

MINUTES OF CITY COUNCIL MEETING
Telephone conference
ARTESIA, NEW MEXICO
September 8, 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, September 8th, 2020 at 6:00 p.m., and the following present by telephone to wit:

Jarrold Moreau
Kent Bratcher
Ignacio Mariscal
Sam Hagelstein

Raul Rodriguez
George G. Mullen
Mayor Pro Tem Terry Hill
Jeff Youtsey

Also, present:
Aubrey Hobson, City Clerk-Treasurer
Matt Byers, 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.

City Departments and Employees

None.

Special Reports:

None.

Approval of Consent Agenda

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

**CONSENT AGENDA
September 8, 2020**

1. **Approval of Minutes** *August 25, 2020
 2. **Consideration of Bids:**
 3. **Contracts, Leases and Agreements:**
 - A. *Ratification of approval of the MOU with Artesia General Hospital to use the City's Recreation Center as a site for Family Reunification
 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. *Hire:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>James Minter</u>	Police	Corporal	\$4641 per month CA35
 - B. Accept the resignation of Jakoda Mathews, Firefighter, effective September 10, 2020
6. **Dates of Hearing:**
7. ***Travel and Training:**
 - A. Police – Permission for one (1) employee to attend the Criminal Investigations training in Albuquerque, NM
 - B. Police – Permission for one (1) employee to attend the Fire Death/Fatality Scene Investigation training in Roswell, NM
 - C. Planning – Permission for one (1) employee to attend the American Planning Association (APA) Virtual Cross Chapter Collaboration 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

Laurie Shotz from the Artesia Art Council stated that she was late to be put on the agenda and would like to be put to be on the next to discuss the Central Family Market at the next council meeting.

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 - None
- F. Infrastructure (Streets, Garage, Cemetery, Parks, Water, Wastewater, Solid Waste, Facility Maintenance) – Committee meeting this Thursday at 4:00 pm.
- G. Government - None

Personnel:

- A. Initial discussion of changing probationary time

Personnel committee met to discuss changing the probationary period from 12 months to 6 months. Sandy has discussed this with both Chief Roberts and Hope; she would like to pull them out from consideration movement from 12 to 6 months for reasons related to training and time periods they must get through. They will be meeting with the department heads committee to discuss movement from a 12 month to a 6-month probation period and come back with a recommendation to council.

- B. *Safety stats

Sandy stated that the safety report is out and in the packet, she is sorry to report that they finally had some workman's comp issues. Sandy then stood for questions.

Public Safety:

A. Police Department:

1) *Stats

Chief Roberts greeted the Mayor and Council and stated that he is happy to report that we did not have as many auto burglaries reports this month as we did last in August. Also, that two shootings are listed when there were three in town for August. Other than that, everything is about the same; the type of graffiti has changed and the amount has decreased. Chief Roberts then stood for questions.

B. Fire Department:

1) Approval to apply for FY21 Fire Protection Grant *(20% match from Fire Fund)*

Chief Hope greeted the Mayor and Council then stated that he has one item requesting approval to apply FY21 Fire Protection Grant they have been considering for several years remodeling and improving the dorm situation and bathrooms; they have received a quote for just shy of 150,000 dollars, they can apply for up to 200,000 thousand which anything between 150,000 and 200,000 thousand requires a 20% match.

Councilor Bratcher motioned to approve applying for the Fire Protection Grant. Second by Councilor Hagelstein. Upon vote, the motion passed 8-0.

2) Stats

Chief Hope stated that stats are much like last month, there is slightly higher volume calls on EMS than last month and things are pretty much back to normal. Chief then stood for questions.

Community Development:

- A. Direction to staff regarding Planning and Zoning Commission meeting dates and Council Public Hearing Requests

Community Development Director Jim McGuire greeted the Mayor and Council and stated that they are looking for direction on whether to make changes in procedures on public hearings. Jim stated that what would save us time would be if we did not have to take it to Council first to set the public hearing, to just go ahead and advertise the public hearing in the newspaper. Jim spoke with Aubrey and he said that we may want to hear from the Attorney.

The Mayor responded that the Attorney is on the teleconference and that he has responded and believes we can do what Jim is asking with moving the meeting without having to take it to Council to set the public hearing.

Jim stated that he looked on the State Statute and didn't see anything that states hearings had to be set first but may have missed something.

Mayor Miller stated that what is being proposed is that at a P&Z meeting, if they were then looking at a public hearing then Jim would then advertise that Thursday the public hearing, which is still a 15 day notice period, depending on when the next council meeting was. If the council meeting was inside that 15 days we would do a ratification on the consent agenda on the notice of public hearing. If the next council meeting was just after the 15 days by some odd end of the month situation then we would have the approval of the notice being on the consent agenda with the public hearing being scheduled that night. The Mayor stated that he does not see a problem in that because if there is any significant issues or concerns with council because if they look at their packet, we could always hold the public meeting and then continue it for a decision until a time to make sure everyone has publicly had their chance to voice which most have been uncontested that it would just help speed up the approval process.

Jim asked the Mayor if we even need to have it on the consent agenda at all with a ratification or not if it's advertised.

Mayor Miller stated that we are not sure, at the worst that is what we would do. You're advertising a notice and you could send council an e-mail and alert them to it at the time if they don't respond to it except to say okay.

Jim also stated that he in the packet about two-thirds of the cases could be heard 2 weeks earlier than if we had to set the hearing first.

Mayor Miller asked for any questions or comments.

Mayor Pro Tem Hill stated that this would possibly work but that he would caution the council, there is certain responsibilities that lie on the shoulders of the council and we need to be careful that we don't delegate responsibilities out. A lot of the committees in the past will revamp certain ordinances out of that department and have encumbered those responsibilities and they went to committees. He does not see a problem other than another situation where council relenting their authorities at those meetings and thinks we should to be cautious.

Attorney Matt Byers stated that he has looked this request over and it would have to be done by an ordinance. Matt believes that what we would be doing is very narrowly tailoring what we are delegating, that Mayor Pro Tem Hill is correct it would be a delegation but it would be an extremely narrow delegation it allows them to proceed forward on the agenda. It does not change the council ability to go ahead and approve or disapprove things it just sets a meeting when we go ahead and hear it. To make the ordinance say that we are just delegating a very narrow authority to establish a meeting date and time for the Council.

Mayor Miller stated for Jim to proceed with working on amending the ordinance to run it before Attorney Matt Byers before it comes to council. Also, to take it before committee and Mayor Pro Tem Hill if he is available to review and discuss more if anyone else has any issues or concerns. The Mayor appreciates Jim bringing this forward because if there is a way, we can do things with still a full review and notice to the public where if there is an issue that has controversy that council hears both sides of the story. The Mayor then stated if it can be done with a more expedient manner, he likes that it's done as quickly as possible if we have addressed all the issues.

B. Stats

Jim stated that building permits are not doing as well as last year. Then stood for questions.

Infrastructure:

- A. *Consideration and approval of acceptance of the Department of Commerce's Economic Development Administration (EDA) Grant for Industrial Park Development (*requires 50% match*)

Infrastructure Director Byron Landfair greeted everyone and stated that he has two items before council. Rob Watchner helped identify a grant for us to get for the Industrial Park, there is about 3 million dollars of upgrade work to be done there for the new section. Byron also commented that Kyla Gonzales worked hard on the application.

Councilor Bratcher made a motion of approval with acceptance of Department of Commerce Economic Development Grant. Second by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

- B. Recommendation and approval to use GAEDC funds for City match for the EDA Grant for Industrial Park Development

Byron stated that through the industrious efforts of the Mayor and City Clerk Aubrey he would like to make a recommendation and approval for the use of GAEDC funds for the City match and of EDA grant for the Industrial Park Development for 1 Million dollars.

Mayor Pro Tem Hill made a motion of approval to use 1 Million dollars of GAEDC funds for the City match of the EDA Grant at the Industrial Park. Second by Councilor Mullen. Upon vote, the motion passed 8-0.

City Attorney:

None.

City Clerk:

- A. Recommendation and approval to use GAEDC funds for legal expenses for environmental property issues

On the 10th and Main property the Environment Department has sent us a letter asking us to do something which we are not sure exactly what they want us to do. Initially we were working with the Chamber possibly through an Attorney Pete Domenici Jr., unfortunately he has conflicted out. We have sought another attorney because this is specialized environmental law here in New Mexico, we have identified one and have received a proposal to use this attorney with a max amount of expenditure being \$20,000 dollars and that allows us not to go out for bid as long as it is below that figure. The GAEDC would like us to move forward at trying to get that property figured out whether it would be on how to get it cleaned up or the responsible parties to get it cleaned up. As such GAEDC asked to consider whether we would consider allocating up to \$20,000 dollars of the GAEDC funds for the payment of that, any attorney fees regarding what we need to learn on the property.

Councilor Bratcher made a motion to approve the use of up to \$20,000 GAEDC funds for legal expense of environmental property issues on 10th and Main property. Second by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

- B. Consideration and approval of award of bid to install Vertical Guidance System PAPI-4 on Runway 4/22 (LED) Artesia Airport to Bixby Electric, Albuquerque, NM (*budget adjustment required*)

Councilor Bratcher made a motion to approve the bid on a vertical guidance system. Second by Councilor Rodriguez. Upon vote, the motion passed 8-0.

- C. Consideration and approval of a resolution to accept & approve Grant offeror for Artesia Municipal Airport project (*no city match – 100% funded*)

Aubrey stated that we have a consideration of a resolution to accept and approve a grant offered by FAA for this project. This year they did a 90% FAA, the rest of the 10% will be CARES money; this year there will be no cost to the City for this project.

Councilor Bratcher made a motion for approval of accepting the grant offer for Artesia Municipal Airport of 100%, no City funds required. Second by Councilor Mullen. Upon vote, the motion passed 8-0.

D. Consideration and approval of a resolution for budget adjustment/new fund creation

This is to create a fund 298 which will be disbursement of the CARES Relief Act small business grant fund. The subsequent budget adjustment would be to allow for the receipt of the CARES relief grant that we received which we will be discussing next.

Councilor Bratcher made a motion to approve resolution 1740 budget adjustment/new fund creation. Second by Mayor Pro Tem Hill. Upon vote, the motion passed 8-0.

E. Information on the CARES Act Funding for Local Government Relief

Aubrey stated that the state came up with Federal money for the CARES Act Relief. This is for expenses because of COVID-19. The first part is expenses such as PPE, COVID-19 second sick leave, also certified first responder's payroll, which we did and requested 4.9 million and received 2.661 allocation. Whether we can get all the allocation, we are going to try and get it paid to us and that will be done here within the next week or so.

F. Information on the CARES Act Funding for NM Small Business Relief and request for council direction to staff for implementation

We requested Two million on the CARES Act Funding for NM Small Business Relief and got One million sixty-five thousand. There are some questions on whether it is a reimbursement grant or one they will send to us and we will disburse as we see fit. We are working with the Chamber to discuss how we are going to process the applications. There will be a training on September 16th and we will know more about what we can and can't do; when working with DFA there will be some unexpected twist at the end.

Mayor Miller asked for any questions or comments.

Councilor Youtsey made a motion to direct staff to form a committee comprised of Councilors, Mayor, staff and civic leaders to work up applications, review, and determine the allocation of the million and sixty-five thousand among the applicants, to bring it back to Council with the recommendation for consideration of approval to then be forwarded to the State for final approval. Second by Councilor Moreau. Upon vote, the motion passed 8-0.

Mayor:

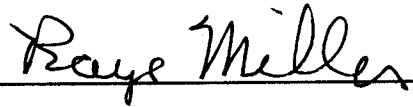
Mayor Miller asked Council for consideration of going back to a public meeting at the next council meeting because we need to have an executive session. We also have an appeal hearing at 5:30 for the Utility Liens, if someone wants to appeal their lien. Mayor Miller then asked if it would be alright to meet in person for the next council meeting. Everyone agreed to meet in person.

New or other business from Councilors:

None.

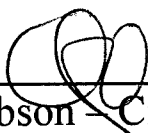
Adjournment

There being no further business, the meeting was adjourned at 7:10 pm on September 8, 2020.



Raye Miller – Mayor

ATTEST:



Aubrey Hobson – City Clerk