

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON JANUARY 12, 2016 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Sandra K. Nunley	Councilor
	J. R. Doport	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Janell E. Whitlock	Councilor

Absent:

Also Present:	Steve McCutcheon	City Administrator
	Stephanie Shumsky	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Monica Harris	Finance Director
	Jeff Patterson	Planning, Eng., & Reg. Director
	Luis Camero	Public Works Utilities Director
	Thomas Carlson	Public Works Director
	Richard Lopez	Fire Chief
	Kent D. Waller	Police Chief
	Patsy Jackson-Christopher	Director of Arts & Culture
	Steve Hendley	Director of Parks & Recreation

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00      **Call Meeting to Order**

0:00:04      Invocation - Pledge of Allegiance

0:00:36      **Mayor Janway introduced Mr. Douglas Neighbors, Superintendent of Carlsbad Caverns National Park to give an update on the elevator situation at the Park.**

**Mr. Neighbors** began by explaining that on November 4, 2015, the passenger elevator #4 got stuck in the elevator shaft. He explained it happened during the morning inspection with no passengers. He said the elevator remains stuck at this time. He explained due to safety reasons he has shut down elevator #3 because each elevator serves as a rescue for the other. He explained on November 4th the NPS elevator

mechanics assessed the situation but were unable to determine why the elevator was stuck. He said on November 6th a local electrical contractor was hired to assess the elevator and was unable to determine if there were any problems on the motor. He said shortly after that he began to work with contracting officers to put together a contract to have professional elevator mechanics come to assess the elevator. He said on November 17th, ThyssenKrupp from El Paso, and the original manufacturer of the motor came out and inspected the motor. He said the contract was written for \$99K and was to diagnose why the elevator became stuck, to determine the root cause, and to provide a report for the path forward with cost estimates.

**Mr. Neighbors** reviewed the following:

- December 1, 2015 ThyssenKrupp mechanics diagnosed the problem as the motor shaft had cracked and will take 6 months to repair
- December 2, 2015 Mr. Chuck Burton, manager went to Denver
- Freight elevators were also out of service because they were not certified for passenger use
- A project is in place to revamp the freight elevators in FY 2017 and is a \$17 million dollar project
- December 21, 2015 put together a \$25K contract to bring engineers in to look at freight elevators; goal to have freight elevators up before spring break
- Passenger elevator report about 3 weeks out
- Report to fix freight elevators should be ready in about 10 days. These reports will determine where to go from here
  - Passenger elevators are custom built/options
  - Pull motor & build a new shaft minimum \$300K
  - Replace entire motor \$500K and take 180 days cost can escalate up to \$1 million dollars

**Mr. Neighbors** explained the goal is to repair as soon as possible. He said the Park has the money available for the repairs up to \$1 million dollars. He said there has been concern in the community about visitation at the Caverns. He explained there has been a 5.7% drop in visitation from November 2014 to November 2015. He said December 2014 compared to December 2015, there was a 13% drop in visitation. He said in January 2015 there has been a 69% increase. He explained overall for the last three months visitation is down 4%. He said the staff at the Caverns wants to get the situation fixed as soon as possible.

0:13:05 **Councilor Doss** asked if there are provisions for emergency repairs, where the contracting requirements can be bypassed. **Mr. Neighbors** said he was able to get the contracts fairly quickly. He said he does not have the authorization to bypass the contract portion. **Councilor Doss** asked who the City should contact to get the authorization. He said he has contacted Senator Udall and Senator Pierces offices. **Mr. Neighbors** said possibly the Director of the National Parks Service, Jonathon Jarvis and the comptroller, Bruce Shaffer.

0:15:57 **Councilor Whitlock** said Mr. Neighbors is in a unique situation and the Caverns have never been shut down like this. She said she understands the service elevators do not hold many people, so she is unsure of the benefit of getting the service elevators working for passengers. **Mr. Neighbors** said the service elevators are half the size of the passenger elevators which hold 16 people. **Councilor Whitlock** said it is her understanding that the service elevators hold about 8 people. **Mr. Neighbors** said that is correct. He explained the service elevators were used in 2010 when the passenger elevators were being repaired. He said the lines did lengthen at that time. He said staff will encourage those that can walk out to walk.

**Mr. Neighbors** explained the project that occurred in 2010 to 2013 only replaced the steel guide rails, not the rails that the elevator runs on, just the box springs within the rails. He said his goal is to put in a new motor, new controller, new guide rails, and a new car to have a complete new system.

**Councilor Whitlock** explained that the City of Carlsbad, Eddy County, and the State of New Mexico pay the advertising dollars to advertise the Carlsbad Caverns. She said the Caverns is the only National Park in New Mexico and she would like to see the project moving faster than it is currently. **Mr. Neighbors** said he understands the concerns and explained the engineers and mechanics are hired and hope the reports will be received in the next week to get the contracts in place.

0:20:38 **Councilor Nunley** said she spoke with Beverly from Senator Udalls office and was told that they were aware and have made contact with the Director of the National Parks Service.

0:21:48 **1. APPROVAL OF AGENDA**

0:21:52 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve the Agenda

0:21:57 **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

0:22:12 **2. CONSIDER APPROVAL OF RES. NO 2016-01, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2015-2016 FISCAL YEAR BUDGET (3RD QUARTER BUDGET ADJUSTMENTS)**

**Mrs. Harris** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget highlighting the General Fund, the Capital Outlay GRT Fund, the Sports Complex Fund, the Water & Sewer Fund, the CIEP Fund, the NMFA Loans-Governmental Fund, and the NM Finance Authority Loans Fund.

0:28:11        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve Resolution No. 2016-01, a Resolution making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget (3rd Quarter Budget Adjustments)

0:28:23        **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

0:28:36        **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of Regular City Council meeting held December 8, 2015
- B. Minutes of Special City Council meeting held December 15, 2015
- C. City Personnel Report
- D. Purchasing:
  - 1) Consider approval to purchase one (1), Front End Loader from 4 Rivers Equipment pursuant to CES Procurement System for the Wastewater Treatment Plant
  - 2) Consider approval to Advertise Bids for one (1), Skid Steer Loader for the Municipal Golf Course
  - 3) Consider approval to Advertise Bids for one (1) Runway Closure Marker for Cavern City Air Terminal
  - 4) Consider approval to Advertise Bids for twenty-eight (28), Spinner Racks for Paperback Books at the Carlsbad Municipal Library
  - 5) Consider approval to Award RFP No. 2015-44, to Stoller Newport for the Old Landfill Monitoring and other Technical Services
  - 6) Consider approval to Award Bid No. 2015-50, to RMCI, Inc. for WTB Project No. 328, Wastewater Effluent Reuse Phase 5-A
  - 7) Consider approval to Award the CES contract to Accent Landscaping to construct 4 new baseball fields for the Bob Forrest Youth Sports Complex Expansion Project
  - 8) Consider approval to Award Bid to Lasco Construction Company for the Construction of Fire Station #7
- E. City of Carlsbad Department Monthly Reports:
  - 1) Arts & Culture Department Monthly Report for November, 2015
  - 2) Personnel Department Monthly Report for December, 2015
  - 3) Municipal Court Monthly Report for November, 2015
  - 4) Sports & Recreation Department Monthly Report for November, 2015
  - 5) Transportation & Facilities Department Reports for October & November, 2015
- F. Set Date to Consider Ordinance: (February 9, 2016)
  - 1) An Ordinance Amending Ordinance No. 2011-01 and 2012-10 regarding the City of Carlsbad Police Department's Citizen Advisory Board; Decreasing the Number of Members of the Board from Nine to Seven, Amending the Members' Residency Requirements, and Changing the Frequency of Meetings from Monthly to Quarterly

2) An Ordinance creating Section 6-17 of the Code of Ordinances, City of Carlsbad, New Mexico regarding Pigeon Nuisances and prohibiting the Harborage or Feeding of Feral Pigeons

0:28:57        **Mayor Janway asked Councilor Doporto and Councilor Carter to comment on Item D.7 Consider approval to Award the CES Contract to Accent Landscaping to construct 4 new baseball fields for the Bob Forrest Youth Sports Complex Expansion Project.**

**Councilor Carter** said he and Councilor Doporto are on the Sports Complex Advisory Board. He said he is happy to say the Board is moving forward with the expansion of the baseball project to be able to get National Little League at the Complex. He said the Board has been discussing and planning the expansion for about a year and they are excited to be moving forward.

**Councilor Doporto** said he is also excited to have all the leagues participating at the same place. He said when this expansion is complete there will be more work to come. He said completing the Complex will be very beneficial to Carlsbad.

**Councilor Carter** asked Mr. Lowe how much the complex is utilized.

**Mr. Lowe** said for the month of November there were 139 scheduled team practices at the Complex. He said tonight there are 10 teams practicing at the Complex. He said there are baseball, softball, and soccer teams practicing tonight.

0:32:20        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to approve Routine and Regular Business

0:32:26        **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

0:32:41        **4. CONSIDER APPROVAL OF RECOMMENDATION FOR THE PROPOSED CONFIGURATION OF THE LEA AND STANDPIPE INTERSECTION**

**Mr. McCutcheon** explained when the County was unable to complete the west loop; it became apparent that the truck traffic down Lea and at the intersection of Lea and Canal is unmanageable. He explained staff met with the County and agreed to each look at our portions of Standpipe Road being rebuilt to route the truck traffic down Standpipe Road. He explained the County took the lead on the Standpipe Road rebuild and the City took the lead on the rebuild of N. Canal from Orchard to Cherry Lane. He said the County hired Pettigrew and Associates. He explained the critical portion of the rebuild is getting the trucks off of Lea Street onto Standpipe. He explained before Council tonight is information that Pettigrew and Associates has assembled detailing three areas looked at as options.

0:35:27 **Mr. Claudius Sanchez** with Pettigrew and Associates explained they were hired by the County to study the intersection and analyze the efficiency of the intersection. His presentation focused on the following items:

- Phasing configurations for existing condition
- Level of service
- Manual of uniform traffic control devices warrants
- Intersection control type determination
- Three Alternatives
  - Traffic Signals
  - Two roundabouts with two jughandles
  - One-lane modern roundabout - Evaluation Matrix

0:46:34 **Mr. Carlson** said staff has reviewed the options in great detail. He said there is a possibility of receiving state funding to assist with the project. He said the reason for moving forward is the City must decide on the option and get as much engineering done as possible to help the City's chances to receive the additional funding from the State. He explained the application for the funding is due in early March. **Mr. Sanchez** explained the SERTPO application is due on February 12, 2016 and Eddy County will present on March 24th against other communities with similar proposed projects and a decision will be made on May 30, 2016 and the agreement with NMDOT will happen on December 30, 2016 with a design due by July 30, 2017.

**Mr. Sanchez** said Pettigrew & Associates is recommending Alternative #1. **Mr. Carlson** said Alternative #1 does not address east bound traffic turning south. He explained there is a sharp corner and 18 wheelers have trouble turning. He said staff is requesting to add a 20 x 20 triangle to increase the radius and have room for the traffic signal post.

0:50:38 **Councilor Doporto** said he likes Alternative #1 but asked if the two-way jughandle from Alternative #2 could be channelized in #1. He said currently the trucks don't think about turning right because they cannot turn right and continue on Lea Street. **Mr. Sanchez** said the intersection would have to be revisited and maybe traffic lights would not be needed. **Mr. Carlson** said the change would put Allsup's in an island in the middle of the intersection, which is not a good idea with their traffic.

**Councilor Doporto** said he would like the truck route redirected and moved to Standpipe and signage added to notify the drivers.

**Mr. Sanchez** said the purpose of the intersection is to take care of the overall volume and traffic flow.

0:57:53 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to table recommendation for the proposed configuration of the Lea and Standpipe intersection

0:58:11       **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

0:58:31       **Councilor Doporto** asked if a task force could be assigned to thoroughly review the alternatives and answer all the questions.

0:59:25       **5. CONSIDER APPROVAL FOR A BEER AND WINE LICENSE AT 1201 S. CANAL STREET, CARLSBAD, NM FOR MUY PIZZA, LLC; DBA: PIZZA HUT**

**Ms. Shumsky** said a hearing was held for Muy Pizza, LLC, and there was no opposition. She said the owners would like to transition the current beer and wine license into their new name.

1:00:27       **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve a Beer and Wine License at 1201 S. Canal Street, Carlsbad, NM for Muy Pizza, LLC; dba: Pizza Hut

1:00:31       **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Nunley, Rodriguez; No - None; Absent - Doss (*Councilor Doss stepped out for a moment*); The motion carried.

1:00:52       **6. CONSIDER APPROVAL OF RESOLUTION NO. 2016-02, A RESOLUTION DECLARING THAT THE RECENT WINTER STORM AND BLIZZARD CONSTITUTE AN OFFICIAL NATURAL DISASTER IN THE CITY OF CARLSBAD, NEW MEXICO**

**Mr. McCutcheon** said the City suffered damage during the recent winter storm. He explained the County has adopted a similar resolution.

1:01:39       **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2016-02, a Resolution declaring that the recent Winter Storm and Blizzard constitute an Official Natural Disaster in the City of Carlsbad, New Mexico

1:01:47       **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:01:59       **7. CONSIDER APPROVAL OF RESOLUTION NO. 2016-03, A RESOLUTION SUPPORTING THE FINDINGS OF THE MAYOR'S**

**TRANSPORTATION COMMITTEE THAT THE STATE'S WEIGHT DISTANCE TAX REVENUES SHOULD BE USED TO REPAIR THOSE ROADS DAMAGED BY HEAVY TRUCK TRAFFIC AND SUPPORTING THE COMMITTEE'S PROPOSED REFORMS**

**Mr. McCutcheon** explained this Resolution supports getting the highway repair funds focused back to Eddy County and the City of Carlsbad to repair roads damaged by the extreme traffic in the area.

**1:03:15 Motion**

The motion was made by Councilor Nunley and seconded by Councilor Doporto to approve Resolution No. 2016-03, a Resolution supporting the Findings of the Mayor's Transportation Committee that the State's Weight Distance Tax Revenues should be used to repair those roads damaged by Heavy Truck Traffic and Supporting the Committee's proposed reforms

**1:03:19 Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

**1:03:32 8. CONSIDER APPROVAL OF RESOLUTION NO. 2016-04, A RESOLUTION REGARDING THE DISPOSAL OF SURPLUS NON-PIT PLUTONIUM, SUPPORTING THE U.S. DEPARTMENT OF ENERGY'S PREFERRED ALTERNATE AND ENCOURAGING THE DEPARTMENT TO MOVE FORWARD WITH PROCESS TO DISPOSE OF THAT WASTE AT WIPP**

**Councilor Doss** said this Resolution was passed by the Mayor's Nuclear Task Force and he recommends approval.

**Mr. John Heaton** said this is an extremely important Resolution. He explained Plutonium is transuranic waste and the type of waste taken at WIPP. He said passing the Resolution tells the public, the State of New Mexico, and Congress that Carlsbad supports Plutonium movement into the WIPP project.

**1:06:15 Motion**

The motion was made by Councilor Doss and seconded by Councilor Whitlock to approve Resolution No. 2016-04, a Resolution regarding the Disposal of Surplus Non-Pit Plutonium, supporting the U. S. Department of Energy's preferred alternate and encouraging the Department to move forward with process to dispose of that waste at WIPP

**Councilor Shirley** added it is remarkable that the Community is so well versed in nuclear issues and are willing to step up to the plate and accept the waste.

**1:07:04 Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:07:19        **9. CONSIDER APPROVAL OF RESOLUTION NO. 2016-05, A RESOLUTION PROVIDING CONTINUED SUPPORT FOR MARKETING AND IMPLEMENTATION OF AN AMERICAN AIRLINES FLIGHT FROM ROSWELL, NM TO PHOENIX, AZ**

**Ms. Shumsky** explained she spoke with the Roswell City Manager and has two recommendations today; one is to table until she revises the Resolution, or approve with amendments. She explained the amendments are very minor and reflect a different dollar amount that the City would be obligated to. She explained in 2014 the Council approved supporting the funding and researching of a marketing plan to provide a flight service from Roswell to Phoenix. She said a marketing plan is prepared and Roswell is ready to move into Phase 2 which is implementation. She said flights will begin on March 3, 2016. She said in 2014 Council committed \$100,000 to the initiative. She explained the funds were not expended at the time. She explained the amount the City agreed to in 2014 is still what is needed to cover the minimum revenue guarantee that American Airlines is requiring. She said the chances that the money will be called for is very minimal.

**Ms. Shumsky** shared her proposed amendments to the Resolution:

- In the third whereas, it would read, whereas, a portion of the monies have been spent on the marketing plan and at this time, the cities of Artesia, Carlsbad, Roswell, Village of Ruidoso, and the counties of Chaves and Eddy, collectively referred to as the "Consortium", are working cooperatively to implement the plan to begin said regional air service; and
- In the eighth whereas, it would read, whereas, the Consortium members pledge to provide the following funds to support said air service in the estimated amount and according to the schedule provided for in "Attachment A";
- In the ninth whereas, it would read, whereas, consistent with Resolution 2014-52, the City of Carlsbad's budgeted share equates to \$100,000, which includes \$70,303 in Year 1 (March 3, 2016 to February 28, 2017) and \$29,697 in Year 2 (March 1, 2017 to February 28, 2018);

**Ms. Shumsky** said she recommends approval as amended.

1:12:24        **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Shirley to approve Resolution No. 2016-05, a Resolution providing continued support for marketing and implementation of an American Airlines Flight from Roswell, NM to Phoenix, AZ as amended

1:12:35        **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:13:13      **10. CONSIDER APPROVAL OF ORDINANCE NO. 2016-01, AN ORDINANCE AMENDING SECTION 12-6-1.2(A)(2) OF THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE, 2010 COMPILATION, ADOPTED IN SEC. 50-1, OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO**

1:13:40      **A. Public Hearing**

**Chief Waller** explained the speed limit in non-posted residential areas in Carlsbad is 30 mph and the recommendation is to change the non-posted speed limit to 25 mph. He said the Police Departments Citizen Advisory Board made the recommendation due to the complaints from the community.

**Councilor Carter** asked if there is a grace or transition period for the change. **Ms. Riordan** said no, the Ordinance becomes effective 5 days after publication. She explained Council can request a delay and set an effective date.

**Mr. McCutcheon** explained staff has anticipated the change and have discussed signage at the entrances to inform citizens.

1:17:57      **Mayor Janway** asked if anyone would like to speak in favor or against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

1:18:11      **B. Consider Ordinance No. 2016-01**

1:18:13      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to approve Ordinance No. 2016-01, an Ordinance amending section 12-6-1.2(A)(2) of the New Mexico Uniform Traffic Ordinance, 2010 Compilation, Adopted in Sec. 50-1, of the Code of Ordinances, City of Carlsbad, New Mexico with the amendment to become effective on March 1, 2016

1:18:23      **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:18:44      **11. CONSIDER APPROVAL OF ORDINANCE NO. 2016-02, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT AN APPROXIMATELY 0.35 ACRE PROPERTY, LOCATED AT 201 S. GUADALUPE STREET, LEGALLY DESCRIBED AS LOTS 1 AND 3, BLOCK 99, STEVENS SECOND SUBDIVISION, PURSUANT TO SECTION**

**3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56- 140(I), CARLSBAD CODE OF ORDINANCES, OWNER: MARTHA SKEEN**

Mr. Patterson explained this item is a request for a zone change at 201 S. Guadalupe Street. He said the request is to go from "C-2" to "C-1" zoning which is more restrictive zoning. He said the owner would like to market the property as residential as well as a possible commercial property. He said on November 2, 2015 the Planning and Zoning Commission recommended approval.

1:20:55      A.      Public Hearing

Mayor Janway asked if anyone would like to speak in favor or against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

1:21:12      B.      Consider Ordinance No. 2016-02

1:21:18      Motion

The motion was made by Councilor Doporto and seconded by Councilor Carter to approve Ordinance No. 2016-02, an Ordinance Rezoning part of "C-2" Commercial District to "C-1" Commercial District of an approximately 0.35 acre property, located at 201 S. Guadalupe Street, legally described as Lots 1 and 3, Block 99, Stevens Second Subdivision, pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Owner: Martha Skeen

1:21:23      Vote

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

**1:21:36      12.      CONSIDER APPROVAL OF ORDINANCE NO. 2016-03, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL DISTRICT TO "R-2" RESIDENTIAL DISTRICT AN APPROXIMATELY 1.46 ACRE PROPERTY, LOCATED AT THE CORNER OF WEST MCKAY STREET AND NORTH ELM STREET, LEGALLY DESCRIBED AS LOTS 1,3,5,7,9,11,13, AND 15, BLOCK 195, POWERS AMENDED SUBDIVISION, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES, OWNER: O'DELL ENTERPRISES, LLC**

Mr. Patterson explained this is a request for a zone change from "R-1" Residential District to "R-2" Residential District which is multi family. He said the applicant expressed an interest in developing the property into single family housing. He added the Planning Department and the Planning and Zoning Commission have recommended approval.

1:23:37      A.      Public Hearing

1:23:40        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Dave O'Dell** with O'Dell Enterprises said he thinks it is a great opportunity for infill. He said he would like to build affordable single family homes.

**Councilor Doss** asked if the homes would be stick built. **Mr. O'Dell** answered yes.

**Councilor Rodriguez** asked if the two lots on the west side will be problematic to build on because they are narrow. **Mr. Patterson** said "R-2" allows for smaller lot sizes.

**Mr. Mark Shinnerer** said there is a housing shortage in the community so he is in support of the Ordinance.

1:27:43        **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session.**

1:27:50        **B.        Consider Ordinance No. 2016-03**

1:27:56        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Shirley to approve Ordinance No. 2016-03, an Ordinance rezoning part of "R-1" Residential District to "R-2" Residential District of an approximately 1.46 acre property, located at the corner of West McKay Street and North Elm Street, legally described as lots 1,3,5,7,9,11,13, and 15, Block 195, Powers Amended Subdivision, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Owner: O'Dell Enterprises, LLC

1:28:20        **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doporto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:28:39        **Council Committee Reports**

**Mayor Janway** appointed Councilor Doporto to head the Mayor's Committee to update the City's Long Term Plan.

**Mayor Janway** asked Chief Lopez for an update on the Emergency Warning System.

**Chief Lopez** said the IT portion is complete for the data part of the System. He said there is a meeting scheduled next Tuesday with Mr. Burns to go over the Project, review the six sites, and have target dates set in place.

**Mayor Janway** said he would like to appoint a task force for the Lea and Standpipe project, he appointed Councilor Doporto, Councilor Flores, Councilor Nunley, Ms. Shumsky and Mr. Carlson.

1:30:22        **Mayor Janway** asked if anyone in the audience would like to address the Council and introduced Ms. Gemma Ferguson, an elected County Official.

Ms. Ferguson said it is rendering time and the deadline is the end of February.

1:31:45      **13. ADJOURN**

1:31:50      **Motion**

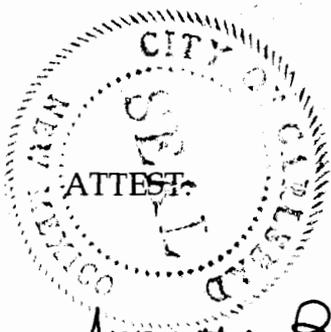
The motion was made by Councilor Whitlock and seconded by Councilor Carter to Adjourn

1:31:56      **Vote**

The vote was as follows: Yes - Shirley, Carter, Whitlock, Anaya Flores, Doportto, Doss, Nunley, Rodriguez; No - None; Absent - None; The motion carried.

1:32:19      **Adjourn**

There being no further business, the meeting was adjourned at 7:32 p.m.



*Annette Barrios*  
\_\_\_\_\_  
City Clerk

*Richard Doss*  
\_\_\_\_\_  
Mayor Pro Tem