

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON JANUARY 24, 2017 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada J. R. Doporto Wesley A. Carter Jason Shirley	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Richard Doss Ward 4	Councilor Vacancy
Also Present:	Steve McCutcheon Stephanie Shumsky Eileen P. Riordan Annette Barrick Patsy Jackson-Christopher Luis Camero Steve Hendley Michael Hernandez Wendy Hammett Richard Lopez Sam Plumlee Jeff Patterson Kent D. Waller Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Director of Arts & Culture Director of Engineering Services Director of Parks & Recreation Director of Utilities Finance Director Fire Chief IT Director Planning Director Police Chief Public Works Director

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**

0:00:02 **Invocation – Pledge of Allegiance**

0:00:31 **Councilor Doporto** made a public apology to the Mayor and Council. He explained he made a comment on his personal Facebook page. He said the comments were in poor taste as an elected official. He said some people feel elected officials are held to a higher standard and should not make certain statements. He said he would like to tell all of his constituents in Carlsbad, sorry if he has offended anyone.

He added he thinks domestic violence is a very important topic and more awareness should be made of it and domestic violence should not be joked about.

0:01:40 **1. APPROVAL OF AGENDA**

Mayor Janway asked that the Agenda be amended by removing Item 4. Presentation by the Pecos Valley Drug Task Force to be rescheduled at a later date and to remove Item 8. Consider approval to rescind Ordinance No. 2016-26, an Ordinance authorizing the contribution by the City of Carlsbad to the Colonial Hillcrest Apartments Rehabilitation Project and Affordable Housing Project approved under the City's Affordable Housing Ordinance; Applicant City of Carlsbad at the request of Mortgage Finance.

0:01:55 **Motion**

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

0:02:02 **Vote**

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

0:02:16 **2. FINANCIAL REPORT FOR DECEMBER 2016**

Ms. Hammett reviewed the revenues and expenditures as of December 2016 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:03:43 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting Held on January 10, 2017
- B. Minutes of the Special City Council Meeting Held on January 13, 2017
- C. City Personnel Report
- D. Purchasing:
 - 1) Consider approval to Award a CES Contract to AK Sales & Consulting for the Carlsbad Youth Sports Complex Expansion for installation of synthetic turf grass, nylon netting and aluminum bleachers for the new Championship Softball Field
 - 2) Consider approval to Award a CES Contract to Accent Landscaping for the Carlsbad Youth Sports Complex Expansion to construct the new Championship Softball Field
 - 3) Consider approval to Award a CES Contract to Spier Construction for the Roof Construction on the Carlsbad Police Department Complex
- E. Monthly Reports:
 - 1) Arts and Culture Department Monthly Report, December, 2016
 - 2) Arts and Culture Department Annual Report
 - 3) Municipal Court, Monthly Report, December 2016
 - 4) Sports and Recreation Department Monthly Report, December, 2016
 - 5) Transportation and Facilities Department Report, December, 2016

- F. Board Appointments:
 - 1) Carlsbad Museum and Arts Center Advisory Board: Tom Bemis, 5-year term
- G. Contracts and Agreements:
 - 1) An Extension of the Franchise Agreement between the City of Carlsbad and the Cable Television Franchise

0:04:05 **Mayor Janway asked Mr. McCutcheon to discuss Item D.1 Consider approval to Award a CES Contract to AK Sales & Consulting for the Carlsbad Youth Sports Complex Expansion for installation of synthetic turf grass, nylon netting and aluminum bleachers for the new Championship Softball Field and Item D.2 Consider approval to Award a CES Contract to Accent Landscaping for the Carlsbad Youth Sports Complex Expansion to construct the new Championship Softball Field**
Mr. McCutcheon said both items are to award a CES contract for the final phase of the softball fields at the Bob Forrest Youth Softball Complex. He said this will finish the project at the Bob Forrest Youth Sports Complex.

Mr. Lowe said the new expansion was completed in 3 phases. He said phase 1 which was baseball is complete, phase 2 which was soccer is now complete, and this is phase 3 which will complete the softball complex. He said the softball fields will have all the amenities that the baseball fields have.

Mayor Janway said the Complex looks great and thanked Mr. Lowe.

Councilor Rodriguez also complimented Mr. Lowe and the Bob Forrest Youth Sports Complex Advisory Board for the great job on the Complex.

0:06:45 **Motion**
The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Routine and Regular Business

0:06:50 **Vote**
The vote was as follows: Yes - Doporto, Estrada, Rodriguez, Shirley, Carter, Anaya Flores; No - None; Absent - Doss; The motion carried.

0:07:07 **4. PRESENTATION BY THE PECOS VALLEY DRUG TASK FORCE**
Item removed to be rescheduled at a later date.

0:07:08 **5. CONSIDER APPROVAL OF THE GOLF ADVISORY BOARD'S RECOMMENDATION REGARDING THE 2017 FEE INCREASES AT THE LAKE CARLSBAD GOLF COURSE**
Mr. McCutcheon explained this is an annual increase and is recommended by the Golf Course Advisory Board. He said the increases although very minor does help offset some of the costs of maintaining the Golf Course.

0:07:46 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Golf Course Advisory Board's recommendation regarding the 2017 Fee increases at the Lake Carlsbad Golf Course

0:07:52 **Vote**

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

0:08:02 **6. CONSIDER APPROVAL OF ORDINANCE NO. 2017-01, AN ORDINANCE REZONING PART OF "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 1.02 ACRE PROPERTY, LOCATED AT 510 AND 514 NORTH MAIN STREET, LEGALLY DESCRIBED AS LOT 2A, BLOCK 73, LOWE REPLAT #3, AND LOT 12B, BLOCK 73, LOWE REPLAT #4, PURSUANT TO SECTION 3-21-1 ET SEQ, NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES; APPLICANT: CITY OF CARLSBAD**

Mr. Patterson explained the applicant is the City of Carlsbad. He explained that City Transit received a grant to install a mechanic repair shop at the property on N. Main Street. He explained the current zoning does not allow for mechanical repair. He explained to satisfy the requirements of the grant the zoning needs to be "C-2". He said at the November 12, 2016 meeting the Planning and Zoning Commission voted to recommend approval of this request.

0:09:52 **A. Public Hearing**

0:09:55 **Mayor Janway asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:10:15 **B. Consider Ordinance No 2017-01**

0:10:20 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2017-01, an Ordinance rezoning part of "C-1" Commercial District to "C-2" Commercial District for an approximately 1.02 acre property, located at 510 and 514 North Main Street, legally described as Lot 2A, Block 73, Lowe Replat #3, and Lot 12 B, Block 73, Lowe Replat #4, pursuant to Section 3-21-1 et seq, NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances;; Applicant: City of Carlsbad

0:10:26 **Vote**

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

0:10:37 **7. CONSIDER APPROVAL ORDINANCE NO. 2017-02, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 22.7 ACRE PROPERTY LOCATED ALONG ENERGY AVENUE, LEGALLY DESCRIBED AS TRACT 1, GARRINGER LAND DIVISION, PURSUANT TO SECTION 3-21-1 ET SEQ NMSA, 1978, AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES; APPLICANT: RMI PROPERTIES, LLC**

0:11:21 **A. Public Hearing**

Mr. Patterson explained the applicant is requesting to change the zoning from "R-R" to "C-2". He said the applicant would like to use the property as a commercial property. He said at the December 12, 2016 meeting, the Planning and Zoning Commission voted to recommend approval and the Planning Department is also recommending approval.

0:12:16 **Mayor Janway asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:12:32 **B. Consider Ordinance No 2017-02**

0:12:38 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2017-02, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial District for an approximately 22.7 acre property located along Energy Avenue, legally described as Tract 1, Garringer Land Division, pursuant to Section 3-21-1 et seq NMSA, 1978, Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances; Applicant: RMI Properties, LLC

0:12:45 **Vote**

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

0:12:57 **8. CONSIDER APPROVAL TO RESCIND ORDINANCE 2016-26, AN ORDINANCE AUTHORIZING THE CONTRIBUTION BY THE CITY OF CARLSBAD TO THE COLONIAL HILLCREST APARTMENTS REHABILITATION PROJECT, AND AFFORDABLE HOUSING PROJECT APPROVED UNDER THE CITY'S AFFORDABLE HOUSING ORDINANCE; APPLICANT: CITY OF CARLSBAD**

Item pulled at the request of the Mortgage Finance Authority.

0:13:10 **9. CONSIDER APPROVAL OF RESOLUTION NO. 2017-03, A RESOLUTION SUPPORTING THE AFFORDABLE HOUSING PROJECT PROPOSED BY NEW MEXICO INTERFAITH COMMUNITY HOUSING**

DEVELOPMENT CORPORATION; APPLICANT: CHELSEA INVESTMENT CORPORATION

Mr. Patterson explained this applicant is proposing to build affordable housing apartments on Del Rio Street. He said the Planning Department has reviewed the application and determined the applicant is a qualifying grantee to receive contributions from the New Mexico Mortgage Finance Authority. He explained the project is being planned for 50 units and the majority of the units will be priced as affordable housing. He said Resolution No. 2017-03 is a resolution in support of the project only, it does not grant contributions on the city's part. He explained if the applicant is awarded tax credits from New Mexico Mortgage Finance Authority, the applicant will come back to request infrastructure reimbursement up to \$135,000 for the project.

0:15:31 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Resolution No. 2017-03, a Resolution supporting the affordable housing project proposed by New Mexico Interfaith Community Housing Development Corporation; Applicant: Chelsea Investment Corporation

0:15:38 **Vote**

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

0:15:51 **10. COUNCIL COMMITTEE REPORTS**

None to report.

0:16:00 **Mayor Janway asked if anyone present would like to address the Council.**

Mr. Jaquin Silva, Regional Clinical Manager for Air Methods Native Air New Mexico. He said he represents the air ambulance that presently exists in Eddy County. He explained there has been much talk about Eddy County going into the air ambulance business. He said he is present to inform the Council, the citizens of Eddy County, and anyone with questions that he is available and happy to answer any questions or speak with them regarding concerns.

Ms. Christy Thomas explained she is the current party chair of the Democratic Party. She said she is present as a resident and in an official capacity. She said, while she is not an elected official to the government, she is an elected official to the Democratic Party. She said being an elected official does mean that she is held to a higher standard of ethics and behavior codes while serving in an official capacity. She said she believes Councilor Doporto has brought a lot of embarrassment to the City. She suggested that in the future the Council should consider adopting a code of ethics for councilors. She said while Councilor Doporto made statements on his personal Facebook page, the statements were also in conjunction with multiple statements made in his official

capacity which blurred the lines between his public and private comments. She said the private comments were heard in the public and are being considered a horrible misrepresentation of our city and many people have expressed their desire for Councilor Doporto to resign. She said she has known Councilor Doporto since she was a child and does believe he has a soft side and sometimes funny behavior, however, as a public official she feels he has a higher duty to make sure he is representing the community and this was not the case when he made the Facebook comments. She added it was also not the case in 2014 when he laughed at Veterans who were addressing the Council and was not the case when he makes fun of other people in the community and scoffs at them. She said this is a matter of domestic violence and not a partisan issue. She added this is a matter of how he is representing the City as a whole and while his ward is directly represented by him the entire city will be affected. She finished by saying that she hopes the Council will take the matter more seriously than he did this morning.

Ms. Shannon Summers said she is present as a concerned citizen and resident of District 2. She said she wants to express her disappointment in the statements made by Mr. Doporto. She said she considers these statements about a women's place in the home and making light of domestic abuse to be both oppressive and offensive. She said elected public officials are to be held at a higher standard. She said the city leaders are meant to represent the community and that includes public statements made on Facebook pages. She said she questions the awareness and judgement he used. She added for someone that finds the demoralization of women amusing, it is not something that she can respect. She said she feels his statements have violated her trust and have reflected poorly on this community. She said this is not the voice she wants for herself, for her family, or for her community and she feels a little let down.

Mr. Richard Williams said everything that Mr. Doporto said is deplorable but we all make mistakes and sometimes say things that we should not. He said god is the only judge, and judge not least he be judged. He said he finds Mr. Doporto to be a man who listens, offers help, and is a good representative of the community. He said Mr. Doporto made a mistake and he apologized. He said he understands people being offended but feels Mr. Doporto should be looked at as a whole because we all make mistakes.

Ms. Roxanne Lara said she is struck by the opportunity Mr. Doporto's comments have given the community, the Council, and the city's leadership. She said she has spent nearly 20 years working on women's equality issues. She explained the way the issue has come about is unfortunate; she sees a wonderful opportunity for the city to take some interest and an active role in studying the status of women in our community.

Mr. Michael Chavez said he has been a member of the community for 43 years and a businessman in Carlsbad for 12 years. He said Mr. Doporto probably meant his comment as a joke but a lot of people take things out of context. He said for 6 years Mr.

Doportto has been awesome for this community. He said he feels Mr. Doporto is a leader with many veterans in his family. He said Mr. Doporto should be commended for the things he has done in the community.

Mr. Dave Rodgers, reverend of First Christian Church, thanked Mr. Doporto for his apology. He said he has also spent much of his professional life advocating on issues of domestic violence and domestic abuse. He added domestic violence is no joking matter and thanked Mr. Doporto for stating that tonight in his apology. He also thanked the Council for their many years of strong support that the Council has offered the community in particular in support of the Battered Family Shelter and making a positive contribution and a difference to families in crisis. He said he agrees with Ms. Lara that this can be a great learning opportunity. He invited Mr. Doporto to continue a dialog so that together we can learn more about the ravages of domestic violence and how this incredibly awful situation is a source of learning because of a mistake. He said speaking for himself; he accepts the apology of Mr. Doporto.

0:29:23 **Councilor Doporto** thanked everyone for attending tonight. He said he knows everyone has strong opinions and people do make mistakes. He said we talk about code of ethics and as elected officials we are supposed to be put on a higher pedestal. He said who sets the pedestal because every day it is broken by the President of the United States. He said right now there are a lot of people who are sensitive to the way things have been going. He said five days ago the community supported him 100%, he said constituents would have given him two thumbs up. He said on Sunday he posted a comment on Facebook that he did not think would bother people the way that it has. He said domestic violence is an important issue but people can be as sensitive as they want to be but everyone has rights and he also has rights to his own opinion. He said we all have our opinions and that needs to be recognized and that is why it is great to live in America because we have the right to give our own opinions. He said he will continue doing a great job in the community and he will think about stepping down in about a 1 year and a half.

Councilor Anaya Flores said although she understands and knows we all have rights to say what we wish, but added those rights in the constitution were placed there to protect us against tyranny and oppression. She said we have the right to express our opinion but we must use tact. She said if we were all mindful of our responsibility as citizens of this great nation and what those constitutional rights actually meant our country would be in a better position. She added that she accepts Councilman Doporto's apology but she wishes for him to be mindful of the fact that he is held to a higher standard and higher accountability. She said remember the Golden Rule; do unto others as you would have them do unto you. She told Councilor Doporto she accepts his apology and she hopes in the future he is mindful of what he says. She said she is not taking any of the wonderful things he has done for the community away from him.

0:35:35 **11. ADJOURN**

0:35:38 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Doporto to Adjourn

0:35:49 **Vote**

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

0:36:05 **Adjourn**

There being no further business, the meeting was adjourned at 6:36 p.m.

/s/Richard Doss

Mayor Pro Tem

ATTEST:

/s/Annette Barrick

City Clerk