

MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
June 23, 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 Raye Miller presiding, on Tuesday, June 23rd, 2020 at 6:00 p.m., and the following present to wit:

Sam Hagelstein
Kent Bratcher
Ignacio Mariscal
Raul Rodriguez

Jarrold Moreau
George G. Mullen
Mayor Pro Tem Terry Hill

Councilors absent:
Jeff Youtsey

Also, present:
Aubrey Hobson, City Clerk-Treasurer
Jay Francis, City Attorney

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

A motion move agenda items 17A., 8 and 9 to earlier in the agenda was made by Councilor Bratcher with a second by Councilor Hagelstein. Upon vote the motion passed 7-0.

City Departments and Employees

The Mayor read a statement on the importance of the employees of the Artesia Police Department and their families

Chief Roberts spoke on the appreciation for the officers we have and a photo was taken with promoted Commander John Beasley and Sergeant Marcella Sanchez.

Councilor Bratcher made a motion to approve the Proclamation of support for the Artesia Police Department. Second by Councilor Hagelstein. Upon vote, the motion passed 7-0.

Special Reports

None.

Period for Hearing Visitors

Patrick Gonzales President of AGSA Artesia girl softball association spoke on his concern on why they are not able to get on the field as a small group, he has submitted a couple of e-mails to city council with having wash stations, hand sanitizer and considering all that the Governor has asked.

Mayor Miller stated that what the Governor's order has allowed is a small group in a non-competitive sport, which softball does not fall within a non-competitive group. The Governor will come forward on July 1st, and we are waiting for her direction. The Mayor suggested contacting the Governor's office and be polite in stating that we can support this sport in a manner with social distance. Council has granted the Mayor and Mayor Pro Tem Hill the authority that if the Governor gives approval on July 1st that we could go ahead and move forward without having to wait for a regular council meeting to be able to approve opening.

Councilor Rodriguez suggested to follow the chain of command of rules set in place and to have a plan of action prepared.

Mayor Miller stated that hopefully the softball association will be getting a call from him or Mayor Pro Tem Hill as soon as the Governor comes forward on the guidelines.

Charles Moreau from the Boys Scouts of America troop 228 of Artesia spoke on addressing the problem with the trash that is building up on the properties of our town. He volunteered the weekend before last with Artesia Clean & Beautiful and noticed some things that has disturbed him. They took trailer loads of trash to the dump but there is much more needed to be done and wants to know what the city is doing to help and to give young people hope.

Infrastructure Director Byron Landfair thanked Charles Moreau for his service, efforts and is greatly appreciative. Bryon stated that in the month of May two departments devoted a whole day to cleaning up, and anything you do to help us is greatly appreciated. Prior to budget difficulties it was contracted out to service these issues. Due to budget issues we have stopped using outside services and we struggle with it building up quickly and for you helping we greatly appreciate you and your members.

Comments from Public Officials and Contracted Services

Jerry Fanning who represents Eddy County and its municipalities in Santa Fe, greeted the Mayor and members of Council. He appreciates our support and the fact that the City just recently renewed the MOU with the County. Last week there was a special session that the Governor called to address budget matters for the State of New Mexico. Mr. Fanning stated that it was an interesting session, all legislators that represent Southeastern New Mexico were present. There were seven bills that were passed. House appropriation bill passed that was called House Appropriation Sanding Bill which takes off minute portions. Cares Act will be somewhere around 750 million dollars to help towards our budget. 500 million in cuts to the present 7.6 billion budget they passed back in January so that left our budget somewhere around 7 million dollars and in January there will be more cuts. House Bill 5 Civil Rights Commission was established with a notation of a 400-thousand-dollar year cost to the state that is something that is not in the budget, which will probably be brought up in the session in January as a hidden cost. Also saw House Bill 6 for temporary tax waivers, we saw Senate Bill 3 for small business loan recovery act which is allowing the state to make some small business loans and recovery. There was Senate Bill 4 Temporary Election changes which is allowing County Clerks to mail out the absentee ballot applications to all registered voters for the general election in November. -Senate Bill 5 which is Solvency

Measures which is important to the city, it's voiding certain general fund appropriations for projects, he stressed to the City of Artesia that if we have monies from the legislature that have been previously budgeted, to make sure we have those funds encumbered. Monies not encumbered may be cut. Senate Bill 8 body cameras, after 4 hours of debate on the floor passed and within 90 days after the Governor signs the bill all police officers will be required to wear body cameras. Mr. Fanning then stood for questions.

Mayor Miller advised the Council that he sent a text to Victor Reyes the Legislative Assistant to the Governor asking the Governor to veto the Body Cam Bill stating that it's an unfunded mandate that small communities cannot afford at this time. Our budget for next year is a 5-million-dollar shortfall before this additional expense. If it would do any good, the Mayor stated he will be willing to meet with the Governor on this along with Chief Roberts.

Approval of Consent Agenda

The consent agenda for June 23, 2020 was presented for passage with a motion by Councilor Rodriguez, as written. Councilor Moreau provided a second. Upon vote, the motion passed 7-0.

CONSENT AGENDA June 23, 2020

1. **Approval of Minutes** *June 9, 2020
2. **Consideration of Bids:**
3. ***Contracts, Leases and Agreements:**
 - A. Approval of Agreement No. 21-690-3200-20836 with the State of NM Children, Youth and Families Department (Continuum of Graduated Sanctions)
 - B. Approval of contract with Artesia Metals Inc. for the sale of scrap metal for the Solid Waste Department
 - C. Approval of contract thru CES with Accent Landscape Contractors for Jamaica Park Renovation
4. **Appointments:**
5. ***Personnel Resignations, Hirings, Promotions, and Transfers:**

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

 - A. Promote:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>John Beasley</u>	Police	Commander	\$6486 per month CA43
2. <u>Marcella Sanchez</u>	Police	Sergeant	\$4965 per month CA39
6. **Dates of Hearing:**
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.

- A. Consideration and approval of an ordinance for Case No. 20-07: Zone Change from R-2, General Residential district to C, Business district; Location: W. Richey Ave., west of FLETC; Legal: Lot 1, The Wells of Artesia Sub./6-17S-26E; Owners: Eddie Valencia and VP Terra Capital, LLC

Community Development Director Jim McGuire greeted the Mayor and Council. Stated that on the westside of FLETC we did a zone change, there are four lots, three lots to the rear are zoned R2, they have plans for apartments there. The lot adjacent to Richie is commercial, extending the commercial zoning to the north adding to the commercial lot.

Mayor Miller invited anyone in the public and Council that would like to address the zone change.

Councilor Rodriguez made a motion to approve Ordinance 1073, Case no. 20-07 of a zone change. Second by Councilor Mullen. Upon rollcall vote, the motion passed 7-0.

ORDINANCE 1073

- B. Consideration and approval of an ordinance for Case No. 20-08: Annexation Request and to Set Zoning of Property to be Annexed as C, Business district; Location: 503 and 507 N. 26th St.; Legal: Tract Y of the Cotham-Grantham Boundary Line Adjustment and Vacation in Section 12, Township 17 South, Range 25 East and a Tract being 50 by 70 owned by the City of Artesia in Section 12, Township 17 South, Range 25 East; Owners: R&D Cotham Properties, LLC, R&D Cotham Revocable Trust, and the City of Artesia

Jim stated that it is the NW corner of 26th St and West Ave. with part of the annexation we can zone the area with request that it is zoned commercial, the application and the plat will have to be signed.

Mayor Miller invited anyone in the public and Council that would like to address the zone change.

Councilor Rodriguez made a motion to approve Ordinance 1074 subject to parties signing all documents required to be finalized. Second by Councilor Hagelstein. Upon rollcall vote, motion passed 7-0.

ORDINANCE 1074

- C. Consideration and approval of an ordinance for Case No. 20-09: Final Plat – Stonegate Subdivision #2; Location: W. Hermosa Ave. and S. 26th St.; Legal: Tract I, Stonegate Subdivision #1 to the City of Artesia in Section 13, Township 17 S, Range 25 E; Owners: Stonegate Crestline, LLC and Boulder Canyon Construction

Mayor Miller stated that this is the second phase to the existing properties to the west. Jim McGuire stated this is correct and it is along the northside of Hermosa Dr., there will be another street that will connect to Hermosa Dr. which is 54 single family lots that will continue to the west. Both Planning & Zoning Commission and staff are in support of this final plat.

Mayor Miller invited anyone in the public and Council that would like to address this phase of the final plat.

Councilor Rodriguez made a motion to approve Ordinance 1075 final plat for Stonegate subdivision. Second by Councilor Bratcher. Upon rollcall vote, the motion passed 7-0.

ORDINANCE 1075

- D. Consideration and approval to adopt a resolution adopting amendments to the Affordable Housing Plan

Jim stated that the original Affordable Housing Plan was adopted in 2013, therefore an update is in order. Since that time our Economic Development Director was able to contract working with a grant from MFA; he then contracted with Sites Southwest to do the update. The Planning and Zoning Commission reviewed this at their June 17th meeting and recommended approval. Mr. Wachter is here to answer any questions and we also have Phyliss Taylor from Sites Southwest here to give a presentation. The actual plan was included in the Councilors' packets along with the PowerPoint presentation.

Ms. Taylor greeted the Mayor and Council and went over the PowerPoint with updated information on current housing prices and income levels addressing the housing market needs with following the MFA format which has gone through their review as well as administrative review. Ms. Taylor stood for questions.

Councilor Bratcher talked about grants to help with dilapidated properties and suggested that would go a long way in helping the community.

Mayor Miller asked the public for any questions and council for any comments.

Councilor Mullen made a motion to approve adopting amendments to the affordable housing plan. Second by Councilor Hagelstein. Upon vote, the motion passed 7-0.

RESOLUTION 1731

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 - None
- F. Infrastructure (*Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance*) - None
- G. Government – None

Personnel:

- A. Discussion regarding travel (sent by City/individual decision) and COVID-19 requirements

Human Resource Director Sandy Countryman stated that she is hoping the Governor comes up with something on Friday and would like to meet with the personnel committee to discuss SOP's concerning travel during the Covid-19 pandemic. Also, for anyone flying state to state the governor has mandated a two-week quarantine, there is an exception for first responders. Sandy has copies of every action the Governor has taken if anybody would like copies. Sandy would like to set up a meeting for next week on Wednesday or Thursday, if anyone has any suggestions to please let her know. Sandy then stood for questions.

Public Safety:

A. Police Department:

Police Chief Robert greeted the Mayor and Council, has nothing on the agenda and stood for questions.

Councilor Bratcher ask if there is a cost estimate on the body cams.

Chief Roberts has been keeping updated on information regarding technology and with an estimated cost quote of about \$70,000 a year that includes all services, replacements, redaction and unlimited database storage which is superior in comparison to others with having to pay for services separately.

Mayor Miller stated for Chief Roberts to meet with police and fire committee to go through the specifics and details and then to get with budget and finance.

Chief Roberts is also researching several different grants to help with the cost.

Mayor Miller stated that as soon as the Governor signs Senate Bill 8 Body Cameras to schedule the meeting.

B. Fire Department:

Fire Chief Hope greeted the Mayor and Council.

- 1) Approval of contract with Public Consulting Group for an Ambulance Supplemental Payment Program

Chief Hope stated that this is a National Program that has been around for several years. This contract allows them to work on our behalf. It is supplemental payments for the extra cost that Medicaid does not pay for on a regular basis that is monetarily beneficial. Their compensation is 15% of what is collected through the program.

Councilor Bratcher made a motion to approve. Second by Councilor Moreau. Upon vote, the motion passed 7-0.

- 2) Permission for one (1) employee to attend the Invasive Skills Lab in Omaha, NE
- 3) Permission for two (2) employees to attend the Swift Water Technician Training in Ft. Worth, TX

Mayor Miller spoke on the travel for training in asking the employees if they would consider having a test when they get back and then test again seven days afterward.

Chief Hope stated that he agrees with Mayor Miller with the test and that both trainings are essential.

Councilor Bratcher made a motion to approve both the Invasive Skills Lab and Swift Water Technician Training. Second by Councilor Hagelstein. Upon vote, the motion passed 7-0.

***Community Development:**

- A. *Consideration and approval of the Stonegate Subdivision #2 Subdivision Improvement Agreement

Jim McGuire stated that this is the Stonegate Subdivision which we just approved. There is nothing out of the ordinary it just follows subdivision regulation on what they will be required to do.

Councilor Rodriguez made a motion to approve Subdivision Improvement Agreement. Second by Councilor Mariscal. Upon vote, the motion passed 7-0.

Infrastructure:

Infrastructure Director Byron Landfair greeted the Mayor and Council and provided a couple of updates on Hermosa St. It looks like they will be moving out of the current phase into the next phase by the end of or mid-July when we are into the intersection on west 16th. The tank job has been pushed back due to the Covid-19, they are currently working now and we are looking at about six weeks of construction. Byron would also like remind the Mayor and Council that we will be starting cut-offs again in July, cycle 1 will be July 7th and cycle 2 will be July 21st. Bryon stated that we have the cut-off flyer posted on Facebook and have not had any responses. Bryon then stood for questions.

City Attorney:

Jay Francis gave Council an update that he is in the same office as Matt Byers who has been having complications with several surgeries and is back in Lubbock.

***City Clerk:**

- A. *Submittal of the list of delinquent utility accounts and permission to begin the utility lien process

City Clerk/Treasurer Aubrey Hobson has put into the packets a list of delinquent accounts for this year, which what is done every year for by the state statues statues so we can collect. For those accounts we cannot collect, we file a lien against the property, so whoever owns the property is responsible for the bill. It is a mandated by state statute to do this every year. Aubrey asked for permission to continue the process. We will be sending out a letter to all the owners, we do not have to but it has worked out well for the last few years before we publish everything in the paper. We will give them until mid-August to get it paid, after that we will come back to Council with a resolution showing which ones did not pay to file for a lien, probably sometime in October.

Councilor Rodriguez motioned to approve the utility lien process. Second by Councilor Mariscal. Upon vote, the motion passed 7-0.

Aubrey stated that DFA returned our interim budget approved, there are just a few things needed to be done to be final. Aubrey also received an e-mail from David Montieth from Taxation and Revenue, stating that he will be discussing new legislation pertaining to solvency in a meeting tomorrow morning at 10:00, so we will know more about it. Aubrey then stood for questions.

Mayor:

17. A. *Proclamation of support for the Artesia Police Department – Mayor Miller stated this item has been already been taken care of above.

B. Capital Outlay –

Mayor Miller stated to advise that so far, the city budget and planning would leave the million one fifty thousand for the firetruck, four hundred fifty thousand for the vactor truck and fifty-two thousand for the senior van, that was funded in capital outlay is still in effect. Aubrey will be trying to find information on how to proceed to protect the funds. Mayor Miller suggested that Chief Hope and Byron might want to start making inquiries on the vactor truck and the fire truck. We are short on funds for the firetruck and will be looking for help outside for the firetruck purchase. Aubrey has an e-mail in to DFA.

New or other business from Councilors:

None.

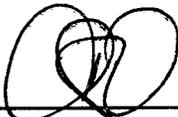
Adjournment

There being no further business, the meeting was adjourned at 8:30 pm on June 23, 2020.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson – City Clerk