

MINUTES OF CITY COUNCIL MEETING
Telephone conference
ARTESIA, NEW MEXICO
April 28, 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 28th, 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

None.

Special Reports

Mayor Miller received a call from Superintendent John Ross Null about three possible dates for graduation this Summer. They are also looking at some type of processional by vehicle on the regular graduation date which is on May 21st. The route would start at Artesia High School parking lot where the seniors would gather in cars and then progress through the School Administration and Faith Baptist Church parking lot, then to 26th St. coming in through the back alley of Harvest Fellowship parking lot. The seniors would then travel down to Main St., circle on West Main St. parking lot, travel on to Bulldog Bowl to have a handout for each one of the seniors at the bowl. Chief Roberts and Mayor Miller will have the parade route and an application turned in to them, also approval from the State will be needed since it will be on Main Street. This request will probably be an item on the next agenda. If anyone has any questions or concerns just feel free to ask Chief Roberts or Mayor Miller.

Approval of Consent Agenda

The consent agenda for April 28, 2020 was presented for passage with a motion by Councilor Rodriguez, as written. Councilor Mullen provided a second. Upon vote, the motion passed 8-0.

CONSENT AGENDA April 28, 2020

1. **Approval of Minutes** *April 14, 2020
2. **Consideration of Bids:**
3. **Contracts, Leases and Agreements:**
 - A. *Approval of Memorandum of Agreement with the Eddy County DWI Program to file joint application for FY21 CDWI Funds
4. **Appointments:**
5. **Personnel Resignations, Hirings, Promotions, and Transfers:**
 - A. Accept the resignation of Jerry West, Commission on Aging Van Driver, effective April 14, 2020
6. **Dates of Hearing:**
7. ***Travel and Training:**
 - A. Police – Ratification of approval for two (2) employees to participate in the webinar Cellphone Investigations Series 1 Google Geo Fencing
 - B. Planning –Ratification of approval for one (1) employee to participate in the online National American Planning Association (APA) conference
8. **Routine Requests for City Facilities:**
9. **Routine Resolutions (to be assigned a number by staff):**
 - A. *Budget Adjustment Resolution
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.

- A. *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 (*continued from April 14, 2020 meeting*)

Community Development Director Jim McGuire stated that the owners want more rental options on the property. Planning & Zoning will be moving out of this property soon. Historically the building has always been used as some type of office and a church, this block is surrounded by streets. The request is only for the first three lots on the east side next to 8th St. the other three lots will remain as R2.

Mayor Miller asked if anyone in the public would like to address the council regarding ordinance 1067 zone change request. We do not see any request from the public to address, this is a continuation from

our last meeting which there is no public comment. Planning & Zoning unanimously approved and staff is also in support of this request. Mayor Miller addressed the council for questions.

Councilor Rodriguez made the motion to approve Ordinance 1070 Case No. 20-06 Zone change. Second by Councilor Hagelstein. Upon roll call vote, the motion passed 8-0.

Ordinance 1070

Period for Hearing Visitors

None.

Comments from Public Officials and Contracted Services

None.

Committee Reports:

- A. Budget and Finance – No Report
- B. Personnel – No Report
- C. Police and Fire – Committee meeting tomorrow at 5:00
- 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)
 - Councilor Bratcher stated that they met last week to discuss JC Park, the water tower, the water tank and other several items.
- G. Government - Mayor Miller has met with the government committee a couple of times and appreciates all their help. Also, that we will discuss some of the matters later in the agenda for the government.

Personnel:

- A. Revision of 20-21 contract with Blue Cross/Blue Shield to incorporate change in payment schedule

Sandy Countryman stated that we have open enrollment now, what has been done traditionally is we pay in May for June and June for July etc. Sandy has asked for the contract to go live which means that in July we will pay for July starting the new rates that month. That also means in June the employees will have no insurance payment deducted from their payroll. In July we have a three-pay date month and we only pay the insurance rate twice a month so the last pay date in July will also be without insurance withheld. This will work to everyone's advantage because if an employee leaves their insurance will stop midnight their last day of work. Sandy has asked if there are any objections and if not, she will be signing the paperwork to get it out tomorrow.

Mayor Miller addressed the council and asked if anyone has issues and if they would like to ask any questions.

Councilor Hagelstein stated that he has no problem with the change but wanted to clarify if we are doing the insurance change to help the employees out and not because of the contract and any unnecessary change.

Sandy stated that we were already in the process prior to the change.

Mayor Miller stated that rather than paying before the employees were insured that they are now paying for the month that they are insured.

Public Safety:

A. Police Department:

Chief Roberts stood for questions.

B. Fire Department:

Chief Hope stood for questions.

Community Development:

Jim McGuire stood for questions.

Councilor Bratcher asked Jim where Planning & Zoning would be moving to. Jim replied that they will be moving to First American Bank on the 3rd floor. Mayor Miller stated that the current rent was raised, and that the move is more cost efficient without any significant expense.

Councilor Mullen had a question about constituents and contacts having access to the new location for the Community Development Department with the hours and individuals having to get up to the 3rd floor. Mayor Miller replied that the bank opens at 9:00, the access on the west side of the building is open before 8:00 as well as the stairway and elevator.

Infrastructure:

- A. *Consideration and approval of Memorandum of Understanding (MOU) and Scope of Work with PY Foundation for Jamaica Park Project
- B. *Consideration and approval of Memorandum of Understanding (MOU) with Eddy County for the reconstruction of North 26th Street
- C. Discussion and possible action on the Splash Pad

- A. Infrastructure Director Bryon Landfair greeted the Mayor and had three things on the agenda, the first is consideration and approval of MOU and scope of work with PY Foundation for Jamaica Park project, this is the same MOU as JC Park. The three major changes in this memorandum is the gifted funds will be 1 million dollars, the architect is MRWM which is Morrow, Reardon, Wilkinson & Miller, and the intended contractor will be Accent through the CES Process.

Mayor Miller addressed the council for any questions.

Councilor Bratcher made the motion to approve the MOU and scope of work with PY Foundation for Jamaica Park. Second by Councilor Hagelstein. Upon roll call vote, the motion passed 8-0.

- B. The second item on the agenda for consideration and approval was an MOU with Eddy County for the reconstruction of North 26th Street. The MOU with the red in the packet represents the attorney's markups and Eddy County has accepted those markups. This MOU is for our portion of North 26th from Richey Street to the city limits. Basically, consist of design, engineering and construction. We will realize substantial savings by participating in their contract.

Mayor Miller addressed the council for questions.

Councilor Youtsey asked when the start date of the project is. Bryon stated at this time we do not have a start date; they are going to be entering design and we probably expect it by the end of the year. They have grant funding and need to expend it by then.

Councilor Bratcher made the motion to approve the MOU as it came with full recommendation from the infrastructure committee. Second by Councilor Youtsey. Upon roll call vote, the motion passed 8-0.

- C. Discussion of possible action on the Splash Pad. Bryon was asked by the Mayor to take another look at the Splash pad. Byron made note of a few things - the first is that the Splash Pad was installed in 2009 and has reached its ten-year shelf life so the equipment is going to be going downhill from here and at some point, the plumbing will have to be done. One of the fixtures does not work currently because the plumbing underneath will need to be fixed. Another item to note is the two pumps have been replaced in the last three years. The estimated replacement cost of the tank if the \$2,800 patch does not work is somewhere between Ten and Fifteen Thousand for the tank. However, once the tank has been pulled out there will be quite a bit of plumbing underneath that will have to be replaced or repaired. Bryon's recommendation from the Infrastructure Department was that unless we are willing to put quite a bit of rehab dollars into the Splash Pad, we will need to consider shutting it down.

Mayor Miller addressed the council for any questions or thoughts to be expressed.

Mayor Pro Tem Hill stated that this has come up in the past and we have opted to go ahead to open and maintain the Splash Pad which was prior to some of the economic down turns that the economy has taken. At this time, he is not opposed to shutting it down. His recommendation would be that if we do, that we would not expend any funding to tear it out and hold it for a later date, that would be his recommendation and a motion if it will go.

Councilor Rodriguez stated he has been to the Splash Pad last week with Coats plumbing. He received a call from Louie and John Anguiano and had seen where the tank is leaking. After careful consideration he thinks that we need watch our dollars and start to incorporate a plan of usage and shutdown for the Splash Park. He is not opposed to have the plan go before a committee and have a plan of action if we do shut it down to what we are going to do for that area and the water features.

Councilor Youtsey agrees with not trying to open the Splash Pad this year but would like to reiterate that we leave it in some sort of condition that it does not cause any further damage with cold weather this winter.

Mayor Pro Tem Hill made a motion to not spend any money on the Splash Pad at this point and will refer it to committee to review and figure out where we go at some point in the future. Second by Councilor Bratcher. Upon roll call vote, motion passed 8-0.

Mayor Miller suggests turning it over to the Planning committee since recreation falls under planning. Also asks that they will work with Bryon Landfair and John Anguiano in conjunction for input on the type of infrastructure.

Bryon answered a question from Councilor Moreau of the five signs needed to be installed for Fat Straw. Four have been installed this afternoon; two no parking and standing between arrow signs have been installed; No blocking on the driveway on the east entrance have been installed; The no left turn on the exit on to Main Street has been installed; What is still outstanding is the "no left turn only at

intersection” sign and is expected to be here on May 1, 2020. Mayor Miller asked if the red striping has been done. Bryon replied that he had not noticed yet and will be checking to see if the red striping has been done.

City Attorney:

None.

City Clerk:

A. Information item – CDBG Resolutions

City Clerk Hobson stated that in November the City passed several CDBG Resolutions; they are now saying they were on the wrong form and the DFA will not allow anything but their forms. However, they will let us get the new form and sign it using the same date we did in November and we do not have to readopt everything. We will start work on those this week.

Mayor Miller addressed the council for any questions.

The Mayor also expressed thanks to West Main Baptist Church that came forward and took care of the non-payment water bills for their help and effort also, other businesses that came forward and appreciates each business that came forward to help.

Mayor:

- A. *Refresher on group text policy with Council – Resolution 1690 Section 8
- B. Consideration of future opening of businesses and other activities in the community and possible action by council

A. Mayor Miller spoke on the refresher of group text since we have new councilors and thought it would be a good idea to remind everybody that the open meetings act is very critical of anything being done without public notice and ability to hear everything. If Bryon has a major water or sewer line failure, any unusual police or major fire activity they want to just alert the council as to what is going on then we can allow for group text. The group text that is initiated for the occurrence would be that the only response is to respond with an okay or thanks. Also, anyone sending a group text should also include Lisa Waller in the text as she maintains a file of all the group texts and any responses so that if someone does a records request for group information, we have a record of any text.

Mayor Miller addressed the council for any questions.

B. The Mayor addressed future opening of business and other activities in the community and possible action by council. The Mayor has been on calls with the NM Municipal League with discussions to consider looking at reopening or reducing some of the restrictions on local businesses. The Governor asked the Municipal League to ask each one of our communities to present a plan to identify what we would see as suitable for our community. As a result, we have a first draft for opening of services to look at and consider, if you think there is a need for more explanation, detail, items or other things that have been missed to be considered, then direct back to City Clerk Hobson. The Mayor asks that if it works for council as far as action that we direct staff to prepare and for Aubrey to work with Mayor Pro Tem Hill to put together a subsequent draft based on comments received and after everyone in the council and staff has looked at it to see if there is anything else that needs to be done. When we get a final version, the Mayor would like for Council to grant authority for him and Mayor Pro Tem Hill to write a letter to the Governor and the NM Municipal League and

include a copy of the plan to ask in the letter if the Governor would consider in areas that have extremely low Covid-19 cases to consider the reopening of businesses as outlined in our plan.

— Mayor Miller asked for any question of opening of business.

Councilor Youtsey stated that he had an opportunity to go to the staff meeting today and talked about the draft after he received the e-mail and has looked it over. He really likes the draft but the only thing he sees is what we should add is about screening employees is that they need to be screened as they arrive to work not two hours into their shift or whenever we feel like and thinks that should suffice.

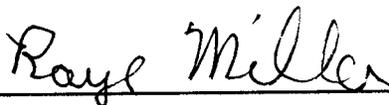
Councilor Mariscal made a motion for staff working to finalize the letter of recommendation to the Governor, then back for council review and for the Mayor and Mayor Pro Tem to send forward. Second by Councilor Hagelstein. Upon roll call vote, the motion passed 8-0.

New or other business from Councilors:

Mayor Pro Tem Hill stated he wanted to remind everyone an item was discussed at last meeting on extraordinary requests or issues the community may have regarding the pandemic that may be in violation and prohibited by some of our ordinances. Also, he wants to make sure that the community understands that they can direct those requests to Jim McGuire at the Community Development Department to pass on to the committee that will take the question on an individual basis to see if we can afford to give any relief for the request.

— **Adjournment**

There being no further business, the meeting was adjourned at 7:06 pm on April 28, 2020.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson – City Clerk