

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
September 14, 2021**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, September 14, 2021 at 5:00 p.m. in regular session with Mayor Raye Miller presiding, and the following present to wit:

Mayor Pro Tem Hill	George G. Mullen
Sam Hagelstein	Jeff Youtsey
Ignacio Mariscal	Jarrold Moreau
Kent Bratcher	

Also, present:

Aubrey Hobson, City Clerk/Treasurer
Summer Valverde, City Assistant Clerk/Treasurer
Jay Francis, Attorney

It was determined that a quorum was present. The invocation was given by Councilor Rodriguez and all joined in the Pledge of Allegiance.

Councilor Rodriguez made a motion to move items 7) B & C up on the agenda.
Second by Councilor Moreau and upon vote, the motion passed 8-0.

B. Consideration and approval to adopt an ordinance for Case No. 21-07: New Hope Baptist Church Replat. Legal: Part of the N/2 SW/4 SE/4 to the County of Eddy in Section 18, Township 17 S, Range 26 E; Location: 1711 W. Centre Avenue; Owner: New Hope Baptist Church

Community Development Director Jim McGuire spoke on Case No. 21-07 New Hope Baptist Church Replat.

Mayor Pro Tem Hill made a motion to approve Ordinance – 1086, New Hope Baptist Church replat. Second by Councilor Moreau and upon rollcall vote, the motion passed 8-0.

ORDINANCE - 1086

C. Consideration and approval to adopt an ordinance for Case No. 21-08: Zone Change from Single-family district “R-1B” to General residential district “R-2”. Legal: Part of the N/2 SW/4 SE/4 to the County of Eddy in Section 18, Township 17 S, Range 26 E; Location: 1711 W. Centre Avenue; Owner: New Hope Baptist Church

Jim McGuire spoke on Case No. 21-08 New Hope Baptist Church Zone Change.

Councilor Bratcher made a motion to approve Ordinance – 1087, New Hope Baptist Church zone change. Second by Councilor Hagelstein and upon rollcall vote, the motion passed 8-0.

ORDINANCE - 1087

New Requests for City Facilities:

- A. *Pecos Running Club – request use of city streets for the 2nd Annual Haunted Hustle 5K/10K to be held 6:00 am – 11:00 am on Saturday, October 30, 2021

The Pecos Running Club request was presented for use of city streets starting at JC Park.

Councilor Rodriguez made a motion to approve the request for the Pecos Running Club 2nd Annual Haunted Hustle 5K/10K use of City streets. Second by Councilor Moreau and upon vote, the motion passed 8-0.

- B. *Artesia Aquatic Center – request use of city streets/facilities for the Turkey Trot Triathlon to be held 7:00 am – 1:00 pm on Saturday, November 20, 2021 (contingent upon proof of insurance)

The Artesia Aquatic Center request for the use of city streets/facilities Turkey Trot was presented.

Councilor Hagelstein made a motion to approve the use of city streets/facilities for the Turkey Trot. Second by Councilor Youstey and upon vote, the motion passed 8-0.

City Departments and Employees

None.

Special Reports

- A. Rob Wachter, Economic Development Director – Discussion of City acting as Conduit Bond Issuer for an Apartment Complex Project

Economic Development Director Rob Wachter discussed the City acting as conduit bond issuer for the apartment complex project of 198 units.

Councilor Youtsey made a motion to defer the conduit bond issuer to MFA. Second by Mayor Pro Tem Hill and upon vote, the motion passed 7-1. Councilor Moreau - nay.

Consent Agenda

Councilor Rodriguez moved to approve the consent agenda as written. Second by Mayor Pro Tem Hill and upon vote, the motion carried 8-0.

**CONSENT AGENDA
September 14, 2021**

1. **Approval of Minutes** *August 24, 2021
2. **Consideration of Bids:**
 - A. *Approval of award of bid for South Freeman Street Waterline to J&H Services, Inc., Albuquerque, NM
3. **Contracts, Leases and Agreements:**
 - A. *Approval to sign Agreement with DFA for Legislative Grant C2213011: \$500,000 for improvements to South 26th Street between West Hermosa Drive and West Grand Avenue
 - B. *Approval to sign Agreement with DFA for Legislative Grant C2213012: \$500,000 for improvements to West Hermosa Drive between South First Street and South Thirteenth Street
4. **Appointments:**
5. **Personnel Resignations, Hirings, Promotions, and Transfers:**

Upon recommendation of the Mayor, subject to successful completion of required pre-employment testing, permission to:

 - A. *Ratify Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>James Contreras</u>	Police	Certified Police Officer	\$4025 per month CA32
 - B. Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>Ryan Rodriguez</u>	Police	Uncertified Police Officer Cert by Waiver	\$4089 per month CA32
2. <u>Christopher Morales</u>	Police	Certified Police Officer	\$4024 per month CA32
 - C. Lateral Move:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>Luis Leon</u>	Streets	Foreman	\$3267 per month CA30
 - D. Accept the self-termination of Matthew Schwab, Wastewater Assistant, effective August 16, 2021
 - E. Accept the resignation of Benjamin Clark, Fire Cadet, effective August 24, 2021
 - F. Accept the resignation of David Palmer, Solid Waste Equipment Operator, effective September 11, 2021
 - G. Permission to advertise and fill Parks Foreman
6. **Dates of Hearing:**
7. ***Travel and Training:**
 - A. Police - Approval of ratification for one (1) employee to attend the NMML Annual Conference in Albuquerque, NM

B. Purchasing – Permission for one (1) employee to attend the 2021 NMPPA Fall Conference and Vendor Fair in Albuquerque, NM

8. Routine Requests for City Facilities:

A. *Artesia High School Rodeo/Artesia Horse Council have requested a Standby Ambulance for the High School and Junior High Rodeo to be held October 1st, 2nd and 3rd, 2021. Request waiver of fees

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

A. *Approval of Resolution for the Legislative Grant C2213011

B. *Approval of Resolution for the Legislative Grant C2213012

10. Budgeted Items:

11. Quarterly Journal Entries:

12. Non-budgeted Items:

A. Permission to apply for FY2022 Fire Protection Grant - \$200,000 (10% match)

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 to adopt an ordinance for Case No. 21-06: Artesia Estates, Blocks 8, 9, 10, & 11 Vacation Plat (County). A vacation of Blocks 8, 9, 10 and 11 of Artesia Estates, including the lots within the blocks, and Bonita Drive, the alley south of Blocks 10 and 11, the alley west of Blocks 9 and 10, and the west half of Heath Street east of Blocks 8 and 11; Location: South of Monterrey Drive and west of the Heath Street alignment; Owner: Chase Farms

Jim McGuire spoke on Case No. 21-06 of vacating 26 lots all unimproved with wanting to continue use for pecan orchards.

Mayor Miller asked if anyone would like to address the vacation plat.

Councilor Mullen made a motion to approve Ordinance – 1088 for Case No. 21-06 A to continue use for the pecan orchards. Second by Councilor Moreau and upon vote, the motion passed 8-0.

ORDINANCE - 1088

D. Consideration and approval to adopt an ordinance for the City of Artesia Cannabis Regulations. The City of Artesia cannabis regulations are proposed to be in a new Chapter 7 of Title 4 of the City Code

Jim spoke on the summary report he sent in stating fees and penalties can be suggested later by resolution.

Mayor Miller asked if anyone would like to address the Council.

Councilor Youtsey was concerned over the language of special events being vague.

Jim stated that the language comes from the State Statute and is still new; stating that we can regulate only where and when in the City.

Councilor Bratcher made a motion for approval of ordinance – 1089 cannabis regulations. Second by Mayor Pro Tem Hill and upon vote, the motion passed 8-0.

ORDINANCE -1089

Period for Hearing Visitors

Rob Wachter thanked everyone.

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*) – None.
- E. Recreation – Concerns of lights to be replaced at the softball complex.
- F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – None.
- G. Government – None.

Personnel

Human Resource Director Sandi Countryman has nothing on the agenda and stood for questions.

Public Safety

Police Department:

- 1) *Stats

Police Chief Roberts greeted everyone and stated that vehicle and home burglaries are up and then stood for questions.

Fire Department:

- 1) *Consideration and approval of contract for Memberships with Trans Aero for Eddy County residents
- 2) *Stats

Fire Marshall Brendan Harvey greeted everyone and spoke on the changed wording of the Trans Aero contract. Brendan also stated that stats are up and they have been busy.

Councilor Rodriguez made a motion to approve the contract with Trans Aero for Eddy County residents. Second by Mayor Pro Tem Hill and upon vote, the motion passed 8-0.

Community Development

A. *Stats

Community Development Director Jim McGuire stated that he has the stats before Council and 13 pages of code enforcement.

Infrastructure

A. Discussion and approval of amended MOU with Navajo

Infrastructure Director Byron Landfair greeted the Mayor and Council, then spoke on Navajo Refinery requesting an amendment to the MOU and negotiation of cost and emission.

Councilor Bratcher made a motion to give the Mayor and Mayor Pro Tem Hill authority on the rates of the MOU changes with ratification from Council. Second by Councilor Hagelstein and upon vote, the motion passed 8-0.

City Attorney

None.

City Clerk

A. *Accept approval of 2021-2022 Budget by DFA

City Clerk/Treasurer Aubrey Hobson spoke on the approval of 2021-2022 Budget by DFA.

Councilor Moreau made a motion to approve the 2021-2022 Budget by DFA. Second by Councilor Rodriguez and upon vote, the motion passed 8-0.

Mayor

- #### A. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(2)(7):
1. Limited Personnel Matters
 2. Pending Litigation

Councilor Rodriguez made a motion at 6:40 p.m. to go into executive session to discuss limited personnel matters and pending litigation. Second by Councilor Hagelstein and upon vote, the motion passed 8-0.

Councilor Rodriguez made a motion at 6:50 p.m. to come out of executive session discussion of limited personnel matters and pending litigation.

B. Action as a result of executive session for limited personnel matters

None.

C. Action as a result of executive session for pending litigation


Councilor Rodriguez made a motion to approve the settlement discussion and claim release. Second by Councilor Moreau and upon vote, the motion passed 8-0.

New or other business from Councilors

Councilor Bratcher thanked and appreciates everyone for the good work and staying on top of things. Councilor Moreau wanted to thank Jim on all the hard work with the cannabis regulations. Councilor Rodriguez thanked everyone and appreciates everyone for their efforts and continuing on.

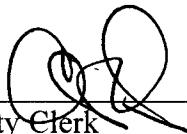
Adjournment

There being no further business, the meeting was adjourned at 6:55 p.m. On September 14, 2021.



Raye Miller, Mayor

ATTEST:



Aubrey Hobson - City Clerk