

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 27, 2016**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 27, 2016 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Kent Bratcher	Raul Rodriguez
Luis Florez	Bill Rogers
Terry Hill	Nora Sanchez
Manuel Madrid Jr.	Jeff Youtsey

The following were absent:

None

Also present:

Lisa C. Johnston, Assistant City Clerk
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

Human Resources Director Sandi Farley introduced Tom Riley, IT Technician.

Consent Agenda

Councilor Rodriguez moved to approve the Consent Agenda, with a correction to the minutes regarding the Take Home Vehicle policy. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

The Consent Agenda includes

1. Approval of Minutes: *September 13, 2016 – Special meeting
 *September 13, 2016 – Regular meeting
2. Consideration of Bids:
 - A. *Approval of award of bid of a Construction Contract for Artesia Municipal Airport Runway 12-30 Reconstruction Phase 2 to Constructors, Inc.
3. Contracts, Leases and Agreements:
4. Appointments:
5. Resignations:
 - A. Accept the resignation of Jennifer Estrada, Water Department Supervisor, effective October 14, 2016
6. Dates of Hearing:

7. *Travel and Training:
 - A. Police – Permission for one (1) employee to attend the Child Safety Seat clinic in Portales, NM
 - B. Police – Permission for one (1) employee to attend the Backcountry Tactical Tracking Training Program in Artesia, NM
 - C. Fire – Permission for one (1) employee to attend the Fire Officer I course in Socorro, NM
 - D. Fire – Permission for one (1) employee to attend the Fire Officer III-IV course in San Marcos, TX
8. Routine Requests for City Facilities:
 - A. *Ritchie Bros Auction has requested a standby ambulance for an auction to be held Tuesday, October 11, 2016 from 7 am – 5 pm at 5104 W. Richardson Avenue. Contingent upon receipt of fees for City Services.
9. Budgeted Items:
10. Non-budgeted Items:
11. *Payment of Bills

Public Hearings

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

1. Consideration and approval of Ordinances for Case No. 16-08 Zone Change from “SA-2” Suburban Acreage District to “MH” Manufactured/Mobile Home District. 3200 block of W. Williams and Washington Ave.; Lots 1-18, Block 8 of O’Donnell Addition.

Community Development Director Jim McGuire presented the request to change the zoning on these lots from SA-2 to MH (for singlewides). The land has already been subdivided, but not all of the streets are in place. The SA-2 zoning does not allow for singlewide mobile homes. The owner is aware that infrastructure improvements must be in place before a placement permit will be issued.

Staff recommends approval.

Planning and Zoning Commission recommend approval.

Sammy Stoneman, owner, stated that he is putting the land in trust for his children, but they don’t want to build homes there, so when utilities become available, they would like to develop these for singlewide mobile homes.

Councilor Rogers moved to approve Case No. 16-08, zone change from SA-2 to MH for Lots 1-18, Block 8 of O’Donnell Addition, Ordinance No. 1005. The motion was seconded by Mayor Pro tem Hill and upon roll call vote, with the following votes recorded:

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

Nay: none

the motion passed.

ORDINANCE NO. 1005

2. Consideration and approval of an ordinance for Case No. 16-09, Zone Change from “SU-1” Special Use District to “C” Commercial Business District. 1209 W. Grand Ave. and 405 S. 13th Street; Lots 9, 11 & 13, Block 10 of Forest Hill Subdivision.

Mr. McGuire reported that this is located at the southwest corner of Grand and 13th Street. Currently there is a Laundromat which is a non-conforming use. The owners would like to use the property next door for a beauty shop. The two structures go across the three lots.

Staff recommends approval.

Planning and Zoning Commission recommended approval.

Salina Sepulveda, stated that she want to open a hair salon at this location. She supports the zone change.

Councilor Rogers moved to approve Case No. 16-09, zone change from SU-1 to C for Lots 9, 11, & 13, Block 10 of Forest Hill Subdivision, Ordinance No. 1006.

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

Nay: none

the motion passed.

ORDINANCE NO. 1006

3. Consideration and approval of Case No. 16-11, Zone change from “SA-2” Suburban Acreage District to “MH” Manufactured/Mobile Home District. 3801-3902 W. Missouri Ave., 3700-3800 block of W. Dallas Ave. and 3700 block of W. Washington Ave.; Lots 2,4,6,8,10 & 12 of Block 6, Lots 1-11 of Block 8, lots 1,3;5 & 7 of Block 9, Lots 1-8 of Block 11, Lots 1-10, 12 & a part of 14 of Block 12, and Lots 1012 of Block 13 of Davis Addition No. 2

Mr. McGuire presented the request for a zone change from SA-2 to MH to allow for singlewide mobile homes. There are two sections that are being requested, a total of 53 lots. The owner understands that all infrastructure improvements must be in place before a placement permit can be issued.

Planning and Zoning Commission recommended approval.

Mr. McGuire stated that they received a number of written protests to this zone change

Debra Laman stated that her parents had built their home in the 3800 block of W. Grand in 1959. She objects to the zone change as it will lower her property values. She stated that this is not needed, as there are currently 15 available rentals in Artesia. She felt that most of the people who lived in the mobile homes were transient and were not going to invest in the community.

Jamie Guthrie, the agent for the owner, C.E. LaRue. He stated that all the trailers (mobile homes) are owned by the property owner and managed by Lois Oliver Real Estate, and he supported the zone change.

James Torrez, from Grand & 37th Street, stated that since the new homes have been built, the crime in the area has increased. He purchased his house in 2008 and the rise in crime in the area has affected his property value. He would prefer more stick-built homes.

Councilor Rogers requested clarification that if the zoning change does not pass, the zoning would remain SA-2. Mr. McGuire stated that it would.

Councilor Rodriguez questioned that if the change is approved, does the owner know he must put in the infrastructure? Mr. McGuire stated that he does.

Mr. Guthrie reported that Mr. LaRue currently owns all the trailers on the improved lots and that he plans to continue being the owner of the land and the trailers to provide affordable housing. He stated that it will probably take 5-10 years or more to do the development based on the costs.

Councilor Rodriguez stated that he has a conflict of interest, as his son-in-law, James Torrez, is one of the property owners opposing the zone change. He requested abstaining from the vote. No objection was made.

Councilor Bratcher moved to approve the zone change for Case No. 16-11 from SA-2 to MH for the described area in Davis Addition No. 2, Ordinance No. 1007.-The motion was seconded by Councilor Youtsey, and upon roll call vote, with the following votes recorded:

Aye: Bratcher, Florez, Hill, Madrid, Rogers

Nay: Sanchez, Youtsey

Abstention: Rodriguez

the motion passed.

ORDINANCE NO. 1007

Period for Hearing Visitors

Ignacio Mariscal of 1107 Mahone stated that he was still concerned about the property lines in the alley. He also complained about his water bill, stating that he had complained to the water department, but no one had gotten back to him. He also still has concerns about the parking restrictions on Mahone – there's no on-street parking.

John Thurman, a resident of Mahone, stated that he was opposed to the change in the parking on Mahone. He has lived there for 20 years and there have been few accidents. He recommended allowing parking on one side, keep the traffic to one lane, and add a bike path.

Dave Davies, City of Artesia Solid Waste employee, congratulated the city on getting private funding for the 10% for the first responders. He requested that the Council reinstate the full wages for the 30 people who are paid by the enterprise funds (Water, Wastewater and Solid Waste). Those departments had originally accepted the 10% cut because it was affecting all employees, but now that some departments have had their salaries restored, the enterprise fund employees would like theirs restored as well.

Elia Mariscal stated that her normal utility bill from the city has been \$10, but it has recently rased to \$82. There appear to be no leaks. She contacted the water department, but did not receive a return call. The item was referred to the Infrastructure Director.

Arturo Vasquez of 1103 Mahone stated that he opposed the “no parking” on Mahone. He has recently been assigned a company vehicle and there is not enough parking on his property to accommodate the company vehicle.

Linda Murphy, City of Artesia Commission on Aging employee, inquired when the employees would get their 10% salaries re-instated. She also requested that the Council consider carefully the next time a similar donation is offered to make sure that accepting it does not cause division among the employees.

Personnel

Councilor Youtsey moved, upon recommendation of the Mayor, to hire Josh Whitmire to the position of Firefighter/Certified at a salary of \$3,511 per month (CA27), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Councilor Bratcher moved, upon recommendation of the Mayor, to hire Christopher Battle to the position of Firefighter/Uncertified at a salary of \$2,482 per month (CA22), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Councilor Bratcher moved, upon recommendation of the Mayor, to hire Gustav Quinn to the position of Firefighter/Uncertified at a salary of \$2,482 per month (CA22), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Councilor Bratcher moved, upon recommendation of the Mayor, to hire Joshua Rodriguez to the position of Firefighter/Uncertified at a salary of \$2,482 per month (CA22), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Councilor Youtsey moved, upon recommendation of the Mayor, to hire Ramon “Guy” Chavarria to the position of Corporal at a salary of \$4,641 per month (CA35), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

It was noted that the Corporal position would serve as Bailiff for the Municipal Court.

Mayor Pro tem Hill moved, upon recommendation of the Mayor, to hire Charles Campbell to the position of Solid Waste Equipment Operator I at a salary of \$2,234 per month (CA22), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

Mayor Pro tem Hill moved, upon recommendation of the Mayor, to promote Reydesel Flores to the position of Solid Waste Equipment Operator I at a salary of \$2,234 per month (CA22), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

Councilor Bratcher moved, upon recommendation of the Mayor, to promote Brenden Harvey to the position of Fire Marshal at a salary of \$4,841 per month (CA42), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, with Mayor Pro tem Hill voting “nay”, the motion passed.

Councilor Youtsey moved, upon recommendation of the Mayor, to promote Gina Ochoa to the position of Utility and Cash Collections Supervisor at a salary of \$2,656 per month (CA29), subject to successful completion of required pre-employment testing. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Mayor Pro tem Hill moved to advertise to fill the vacant position of Water Department Supervisor. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Mayor Pro tem Hill moved to advertise to fill the vacant position of Water Technician. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Human Resources Director Sandi Farley presented proposed changes to the Police Take-home car policy. The officers who have this privilege have been named in the resolution. Mayor Pro tem Hill moved to adopt the Police Department Take-Home Car policy, Resolution No. 1621. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

RESOLUTION NO. 1621

Mayor Pro tem Hill moved to temporarily increase the salary of Angel Gonzales by 5%, effective 10-15-16 for extra job duties as a result of the absence of the Water Department Supervisor. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

Chief Hummingbird stated that the title of Fire Captain is being changed to Battalion Chief.

Infrastructure Department

Infrastructure Director Byron Landfair reported on the status of projects.

City Clerk

Councilor Youtsey moved to accept a grant of private funds to restore 10% pay to sworn police officers, firefighters and two librarians. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Mayor

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

Aye: Bratcher, Florez, Hill, Rodriguez, Rogers, Sanchez, Youtsey

Nay:

the motion passed.

Council recessed to executive session at 7:37 p.m.
Council reconvened at 7:43 p.m.

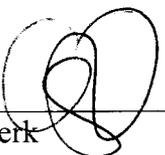
Councilor Rodriguez moved that the only matters discussed in executive session pertained to potential litigation and no action was taken. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

There being no further business, the meeting was adjourned at 7:44 p.m. on September 27, 2016.



Mayor

ATTEST:



City Clerk