

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON JANUARY 26, 2010 AT 6:00 P.M.**

Present:	Bob Forrest	Mayor
	Paul C. Aguilar	Councilor
	Wesley Carter	Councilor
	Jeff Diamond	Councilor
	Ned Z. Elkins	Councilor
	Jim Grantner	Councilor
	Sandra Nunley	Councilor
	Nick G. Salcido	Councilor
Absent:	Brad Day	Councilor
Also Present:	Harry Burgess	City Administrator
	Eileen P. Riordan	City Attorney
	Amanda J. Asbury	City Clerk
	Annette Barrick	Deputy City Clerk

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**

Mark Cahenzli with the Carlsbad Municipal Schools spoke to the City Council regarding the upcoming Carlsbad Municipal School Election, House Bill 33, on Tuesday, February 2, 2010. He said the Bill has been supported by the community since 1995. He said this Bill allows for funding to be used for building improvements and the technology program. The Mill Levy will be a six year term. He thanked the Council for their support.

George Blankenship of Blankenship Consulting LLC a Contractor team working with the HB Potash Environmental Impact Statement introduced himself to the Council and gave them a brief description the purpose of Intrepid's project. He said this project is proposed by Intrepid for in-situ conversion of soda-ash. He said they are currently working with BLM on public comments until February 10, 2010. He said they are working with the community regarding the effects on the community, economy, county, and the physical conditions. He invited the public and the City Councilors to attend the scoping meeting that is being held until 9:00 p.m. tonight. Mayor Forrest said the potash industry is very important to our community.

**0:01:06 Invocation - Pledge of Allegiance**

**0:10:05 Service Awards**

Mayor Bob Forrest and Harry Burgess presented Employee Service Awards.

**0:12:44 1. Approval of Agenda**

**0:12:46 Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve the January 26, 2010 Agenda.

**0:12:59 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**0:13:12 2. Budget Review as of December 31, 2009**

**0:18:12 Motion**

Harry Burgess reviewed the revenues and expenditures as of December 31, 2009 for the City Budget.

**0:18:14 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**0:18:27 3. Routine and Regular Business**

**A. Minutes of Regular City Council meeting held January 12, 2010**

**B. Purchasing:**

**1) Consider approval of Award of Bid No. 2009-65, to Empire Steel Buildings for a Pre-Engineered Metal Building for shop/office for Double Eagle Water System in the amount of \$28,174**

**2) Consider approval of Award of Bid No. 2009-63, for Airport Improvements Project Engineering Services to HDR Engineering, Inc.**

**3) Consider approval of Award of Bid No. 2009-64, for the North Canal Waterline Replacement Project, NMFA 2310-ADW to Samcon, Inc. in the amount of \$2,006,066.00**

**C. Contracts and Agreements:**

**1) Consider approval of Services Agreement with the State of New Mexico Energy Minerals and Natural Resources Department for Bio-Diesel from Micro-Algae (Grant Amendment)**

**2) Consider approval of B-09-SP-NM-0096, Grant Agreement between the City of Carlsbad and the Department of Housing and Urban Development in the amount of \$190,000 (Youth Sports Complex)**

- D. **City of Carlsbad Department Monthly Reports:**
  - 1) Community Development Monthly Report for November and December 2009
  - 2) Carlsbad Fire Department Monthly Report for November and December 2009
  - 3) Police Department Monthly Report for October, November and December 2009
  - 4) Transportation and Facilities Department Monthly Report for December 2009

- E. **Board/Committee Appointments:**
    - 1) Recycling Advisory Committee: Jim Grantner (Ex-Officio)
    - 2) Disabilities Committee: Two year term: Carolyn Caudill, Tom Kirby, Deborah Pinching, Jerry Remler, Eric West
- Four year term: Edward Hinojos, Don Neighbors, Ruthie Porter, Rebecca Sanchez

- F. **Overnight Travel:**
  - 1) Mayor Forrest, Washington, DC on January 14-15, 2010
  - 2) Councilman Jeff Diamond, Washington, DC on February 9-12, 2010

- G. **Miscellaneous Requests:**
  - 1) Approval of appointment of Election Officials and designation of Polling Places for March 2, 2010, Regular Municipal Election
  - 2) Consider request from Relay for Life of Carlsbad to use the Beach Bandshell and surrounding area on Friday, April 30th and Saturday, May 1st, 2010
  - 3) Consider approval of Special License Request from Premier Chemical for permission for door-to-door sales of all-purpose cleaning products
  - 4) Consider approval from David McInnis with Appleseed Projects for the use of the Carlsbad Shooting Range for a Marksmanship Clinic on Saturday, February 20, and Sunday, February 21, 2010

H. **Set Date for an Ordinance regarding the sale of 17.04 acres located at the Airport Industrial Park (February 9, 2010)**

**0: 20:38 Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Nunley to approve the Routine and Regular Business.

**0:20:45 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**0:20:53 4. Discussion regarding potential location for Lowe's Home Improvement**

Mayor Forrest said there have been discussions with Lowe's Home Improvement Company for seven years. He said it will be a big asset to our city. John Waters with Carlsbad Department of Development expressed their excitement in moving forward

with this development. Steve McCutcheon said Lowe's is a very responsible cooperate citizen in a growth mode.

Jennings Gray, representing Lowe's Home Improvement, said at this time, this project is in the very preliminary stages of a lengthy process. He said they have received very positive responses from the community, City and staff members. He said they look forward to working with the community of Carlsbad.

**0:30:01      5.      Consider request from Mr. Tom Benavidez to Appeal the City Council decision to demolish the structure located at 1202 W. Mermod Street**

Mr. Tom Benavidez apologized to the Council for failing to attend the last City Council Meeting. Mrs. Benavidez read a statement to the Councilors. The statement requested the City rescind Resolution 2009-01 to demolish the building located at 1202 W. Mermod Street. In the statement Mrs. Benavidez said they had spent substantial capital to improve the property and building. Ms. Riordan provided the Councilors with documents and photos of the property. She stated the demolition contractor has provided the City with a quote for removal of the structure and the property has been posted for demolition. There was discussion regarding the condition of the property and what time would be needed to comply with Resolution 2009-01. City staff did not feel another 30-day extension would be enough time to meet all the requirements set forth previously by the City Council. There were concerns raised about the safety of the public.

**0: 48:27      Motion**

The motion was made by Councilman Carter and seconded by Councilman Grantner to proceed with demolition of the structure at 1202 W. Mermod Street.

**0:50:00      Vote**

The vote was as follows: Yes - Carter, Elkins, Grantner, Nunley; No - Diamond, Aguilar, Salcido; Absent - Day. The motion carried.

**0:50:01      6.      Consider request from Jerry Flores for installation of a stop sign at the corner of Main and Francis Streets**

Mr. Jerry Florez said he is requesting a stop sign for his neighborhood. He said he and his neighbors have been dealing with vehicles traveling at a high rate of speed through the neighborhood and it is a danger to the citizens that live in the area. He presented a letter of support from the Johnson Bus Company for a stop sign for the safety of school children. Interim Chief Joey Gonzalez said he conducted a traffic study and he implemented the STEP program at that location. City Street Superintendent, Tom Carlson said the Manual of Uniform Traffic Control Devices does not recommend stop signs being used for speed control. He suggested a reduced speed sign rather than a stop sign. Chief Gonzalez said the answer is education and enforcement. Councilman Carter said he has concerns about the effects the construction is going to have on this neighborhood since traffic from Canal Street will be diverted to Main Street.

**1:05:54 Motion**

The motion was made by Councilman Carter and seconded by Councilman Grantner to install a temporary stop sign.

Chief Gonzalez suggested leaving the sign up until the completion of the Canal Street construction project.

**1:08:50.0 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**1:09:02 7. Consider recommendation regarding Sewer Rate Analysis presented by Rebecca Fink of Smith Engineering**

Harry Burgess presented the updated information from Rebecca Fink of Smith Engineering. Mr. Burgess said at the last City Council meeting, Ms. Fink was asked to bring back additional options. The options were presented and subsequent discussion resulted in a recommendation for:

- 1) Approve Option B, a split increase to both the base and incremental rates.
- 2) Bring all new customers in at the previous customer's base rate, and
- 3) Phase in the rate increases over a three year period.

Mr. Burgess said he must have the preference of the Council to take action. Any rate change must be adopted by Ordinance. The Ordinance will be advertised and then voted on by the Council 14 days after publication.

**1:33:39 Motion**

The motion was made by Councilman Elkins and seconded by Councilman Diamond to approve looking at Option B and phasing in the increase over years 2010, 2011 and 2012 and changing the application of rates new customers.

**1:34:28 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**1:34:44 8. Ordinance No. 2010- 01, authorizing the City of Carlsbad to enter into a Loan Agreement with the New Mexico Environment Department for the purpose of obtaining Wastewater Construction Loan Funds in the amount of Eighteen Million Dollars (\$18,000,000)**

**A. Public Hearing**

There were no public comments at the Hearing. Mayor Forrest reconvened the Council meeting.

**B. Consider Ordinance 2010-01**

There was no discussion.

**1:35:11 Motion**

The motion was made by Councilman Elkins and seconded by Councilman Grantner to authorize the City of Carlsbad to enter into a Loan Agreement with the NM Environment Department for the purpose of obtaining Wastewater Construction Loan Funds in the amount of Eighteen Million Dollars.

**1:35:16           Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**1:35:29           9.       Consider approval of Resolution No. 2010-03, a Resolution designating Grantee Representative and Signatory Authority for the Renovation and Improvements of the Municipal Wastewater Treatment Plant**

Harry Burgess said this is the Federal process; there are a number of documents that require signatures from City Staff members and the Mayor. This will give the Staff members the authority to execute the documents related to the Wastewater Construction Loan without bringing each document back to the City Council for approval.

**1:36:34           Motion**

The motion was made by Councilman Grantner and seconded by Councilman Elkins to approve Resolution No. 2010-03.

**1:36:36           Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - None; Absent - Day. The motion carried.

**1:36:44           10.       Consider approving a change in the name of the Walter Gerrells Performing Arts & Exhibition Centre to the Walter Gerrells Performing Arts & Exhibition Center (March 9, 2010)**

**1:39:38           Motion**

The motion was made by Councilman Aguilar and seconded by Councilor Nunley to approve the name change.

**1:40:23           Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido, Nunley; No - None; Absent - None. The motion carried.

**1:40:24           11.       Consider approval of Resolution 2010-04, a Resolution Committing to the Concept of the Pierce Street Enhancement Project and Authorizing the Mayor to submit an Application for Enhancement Funds through the Southeast Regional Planning Organization (SERPO) Department of Transportation.**

Mayor Forrest said this will be a great project. There was no discussion.

**1:40:46           Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Elkins to approve Resolution 2010-04, committing to the concept of the Pierce Street Enhancement Project and authorizing the Mayor to submit an application for Enhancement Funds through the Southeast Regional Planning Organization (SERPO) Department of Transportation.

**1:40:49      Vote**

The vote was as follows: Yes - Aguilar, Carter, Elkins, Grantner, Salcido, Nunley; No - Diamond, Absent - Day. The motion carried.

**1:41:09      12.      Consider approval to pursue options for purchase of property for parking along Canal Street**

Mayor Forrest stated that there were questions at the last meeting regarding the use of WIPP Acceleration Funds to purchase property. He said since that time he has been given approval to use those funds to purchase a public parking lot. Mr. Burgess said tonight's decision will be the approval of the option to purchase property, not to decide what property to purchase. Any action to purchase property will come before the Council again at a later date with the budget and appraisal for a fair market value of the selected property.

There was discussion regarding additional property locations that are available for purchase. The following locations were suggested for review:

- The property next to the Blair- Gaffney building on Canal Street
- The lot at the corner of Greene and Canal Streets
- The properties with adjoining buildings with Courtesy Pawn Shop
- McDonald's parking lot
- The lot across the street from Lucy's Restaurant on Canal Street
- The corner lot at Blodgett and Canal Streets

Councilman Diamond suggested the City partner with businesses that have ample parking to allow City use in exchange for maintenance of the parking lot. Dave Rogers with the Citizens Advisory Committee will be addressing the County regarding the need for parking.

**2:02:16      Motion**

The motion was made by Councilman Elkins and seconded by Councilman Carter giving Mr. Burgess approval to evaluate all six property options as stated.

**2:02:48      Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido, Nunley; No - None; Absent - None. The motion carried.

**2:03:42      13.      Council Committee Reports**

There was a request made by Eric West to improve the door openings at City Hall to accommodate the disabled community.

