

MINUTES OF CITY COUNCIL MEETING
Telephone conference
ARTESIA, NEW MEXICO
May 12, 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, May 12th, 2020 at 6:00 p.m., and the following present by telephone to wit:

Jeff Youtsey
Kent Bratcher
Ignacio Mariscal
Raul Rodriguez

Sam Hagelstein
Jarrod Moreau
George G. Mullen
Mayor Pro Tem Terry Hill

Also, present:
Aubrey Hobson, City Clerk-Treasurer

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:

- A. *Artesia Public Schools – Permission to hold the Artesia High School 2020 Senior Recognition Parade on Thursday, May 21, 2020 from 6:30 pm – 8:30 pm. Request use of city services and road closures as stated on application and waiver of fees.

Mayor Miller stated that the public schools are considering having a parade for the graduating seniors. Understandably, people will be required to stay in their vehicle's so that there is social distancing and no one is in contact. The police department has worked with the school administration on the Senior Recognition Parade and we do not anticipate any problems.

Mayor Miller addressed council for any questions.

Councilor Moreau asked if there is a plan for spectators and if they are supposed to be in their cars as well.

Mayor Miller replied that they are all to be in their cars as well and will be parked in their cars parked along the route at different locations such as Faith and West Main Baptist Church, Harvest Fellowship and up and down the roads through those areas to see everybody.

Councilor Hagelstein made the motion to approve the Artesia High School Senior Recognition Parade. Second by Councilor Moreau. Upon roll call vote, the motion passed 8-0.

Superintendent John Ross Null Greeted Mayor Miller and members of City Council and wanted to let everybody know that Mr. Greer the High School Principal and he are on the call if anyone has any specific questions. Also, that they appreciate the City Council and the work that our City Police, including Chief Roberts and especially Commander Quinones, have done organizing the graduation event. They will

be meeting again tomorrow afternoon with the churches that will be helping. Commander Quinones has also contacted the Sheriff's Department as well as the State Police and the Mounted Patrol, who are playing a role in this as well, he thanked everyone again and wanted to let everyone know they are there for any questions.

City Departments and Employees

None.

Special Reports

None.

Approval of Consent Agenda

The consent agenda for May 12, 2020 was presented for passage with a motion by Mayor Pro Tem Hill, as written. Councilor Mullen provided a second. Upon vote, the motion passed 8-0.

CONSENT AGENDA May 12, 2020

1. **Approval of Minutes** *April 28, 2020
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
4. **Appointments:**
 - A. Approval of appointment of Rocky Hocker to the Recreation Advisory Board (*term to expire January 2021*)
5. **Personnel Resignations, Hirings, Promotions, and Transfers:**
 - A. Accept the retirement of Errmilo Olivas, Police Commander, effective June 30, 2020
6. **Dates of Hearing:**
 - A. Ratification to schedule a public hearing for May 26, 2020 to consider and adopt an Ordinance amending Ordinance 1068 and consideration and adoption of an ordinance amending Ordinance 1069
7. ***Travel and Training:**
8. **Routine Requests for City Facilities:**
9. **Routine Resolutions (to be assigned a number by staff):**
10. **Budgeted Items:**
11. **Quarterly Journal Entries**
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.

None.

Period for Hearing Visitors

None.

Comments from Public Officials and Contracted Services

None.

Committee Reports:

- A. Budget and Finance – Mayor Pro Tem Hill stated they had a meeting yesterday and they have an additional meeting scheduled this coming week.
 - B. Personnel – Councilor Mullen stated they met on Friday May 9th and discussed ensuring that our personnel and drug policies are in following with ADA laws.
 - C. Police and Fire – Councilor Mullen stated on the police side of things they met with Chief Roberts and discussed vacancy savings that we are going to have this budget year. They are wanting to use a portion of the saving to buy new Fleet Units. Also, the overtime was reviewed and discussed that it is at 86 now and that they would like it moved down to 81. In addition, they discussed the certified and uncertified recruitment of officers with understanding that uncertified can't be hired before their academy begins or is re-open. The committee is going to recommend Budget and Finance review these items.
- Mayor Miller stated to Councilor Mullen to prepare a write up from police and fire and submit to Mayor Pro Tem Hill for their Budget and Finance upcoming meeting.
- D. Planning (Project Management, Code Enforcement, Permits and Inspections) – No Report
 - E. Recreation – No Report
 - F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – No Report
 - G. Government – No Report

Personnel:

Sandi Countryman stood for questions.

Public Safety:

A. Police Department:

Chief Roberts stated that property crimes are up and violent crimes are down, other than minor domestics. Also, not part of the stats here but suicide attempts are up.

Chief Roberts stood for questions.

Councilor Mariscal had questions concerning phone calls he received about the concern with the traffic issues at Fat Straw.

Chief Roberts stated that issue is being documented. Councilor Mariscal was advised to keep a record of complaints he has received and to let Chief Roberts know along with Jim McGuire at Planning and Zoning. They will be keeping track of the issues and are going to be meeting again with the Planning and Zoning Committee about these issues. This has been something they have gone over quite a bit, whether it can continue depends on the ability to keep it safe at Fat Straw.

Councilor Mariscal stated that Fat Straw needs to go by the procedures required.

Mayor Miller stated that the signs have just been recently been repositioned. Also, that we will check with Byron when he comes on to speak.

Mayor Miller thanked Chief Roberts and Commander Quinones for the work they have done with the school and stated that it nice of the school to thank them too.

Chief Roberts stated that he appreciates the school getting with them early on the parade to plan and make a safe and memorable event for the graduates.

B. Fire Department:

Chief Hope greeted the Mayor and Council stated that this is the second month in a row that 911 calls are down. Chief Hope then stood for questions.

Community Development:

Jim McGuire stated that in answer to the previous question concerning Fat Straw that all the signage and striping is complete on 7th and Main. There is one sign that Bryon may want to look at and he will have to respond to the actual placement of the signage. There is a sign that says left turn at intersection only and that sign is before the alley so it may be confusing. The last time this was discussed we had decided we were going to allow three months to see how it all works now that the signage and striping is in place.

Mayor Miller stated that occasionally that someone will pass by and take pictures and if they have pictures either send them to the Mayor, Jim or Chief Roberts so a file could be built with a time and date of the problems now that the signage is up.

Jim McGuire spoke to the reports for code enforcement and building permits, he stated that building permits are down this month. Jim would like the Budget and Finance Committee to consider another item at their meeting concerning the Recreation Center on the reserved funds for improvements that has been held off on that he is looking to see if we can go on another avenue.

Mayor Miller stated to Jim to send an e-mail to Mayor Pro Tem Hill to consider what he is specifically looking at.

Mayor Miller addressed Council for any questions.

Councilor Moreau had an e-mail sent to him from a citizen about Jamaica Park with concern of not having basketball court there anymore. He told them that the park is privately funded and suggested to call the architect on the flyer. He would also like to know if there is anything else that we could do to let the citizens know about the concerns we are getting about the park.

Mayor Miller stated when Bryon Landfair comes to speak, we will see if he has any insight about Jamaica Park.

Jim McGuire stated that he spoke with Sandra Borgess today, he had told her he had seen on Facebook concern about the basketball court and she said they had put a survey on Facebook which received only four comments on the basketball court and the vast majority of comments had to do with facilities for toddlers. It may be that those that wanted the basketball court didn't respond to the survey.

Infrastructure:

- A. *Consideration and approval of Memorandum of Agreement (MOA) with Eddy County for Ownership and Responsibility of Maintenance, Repairs and Liability Associated with Ownership

Byron Landfair greeted the Mayor and Council and stated that he has one item before the council the consideration and approval of Memorandum of Agreement with Eddy County for the ownership and responsibility of maintenance, repairs and liabilities associated with ownership. This has to do with the proposed sewer line that they're going to run on Paris and France Street, this is the 2nd half of that project there, we did exact same thing the 1st time around. The project needs an agreement from us that accepts the sewer line and take responsibility for the line after construction (outside of the warranty issues which will be handled by the contractor). In order for them to apply for the CDBG Funding, this agreement is required. Byron asked if there were any questions.

Councilor Bratcher made the motion to approve the MOA with Eddy County. Second by Mayor Pro Tem Hill. Mayor Miller addressed Council for any questions before the vote. Upon roll call vote, the motion passed 8-0.

Byron addressed questions that had come up before council earlier. The first concern of the striping and signage at Fat Straw. Those are complete along with the red curb. The one sign to not block the intersection was turned to face north so southbound traffic could see it, the no parking signs will have to be double checked. He is sure they have to face the way they are in order to give tickets on them, it has to do with the arrows. The no turn except for intersection is intended where it is at, there are not very many places to put the sign due to the alley, some driveways and a couple of businesses that face west. Byron will double check to see if there is another place for it and the double yellow has been repainted. We should be complete with that as of yesterday when we turned the sign around.

Mayor Miller stated that Jim McGuire can start the three-month timeline regarding Fat Straw.

Byron addressed the question regarding the basketball court at Jamaica Park, stating that they put a survey out to the area and the responses received overwhelmingly were for the swing set that was there so it is going to remain. They will be meet again this week on Jamaica Park and he will approach the basketball court with them. Byron stated that in remembering the design right that there is not enough space for a basketball court at least a full one but he can at least talk to them and see what they want to do. The other thing is there is a major piece that is in the middle of the park which is a large structure that is intended for toddlers and he will visit with the benefactors and see what they say. Byron asked if we want to take this back to Council or see what they have to say.

Mayor Miller replied that if Council needs some direction to talk with their committee. He stated as far along as they are on this project it might be something that needs to be considered if they do another park in the future.

Byron stated he would not recommend it at this point, they have about a million dollars invested on this and it is scheduled to start next week or so. Mayor Miller addressed council for any comments. Then asked Byron if there is anything else to be addressed.

Byron stated that the tank project should return to work on Monday, Smithco has received all their clearances. Constructors is partially shut down now, their crew on Main Street has one active case of the Covid-19 so they sent their Artesia crew to be tested. The current crew that is working on Hermosa street has been tested and is cleared. Projects will struggle with a delay for a bit.

City Attorney:

None.

City Clerk:

Aubrey Hobson stood for questions.

Councilor Bratcher has a question on Smokin on the Pecos, Red Dirt & Black Gold if the events have been postponed till next year budget; does that money go back into the general fund or roll over?

Aubrey answered that it goes into Lodgers Tax.

Councilor Bratcher stated when thinking about next year; we probably will not have to fund them again for next year.

Aubrey replied that they will probably just make the request and just start all over again.

Mayor Miller stated that he has asked Hayley not to expend anything on advertising upcoming events until we know if they can be held.

Mayor:

- A. *Consideration and approval to renew the Memorandum of Understanding (MOU) for Eddy County and the Cities of Artesia and Carlsbad for Public and Government Affairs Services

Mayor Miller stated that we have a request from Eddy County for the City to again pay for a portion of the government affairs person salary that is \$18,750 the same as last year. One of the questions the Mayor asked is what is the County doing in regards to the items that they fund us and is worried about where they might be because the indication he received today which is that they have about \$300,000 allocated to come back to the City of Artesia.

Councilor Youtsey responded that we thought long and hard before we did this in the first place. Part of the agreement was that the activity would be communicated to us that this person was involved in with the outcome. He personally did not hear one word.

Mayor Miller stated that he may be partially at fault because this person has contacted him several times and talked about things and asked if we had anything legislative that we were looking at. Mayor Miller failed to communicate these items to the council because our main item we were concerned with was capital outlay we received, which were well-funded and he didn't see anything else that we had. Mayor Miller stated he understands his concern. It's a thing where if we don't fund them, they can certainly

make adjustment on their side where what they do for us, which can be larger than this. It's a request from Al Davis or the County Manager for us to consider again.

Councilor Youtsey stated he can appreciate this but still has a bad feeling about it.

Councilor Mullen made the motion to approve the MOU with Eddy County. Second by Councilor Bratcher. Upon roll call vote, the motion passed 7-1. Councilor Youtsey voting nay.

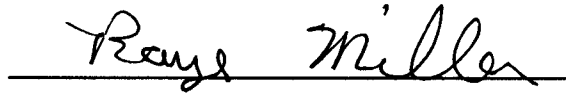
Mayor Miller addressed Council for any questions.

New or other business from Councilors:

Councilor Mullen asked when is the next Budget and Finance meeting and Aubrey Hobson stated it will be next Tuesday at 4:00.

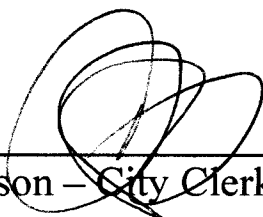
Adjournment

There being no further business, the meeting was adjourned at 6:47 pm on May 12, 2020.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson – City Clerk