

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
November 24, 2020**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, November 24, 2020 at 6:00 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  
Matt Byers, City Attorney (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. Mayor Pro Tem Hill provided a second and upon vote, the motion carried 8-0.

**CONSENT AGENDA  
November 24, 2020**

1. **Approval of Minutes** \*November 10, 2020
2. **Consideration of Bids:**

**3. Contracts, Leases and Agreements:****4. Appointments:**

- A. Approval of reappointment of Richard Price to serve on the Planning and Zoning Commission (term ending August 31, 2022)
- B. Approval of reappointment of Mike Deans to serve on the Planning and Zoning Commission (term ending August 31, 2022)
- C. Approval of reappointment of Paul Alvarez to serve on the Planning and Zoning Commission (term ending August 31, 2022)

**5. Personnel Resignations, Hirings, Promotions, and Transfers:**

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

## A. \*Promotion:

<u>Name</u>	<u>Department</u>	<u>Position</u>	<u>Rate of Pay</u>
1. <u>Jennifer Brown</u>	F&A	Utility Billing & Cash Collections Supervisor	\$2951 per month CA29

- B. Due to the Minimum Wage increase scheduled for January 1, 2021 moving from \$9.00/hour to \$10.50/hour approval to:

- 1) Change the wage level for Van Driver I to CA10 \$1846 – (\$10.65/hr)

Sandi stated that this would impact one position and the Summer help will be done at the time it is to be considered.

- 2) Change the wage level for Van Driver II to CA12 \$1939 – (\$11.19/hr)  
\*Effective date for these changes will be December 27, 2020

**6. Dates of Hearing:**

- A. Approval to set a public hearing for December 15, 2020 to consider the 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
- B. Approval to set a public hearing for December 15, 2020 to consider the 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. 11<sup>th</sup> St.; Owner: Barbara Ann Morris
- C. Approval to set a public hearing for December 15, 2020 to consider the 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

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

- A. Planning – Ratification of Mayor Miller's approval for one (1) employee to participate in the Virtual NMFMA Fall 2020 Conference

**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 an ordinance amending Section 1-6-5 (A) of the Artesia Municipal Code - Classification- Probationary Period (*continued from November 11, 2020 meeting*)

Human Resource Director Sandi Countryman spoke about a personnel committee meeting a couple of months ago and one of the members asked to consider moving the probationary period to 6 months instead of one year. Sandi has met with the department heads and they are all in agreement with the changes. The changes to the police and fire department are slightly different based on consideration of attending academies and other training that they have to complete. Sandi would want this to go in affect the first of January. Consideration will be given to those that were hired before the start date of six months so that an employee coming in on 2021 will not be coming off probation before somebody else who has already been in the position because they came in before and will take those on a case by case basis as they come up. Sandi believes moving the probationary to six months rather than twelve months will help in recruiting and retention, which makes us a bit more competitive in the market. Sandi then stood for questions.

Mayor Raye Miller then asked if there was anyone in the public on the phone or in attendance that would like to address Council regarding the Ordinance change on the probationary period.

Councilor Rodriguez made a motion to approve O-1077 amending section 1-6-5 (A) for the probationary period. Second by Council Bratcher. Upon roll call vote, the motion passed 8-0.

**ORDINANCE 1077**

- B. Consideration and approval of an ordinance for Case No. 20-11: Zone Change from SU-1, Special use district, to C, Business district; Lot 2, Block 7, Murphy Addition; Location: 604 S. 13<sup>th</sup> St.; Owners: Robert and Patty Jill Ballew

Community Development Director Jim McGraw spoke stating the reason for the zone change is that the tenets wish to establish a tattoo shop on the property. Staff and the Planning and Zoning Committee met on October 21, reviewed this request and unanimously recommended approval.

Mayor Raye Miller then asked if there was anyone in the public on the phone or in attendance that would like to address Council in regard to the zone change.

Council Rodriguez made a motion to approve O-1078 the zone change from SU-1 to C for the 604 S. 13<sup>th</sup> property. A second was made by Councilor Youtsey and upon roll call vote, the motion carried 8-0.

**ORDINANCE 1078**

**Period for Hearing Visitors**

None.

**Comments from Public Officials and Contracted Services**

None.

**Committee Reports**

None.

**Personnel**

Human Resource Director Sandi Countryman stood for questions.

Mayor Raye Miller asked Sandi about the number of employees that we have that are positive. Sandi stated that we have a number of people out with three that are positive; the others are waiting for their test results. Mayor Miller stated that thankfully we have a couple of employees that tested positive back to work; that were positive and have returned to work and deemed to be healthy.

**Public Safety**

**Police**

Police Chief Kirk Roberts greeted the Mayor and Council; he stated that he hopes everyone is well and does not have anything on the agenda. Chief Roberts does want to bring up to Council that the he and the command staff have put together a policy on beards for uniformed and other personnel within the department as a matter of morale. Before being put into effect Chief Roberts wanted to notify Council and invite anyone that has a comment or concern to contact him at their leisure to discuss before it is put into place; if he does not hear from anyone by next week he will put out the policy and see how it works. Chief Roberts then stood for questions.

Councilor Mariscal asked about the shooting last night and what it was related to? Chief Roberts stated that at this time the investigation is suggesting there had been an ongoing dispute between people at that location for a couple of days and culminated into this.

**Fire**

None.

### **Community Development**

Community Development Director Jim McGuire stated that right before tonight's meeting he received an e-mail from Jaynes Construction that they won the award for phase 1 and 2 of the Artesia Aquatic Center for the Associated General Contractors of America in New Mexico in that price range. Jim forwarded the e-mail so that the presentation can be viewed on how they won the award.

### **Infrastructure Department**

Infrastructure Director Byron Landfair greeted the Mayor and Council and had nothing for tonight and would be happy to answer any questions.

### **City Attorney**

None.

### **City Clerk**

#### A. Discussion of legislative capital outlay process

City Clerk Aubrey Hobson stated that he and the Mayor had discussed some changes that are going to be made to the legislative capital outlay process where everything will be done online now. They discussed on whether or not they would like to apply for anything this year since they are expecting that there will not be a whole lot of money and maybe they need it to do other things. When discussed at staff meeting Byron had said that since the warehouse was number one on the ICIP that we don't need to do that we could apply for the Number 2 project, 26<sup>th</sup> Street from Hermosa to Grand engineering only which is \$500,000.

Councilor Youtsey made a motion to direct to apply for engineering for the 26<sup>th</sup> Street Project from Hermosa to Grand and he also added the engineering for the East Hermosa project from 13<sup>th</sup> Street to 1<sup>st</sup> Street. Second by Councilor Moreau. Upon vote, the motion passed 8-0.

#### B. Discussion and possible action in response to Governor Lujan-Grisham's Public Health Order of November 13, 2020

The Mayor and department heads came up with a plan when the Governor issued the lock down where everyone should be staying home; one hundred percent decrease of non-essential businesses. The library was closed completely, the museum was closed, we sent the senior center home and adjusted the hours at the airport to try and decrease the amount of face to face time, City Hall was locked and opened by appointments only.

City Clerk Aubrey Hobson spoke about deciding on whether or not to continue with disconnects. We had them, we discontinued them, and then we brought the disconnects back in. Now with

everyone probably going back on unemployment we may have some trouble having them paid. We would like to know if we can suspend the disconnects until the 1<sup>st</sup> of January.

Councilor Bratcher made a motion to suspend the disconnects until January 1<sup>st</sup>. Second by Councilor Hagelstein. Upon vote, the motion carried 8-0.

C. Consideration and approval of a budget adjustment resolution

City Clerk Aubrey Hobson gave a synopsis of the budget adjustment changes where most of the changes are because of the retention award, the transfers we need to do and the increases in the line items in each department. At the first of it is a request for the second half of outside requests. The only difference is most of the outside request ask for the other 50% for the 2<sup>nd</sup> half. Main St. had 9,975 going for holidays and they wanted the other 9,975 to go to their Greenway Project. Instead of going \$9,975 to holiday, it would result in an extra \$19,975 to Greenway. Main St. they asked for an additional \$22,050. We awarded half of \$22,050 for the first two quarter. Their request this time wanted to add back 20,250 in addition to the 10,125 but that is not following what we have done with everyone else. What we would do is that one would add another \$10,125 what they requested. Aubrey has it listed \$22,050 for the second half; if you would want to take that back to \$10,125 we will need to make that change.

Councilor Bratcher made a motion to approve R-1745 budget adjustments of \$10,125 and to consider if we get money from the State to look at helping with more additional funds. Second by Councilor Moreau. Upon vote, the motion passed 8-0.

**RESOLUTION - 1745**

D. A report and possible action on proceeding with acceptance of donated property

Aubrey stated that in the packet is a report about someone wanting to donate property to Artesia; they had tried to sell it but there is a title problem so their attorney advised to donate to the City of Artesia. Aubrey stated he is sure there is a way to do that; the house is somewhat run down. They had a buyer but could not clear the title and we just need to know if we need to proceed with the possibility of them donating that property to the City. Mayor Miller stated that Attorney Matt Byers had asked what the title flaw was; which could be more expense than what it is worth. The Mayor suggested to get more information to the attorney to look into the property to see if we may want to consider it and at this point we could defer to another meeting where we could give more thought.

Councilor Rodriguez made a motion to direct staff to continue researching the property with the possibility to accept donated property. Second by Councilor Mariscal. Upon vote, the motion passed 8-0.

**Mayor**

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

1. Pending litigation

A motion was made to go into executive session to discuss pending litigation at 6:45 p.m. by Councilor Rodriguez with a second by Moreau. Upon roll call vote, the motion passed 8-0.

B. Action as a result of executive session

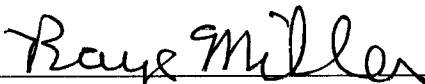
A motion was made by Councilor Rodriguez to come out of executive session at 6:55 p.m., stating pending legislation was discussed with no action taken. With a second by Mayor Pro Tem Hill, upon vote, the motion carried 8-0.

**New or other business from Councilors**

None

**Adjournment**

There being no further business, the meeting was adjourned at 7:00. On November 24, 2020.

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

ATTEST:

  
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Aubrey Hobson - City Clerk