

**MINUTES OF CITY COUNCIL MEETING
ARTESIA, NEW MEXICO
December 15, 2020**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, December 15, 2020 at 5:00 p.m. in regular session with Mayor Raye Miller presiding, and the following present to wit:

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

Also, present:
Aubrey Hobson, City Clerk/Treasurer

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

New Requests for City Facilities

- A. *Holly Frontier – request to use Jaycee Park on Monday, December 21, 2020 for a Drive Thru Food Pantry from 12 noon – 4:00 pm. *Contingent upon proof of insurance*

Councilor Rodriguez made a motion to approve the request to use Jaycee Park contingent upon proof of insurance. Second by Councilor Moreau. Upon vote, the motion carried 8-0.

City Departments and Employees

None.

Special Reports

- A. Discussion with County Clerk on the Opt- In Election Ordinance (postponed until the County Clerk could call in)

Consent Agenda

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

**CONSENT AGENDA
December 15, 2020**

1. **Approval of Minutes** *November 24, 2020
2. **Consideration of Bids:**
 - A. *Approval of Memorandum of Agreement with Changing Lives Coalition
 - B. *Approval of Memorandum of Agreement with Brissa Padilla
3. **Contracts, Leases and Agreements:**
 - A. *Approval of the 2020/2021 Outside Request PSAs
 - 1) Artesia Advocacy/Chaves County CASA 12152020-1 (\$12,500)
 - 2) Artesia Paws and Claws PSA Number 12152020-2 (\$4,990.50)
 - 3) Artesia Clean & Beautiful PSA Number 12152020-3 (\$21,885)
 - 4) Artesia Main Street PSA Number 12152020-4
 - a) For Downtown and Community Revitalization services not to exceed (\$21,375)
 - b) For MainStreet holiday expenses (\$0)
 - c) For MainStreet maintenance expenses (\$10,125)
 - d) For Greenway Project expenses (\$19,975)
 - 5) Artesia Community Crime and Drug Coalition PSA Number 12152020-5 (\$7,500)
 - 6) Artesia Department of Development PSA Number 12152020-06 (\$17,500)
 - 7) Greater Artesia Foundation/dba My Neighborhood PSA Number 12152020-7 (\$8,000)
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>Regina Davies</u>	F&A	Cashier	\$2037 per month CA14
2. <u>Kevin Evans</u>	Wastewater	Assistant	\$2482 per month CA22
 - B. Accept the resignation of Fabian Munoz, Firefighter/EMT, effective December 14, 2020
 - C. Accept the resignation of Jason Bealer, Wastewater Operator, effective November 30, 2020
 - D. Accept the resignation of Viola Rhodes, City Prosecutor, effective January 4, 2021
6. **Dates of Hearing:**
7. ***Travel and Training:**
 - A. Police – Permission for one (1) employee to attend the National Animal Cruelty Investigation School Level 2 in Albuquerque, NM
8. **Routine Requests for City Facilities:**
9. **Routine Resolutions (to be assigned a number by staff):**
 - A. *Approval of a Resolution Designating Signatory Agents and rescinding Resolution 1628
 - B. *Approval of the 2021 Open Meetings Act Resolution
10. **Budgeted Items:**

11. **Quarterly Journal Entries**
12. **Non-budgeted Items:**
13. ***Payment of Bills:**
 - A. Permission to pay bills through December 31, 2020

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. 20-13: Zone Change from R-2, General residential district to SU-1, Special use district; Location: 1102 W. Grand Ave. and 308 S. 11th St.; Owner: Barbara Ann Morris

Community Development Director Jim McGuire stated this is a single parcel that has two homes and each home has an individual address; the owner is acquiring funding to improve both homes but the stipulations are that the homes need to be on individual lots. Since the lot is just shy of 7000 sq. ft. we would not be able to split the lot in the R-2 district and have two conforming lots however, in the SU-1 district there are no minimum lot size requirements so if the zoning is approved there would not be the issue of non-conforming lots. The property to the North is zoned SU-1 and contain a single-family home; properties to the East are zoned R-2 contain a single family home adjacent to the alley and a duplex to Grand Ave. Staff is in support of the above zone change request and Planning & Zoning Commission unanimously recommended approval of the zone change request of the November 10th meeting.

Mayor Miller asked if there is anyone on the phone that would like to address the council on the zone change request.

Councilor Bratcher made a motion to approve Ordinance-1079, Case No. 20-13 zone change from R-2 general residential to SU-1 special use residential district for 1102 W. Grand Ave and 308 S. 11th St. Second by Councilor Youtsey. Upon roll call vote, the motion passed 8-0.

ORDINANCE-1079

Councilor Bratcher made a motion to move item 7) D. up to this point in the agenda. Second by Council Rodriguez. Upon simple vote, the motion passed 8-0.

- D. Consideration and approval of an ordinance for Case No. 20-12: Zone Change from R-1B, Single-family residential district to R-2, General residential district; Location: 2100 W. Richey; Owner: Haven of Hope

Jim McGuire stated that 13.907 acres were part of the request and after the first meeting the applicant decided that only the southern 4.367 acres of the tract is being requested for the zone change at this time and the remaining acreage to the north will stay at R-1B. Jim stated that in the packets he has shown different uses of the R-1B and the R-2 districts. Staff is in support of

the above zone change request and Planning & Zoning Commission unanimously recommended approval of the request at the November 10th meeting.

Mayor Miller asked if there is anyone in the public or on the phone that would like to address the council on the zone change request.

Zelda Brindero a resident south of Haven of Hope; she and her husband supports this project for the community and believes this will be an asset to the area.

Anna Kelley the President of Haven of Hope board of directors for the past year greeted Mayor Miller and Council. Anna wanted everyone to understand who Haven of Hope is; they are a group of strong Christian women that believe in making the community a better place. The board members consist of Brissa Padilla, Lorin Little, Laura Netherlin and their future executive director Dr. Selena Bryant who has recently completed her PhD in Social Psychology. Anna was happy to say they have a group of experienced professionals working on this project-Jose Zelaya with Huitt-Zollars Architect firm, Scott Taylor owner of Permian Solutions who serves as Haven of Hope owner representative and the team of Jaynes Construction. They have worked diligently to design a beautiful place that everyone will be pleased with, they also feel that the neighborhood will look upon Haven of Hope with pride once it is up and running. In addition, they look forward to breaking ground in early 2021 and eager to help moms and their children for many years to come.

Dr. Selena Bryant, who is currently the director with Grammy's House in Artesia and brings 15 years' experience greeted everyone. Ms. Bryant likes to help people face challenges and reach successes. Helping people overcome obstacles and difficulties and making the most of themselves has been rewarding and challenging career for her. She is committed to be a part of this invaluable process and looks forward to being part of an organization that will provide single mothers and their children a meaningful life filled with dignity and hope.

Councilor Bratcher made a motion to approve Ordinance-1080 for zone change from R-1B single family to R-2 general residential district. Second by Councilor Rodriguez. Upon roll call vote, the motion passed 8-0.

ORDINANCE - 1080

- B. Consideration and approval of an ordinance for Case No. 20-14: Final Plat for the Medina Summary Subdivision (County); Location: 59 W. Jackson Rd.; Owner: Norma Medina

Jim McGuire stated that this case is for three tracks of land and staff only has the authority to do a lot split. There is also a dedication of a portion of Jackson Rd. and sees no issues with this proposal; staff is in support and the Planning & Zoning Commission unanimously recommended approval of the request at the November 10th meeting.

Mayor Miller asked if there is anyone in the public or on the phone that would like to address the council in regard to Case No. 20-14 Final Plat for the Medina Summary Subdivision 59 W. Jackson Rd. located in the county.

Councilor Rodriguez made a motion to approve Ordinance 1081 for Case No. 20-14 final plat for Medina Summary Subdivision 59 W. Jackson Rd. Second by Councilor Bratcher. Upon rollcall vote, the motion passed 8-0.

ORDINANCE – 1081

C. Consideration and approval of Opt In Election Ordinance

City Clerk Aubrey Hobson introduced County Clerk Robin VanNetta and stated that she was on the phone to answer questions. Aubrey has been talking with Robin about the Opt-in Ordinance for statewide elections. Aubrey has asked her to do some research and also wanted to know why the State wants the cities to join and what the final goal is to get these things done.

Robin stated basically what has happened is these are options that you can pick if you're going to be involved, it is not an option anymore to do your own thing as Aubrey can tell you the last time they had a Municipal officer election the State was really involved, so if the law is written that way this is how they have done it since the Municipal Code has been repealed so they have nothing to follow. Robin does think it will boost voter participation eventually, it's hard to say now, typically because not all municipalities were in, they were just getting started. Robin does believe that it will be helpful in the future and they are not going to charge anymore which is a good thing. Robin stated that like us she would like the State to stay out of our business but in their infinite wisdom they are here and that's the way the law reads and until something changes we don't have much of a choice. Robin asked Aubrey how involved was the State with the last election, she also stated they are not going to take over, the County Clerk does a lot more than you realize but they are going to be involved it is just written in that way. Robin thinks they are here to stay and asked if anyone has any questions or concerns about this.

Mayor Miller stated that he thinks if the Council opted to go into the November election cycle we have a choice to go in this November election or the following.

Aubrey stated that he has been told the options are that we could either shorten the terms of the ones being elected in 2022 to the November election taking over their new appointment January 1, 2022 or you can have those people who were going to be elected in 2022 serve until November of 2023 then they would take over January 1, 2024 which would be an about additional year and eight months and that we have that option. Those scheduled to be reelected in March of 2024 would serve until November of 25 and a new term start January 1, 2026.

Mayor Miller asked if we adopt the Ordinance do we have to make the election on that option tonight as to whether we would want to extend? Aubrey replied yes that whenever you adopt it and that we do not have to adopt it tonight as long as we get it done by June 30, 2021 but the fact is that if you all of a sudden decide to go till November it shortens up the schedule of being able to run a campaign.

Robin stated that the Municipal code is gone and there is nothing to follow the Local Elections Act and they are going to make it difficult for entities that do not opt in and that's not going to happen in Eddy County because we are all partners and it's not that way across the State for municipalities that did not opt in, they didn't get a lot of help so they have nothing to follow they kind of left Clerks out to dry the way it's written into the law so that is something to think about. Robin stated that whatever we decide to do they will be there to help out with the election.

Councilor Youtsey stated that he appreciates Robin helping us through this and he thinks that they were all under the impression that they had a choice and now it sounds like we don't and with that being said what he would like to say is that he is against this, it has nothing to do with the County it has to do with the State of New Mexico, he does not trust them, they want this for a reason, they want it so badly they are willing to pay for it and he can't get a straight answer out of anybody from any level to tell him why the State of New Mexico wants this and he is dead set against this. Robin replied to Councilor Youtsey that they want all of them, total control and your right it's difficult, but we are elected officials in our own right and we have a job by the Constitution and it's kind of hard to take from us, now cities are a little different. The Legislature have already repealed the entire Code they have already taken it from you, the part that you controlled and the part the City had domain over is gone and unless they reinstate it, you will have to go by their law if they have nothing else for you to go by it's gone. Robin also stated that's the only choice and is what she meant by not having no choice.

Councilor Rodriguez has a question and agrees with Councilor Youtsey about more state regulation, he asked if this was introduced or by Linda Trujillo and Daniel Ivey-Soto at legislature? Robin replied that it was carried by them initially in 2019. Councilor Rodriguez stated that he sent an e-mail to Daniel Ivey-Soto on November 20, 2020 and it just proves the fact to him that they do not reciprocate or answer, he sent an e-mail and received no response from him or his staff; it kind of gives you a bad feeling when a representative of your State who's an elected official will not respond to another official to clarify what's taken place. Councilor Rodriguez stated that he would see and care to not shorten his term. When the Secretary of State certifies your proclamation it say's Councilor for 4 year term, period; if they shorten his term would not be a 4 year term, it would be a 3 year 9 or 11 month term and he feels that he was elected by the City of Artesia District 1, he does represent the City of Artesia and would like to continue to represent them.

Councilor Mariscal asked if this is going to be a regular November election and also if we are going to have e-mail or mail voting? Aubrey replied that it will be just like a regular election and one of the things it would do is get all of the school and hospital boards, soil conservation districts all voted on the same ballot on the same day that will make it easier on the voters.

Mayor Pro Tem Hill stated that he is against it; he is against changing. He would rather we did it and knows that there would be some cost involved in it and thinks that we would be able to cover the cost of this election like we normally have. However, when he watches the news he has seen within the last 4 years across the nation different State Legislatures have changed election laws. New Mexico has now stepped up and they are wanting change the election laws and they are wanting us to do it and he does not think that it has worked out well for everyone, it has favored some and he is concerned about where we go from there with changing this and that. Councilor Youtsey is right, Mayor Pro Tem Hill stated and that the State is wanting to change the election laws for some reason; it's control and who would want to stand for an hour with all the school and hospital boards and so forth going through this, he is not comfortable with this.

Mayor Pro Tem Hill made a motion to postpone indefinitely the Opt-in Ordinance election. Second by Councilor Mullen. Robin VanNetta asked to say that one more thing that this is totally our call to do what we would like to do but that she is telling us that it will never be the same, it's not going to be like it was before and that we could surely afford the cost of the election, however it will never be the same; that she is sorry about that and didn't support it but it's here and she is telling us that we have lost control already, they have already done it, we can opt out and they will have their fingers in your election either way, that's the way the law is written; that she will help us either way it does not matter to her. Upon simple vote, the motion passed 8-0.

Period for Hearing Visitors

None.

Comments from Public Officials and Contracted Services

None.

Committee Reports

None.

Personnel

Human Resource Director Sandi Countryman stated that as indicated in the consent calendar we have received the notice of intent to retire from Viola Rhodes, as our Prosecuting Attorney she will not be able to continue after December 31st as she is not renewing her state license. This

puts us in a bind as we have cases scheduled as soon as January 12th in the court so Sandi has put a call into Matt Byers the City Attorney and hopefully will hear from him within the next few days. Sandi stated that we have some ideas for an interim basis if we can find an attorney that we can use on a contract basis for a short period of time while we do a recruitment or if the Council figures out how we would like to do this. There are some that are hired as an employee as Viola, there are some firms that are hired on a contractual basis where we only pay for the hours that they work that is another idea. Sandi wanted to get some ideas and see how they feel; now she can't give a report from Matt Byers as she has not talked with him yet. Sandi then stood for questions.

Councilor Youtsey made a motion to allow the Mayor, Sandi and Mayor Pro Tem to make decisions pertaining to filling the position of Prosecuting Attorney before our next meeting. Second by Councilor Rodriguez. Upon simple vote, the motion passed 8-0.

Public Safety

Police

Police Chief Kirk Roberts greeted the Mayor and Council; he stated that stats are in the packet and are down all the way across the board. Chief Roberts then stood for questions.

Fire

Fire Chief Kevin Hope greeted the Mayor and Council; he stated that stats are in the packet and that this is their busiest month of the year and with that stood for any questions.

Mayor Pro Tem Hill asked if Fire Chief Hope was aware of the vaccine availability here at the hospital. Chief Hope stated that the distribution was supposed to arrive today and he has not had any contact with the hospital since last week. The initial plan was to vaccinate hospital employees and actual patients then front line and emergency responders.

Community Development

Community Development Director Jim McGraw stated that he has the stats in the packets and stood for questions.

Infrastructure Department

A. *Report on possible donated property at 1110 North Seventh Street

Infrastructure Director Byron Landfair greeted the Mayor and Council and has one thing before us tonight of the request to look at a property on 1110 North Seventh Street and in the packet he was asked two things, one of which was to remodel and make the property livable; the cost of that was about \$30,000 as a rough estimate from a local contractor. The other was the cost to

demo the property which would be about \$5,000 or less but then you would just have a bare property at that point. Byron then stated he would be happy to answer any questions.

Mayor Miller also stated to remember that the property had some title issues and we do not know what the cost would be to resolve that issue.

Councilor Bratcher made a motion to decline pursuing the donated property on Seventh Street. Second by Mayor Pro Tem Hill. Upon simple vote, the motion passed 8-0.

City Attorney

None.

City Clerk

None.

Mayor

A. Discussion regarding schools

Mayor Miller received calls from a couple of Councilors talking about if there is anything that we could do with talking with the State about having the school back with in class learning. Mayor Miller was considering having a couple of them going down to Santa Fe and having a visit with the Governor. The Mayor also stated that it wouldn't make any sense to try and get a meeting with the Governor until after January 1st as she has already decided on what she is planning on until January 18th. The Mayor is hopeful that if we try and do something we can find some positive points to suggest some options and to consider some intermediary small steps forward.

B. Library

Mayor Miller spoke on the Library to where he is not looking to any major change, that they have gone back to doing the curb side activity and still have not opened up to the public. The Mayor also stated that he knows there are folks in our community that would encourage us to move forward with opening and we are certainly looking at things but at this point this is kind of where we are; as time progresses if things get better we will move forward with additional steps we can take.

Councilor Moreau stated that we really need to move forward with getting the Library and the board to get a plan on opening up to at least 25 percent, that it is extremely important at least on a small scale get something going as soon as we can with all the happiness that the Library brings that we can move forward.

The Mayor stated that he understands completely and there are a lot of community members that believe it can be managed safely. Unfortunately, today again our County had 70 cases and he

doesn't see it as essential when it might add to the cases of the virus. The Mayor looks forward to turning a corner in a couple of months as the vaccine becomes available.

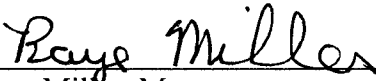
New or other business from Councilors

The Councilors wished everyone and their families a Merry Christmas, a Happy New Year and God bless everyone!

Mayor Miller thanked everyone of the employees we have in the city for what they do all year long; its been a difficult year both at home and work; many have gone above and beyond tryingto help cover other areas. Also, would like to thank Smith Engineering that provided meals to the employees as a take-out for the annual Christmas dinner and the local community for providing \$50 gift cards to each one of our employees. We do have a lot to be thankful for and we do have a great set of employees and appreciates each one of the staff and everyone works for them.

Adjournment

There being no further business, the meeting was adjourned at 6:47. On December 15, 2020.



Raye Miller, Mayor

ATTEST:



Aubrey Hobson - City Clerk