

**MINUTES OF CITY COUNCIL MEETING**  
**ARTESIA, NEW MEXICO**  
**August 25, 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, August 25th, 2020 at 6:00 p.m., and the following present to wit:

Jarrold Moreau  
Kent Bratcher  
Ignacio Mariscal  
Jeff Youtsey

Raul Rodriguez  
George G. Mullen  
Mayor Pro Tem Terry Hill

Also, present:  
Aubrey Hobson, City Clerk-Treasurer  
Matt Byers, City Attorney (by telephone)  
Councilor Hagelstein (by telephone)

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 August 25, 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  
August 25, 2020**

1. **Approval of Minutes** \*August 11, 2020
2. **Consideration of Bids:**
  - A. \*Ratification of approval of Request for Proposal to provide ADA Ramp Improvements to Harcrow Surveying LLC
3. **Contracts, Leases and Agreements:**
  - A. \*Ratification of approval for a temporary change/expansion of Liquor License 31459 for LaFonda Restaurant
4. **Appointments:**
5. **Personnel Resignations, Hirings, Promotions, and Transfers:**
6. **Dates of Hearing:**
7. **\*Travel and Training:**
  - A. Police – Permission for one (1) employee to attend the Firearms Instructor Course update in Hobbs, NM
  - B. Police – Permission for one (1) employee to participate in the online training Foundation of Forensic Photography
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:**
  - A. \*Approval of 2020-2021 Budget Adjustments Resolution
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**

Raymond Matthews thanked everyone for allowing him here today to speak tonight. Mr. Matthews spoke about some incidents in town involving his son. He has some questions that are hard to understand, first off he is curious about what does it hurt to gather, he understands Covid; these kids have nothing to do, they do build cars, both his sons build cars, they gather everybody looks at each other's cars and are just hanging out. His son

out of about two hundred people in the parking lot goes to jail for 4 days with a friend of his and did not start all this but they decided a month and a half to get a warrant and put him and his friend in jail; he does not agree with this. What he wants to know is why is it okay to gather at West Main Baptists every Thursday; they are older gentlemen, his elders and they can gather and talk about their cars and hang out and no one goes to jail or gets into trouble. What he wants to know is what the difference.

Mayor Miller stated that he is not aware of the situation; we can ask for information and have Councilor Mullen's committee get together with Chief Roberts to get some more information on the situation.

Mr. Matthews stated that he has met with the Chief regarding his son Zack Matthews and spoke with him about the officers following his son around harassing him when he was not doing anything wrong. He stated that it was a good meeting but that he felt like it fell upon deaf ears at the end.

Dennis Jones has a question that has to do with our Governor our City and with Covid, he would like to know if Artesia is going to open in November for voting in lines and not by mail.

Mayor Miller stated that the County handles the election and sets up the polling; their commission meets on Tuesdays in Carlsbad and that Mr. Jones might want to send them an e-mail with his questions as they are requesting for public comments.

Mr. Jones also asked that when we meet our goals for opening the city, how soon do you think Artesia will open.

Mayor Miller stated that when the Governor lessens her restrictions that the Council has given approval for him and Mayor Pro Tem Hill to begin working with department heads on moving with opening our departments before another council meeting being held.

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

**Personnel:**

- A. \*Consideration and approval of critical staffing and opening positions when needed  
(currently only considering certified firefighters and certified police officers)

Sandy asked for consideration and approval of critical staffing. We have every reason to believe the Hobbs Academy will open in February which they have said they will and she would like to open up police to taking in uncertified people now being that the process takes a while. We have a certified officer coming aboard on the next agenda, who will then be able to go to the certified waiver class in November, so she would like that to happen. Also, we can run our own Fire Academy and would like to open two uncertified fire fighters for applicant's so we could get the process together to run the academy. Those two aside they have meet with department heads and have significant concerns that if we lose another employee at the transfer station, wastewater we will be significantly understaffed and would like approval to post these positions to maintain staffing. In addition, opening water and cemetery to maintain staffing, and would like approval to go ahead and post these positions to maintain significant delays and try to maintain staffing. Sandy stated we are not trying to change the numbers we have for staff just trying to maintain the numbers in case we must replace those employees in critical areas.

Councilor Rodriguez made a motion to allow the hiring of critical staffing and to fill positions as required. Second by Councilor Mariscal. Upon vote, motion passed 8-0.

**Public Safety:**

**A. Police Department:**

- 1) \*Stats  
None. Chief Roberts stood for questions.

**B. Fire Department:**

- 1) Discussion of future council meetings (phone vs. in-person)

Chief Hope greeted the Mayor and Council then stated that he has one item on the agenda with Covid positives; we are seeing a good uptake in that, we had about two and a half weeks ago a group that they were able to isolate. The ones we are have now we are not seeing a trend and are not able to trace contact on where they came from. The question is do we want to continue in person or do we want to go back to teleconference meetings.

Mayor Miller stated that he is not opposed to going back to teleconference meetings if anyone is not opposed and as soon as the case numbers come down, we can go back to in person meetings.

Chief Hope gave an update on the latter, we were approved for the grant and received the contract from DFA, it's been signed sent back to them we are just waiting on their signature. The truck we are looking at should be in around November time frame.

Mayor Miller stated the State of New Mexico gave us a grant of a million one fifty and we have set aside a couple of hundred thousand saved from for this last year which is not taking out of our general fund money this year.

### **Community Development:**

- A. \*Consideration and approval of a resolution adopting the FY 2022-2026 Infrastructure Capital Improvement Plan (ICIP)

Jim McGuire greeted the Mayor and Council and stated at our last meeting the top five projects for ICIP FY 2022-2026 were identified of the city warehouse, infrastructure project 26<sup>th</sup> St. to Grand, 16 police vehicles, East Hermosa Dr. from 13<sup>th</sup> going back to the east from 1<sup>st</sup> street and a rescue vehicle; he also has the other three projects in case we want to change the priority.

Mayor Miller apologized for not being at the last council meeting and would ask that council would consider a change in the order of the 5 ICIP projects. Part of the reason is that the Chief of Police didn't ask for the 16 police vehicles, that was his addition and not because we need them immediately, but with time the vehicles would be needed. The Mayor was hoping to get it on the list and hopefully in the next year or two it moves up to the top five. The Mayor suggested to move the vehicles down to number six and move number 6 project of the infrastructure of JJ Park phase 1 up. Mayor Miller asked Council if they would consider the change or if they would want to stay with what we have.

Jim stated that we would have to go back and revise the list to be adopted by resolution; #1 City Warehouse, #2 Infrastructure project 26<sup>th</sup> St. to Grand, #3 East Hermosa Dr., #4 Rescue engine, #5 Infrastructure of JJ Park phase 1.

Councilor Rodriguez made a motion to approve motion 1738 to adopt and revise the ICIP plan. Second by Mayor Pro Tem Hill. Upon vote, motion passed 8-0.

### **Resolution 1738**

### **Infrastructure:**

Byron greeted the Mayor and Council and has a couple of project updates. They will be filling and disinfecting the tank at JC Park next week, over the course of the next few weeks they will setting up the electronic component and getting the booster pumps online. Two weeks prior we will be put some PSA's in the neighborhood out letting know that the pressure is about to change, which will be 55 psi's that will be a dramatic change. Byron stated that the end of next month they should be completely switched over.

Bryon then spoke on the sixth and final phase of 26<sup>th</sup> and Hermosa project; they are almost done and to please remind everyone to obey the sign's there.

### **City Attorney:**

None.

**City Clerk:**

None.

**Mayor:**

- A. Executive session: In accordance with the State of New Mexico Open Meetings Act, Section 10-15-1-(H)(7):
  - 1. Pending litigation
- B. Action(s) as a result of executive session

Mayor Miller wanted to update everyone on a couple of items that are not on the agenda and that we will not take any action. The Mayor wanted to let everyone know that Mayor Kintigh called him today about American Airlines suspending operations in October, he is thinking he is trying to figure out a way to find some help with funding. Mayor Miller told Mayor Kintigh he would mention it at the council meeting. Mayor Kintigh will be having another meeting with American Air and then he would probably make a request to us. Mayor Miller stated he would direct that to budget and finance for their consideration to see where we are at this point. It will be a council decision and we will let budget and finance review the request and then make a recommendation to council.

Jim McGuire and the Mayor are working on consulting legal counsel for environmental matters on the 10<sup>th</sup> and Main property. Aubrey advised that we cannot just hire counsel even though this is specialized counsel, if the contract exceed certain purchasing limits so we will have to have them put a maximum limit that is a fairly small limit on what the expenditures amount to or we will have to go out for bid for services on this. The Mayor stated we are working on this with the Chamber and Jim is aware of the process.

The Mayor also received a late request for travel that would require ratification which he is concerned. We approved one travel request on tonight's agenda which came in on time and we got one late; he would prefer for travel to be on a regular agenda instead of a ratification.

The Mayor stated that Aubrey is still waiting for word on money; there is discussion on reimbursing us for our Covid expense. Our actual direct Covid expense is very minimal in this City, so we were not looking for much. We were then advised we could apply for certified fire and police salaries, so we have included those numbers which are significant for the time being of the pandemic. The Mayor stated that we do not know if we will receive any of the money, the minimum amount or what they will do.

The Mayor also stated there is a grant program for 150 million dollars where the State is looking at distributing to cities, counties around the state for entities to issue grants to businesses of less than 50 employees that have certainly been negatively impacted. We were contacted by the County to see whether we wanted to join with them, which we declined and applied for ourselves in support of businesses inside our community. The Mayor also stated that if we do receive the grant money, we will be advising Council and then begin working with the Chamber, Aubrey and staff quickly to have businesses apply, advise of prerequisites, eligibility and figure a way equability. The Mayor truly feels for what our businesses have gone through to try and stay in business. The Mayor stated that if we do get the grant, we may ask for some help to make intelligent decisions on how to handles some matters. The Mayor then asked if anyone has any questions.

Councilor Rodriguez made a motion to go into executive session to discuss pending litigation. Second by Mayor Pro Tem Hill. Upon vote, motion passed 8-0.

Council then moved to executive session at 7:09 p.m.

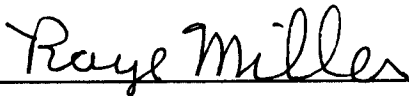
Councilor Rodriguez made a motion to come out of executive session at 7:23 p.m. discussing only litigation with no action taken. Second by Councilor Mullen. Upon vote, the motion passed 8-0.

**New or other business from Councilors:**

None.

**Adjournment**

There being no further business, the meeting was adjourned at 7:28 pm on August 25, 2020.

  
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Raye Miller – Mayor

ATTEST:



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Aubrey Hobson – City Clerk