

MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
August 11, 2020

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall with limits in place for the public attendees because of the coronavirus pandemic and the Governor's executive order with Mayor Pro Tem Terry Hill presiding, on Tuesday, August 11th, 2020 at 6:00 p.m., and the following present to wit:

Sam Hagelstein
George G. Mullen
Raul Rodriguez

Kent Bratcher
Ignacio Mariscal
Jeff Youtsey

Absent:
Mayor Raye Miller
Councilor Jarrod Moreau

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

It was determined a quorum was present. 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

Infrastructure Director Byron Landfair greeted Mayor Pro Tem Hill and Councilors and introduced Facilities Maintenance Manager John Anguiano stating that he had figured out a way to get the buildings moved from 10th and Main. A project that would have cost \$60,000; with John's efforts it was done for about \$5,000. In recognition, John was presented with a directors' award of excellence certificate proudly given for outstanding performance, superior dedication and positive attitude on the job. John Anguiano thanked Byron and everyone, and also extended his thanks to Richard Acosta, Luis Leon, Armando Lucero, and also Jimmy Bustamante at the transfer station.

Mayor Pro Tem Hill thanked Jim and his employees for assisting the other departments and helping Bryon in various places. He also expressed his thanks to all the City employees with their cooperative efforts during these challenges we are facing now.

Special Reports

None.

Approval of Consent Agenda

The consent agenda for August 11, 2020 was presented for passage with a motion by Councilor Rodriguez, as written. Councilor Mariscal provided a second. Upon vote, the motion passed 7-0.

**CONSENT AGENDA
August 11, 2020**

1. **Approval of Minutes** *July 28, 2020
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
 - A. *Ratification of approval of the New Mexico Mounted Patrol Request for Service
4. **Appointments:**
5. **Personnel Resignations, Hirings, Promotions, and Transfers:**
6. **Dates of Hearing:**
7. ***Travel and Training:**
 - A. Police – Ratification of approval for one (1) employee to participate in the online National Incident-Based Reporting System (NIBRS) training
 - B. Police and IT – Permission for three (3) employees to participate in the online AXON Basic Certification for Camera Systems training
8. **Routine Requests for City Facilities:**
9. **Routine Resolutions (to be assigned a number by staff):**
 - A. *Approval of a resolution (Resolution 1735) approving the collection/write-off of doubtful accounts
10. **Budgeted Items:**
11. ***Quarterly Journal Entries:**
 - A. Monthly (July) 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 - None
- B. Personnel - None
- C. Police and Fire - None
- D. Planning (*Project Management, Code Enforcement, Permits and Inspections*) – Councilor Rodriguez stated there is nothing at this time and that we will give a report later in Jim’s report.
- E. Recreation - None
- F. Infrastructure (*Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance*) - None
- G. Government – Mayor Pro Tem Hill stated that we have been in contact with lawyers regarding some litigation and will cover more of this soon.

Personnel:

None. Sandi then stood for questions

Public Safety:

A. Police Department:

Chief Roberts greeted Mayor Pro Tem, and the Council and presented the stats. He stated that concerning auto burglaries, the Police Department has a person of interest and is waiting on forensics results. Since we have made contact with that person the auto burglaries have dropped off drastically. Chief Roberts then stood for questions.

Councilor Rodriguez and Mayor Pro Tem thanked Chief Roberts and staff for all that they are doing.

B. Fire Department:

Chief Hope greeted Mayor Pro Tem, and the Council and presented stats, he stated call volume seems to be getting back to normal, then stood for questions.

Community Development:

Community Director Jim McGuire greeted Mayor Pro Tem and Council.

- A. Report and recommendation from the Planning Committee regarding the drive-through service for Fat Straw Drinks following the 3-month trial period

Jim stated yesterday was the three - month trial period; there has been a few instances we have noticed with traffic within the drive through service. The employees have been doing a good job of monitoring the traffic with the drive through which has improved since they first started out. On August 5th, 2020 the Planning Committee unanimously recommended that the drive through service continue as long as the employees continue to monitor the traffic situation. The City will visit the situation again if a traffic situation arises in the future. Jim then stood for questions.

Councilor Rodriguez made a motion to continue the drive through of Fat Straw and continue to monitor the progress, if we have any issues, we will revisit it at that time. Second by Councilor Hagelstein.

Councilor Mariscal asked if Fat Straw is going to continue to stay at the same location. Jim replied that they are looking for a bigger space. Upon vote, the motion passed 7-0.

- B. Discussion of proposed ICIP projects and direction to staff for the Top 5 ICIP projects for FY 2022/26

Jim spoke on a brief discussion of the Top 5 ICIP projects with staff needing direction from the Council on what the priority ranking for the projects are going to be to put the formal application together to be approved by resolution. Jim stated that in the packet are the ICIP projects in the order that the Mayor had recommended, if there are any other projects not listed, we can discuss this or if the public has anything they want to bring up. In the formal application the submittal will be the top 5, while there are 8 listed, the other 3 will remain in the queue to revisit next year.

Councilor Youtsey made a motion to approve and accept ICIP projects FY 2022/26 but replace #3 the ADA ramps with #7 the police vehicles. Second by Councilor Bratcher. Upon vote, the motion passed 7-0.

- C. Stats

Jim stated that he has the building inspections and code enforcements monthly report if there are any questions on those.

Infrastructure:

Byron greeted Mayor Pro Tem and the Council and stated that he doesn't have anything for us tonight. He stated a lot of things will be happening at the end of the month; it looks like we will be at the end of the intersection of Hermosa and 26th street by then. Hopefully we have our tanks online. Byron then stood for questions.

Councilor Youtsey asked if Byron has an estimate of when the tanks will be online. Byron replied he is looking at next month.

City Attorney:

None.

City Clerk:

- A. Authorization to publish outstanding utility accounts and set an appeal hearing for September 8, 2020 at 5:30 pm

Aubrey Hobson stated that we need to set an appeal hearing for delinquent accounts subject to lien September 8th at 5:30 p.m.

Councilor Rodriguez made a motion to approve the outstanding utility accounts and set an appeal hearing for September 8th at 5:30 p.m. Second by Councilor Mullen. Upon vote, motion passed 7-0.

Mayor:

- A. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(7):
1. Pending litigation

Mayor Pro Tem Hill stated that before the Councilors was some information and asked if anyone needed any additional information or discussion on this. Councilor Youtsey commented that we have no clue what a settlement amount would be. Mayor Pro Tem answered that we do not at this time. Councilor Youtsey stated that this has nothing to do with trust and he is uncomfortable with this huge lack of information that we could be talking millions of dollars saying we just trust you to do the right thing; it's all because of the lack of information it has nothing to do with trust; he just feels as this progresses we need an opportunity to talk about it again before we say okay. Councilor Rodriguez stated with that, he would ask that there be an executive session so that it would clarify Councilor Youtsey's position and able to discuss it. He made a motion to go into executive session to discuss litigation. Second by Councilor Mullen. Upon rollcall vote motion passed 7-0.

Council then moved to executive session at 6:38 p.m.

Councilor Rodriguez made a motion to come out of executive session at 6:45 p.m. discussing, litigation with no action taken. Second by Councilor Youtsey. Upon vote, the motion passed 7-0.

- B. *Action(s) as a result of executive session and approval of resolution giving the Mayor and/or Mayor Pro-tem authority to approve possible settlement

Councilor Rodriguez made a motion that we approve the Resolution authorizing the Mayor and/or Mayor Pro Tem to approve and negotiate on behalf of the governing body a settlement of pending litigation involving the City of Artesia and NM Taxation and Revenue Department. Second by Councilor Bratcher. Upon vote, the motion passed 7-0.

New or other business from Councilors:

Councilor Hagelstein thanked the City and Planning departments in all that they are doing in their cooperative effort that has taken place.

Councilor Rodriguez would like to reiterate and thank all the city employees for all their cooperation.

Mayor Pro Tem Hill thanked everyone and would like to thank council for all their efforts, department heads and all their people for taking care of the City, he appreciates it.

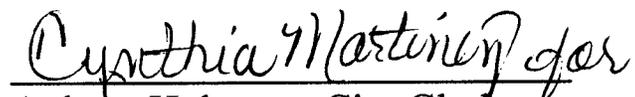
Adjournment

There being no further business, the meeting was adjourned at 6:47 pm on August 11, 2020.



Terry Hill, Mayor Pro Tem

ATTEST:



Aubrey Hobson – City Clerk