

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
January 12, 2021**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, January 12, 2021 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  
Attorney Jay Francis (by telephone)

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**

None.

**City Departments and Employees**

None.

**Special Reports**

None.

**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  
January 12, 2021**

1. **Approval of Minutes** \*December 15, 2020
2. **Consideration of Bids:**

**3. Contracts, Leases and Agreements:****4. Appointments:****5. Personnel Resignations, Hirings, Promotions, and Transfers:**

- A. Accept the resignation of Ramon Rodriguez, Police Officer, effective January 8, 2021

**6. Dates of Hearing:**

- A. \*Approval of ratification to set a public hearing on February 9, 2021 on the question of whether the Alcohol and Gaming Division of the NM Regulation and Licensing Department should approve or disapprove the transfer of ownership of Dispenser Liquor License No. 0694 and Retailer Liquor License Number 4032 for:

- |                    |   |
|--------------------|---|
| 1) License Number: | License No. 0694                          |
| Name of Applicant: | BW & Gas & Convenience Retail, LLC        |
| Doing Business as: | Allsup's #102202                          |
| Proposed Location: | 800 South First Street, Artesia, NM 88211 |
| 2) License Number: | License No. 4032                          |
| Name of Applicant: | BW & Gas & Convenience Retail, LLC        |
| Doing Business as: | Allsup's #102203                          |
| Proposed Location: | 1910 W. Main Street, Artesia, NM 88211    |

**7. \*Travel and Training:**

- A. Police – Permission for one (1) employee to attend the online training First Amendment Issues for Supervisors
- B. Police – Permission for one (1) employee to attend the Verbal Judo Refresher online training
- C. Police – Permission for one (1) employee to attend the FBI-LEEDA Supervisor Leadership Institute in Carlsbad, NM

**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**

Gabriel Longoria the head coach of the AU softball team of Artesia called in about opening the gates to JC Park for softball practice.

Gabriel stated that they are currently going to Carlsbad which is a bigger danger for them having to drive back and forth to practice with 8-year old girls. The team players are at separate corners

of the field at all times, practicing social distancing and wearing of masks; their goal is to stay active and recreational. Gabriel has 24 parents and 12 girls begging him to get back out on the field as soon as possible. Gabriel stated that these are the only fields they are able to get on here in Artesia which would be safer in the long run.

Mayor Miller understands his concern and stated that he agrees with him and as he had mentioned to Gabriel when he visited with him that Council has authorized Mayor Pro Tem Hill and himself the authority to open the parks and other activities as soon as the Governor allows.

Cecily Harrelson a teacher of 3<sup>rd</sup> grade at Yucca elementary stated that she understands that hands are tied and wanted to read some statistic studies she has researched of students with on-line schooling. Cecily stated that on October 28<sup>th</sup> AP released an article updated for on-line schooling, 4 out of 5 students are failing at least one class, in August the failing rate was 42 percent; New Mexico is one of seven states with limited in person learning. Cecily wanted to mention that Chicago public schools returned fully to in person learning last week and that their teachers are being reprimanded for not returning to school. Cecily stated what is the difference for being out of school for Covid which she understands is a virus; versus the flu or any other highly contagious disease, live outbreak, stomach bug, or chicken pox. In May the 2021 seniors will have had an 11<sup>th</sup> grade education and not a full one. When she gets her 3<sup>rd</sup> grade students next year in August they will only have had a 1<sup>st</sup> grade education and we expect them to be able to read a paragraph and multiply. As far as mental health NM has ranked as number one in suicide among young people for ages between 15 through 24; which is up. Students are depressed and 6.8 percent are still not able to get online. Cecily stated when they were in school they were practicing safe practices which those students have already learned those routines, the students are going along with things and don't understand why, when they do everything that they are told to do. Other things of teachers having to be surveillance tested, in Artesia 30 staff members are randomly selected each week, the purpose of this is to identify persons who are asymptomatic to enable return to in person learning and does not know why she should have to get a test when she does not feel sick and feels perfectly fine. If she is sick she will not go to school to work and will call in to get a substitute anyway. Cecily does not believe that surveillance testing is appropriate in order to go back to school and again she knows that the City's hands are tied and she just feels like our kids and teachers are suffering and the students' lives are at risks. Cecily just wanted to be heard and that she appreciates it and then thanked everyone.

Jared Turner greeted everyone and stated that he and his family have lived in Artesia for almost four years now and feel very welcome and love the community, people, schools, teachers, their house and church as well. He is here as a concerned citizen stating that they need our support to help businesses and schools reopen. Jared wanted to let it be known that there are thousands and thousands of concerned citizens here in Artesia that support you and are ready to work to get Artesia up and thriving again. Unfortunately, over the last ten months and counting he has watched our community be decimated; he has watched friends that have lost jobs that frankly

will never get a job again, they will have to move. He has also watched kids struggle with school including his own kids and being isolated from friends. Jared then stated unless you think this is going to end then let me read you something the Governor told the Albuquerque Journal back in July and I quote "We should start thinking about this as the right public health path forever irrespective of Covid", so regardless of whether or not you agree with that statement being used as a cudgel to crippling lock downs, restricted business, closed schools and churches, and closed sporting events which for Artesia is just unthinkable. Jared also stated that there is no hiding from this, the freight train is coming and it is just flat going to take us out. He knows many families that have already moved and he sees the missing faces it seems like every week at church and promises that many more families will move and many are not coming back. Jared also stated that if he moves to Texas he is not moving back to New Mexico and if this is going to be the status quo at the end of this year if nothing has changed he will close his business and will move, that is five employees including himself and twenty-two people, he is a real small business. He wants to end his comments with some questions, these and many more will have to be answered in the coming weeks and months, probably sooner rather than later; what happens if our concerned citizen groups which are already meeting are labeled domestic terrorist organizations, it is already happening on the hill; they are going to label them as domestic terror organizations; we just go along with it because now it is the law where our hands are tied. What happens if conservatives or republicans are labeled as security threats already happening at the Federal level; will the police just go along with whatever the Governor says. How long do we wait until all the store fronts on Main Street are boarded up because they are going to be and what's the plan with all the restaurants reopening are we just going to let them go out of business so we can just enjoy fast food. Jared stated finally and most importantly I would ask what is your line in the sand; at what point do you finally say enough is enough we need to take care of Artesia. Jared then thanked everyone for their time.

Stacey Turner thanked everyone for letting them come and speak. Stacey stated that she is Jared's wife and that they love the community and the acceptance from everyone, their church, their kids fit in so well so quickly adjusting. They have moved across the country and have lived in quite a few states and just loved everything about it and thinks that what saddens them so much, they feel that Artesia is full of really good people that follow the rules and that is why they fell in love with the people of Artesia, the teachers and it just seemed that everyone has a heart for students unlike any other community they have ever been a part of. They enjoy the public-school system and for the first time their kids have been in private or home school since then and it breaks their heart to see such division within this community when it has been so strong. As a family they talk about what has been going on, they have since the very beginning of this and just to be able to see the control continuing to filter down and grip this community just like it has our state and in our country has been heartbreaking to our family. As they discuss this with their children, the thought process and even the words; Stacey stated who is going to do something, somebody should do something and are just tired of saying that, they do not want their kids to

think that it is somebody else's responsibility. They have taught their children when you see a wrong you right it and that's what her and her husband Jared are doing, they have started a group called Concerned Citizen for Artesia it's connected with concerned citizen's of New Mexico in different cities and counties across the state, really just groups of citizen's wanting to work together to find solutions. They are seeing all these businesses leave, families that have grown up here that have the ability to just pick up and leave. They are willing to stay here and fight because they do not want to leave and that's going to be thinking outside the box and finding solutions. Stacey stated that she knows that when the Mayor and Council were elected they didn't sign up for any of this nobody did and that we have no idea what 2020 would look like and she would just ask if your hands are tied, where does that leave the citizen; so many are looking to you to help us find solutions and she just wants to ask or invite you to partner with us as the concerned citizens to find solutions maybe it's starting a private school, thinking outside the box with businesses, it's going to look different than playing by the rules and as Jared has said we have lots of evidence, she has no reason to unlock the state and to open up so how long do we play along and play this game. Stacey stated that they are just wanting to give people solutions, reduce their fear level and give them resources, education that they have compiled and just partner together as citizen's as we are going to need each other more than we have ever had in past. Stacey then stated their next meeting is on the 22<sup>nd</sup> and you can speak to Jared or her to find out the location and they would just invite us to come along beside them as citizen not even as elected officials to explore on how to bind us together rather than dividing us and would like the unique perspective that would be offered, valued and welcome. Stacey then thanked everyone for their time.

Aaron Allan a 9<sup>th</sup> grade Science teacher stated that they are seeing lost hope in our kids. Stacey also stated that with the surveillance testing that it is not necessary with asymptomatic persons as they are not spreaders. They were also were notified that Artesia is going to be a pilot district for re-entry, which they have not heard any details. The lab that is doing the testing has responded to her and their actual threshold is 37 and with the science on that it is entirely too high which means you are not seeing people who are actually spreaders, you are finding dead remnants of the virus at 37 which will put them with more of a situation as teachers because now they will have to have substitute teachers and how are they going to do that; how will they vette those subs. The lab could not answer her question if they are culturing to verify the positives, so that makes you wonder how accurate those tests are. Stacey stated that we are having split families with putting their kids to school in Texas. Stacey stated that her family is looking at moving to Texas and then thanked everyone.

Councilor Bratcher thanked and applauded the visitors for their opinion and does think that putting their heads together to come up with solutions would be a good thing.

Mayor Miller stated that if there is anything positive to take to the Governor that we would be interested and knows that the children's education is a great problem that we have. We have to

try and find ways positively for the Governor; for her to even actually consider those things. Also, that in your group that you have to look at what are the positive ways that we might do to be a positive solution rather than negative to open things up. Mayor Miller stated that he is really looking at ways with the right idea that are positive to give to the Governor that might actually work.

Councilor Hagelstein stated that he does know Jared and Stacey Turner and that they are great people who do their research, that he did go to one of their meetings and if you want to be informed about something that he would encourage everyone to speak with them. He also encouraged them to speak with their legislators at the state level and thanked them for what they are doing.

Mayor Miller asked if there was anyone else on the telephone who would like to address this.

#### **Comments from Public Officials and Contracted Services**

None.

#### **Committee Reports**

None.

#### **Personnel**

Human Resource Director Sandi Countryman stated that in the packet there are three different options on what to do for the position of a new prosecuting attorney since ours retired at the end of the year. Right now, Attorney Jay Francis is handling a couple of things that had to be expedited this month. Sandy stated that there may be more than three options but that this is what she could see, hiring a new city prosecuting attorney that would go through our normal recruiting process, the salary range would be \$72,891 up to \$105,972 that's salary alone benefits would be another 35 percent so that would put it at the low end of just over \$98,000 a year. Second option is to prepare an RFP for a contract prosecuting attorney, this would be an hourly cost and we would find out what that would be as the bids came in and there would be no benefits. The third option would be to contact our city attorney firm and see if they would want or could take on and would take the hourly rate for that. As indicated before there are two cases that are already being handled. Sandy came up with her recommendation which would be option two to prepare an RFP to see what applicants are out there. Sandi already knows that there are at least two other attorneys that are already interested and no idea what the salary range would be on that. That was also the recommendation of the prosecuting attorney because she felt that could save money rather than doing it by a contract and rather than having another city employee.

Mayor Miller asked Sandi if we need a full-time employee or is the position more of a part-time contract that would actually work.

Sandi stated that it is and that we have a legal assistant that has worked with the prosecuting attorney here and it would be her recommendation to maintain her; she maintains all the records and prepares the paperwork that would go to an attorney so there would be no need for an attorney to bring on a paralegal or anything else like that; she is right there and interfaces with the police department on a regular basis.

Mayor Pro Tem Hill made a motion to allow the staff 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.

Sandi stated that we have the safety stats and it has been very quiet along the way and then stood for questions.

## **Public Safety**

### Police

Police Chief Kirk Roberts greeted the Mayor and Council; he stated that the general stats are in the packet and gave an overview of 2020. In 2020 the police department responded to 20,104 calls for service, which does not include traffic stops and field interviews; there were 2,400 traffic stops and a little over 1,100 field interviews. Of these calls of service, they resulted in 3,000 calls regarding animal control issues, 100 calls regarding animal bites. There has also been a little over 2,100 crash reports during the year. 1,600 – 1,700 citations, 400 arrests, 11 non-traffic citations, 21 DWI's and they handled 240 crashes. When looking at the crime statistics throughout the year, when talking about interpersonal violence, which is one of the most important crime stats that is done regarding a city and what's going on in a community, everything is much the same and not surprising there has been a drastic increase in domestic battery with part of having people shelter at home puts people next to each other for longer periods so that was anticipated. Also, and very sad to say there has been a notable increase in battery to police officers with now having an environment where it is more socially acceptable to fight with or attack police officers, we are seeing that in our city just like anywhere else. Fortunately, no one was grievously hurt with those encounters. Another statistic which is not surprising giving the shelter in homes, they have seen a significant increase in sex crimes against children about a 400 percent increase in one of those types of crimes, which there were ten of those crimes versus two in 2019 of that one type. As far as property crimes other than graffiti everything has remained unchanged, with graffiti having a 200 percent increase this year. Larceny crimes out of 138 reported crime types, 20 of the 138 we saw an increase in ten of those of less than three percent in the last twelve months. As Chief Roberts has anticipated the largest increase is with vehicle thefts, ten more than 2019. Much has been anticipated with what has been going on in our society; but overall, the crime stats are not looking too serious. They have expanded some of their efforts in the area of firearm crimes. They have a TFO which is a task force officer that is a member of their department and also a sworn TFO for alcohol, firearms and tobacco, they have initiated 101 federal cases with this group. The TFO group has charged nine violent felons with the possession of firearms, have solved and stopped a murder for hire which was a law enforcement officer and there were 13 search warrants in

Artesia from these Federal cases; with that they have recovered stolen firearms and narcotics. There have been several arrest operations on the Federal level, four in fact with 130 arrests total for both Chaves and Eddy County and two with explosive device cases. Chief Robert stated that just recently this task force has come together and concentrated their efforts partly due to intel, there is a focus on targeting violent felons in Artesia, north Eddy County and the Roswell area. Lastly Chief Roberts wanted to mention that in 2018 our very own Fire Marshall came to him and talked about how we can do better investigating fires, finding causation and how they could team up. They then talked about putting together a type of major crime unit for fires that he has some experience within his previous agencies. The Fire Chief ran with it and got MOU's and agreements in place and started an Eddy County Interagency Investigative Task Force specific to fire issues. The Fire and Police department for Artesia are members, they have Atoka volunteer fire, Carlsbad fire and police and Eddy County Sheriff and Fire department as members with many others in the surrounding areas that are all members of this task force. Since its inception in 2019 there were 67 call outs and in 2020 there were 44 and so far this year there has been 3 call outs for fire investigations that is a total of 111 call outs, over a third of those are within the limits of Artesia our jurisdictions of those 18 were incendiary 71 were accidental, there was one natural cause of determination and out of all there were ten that were undetermined; with this group we have over a 90 percent fire causation determination which is very important and outstanding with them coming together that we are able to do that. This task force also assists the law enforcement agency with many of the tools they have that could be a drone and infrared cameras. There is a lot coming from this group which has been outstanding with training and investigating which has been a huge help to the law enforcement community. Chief Roberts then stood for questions.

### Fire

Fire Chief Kevin Hope greeted the Mayor and Council. He stated that he would like to recognize Fire Marshall Harvey with taking the lead on the TFO task force and making it happen, that it is really appreciated and we should expect bigger and better things coming from him in the future. Chief Hope stated that there was a meeting today in regard to preparing the schools for Covid safe practices in anticipation of a hybrid or going back to the initial hybrid schooling plan. He doesn't know when but if they are asking for them to do that quickly that there is a plan of getting our kids back in school at least on a hybrid or on a part-time basis. Chief Hope then stood for questions.

### Community Development

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

### Infrastructure Department

- A. \*Permission for staff to send a letter to the City of Champions, to authorize and construct bathroom/concessions for the soccer/football fields. No cost to the City of Artesia



Infrastructure Director Byron Landfair greeted the Mayor and Council and has one item before us tonight which is permission for staff to send a letter to the City of Champions Foundation to authorize and construct bathrooms and concessions stand for the soccer and football fields, there will be no cost to the City of Artesia.

Councilor Rodriguez made the motion to approve. Second by Mayor Pro Tem Hill. Upon vote, the motion passes 8-0.

Councilor Moreau wanted to thank Byron for helping to get the Eagle Scout project done for Mr. Kearn.

### **City Attorney**

Attorney Jay Francis wanted to make sure everybody is aware that we did lose Matt Byers on January 2<sup>nd</sup>, that he had been fighting cancer for a couple of years now. He stated that they are going to continue to provide us the same good service as Matt did; it's going to be impossible to fill his shoes but they will continue to do their best. Along that line they did agree to help in the interim with the City prosecution so they will step in and fill the void until the City can get an RFP on this.

Mayor Miller stated that Jay does have large shoes to fill because Matt did an excellent job for the City.

### **City Clerk**

None.

### **Mayor**

#### A. \*Oil Conservation Commission letter

Mayor Miller stated that we had a request for a letter of support regarding the methane carryings that are going on with the environment department at energy and minerals. Unfortunately, the deadline and submission of comment was prior to this meeting and the Mayor does not like to do anything without bringing it to Council. What was done because of the short deadline is that the Mayor sent an e-mail to the Government group that we have here for Council to read.

#### B. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(7):

1. Pending litigation

Councilor Rodriguez made a motion to go into executive session at 6:26 p.m. for discussion of pending litigation. Second by Councilor Mullen. Upon roll call vote, the motion passed 8-0.

#### C. Action as a result of executive

Councilor Rodriguez made a motion to come out of executive session at 6:30 p.m. regarding pending litigation with no action taken. Second by Councilor Mariscal. Upon vote, the motion passed 8-0.

**New or other business from Councilors**

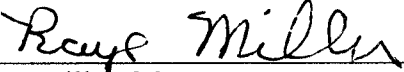
Councilor Moreau stated that he appreciates the teachers and the concerned citizens group for coming out and talking to us. He stated there is only so much that we can do and that if we put our minds together hopefully we can figure something out. He is still questioning on our businesses in Artesia of what we can control especially now that we have this with the library on what we are going to do with opening up on some capacity because he hasn't heard anyone talk about it. Mayor stated he will give his thoughts here at the end.

Councilor Youtsey stated that he attended the meeting the other night for the Artesia Concerned Citizen's Group. He wanted to comment that he was impressed with the way they organized this with the issues of different areas such as education, government and even prayer, different areas that people might be interested in.

Mayor Miller stated that he has a couple of things with Jared asking about the library; at this point we will begin to advertise the position, visit with staff about interim or coed leaders at the library. He mentioned to Aubrey that when that happens we will need to sit down and visit with them to get their impression of things, we are also waiting on what the Governor does on many fronts with what she says, if she gives any relaxation on some of the rules. The softball fields unfortunately he is still concerned with the way he interprets the Governor is competitive sports are not allowed; he knows there are some discussions with NMAA but he also worries that when they get it going the Governor may shut them down. We will continue to work on both areas if there are any changes or directions.

**Adjournment**

There being no further business, the meeting was adjourned at 6:48. On January 12, 2021.

  
\_\_\_\_\_  
Raye Miller, Mayor

ATTEST:

  
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Aubrey Hobson - City Clerk