

MINUTES OF CITY COUNCIL MEETING
Telephone conference
ARTESIA, NEW MEXICO
April 14, 2020

The City Council of the City of Artesia, New Mexico met by teleconference, audio only because of the coronavirus pandemic and the Governor's executive order with Mayor Raye Miller presiding, on Tuesday, April 14th, 2020 at 6:00 p.m., and the following present by telephone to wit:

Kent Bratcher
Ignacio Mariscal
Sam Hagelstein
Jeff Youtsey

Terry Hill
Raul Rodriguez
George G. Mullen
Jarrod Moreau

Also, present:
Aubrey Hobson, City Clerk-Treasurer
Matt Byers, City Attorney (by telephone)

After a rollcall, it was determined a quorum was in attendance by telephone. The invocation was given by Councilor Raul Rodriguez and all joined in the Pledge of Allegiance.

New Requests for City Facilities:

None.

City Departments and Employees

Special Reports

None.

Approval of Consent Agendas

The consent agenda was presented, and Sandi Countryman stated that there was only 1 hire Rodolfo Dominguez and the other failed to show. A motion to approve the consent agenda was made by Councilor Rodriguez for March 24, 2020, as written. Councilor Hill provided a second. Upon vote, the motion passed 8-0.

***Approval of Consent Agendas:**

- A. March 24, 2020 consent agenda – Revised
- B. April 14, 2020 consent agenda

**CONSENT AGENDA (REVISED)
March 24, 2020**

Approval of Minutes *March 10, 2020

2. Consideration of Bids:

3. *Contracts, Leases and Agreements:

- A. Approval to assign the Martha Patterson lease at 2404 N. Parkland Ave., Lot 2 of Block 3 of the Industrial Park of Artesia, to Patterson Welding Works, Inc.
- B. Approval for Patterson Welding Works, Inc. to sublease the property at 2404 N. Parkland Ave., Lot 2 of Block 3 of the Industrial Park of Artesia, to Big Ass Tanks, LLC.

Item 3 A and 3 B was addressed by Community Development Director Jim McGuire and he stated that the lease will be subject to applicant's submitting the proper paperwork so we will have the Mayor and Aubrey sign until we receive the letters testamentary. It is undetermined whether probate with letters of testamentary is needed. Mayor Miller asked the council to approve the ordinance and will have a discussion with the City Attorney afterwards on whether there is anything else needed on the lease. Upon vote, the motion passed 8-0.

- C. Approval of Contract thru CES with Hellas Construction, Inc. for Jaycee Park-Synthetic Turf Field Installation-Phase I

4. Appointments:

- A. Approval of the reappointment of Richard Price to the Greater Artesia Economic Development Corporation (GAEDC) *term to expire June 2022*
- B. Approval of the reappointment of Chad Harcrow to the Greater Artesia Economic Development Corporation (GAEDC) *term to expire June 2022*

5. Personnel Resignations, Hiring's, Promotions, and Transfers:

- Upon recommendation of the Mayor, subject to successful completion of required pre-employment testing:
- A. Ratification to Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>Rodolfo Dominguez</u>	Streets/Parks	Equipment Operator I	\$2482 per month CA22
2. <u>John Grado</u>	Streets/Parks	Equipment Operator I	\$2482 per month CA22

- B. Voluntary resignation while on probation, Miguel Arrieta, Firefighter, effective March 5, 2020
- C. Voluntary resignation while on probation, John Briggs, Firefighter, effective March 9, 2020
- D. Accept the resignation of Charles Wolf, Police Corporal, effective April 17, 2020

6. Dates of Hearing:

7. *Travel and Training:

- A. F&A – Permission for one (1) employee to attend the CMC Certification workshop and Clerk's Annual conference in Albuquerque, NM (*will be rescheduled*)
- B. Legislative – Ratification of approval to attend the NMML Newly Elected Officials workshop in Albuquerque, NM (*will be rescheduled*)
- C. Legislative – Ratification of approval to attend the NMML District meeting in Roswell, NM (*will be rescheduled*)
- D. Facilities Maintenance and Parks/Streets – Permission for three (3) employees to attend the Certified Pool Operator (CPO) training in Artesia, NM (*will be rescheduled*)

8. Routine Requests for City Facilities:

9. Routine Resolutions (to be assigned a number by staff):

10. Budgeted Items:

A. *2020 Lodger's Tax Funding Requests (No expenditure of funds until assurance that event will occur and council can revoke approval if other qualified expenses are deemed of greater importance):

- | | |
|--|----------|
| 1) Smokin' On the Pecos | \$40,000 |
| 2) 4 th of July Celebration | \$ 7,500 |
| 3) Eddy County Fair | \$18,000 |
| 4) Mack Select Golf Tournament | \$ 2,000 |
| 5) Red Dirt Black Gold Festival | \$47,100 |
| 6) SE NM Regional Swap Meet
& Car Corral | \$ 5,000 |
| 7) FIESTA, Celebration of
Hispanic Heritage Month | \$ 8,000 |
| 8) Clays Crusher Fun Shoot | \$ 5,000 |
| 9) Green Chile Cook-off | \$ 5,000 |
| 10) AHS NM High School Rodeo | \$ 4,100 |
| 11) Balloons & Tunes | \$ 9,000 |
| 12) AHS City of Champions
Basketball Tournament | \$ 7,200 |

11. Quarterly Journal Entries

12. Non-budgeted Items:

13. *Payment of Bills

A motion was made to approve the consent agenda of April 14th, 2020, by Councilor Hagelstein with a second by Councilor Youtsey. Upon vote, the motion passed 8-0.

**CONSENT AGENDA
April 14, 2020**

- 1. Approval of Minutes** *March 31,2020 – Special meeting
- 2. Consideration of Bids:**
- *Contracts, Leases and Agreements:**
 - A. Approval to transfer Police Department surplus vehicle (2012 Chevrolet Tahoe VIN#9520) to NMMI Police Department, Roswell, NM
- 4. Appointments:**
 - A. *Council Committee Assignments
 - B. Approval to reappoint Jennifer Duff to the Historical Museum Commission (term to expire January 2022)
 - C. Approval to reappoint Tim Trentham to the Historical Museum Commission (term to expire January 2022)
 - D. Approval to reappoint Juli Newton to the Historical Museum Commission (term to expire January 2022)
 - E. Approval to appoint Michele McEachern to the Historical Museum Commission (term to expire January 2022)
- 5. Personnel Resignations, Hirings, Promotions, and Transfers:**
 - A. Accept the resignation of Mayra Godoy, Commission on Aging Clerk/Dispatcher, effective March 30, 2020

- B. Accept the voluntary resignation of Johnny Chazarreta, Solid Waste Equipment Operator, effective April 8, 2020
- C. Accept the voluntary resignation of Oscar Bejarano, Street Department Equipment Operator, effective April 10, 2020

6. Dates of Hearing:

- A. Ratification of the Mayor's approval to set a public hearing on April 14, 2020 for consideration of an ordinance for Case No. 20-06: Zone Change from R-2, General Residential district to C, Business district; Location: 801 W. Bush Ave.; Legal: Lots 1, 2, and 3 of Block 2 of the Ross Subdivision; Owners: Ben M. Hernandez and Antonia G. Hernandez

7. *Travel and Training:

8. Routine Requests for City Facilities:

9. Routine Resolutions (to be assigned a number by staff):

- A. *Approval of Budget Adjustment Resolution No. 1729

10. Budgeted Items:

- A. Ratification of Mayor's decisions on:
 - 1) Hiring Freeze (except certified Police and Fire)
 - 2) Department Expenditures

11. Quarterly Journal Entries:

- A. *3rd Quarter

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 for Case No. 20-02: Final Plat for the 41st Street Road Dedication; Location: 41st St., south of U.S. Highway 82; Legal: The foregoing dedication of a tract in the E/2 NE/4, in Section 14, Township 17 S, Range 25 E as described by deed recorded in Book 977, Page 463; Owners: Norbert M. and Carole Sue McCaw (*postponed from March 24, 2020 meeting*)

Community Development Director Jim McGuire stated that in January owners Norbert and Carole McCaw did a lot split; during that time Byron noticed that only half of the street was annexed so the owners agreed to allow the other half of the block on 41st street dedicated to have a full street dedication. Staff is in support, and the Planning and Zoning Commission recommends approval.

Mayor Miller asked for public input and any questions from council.

Councilor Rodriguez moved for approval of Ordinance 1066 Case No. 20-02 with a second by Councilor Bratcher. Upon rollcall vote, the Ordinance passed 8-0.

Ordinance 1066

- B. Consideration and approval of an ordinance for Case No. 20-04: Final Plat for the Ochoa Land Division & Public R.O.W. Dedication; Location: R252 N. 13th St.; Legal: The foregoing land division of a tract of land in the NW/4 to the City of Artesia, Eddy County in Section 32, Township 16 S, Range, 26 E as described by deed recorded in Book 1128, Page 68 of the Official Records of Eddy County, New Mexico; Owner: Damian Ochoa (*postponed from March 24, 2020 meeting*).

Jim McGuire stated that in December ordinance 1060 was adopted that changed the property zoning from SA2 to MH with intention of placing a single wide manufactured home on the property and owner Damian Ochoa was in the middle of doing a lot split when we noticed that the right of way on 13th St was not dedicated and needed the 3ft. dedication. Both lots meet the minimum size & width requirements. The planning and zoning commission unanimously recommended approval at the February 19th meeting and the staff is in support of the land division and right of way dedication.

Mayor Miller asked for public input.

Councilor Youtsey made a motion to approve Ordinance 1067 case No. 20-04. A second by Councilor Hill. Upon rollcall the Ordinance passed 8-0.

Ordinance 1067

- C. Consideration and approval of an ordinance for Case No. 20-06: Zone change from R-2, General Residential district to C, Business district; Location: 801 W. Bush Ave.; Legal: Lots 1, 2, and 3 of Block 2 of the Ross Subdivision; Owners: Ben M. Hernandez and Antonia G. Hernandez

Jim McGuire stated that the owners are wanting a zone change and want to increase their options on who they can lease or sale the property to. It went to the Planning and Zoning Commission at their March 18th meeting and they unanimously recommended approval and staff is in support of the request; however, it was advertised but they did not get letters mailed out to the surrounding property owners. They could go ahead and have the public hearing, mail out the letters and then continue the hearing April 28th for the opportunity to give anyone in the public a chance to speak.

Mayor Miller asked for public input.

Councilor Hill made the motion to continue this hearing at the April 28th meeting. Second by Councilor Hagelstein. Upon roll call vote, the motion passed 8-0.

- D. Consideration and approval of an ordinance to adopt UTO changes and rescinding Ordinance 1061
(postponed from March 24, 2020 meeting)

City Clerk/Treasurer Aubrey Hobson spoke on an ordinance to adopt UTO changes to certain statutes. We have done this before but there were some miscommunications with the Municipal League. This is suggested by Municipal League to reflect changes made by the Legislature.

Mayor Miller asked for public input regarding the changes and approval of the Ordinance to adopt UTO uniform traffic ordinance changes and rescinding Ordinance 1061.

Councilor Mullen made the motion to approve Ordinance 1068 UTO changes and to rescind Ordinance 1061. Second by Councilor Hill. Upon roll call vote, the motion passed 8-0.

Ordinance 1068

- E. Consideration and approval of an ordinance for penalty assessment and rescinding Ordinance 1062(*postponed from March 24, 2020 meeting*)

City Clerk/Treasurer Aubrey Hobson spoke on an Ordinance that what we have done instead of adding just one or two of the penalty assessments recommended by the Municipal League, we have gone back and adopted everything that the city has in effect right now. This one not only rescinds Ordinance 1062 but all other ordinances that are in conflict with this penalty assessment ordinance. This will go into effect May 1st after being published on Thursday.

Mayor Miller asked for public input.

Councilor Bratcher made a motion to adopt Ordinance 1069 Penalty Assessments. Second by Councilor Hagelstein. Upon roll call vote, the motion passed 8-0.

Ordinance 1069

Period for Hearing Visitors (3-minute time limit)

None.

Comments from Public Officials and Contracted Services:

- A. Consideration of issues related to:
1) Future facility reopenings

Mayor Miller spoke to alert the council that so far in the State's action there have been very specific guidelines enacted as to what a person is allowed and not allowed to do in the State. If the State comes to a reopening point, we need to be considering what actions we will take and what programs may be reopened, and which facilities might have to remain closed for the safety of our citizens. This would include the following programs.

- 2) Summer Programs
3) Splash Pad

Mayor Miller stated we are undertaking a hiring freeze, except for certified officers in the Police and Fire Departments. The Mayor also stressed that Department Heads should make every effort to curtail spending for the rest of the fiscal year.

Committee Reports:

- A. Budget and Finance – No Report
B. Personnel
C. Police and Fire

Councilor George Mullen spoke to Chief Roberts about getting together to look at hiring non-certified officers because we are unable to find certified officers.

Mayor Miller stated that the committee can certainly look at the hiring qualification, but the Committee will need to come before council to make that change from what we have set in place at this point.

- D. Planning (Project Management, Code Enforcement, Permits and Inspections)
- E. Recreation

Councilor Rodriguez stated the Recreation Committee would be meeting in the near future.

- F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, facility Maintenance)
- G. Government

Personnel:

Sandy Countryman presented monthly stats and stood for questions.

Public Safety:

Police Department:

Chief Roberts greeted the Mayor and Council and stated stats are holding steady, however burglaries, motor vehicles and thefts are slightly up. We are starting to see people getting a little anxious hanging out with their families or people that they are sheltered with. Chief Roberts stood for questions.

Fire Department:

Chief Hope greeted the Mayor and Council, then stated that the stats were in the packet. We are not seeing anything out of the ordinary with call volume being down from last year at this time. Chief Hope stood for questions.

Mayor Miller stated that he believed of the 6 cases of the Coronavirus in Eddy County, four were Artesia including the one death and two were Carlsbad.

Community Development:

- A. Planning Committee report and recommendation on the drive through request of the Fat Straw Drinks business

Jim McGuire stated meetings have been held with the owners and the planning committee. The recommendations from that meeting were to allow the business to operate for three months with the provision to have Mr. Miles pay for official street and curb striping and official street signage that could help with traffic safety. After the three-month period the Department could evaluate it again and see how well those recommendations have worked.

Councilor Moreau made the motion to approve the planning commission recommendation for the three-month trial period after the signing and striping have been initiated. Councilor Hill provided a second. Upon vote, the motion passed 8-0.

D. Stats

Jim McGuire presented stats for the building inspection monthly review report and the monthly violation report from code enforcement. He stated that he liked seeing the figures for the March report on building permits.

Infrastructure:**A. Ratification of Mayor's decision on Jaycee Park Closure**

Infrastructure Director Byron Landfair stated that the park was closed due to social gathering.

Councilor Youtsey stated for everybody's information that My Neighborhood closed and locked the community garden about a month ago.

Councilor Bratcher asked if the city is keeping up with the cleaning and mowing of city lots and property.

Byron Landfair stated that the City will be starting Phase 5 of the Hermosa project the about the middle of the week with demo work. Also, concerning the tank project, the booster pack and the building are going together, however the tank is being delayed because DNR is pushing back their schedule at least 30 days so he is not expecting to see that online until September. He addressed Councilor Bratcher's question about the mowing of city lots. The Department has helped curb costs by not using outside contracts for at least 30 days, which leaves 5 or 6 guys to mow a large amount of property and they are trying to stay on top of it. Director Landfair stood for questions.

City Attorney:

None.

City Clerk:

None.

Mayor:**A. In accordance with Section 3-11-5 of NMSA 1978 I submit the following names of Appointive Officers for confirmation by the Artesia City Council:**

Byron Landfair – Infrastructure Director
Aubrey Hobson – Clerk/Treasurer
Kevin Hope – Fire Chief
Kirk Roberts – Police Chief
Jim McGuire – Community Development Director
Sandi Countryman – Human Resources Director

Councilor Rodriguez made a motion to approve Mayor Miller's appointments of the City Department Heads. Second by Councilor Hagelstein. Upon vote, the motion passed 8-0.

B. In accordance with Section 3-11-5 of NMSA 1978 I submit all current full time and part time regular employees as well as all probationary and as needed employees of the City of Artesia as of April 14, 2020 for confirmation by the Artesia City Council

Councilor Hagelstein made a motion to approve the appointment of City employees. Second by Councilor Hill. Upon vote, the motion passed 8-0.

C. Election of Mayor Pro Tem

Councilor Rodriguez nominated Councilor Jeff Youtsey and Councilor Terry Hill. Second by Councilor Mullen.

Mayor Miller closed the nominations for Mayor pro tem and stated the vote would be done by secret ballot. The Mayor asked that Councilors text him their vote.

Mayor Miller stated the new Mayor Pro Tem is Terry Hill.

D. Discussion of City restrictions given unusual circumstances for RVs

Mayor Miller stated his concern about a discussion he had concerning an unusual situation that might occur related to the COVID-19 virus which might warrant some consideration for an exception to one of our existing ordinances rather than having to wait for Council action. The Mayor stated he wanted the council to actually have a chance to voice an objection if we were conferring too much power to the respective committee or Department Head, but he did not anticipate that we would have those types of exceptions but if we did he would like to have the ability for one of the council committees to actually approve a recommendation that staff might make. The Mayor asked if anybody had anything positive or negative to add to this?

Councilor Jarred Moreau stated he does not have a problem with the short time period, but he thinks we need to define short term.

Mayor Miller stated he sees it as an exception that does not last longer than the public health issue as we are being directed by the Governor. The government committee has also been helpful here recently, listening to him several times on different issues and felt like it would be good to keep a group involved in things that are going on, but he really sees this as more in the planning area which is why he has suggested it being in that committee. Mayor Miller asked if anyone had any objections to directing staff to proceed and if we do something like that it will be brought to the next meeting for ratification. If there are multiple things, then we may have to call a special meeting to ratify. Mayor Miller stated although he doesn't anticipate anything happening, he felt we needed some latitude in case the fire department or any of our Department Heads felt like they had any type of unusual exception.

Mayor Miller asked if anyone else had any questions.

New or other business from Councilors:

Councilor Youtsey congratulated Councilor Hill stating that he will do a fine job for us the City and for everybody to stay safe and healthy.

Mayor Miller stated to pray for City Attorney Matt Byers as he has surgery in the morning, and we hope for the best.

Mayor Pro Tem Hill stated that to certainly keep Matt in our prayers and told Councilor Youtsey he appreciated his comments and thanked the council for their support and confidence, and he would try to do the best he can. He stated that we have some challenges ahead of us and he knows we are up to it, he wants to applaud the new councilors tonight, this is their first meeting and they did a fine job, he looks forward to working with them, and to please be safe. He will be covering the radio spot in the morning.

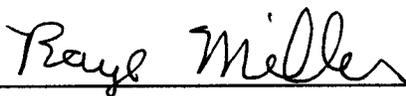
Mayor Miller asked Mayor Pro Tem Hill if he would cover the items we have talked about on the radio, that he would appreciate it.

Councilor Bratcher would like to congratulate Mayor Pro Tem Terry Hill as well and would like to thank Mayor Miller for the job he is doing.

Councilor Hagelstein wanted to thank Aubrey for the work he is doing on the challenging meeting we are having.

Adjournment

There being no further business, the meeting was adjourned at 8:02 pm on April 14, 2020.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson – City Clerk