem Hill.

Mayor Burch reported that with the death of Municipal Judge Richard Martinez, there is an opening until the March 2016 election. He submitted Kaye Kiper for the position of Municipal Judge. Councilor Aguilar moved to appoint Kaye Kiper to fill the Municipal Judge position. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Rodriguez moved that in accordance with 10-15-1-H(8), the Council and Mayor go into executive session regarding the sale of real property. The motion was seconded by Councilor Bratcher and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez,

Nay:none

the motion passed.

Council recessed to executive session at 7:50 p.m.

Council reconvened at 8:03 p.m.

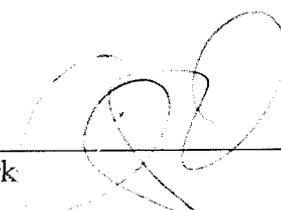
Councilor Rodriguez moved that the only matters discussed in executive session pertained to sale of real property and no action was taken. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

David Pennington, representing the NM Department of Transportation (NMDOT), reported on the project to widen Highway 82 from Artesia to Lovington. Mr. Pennington reported that the project will be divided into two phases, Artesia to NM529, and NM529 to Lovington. The design will combine widened two lane, three-lane and some four lane sections. Phase I has an estimated cost of around \$53 million, and the project should break ground at the end of 2016 or early 2017.

There being no further business to come before the Council, the meeting adjourned at 8:29 p.m. August 25, 2015.

  
Mayor

ATTEST:

  
City Clerk