

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON JANUARY 26, 2016 AT 6:00 P.M.**

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

0:00:03 Invocation - Pledge of Allegiance

0:00:41 **Mayor Pro Tem welcomed Boy Scouts Troop #218.**

0:01:09 **Mayor Pro Tem asked Mr. Mike Hernandez for a summary of the recent water quality report in light of the issues in Flint.**
Mr. Hernandez explained Flint, Michigan recently experienced problems with their water system. He said they originally had a source from Lake Huron and switched to Lake Flint. He explained the water is being pulled from the surface and typically the

surface is more contaminated. He said the water can leach out the products from the lead water lines.

Mr. Hernandez explained the City of Carlsbad has a Consumer Confidence Report (CCR) that is due yearly. He said the last report was completed in July of 2015 which indicated that Carlsbad's drinking water meets or surpasses all federal and state drinking water quality standards.

0:04:43 **Ms. Ann Cross** explained she is an original member of the Project Playground Committee. She explained the playground was a community effort led by local citizens. She explained the City donated the land for the playground and the committee raised \$300,000. She explained the committee met with school children to learn what the children would like to see in the playground. She said the playground was built 13 years ago. She explained the playground has been maintained by staining and sealing and placing metal roofs on top of the components. She said now the problem is water which has rotted some of the beams. She explained an assessment has been completed and alot of the uprights need to be replaced with a new structural plastic material to prevent rotting. She said alot of the other components such as the overhead ladders and rings are also encased in wood. She said the City has done a fabulous job of maintaining the playground. She said there will be a 6 day rebuild of the playground. She said skilled volunteers are needed to get the playground back in shape for the next 25 years.

0:09:07 **1. APPROVAL OF AGENDA**

0:09:09 **Councilor Carter said he would like to amend the Agenda and hear items 10, 11, 12, and 13 as Items 3, 4, 5, and 6.**

0:09:28 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve the Agenda as amended

0:09:31 **Vote**

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

0:09:48 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of Regular City Council meeting held January 12, 2016
- B. City Personnel Report
- C. City of Carlsbad Department Monthly Reports:
 - 1) Arts & Culture Department Monthly Report for December, 2015
 - 2) Planning, Engineering, & Regulation Department Monthly Report for December, 2015
 - 3) Sports & Recreation Department Monthly Report for November, 2015

- 4) Utilities Department Monthly Report for December, 2015
- D. Contracts and Agreements
 - 1) Consider approval of a Mutual Aid Agreement between the City of Carlsbad Police Department and the City of Hobbs Police Department for mutual aid assistance
- E. Boards and Committee Appointments:
 - 1) Walter Gerrells Performing Arts & Exhibition Center Advisory Board: Mark Barela, remainder of 4-year term
 - 2) North Mesa Senior Recreation Center Advisory Board: Beth Fredericks, remainder of 4-year term

0:09:53 **Mayor pro tem Doss asked Chief Waller to discuss Item D.1 Consider approval of a Mutual Aid Agreement between the City of Carlsbad Police Department and the City of Hobbs Police Department for mutual aid assistance. Chief Waller** explained the City of Hobbs requested this agreement. He said the agreement is for circumstances in which if either of the police departments request outside help with law enforcement there is an agreement in place.

0:10:02 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of Regular City Council meeting held January 12, 2016
- B. City Personnel Report
- C. City of Carlsbad Department Monthly Reports:
 - 1) Arts & Culture Department Monthly Report for December, 2015
 - 2) Planning, Engineering, & Regulation Department Monthly Report for December, 2015
 - 3) Sports & Recreation Department Monthly Report for November, 2015
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 - 1) Consider approval of a Mutual Aid Agreement between the City of Carlsbad Police Department and the City of Hobbs Police Department for mutual aid assistance
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 - 1) Walter Gerrells Performing Arts & Exhibition Center Advisory Board: Mark Barela, remainder of 4-year term
 - 2) North Mesa Senior Recreation Center Advisory Board: Beth Fredericks, remainder of 4-year term

0:10:43 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Routine and Regular Business

0:10:48 **Vote**

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

0:11:11 **3. CONSIDER APPROVAL OF ORDINANCE NO. 2016-04, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT AN APPROXIMATELY 2.09 ACRE PROPERTY, LOCATED AT 407 WEST ROSE STREET, LEGALLY DESCRIBED AS TRACT A, BACA 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, OWNER: TERRY BACA**

Mr. Jeff Patterson explained this item is a request for a zone change from "R-1" Residential to "C-2" Commercial at 407 W. Rose Street. He said the applicant wishes to place a Commercial enterprise at 407 W. Rose St. He said the surrounding zoning is Planned Unit Development (PUD) and R-1 Residential. He explained the change would create a spot zone. He said the Planning and Zoning Commission recommend denial.

Mayor pro tem Doss asked if there is a section on San Jose and Rose Street that remains residential. **Mr. Patterson** said there is a piece of property between the property requesting a zone change and San Jose Blvd that remains zoned "R-1" Residential. He explained the nearest commercial zoning is to the southeast along San Jose Blvd.

0:14:23 **Councilor Shirley** said his concern is drainage. He asked **Mr. Patterson** to explain the City's policy on drainage and what is expected of a developer. **Mr. Patterson** said when a developer is impacting their property and effecting how their property naturally drains, drainage and grating permit must be obtained from the City.

0:15:42 **A. Public Hearing**

0:15:44 **Mayor pro tem Doss** asked if anyone would like to speak in favor of Ordinance No. 2016-04.

Mrs. Terry Baca and **Mr. Andy Nestine** owners of the property came forward with handouts and pictures. **Mr. Nestine** explained the drainage was one of the concerns working against his property. He said he will comply with the drainage requirements. He explained his property has been compromised with the buildup of Southern Sky subdivision and has created a dam and disrupted the natural drainage process. He said at this point he has divided the property into two parts. He discussed the photos of debris, tissue, and feces on the property or surrounding areas. He said originally he wanted to buy property and live in an RV while building a 4-plex. He said once the 4-plex was complete he and his wife would move into one and rent out the other 3 and the area was already zoned for the need. He said after discussion with his realtor and the Planning and Zoning Department, he decided to put in temporary housing. He said he believes the temporary housing will be completed sooner and be more beneficial to the community. He explained the property has been re-divided, leaving an "R-1" buffer between the neighbors and the property they are requesting the zone change for. He said this is not just a money venture, it is their future. He explained he plans to live on the property and the property will be kept clean, neat, and safe.

0:36:47 **Councilor Rodriguez** asked Mr. Nestine if he looked at the property before purchasing the property. **Mr. Nestine** answered yes.

Councilor Whitlock asked Mr. Nestine if he has a drainage plan. **Mr. Nestine** said it was included in the site plan. **Ms. Baca** said the drainage plan was not included or required the first time they presented before Planning and Zoning Commission. She said they have taken the initiative to explain there will not be any drainage problems. **Mr. Nestine** said they are very serious about the water drainage issue and he does not want to disrupt the properties below his or next to his property.

0:39:46 **Mayor pro tem Doss** asked if anyone else would like to speak in favor of the Ordinance, no one appeared. He asked if anyone present would like to speak in opposition of the Ordinance.

Mr. Mark Deletsky said he resides at 508 Southern Sky. He explained he is a professional geologist and has concerns with the potential zoning change. He said the area has had major water drainage problems. He explained the property needs grading to the east, towards San Jose Blvd. He said he does not believe there should be a zone change to accommodate a commercial venture with so much commercial property available. He said when he moved to Carlsbad one of the major selling points of the property was that it was on the outskirts of town on a dead end street with very little traffic. He added an RV park will decrease the value of the homes in the area.

0:43:35 **Ms. Carol Levelsky** explained she is opposed to the zone change. She explained she lives in a very quiet neighborhood. She said putting a spot zoning commercial enterprise above the homes will decrease the property value and is not wanted. She is asking the Council to accept the recommendation of denial from the Planning and Zoning Commission.

0:45:53 **Ms. Cindy Phillippe** said as a neighborhood all 32 homes have signed the letter of support, called Planning and Zoning, or are present tonight to oppose the Ordinance.

0:47:13 **Ms. Tina Kitchens** a resident of the Southern Sky Subdivision and a single mother is opposed to the Ordinance. She said her concern is the drinking, drugs, and unstable people who are here to make a quick buck and then move on to the next place living in her neighborhood.

0:48:29 **Councilor Anaya Flores** said she would like to address everyone present on the issue. She asked is there any room for compromise. She said she understands the concerns and does not think temporary housing is the answer, but added there is a great need for family housing.

Ms. Baca said it will be difficult to build a subdivision due to costs. She said they would like to start slowly and build a nice facility. She added it will be permanent

because she and her husband will reside on the property. She said she plans on fencing the area and landscaping the property.

0:51:26 **Mr. Patterson** explained once the zoning is changed, whatever is allowed in the zoning is allowed on the property.

0:52:25 **Mr. Baca** explained the property would be used for RV parking not mobile homes and the buffer area will not be developed.

0:53:46 **Mr. Keith Autry**, 418 Southern Sky said he is opposed to the zone change. He explained if the C-2 zoning is approved and the property is sold to a trucking company, there is nothing that can be done.

0:54:30 **Ms. Debra Smith** a Southern Sky resident said she is opposed to the zone change. She said she also has an issue with the condition of Rose Street and more traffic will only make the street worse. She said the request does not conform to the uses in the area.

0:57:30 **B. Consider Ordinance No. 2016-04**

0:57:38 **Councilor Carter** asked under what conditions is a spot zone allowed. **Mr. Patterson** said it is up to review. He said if the spot zone still keeps the residential aesthetic of the neighborhood with the commercial enterprise in the area. He said there is nothing in the ordinance that dictates what is to be considered as far as spot zones. He said you would not want a spot zone in the middle of an established neighborhood.

0:59:38 **Councilor Whitlock** asked Ms. Riordan if she should abstain from the vote due to a family member being involved. Ms. Riordan asked what the involvement is, and added typically if there is a significant financial impact there is an issue. **Councilor Whitlock** said he and his wife both spoke on the issue tonight. **Ms. Riordan** said there is not a clear prohibition against Councilor Whitlock voting on the issue.

1:00:44 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to uphold the denial of Ordinance No. 2016-04, an Ordinance Rezoning part of "R-1" Residential District to "C-2" Commercial District an Approximately 2.09 acre property, located at 407 West Rose Street, legally described as Tract A, Baca Land Division, pursuant to Section 3-21-1 et. seq. NMSA 1978, and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Owner: Terry Baca

1:00:51 **Vote**

The vote was as follows: Yes - Carter, Whitlock, Anaya Flores, Doss, Nunley, Rodriguez; No - Shirley; Absent - Doport; The motion carried.

1:02:12 **4. CONSIDER APPROVAL OF ORDINANCE NO. 2016-05, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT AN APPROXIMATELY 1.14 ACRE PROPERTY, LOCATED AT 2915 CONNIE ROAD, LEGALLY DESCRIBED AS TRACT A, PARSLEY BLOODWORTH TRACTS, 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 item is requesting a zone change from "R-R" Rural Residential to "C-2" Commercial District at 2915 Connie Road. He said this change would create a spot zone but there is commercial activity in the area. He said the Planning and Zoning Commission recommended approval.

1:04:41 **A. Public Hearing**

1:04:46 **Mr. McCutcheon asked if anyone would like to speak in favor of the Ordinance.**

Mr. Jesus Parsley said he purchased the property over a year ago. He said when he purchased the property it was advertised as commercial property. He explained the property is used to park semis and as temporary housing for his drivers. He said he is requesting the zone change so he can continue business here.

1:06:00 **Councilor Whitlock** asked Mr. Parsley if he is already using the property as commercial property. **Mr. Parsley** said yes, when he purchased the property it was advertised as commercial property. He said the property was previously used as commercial. He said he has been hit with legalities and is trying to become compliant. He said the City brought it to his attention. He added his neighbors are also interested in rezoning their property as commercial.

1:07:40 **Mayor pro tem** asked if anyone else would like to speak in favor of the Ordinance, no one appeared. **Mayor pro tem** asked if anyone would like to speak against the Ordinance. No one appeared and the **Mayor pro tem** declared the public hearing closed and reconvened the Council in regular session.

1:08:17 **B. Consider Ordinance No. 2016-05**

Councilor Nunley asked if the parcels in yellow are businesses or homes. **Mr. Patterson** said the drawing is a parcel file of property boundaries. He explained the City boundary cuts through the middle of Mr. Parsley's property making him half in the City and half out of the City.

1:10:59 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Shirley to approve Ordinance No. 2016-05, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial District an Approximately 1.14 Acre Property, located at 2915 Connie Road, legally described as Tract A, Parsley Bloodworth Tracts, 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

1:11:12 **Vote**

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

1:11:27 **5. CONSIDER APPROVAL OF ORDINANCE NO. 2016-06, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 80 ACRE PROPERTY LOCATED AT 3405 BOYD DRIVE, LEGALLY DESCRIBED AS THE S/2, NE, SECTION 24, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PURSUANT TO SECTION 3-21-1-ET SEQ, NMSA 1978, AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES, OWNER: DAVID & LAVERN MALEY**

Mr. Patterson explained this item is a request for a zone change from "R-R" Rural Residential to "C-2" Commercial for an approximately 80 acre lot located on Boyd Drive. He said changing the zoning will constitute a spot zone in the area. He explained the Planning and Zoning Commission reviewed the application and recommend denial of the zone change.

1:13:46 **A. Public Hearing**

1:13:50 **Mayor pro tem Doss asked if anyone would like to speak in favor of the Ordinance.**

Mr. Greg McArthur explained he is present representing the owners of the property. He said he uses the Greater Carlsbad Comprehension Plan on a regular basis in order to maintain fluidity between his business conductions and the City of Carlsbad. He explained the Plan has been a great influence on his decision making process. He explained the size of the property and the surrounding area. He explained at this time his company gives the County 5.75% of their profit. He said by moving the company into Carlsbad, their company will pay 7.44% of the profit to the City. He is requesting the Council vote to rezone the property.

1:19:19 **Mr. Don Titus** said he is an employee of M&M Excavating. He explained the property is an 80 acre parcel of land that is vacant and undeveloped. He said there are some neighbors to the north that are industrial and some that are commercial developments. He believes the goal is compliant with the Greater Carlsbad Comprehension Plan. He said the change would be beneficial to all.

1:21:04 **Mayor pro tem Doss asked if anyone else would like to speak in favor of the Ordinance, no one appeared. Mayor pro tem asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor pro tem declared the public hearing closed and reconvened the Council in regular session.**

1:21:25 **B. Consider Ordinance No. 2016-06**

1:21:34 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to overturn the decision of the Planning and Zoning Commission and approve Ordinance No. 2016-06, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial District for an approximately 80 acre property located at 3405 Boyd Drive, Legally described as the S/2, NE, Section 24, Township 22 South, Range 26 East, pursuant to Section 3-21-1 et seq, NMSA 1978, and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Owner: David & Lavern Maley

1:21:49 **Vote**

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

1:22:18 **6. CONSIDER APPROVAL OF ORDINANCE NO. 2016-07, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.32 ACRE PROPERTY, LOCATED AT 1102 NORTH GUADALUPE STREET, LEGALLY DESCRIBED AS LOT 14, BLOCK 211, TRACY ADDITION, PURSUANT TO SECTION 3-21-1 ET SEQ. NMSA 1978, AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES, OWNER: JAMES MCCORMICK**

Mr. Patterson said this request is to change zoning at 1102 N. Guadalupe from "R-2" Residential District to "C-2" Commercial District. He explained there is mixed zoning in the area. He said this change would create a spot zone, although there is "C-2" Commercial across from the property on Pierce Street. He explained the Planning and Zoning Commission has recommended approval of the zone change.

1:24:15 **A. Public Hearing**

1:24:18 **Mayor pro tem asked if anyone would like to speak in favor of the Ordinance.**

Mr. James McCormick, owner of the property, explained the property is at the corner of Guadalupe and Pierce St. He said he purchased the property as an investment property. He explained he is renovating the property and would like to zone the property commercial.

Councilor Nunley asked what he plans to do with the property commercially. **Mr. McCormick** said possibly a beauty salon or an office. He said the property is not a large property.

Councilor Rodriguez asked if "C-2" is the most liberal of commercial zoning, allowing the most commercial businesses. **Mr. Patterson** said yes. **Mr. McCormick** explained the zoning across the street is "C-2" zoning, so he requested the same.

1:24:40 **B. Consider Ordinance No. 2016-06**

1:26:51 **Mayor pro tem Doss asked if anyone else would like to speak in favor of the Ordinance, no one appeared. Mayor pro tem asked if anyone would like to speak against the Ordinance.**

Mr. John Bowen explained he purchased his property in 1979 and has lived there and raised his family there. He said he appreciates the amenities the subdivision offers. He explained he is very familiar with the deed restrictions and subdivision restrictions which deny zone changes from residential to commercial. He said he has canvassed the neighborhood on 5 to 6 different occasions with the same response; the residents do not want commercialization in the neighborhood. He said there is no upside for the neighborhood; he feels it is an intrusion that will devalue the property. He said he has a petition with 46 signatures that are against the rezoning. He said the elective body has an obligation to their constituents and he is asking the Council to deny the zone change and preserve the integrity of the neighborhood.

Councilor Nunley asked what the zoning on the other 3 corners of the intersection are. **Mr. Patterson** said they are "R-1" and "R-2".

1:35:31 **Mayor pro tem Doss asked if anyone else would like to speak against the Ordinance, no one appeared.**

1:35:44 **Mr. James McCormick** explained he went through Planning and Zoning Commission and the neighborhood was notified. He said no one, until this moment, gave any feedback that they were opposed to the zone change. He said there was not a single person at the Planning and Zoning meeting in opposition. He said he does not believe it is fair and he fails to see how changing the zoning of one property on the corner will affect the neighborhood.

Mr. Bowen said he has been before Council in the past and it was incumbent upon the developer to canvass the neighborhood prior. He explained at this time the developer only needs to notify those within 100 foot radius. He said he does not believe those within 100 foot radius represent the entire neighborhood.

1:38:51 **Mr. McCormick** explained he sent notification to those within the 100 foot radius. He said he had a verbal conversation with one of his neighbors and the concern was if the change would affect their property, he urged them to speak with Mr. Patterson. He said once they spoke to Mr. Patterson, the neighbors told him they did not have any problems with the zone change.

Mr. Bowen said there were only 3 people notified and that is an extremely shallow opinion of those that live in the neighborhood.

Ms. Danita McCormick explained she is a hair dresser and the original intent is for a nice salon. She explained the building faces Pierce Street and was a rental property. She said they have gutted the property and will need to replace everything. She said if she is not able to make the property into a salon she will turn the home back into rental property. She said there is only one working toilet, so she may as well open the home up to the homeless. She said the neighborhood would like to keep the tradition, but times have changed and there are commercial properties on all corners and it is time to move forward. **Mr. Bowen** said tradition has nothing to do with the opposition. He said it is deed restrictions and subdivision restrictions that prevail. He ended by saying this neighborhood does not want commercialization.

1:43:29 **Mayor pro tem Doss** asked if anyone else would like to speak regarding the proposed Ordinance. No one appeared and the Mayor pro tem declared the public hearing closed and reconvened the Council in regular session.

1:43:46 **B. Consider Ordinance No. 2016-07**

1:43:52 **Councilor Carter** asked Mr. Bowen if the problem is with the future development of the property, the zone change or the use. **Mr. Bowen** said all of the above.

Councilor Nunley asked how long the property has been vacant. **Mr. Bowen** said he does not know. **Mr. McCormick** said he purchased the home over a year ago and it was vacant for about 3 or 4 years prior to the purchase.

Councilor Nunley asked Ms. Riordan if she was with the City when the deed restrictions were enforced in District Court. **Ms. Riordan** said she has a vague recollection of a suit about 10 years ago.

1:48:27 **Motion**

Councilor Rodriguez said given the fact that this is a zone change and what has been purported as the intent could be done under a special use permit he made a motion.

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to deny approval of Ordinance No. 2016-07, an Ordinance Rezoning part of "R-2" Residential District to "C-2" Commercial District for an approximately 0.32 acre property, located at 1102 North Guadalupe Street, legally described as Lot 14, Block 211, Tracy Addition, pursuant to Section 3-21-1 et seq. NMSA 1978, and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Owner: James McCormick

Councilor Shirley asked based on the suggestion of a special use permit, could Mr. McCormick reapply if he desired. **Mr. Patterson** said he would have to see if the type of business they want to do is allowed in "R-2" zoning. He said if the business is a conditional use the request would go back to the Planning and Zoning Commission.

Mr. Patterson said Mr. McCormick can come back with a different type of request but could not come back immediately with a different zone change.

1:50:41 **Vote**

The vote was as follows: Yes - Carter, Whitlock, Anaya Flores, Doss, Rodriguez; No - Shirley, Nunley; Absent - Doporto; The motion carried.

1:51:22 **7. CONSIDER APPROVAL OF RECOMMENDATION FOR THE PROPOSED CONFIGURATION OF THE LEA AND STANDPIPE INTERSECTION**

1:51:40 **A. Remove from Table**

1:51:41 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Carter to Remove from Table

1:51:50 **Vote**

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

1:52:08 **B. Consider Recommendation**

Mr. McCutcheon explained Mayor Janway appointed a committee to review the request. He said Councilor Doporto, Councilor Anaya Flores, and Councilor Rodriguez were on the committee. He explained the committee had discussions with the County and the City and tonight have the final recommendation. He said the concern was that the intersection would not accommodate the truck traffic in the area.

He presented the changes requested by the committee:

- 200' area with no parking on 6th Street to relieve congestion
- Move traffic light back
- Acquire corner section from Allsup's to improve radius
- Include jug handle lane from Lea to Standpipe

Mr. McCutcheon explained the City is in the process of applying for federal funds. He said the City does not have enough budget currently to handle this particular request.

Mayor pro tem Doss asked Mr. Carlson for the additional cost to the proposed plan.

Mr. Carlson said the cost has not been identified, the scope is not exact, and the cost of the land purchase has not been determined. He said if the City is successful in receiving federal funds the cost could be under \$1 million, if not the City's portion would be \$1.8 million.

Mr. McCutcheon explained the project is a joint project between the City and the County with the City's portion being 40%. He said most people feel this

recommendation will meet the needs and if necessary another jug handle could be constructed at a later time.

Mayor pro tem Doss asked if the County has approved the recommendation. **Mr. McCutcheon** said no and explained if the City approves the recommendation it will go to the County for review and approval.

Councilor Rodriguez said heavy truck traffic in the area is very bad. He said when a big rig is turning right off of Lea onto Standpipe and there are other vehicles northbound on Standpipe, the big rigs cannot make the turn and is is very dangerous.

Councilor Anaya Flores asked if the channelization is completed will the corner still be needed. **Councilor Rodriguez** said yes, the radius would still be needed.

Mr. Wes Hooper, the County Community Services Director, said that he understood the jug handles were to be a phased project. He said the road project is estimated at \$3.3 million and the traffic lights will add an additional \$1 million. He said the jug handles add \$400K and does not include any land purchasing.

Mr. Sanchez with Pettigrew & Associates, said at this point the jug handles will not be part of the SERTPO application. He explained at this time what is before Council to decide is the road repairs which is the \$3.3 million and Phase 1 which includes restricted parking on 6th Street, an additional lane, increase in radius next to Allsup's, and street lights. **Mr. Hooper** said the County's opinion is if the jug handles are included there is concern that the price will be too high. **Mr. Sanchez** said the SERTPO application is based on a scoring point system and if right-a-way acquisitions are necessary they will lose points. He said at this time he does not recommend adding this Phase to the application.

Mr. McCutcheon explained the City would like the SERTPO application to go forward and the City and the County could work together and add the jug handle that is proposed outside the SERTPO application with a 60/40 split.

2:08:57 **Motion**

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

2:09:06 **Vote**

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

2:09:49 **8. CONSIDER APPROVAL OF THE NOTICE OF CANDIDATES FOR OFFICE AND THE PRECINCT BOARD MEMBERS FOR THE CITY OF CARLSBAD, MARCH 1, 2016 REGULAR MUNICIPAL ELECTION**

Ms. Barrick explained the candidates are listed along with the poll workers who have been contacted by phone. She said the listed polling places have been secured and the time to withdrawal for candidacy has expired.

2:11:01 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve Notice of Candidates for Office and the Precinct Board members for the City of Carlsbad, March 1, 2016 Regular Municipal Election

2:11:06 **Vote**

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

2:11:25 **9. CONSIDER APPROVAL TO SERVE WINE AND BEER WITH FOOD AT CERTAIN DINNERS/RECEPTIONS OFFERED TO ADULT AUDIENCES IN 2016 AT CARLSBAD MUSEUM**

Ms. Patsy Jackson Christopher explained recently the Museum Board was before Council to ask permission to serve wine and beer at a singular event. She said the event went very well with no incidents. She said there are future events that people have shown interest in serving wine and beer. She explained the Museum Board is asking for permission to have wine and beer with food for these special types of events during the calendar year of 2016. She said there will be no more than 6 events that will be tied to exhibit openings, or business dinners.

Mayor pro tem Doss asked if this eliminates under age children at the events. **Mr. Jackson Christopher** said children are not invited to these events.

2:13:30 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Carter to approve to serve Wine and Beer with food at certain dinners/receptions offered to adult audiences in 2016 at the Carlsbad Museum

2:13:34 **Vote**

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

2:13:46 **10. REVIEW UPDATE OF PREVIOUSLY CONSIDERED PROPERTY LOCATED AT 701 N. HALAGUENO ST.**

Mr. Danny Jones explained the property has changed hands and the new owner is working with Trend Builders. He explained a permit was issued today and said the house has been completely gutted.

Councilor Rodriguez said he is glad to hear there has been progress.

2:16:15 **11. CONSIDER APPROVAL OF EXPANSION OF LIQUOR LICENSE PREMISES FOR THE BREWER CHEVRON AT NORTHGATE**

Mr. McCutcheon explained in 2007 the license was approved by Council. He said the license has sat dormant awaiting the rebuild of the Brewer at Lamont and Pierce Street. He explained the liquor license regulatory authority contacted the City stating the Council needs to reauthorize the location because it was built larger than the original location.

2:17:30 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve expansion of Liquor License premises for the Brewer Chevron at Northgate

2:17:34 **Vote**

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

2:17:47 **12. CONSIDER APPROVAL OF AFFORDABLE HOUSING CONTRIBUTIONS FOR TIERRA DEL SOL HOUSING CORPORATION FOR THE REHABILITATION OF THE LA POSADA AND MISSION APARTMENTS**

Mr. Patterson explained the City has an affordable housing ordinance which allows the City to contribute to affordable housing projects that are proposed to the City. He said Tierra Del Sol Housing Corporation has submitted an application proposing to rehabilitate the La Posada and Mission Apartments. He explained he has reviewed the application and found the applicant a qualifying grantee. He explained once verified as a qualified grantee the application is sent to New Mexico Mortgage Finance Authority (NMMFA), which he has done. He said the NMMFA has notified him that Tierra Del Sol Housing Corporation is a qualifying grantee. He explained that Council shall review and approve the budget the applicant has submitted and then approve the resolution supporting the Affordable Housing Project. He explained the City did not budget to contribute to an Affordable Housing Project for this fiscal year. He said he looked into the budget to see where the cost could be reimbursed to and identified costs that could be contributed to infrastructure. He said the Planning and Zoning Commission recommended approval for reimbursement up to \$155,000 for the project. He explained the applicant has to submit their application to the state by February 1st to receive tax credits. He said for Council to allow the city to contribute to one of these projects, an ordinance will need to be passed. He said by passing a resolution in lieu of an ordinance at this time will allow the applicant to be awarded the needed tax credits to move forward on the project.

Mayor pro tem Doss said the passing of a resolution supporting the proposed Affordable Housing Project does not necessarily obligate the City to the funds if they are not available. **Mr. Patterson** said that is correct, and said he will bring an ordinance

before Council soon. He said staff is hoping the resolution will allow the applicant to receive the points needed, until the City passes the ordinance.

Mr. McCutcheon said the City does have budgeted funds in the reimbursement account at this time which would cover this application.

2:23:14 **A. Approval of Application and Preliminary Budget**

2:23:15 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Application and Preliminary Budget

2:23:29 **Vote**

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

2:23:46 **B. Approval of Resolution No. 2016-07, a Resolution supporting the proposed affordable housing project**

2:23:52 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Nunley to approve Resolution No. 2016-07, a Resolution supporting the proposed Affordable Housing Project

2:23:58 **13. CONSIDER APPROVAL OF AFFORDABLE HOUSING CONTRIBUTIONS FOR NM INTER-FAITH COMMUNITY HOUSING DEVELOPMENT CORPORATION FOR THE REHABILITATION OF THE COLONIAL HILLCREST APARTMENTS**

Mr. Patterson explained this is the same as the prior request. He explained the applicant and proposal are different. He said NM Inter-Faith Community Housing Development Corporation is proposing to rehabilitate the Colonial Hillcrest Apartments on 5th Street. He said NM Inter-Faith Community Housing Development Corporation is under the same deadline to have their application to the State by February 1. He explained passing the resolution in place of the ordinance is so the applicant can receive the needed points on their application. He added the Planning and Zoning Commission also recommended \$155,000 reimbursement.

Councilor Whitlock said there was an article in the paper announcing that Colonial Hillcrest Apartment would be renovated. She asked if this is the same company that started the process. **Mr. Patterson** said no, this is a different applicant at the same property.

2:25:49 **A. Approval of Application and Preliminary Budget**

2:25:50 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Shirley to approve the Application and Preliminary Budget

2:26:03 **Vote**

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

2:26:21 **B. Approval of Resolution No. 2016-08, a Resolution supporting the proposed affordable housing project**

2:26:33 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Anaya Flores to approve Resolution No. 2016-08, a Resolution supporting the proposed Affordable Housing Project

2:26:39 **Vote**

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

2:26:55 **14. COUNCIL COMMITTEE REPORTS**

2:27:13 **Councilor Whitlock** invited Council to attend the Growing Bolder health fair that the Age Friendly Communities will be hosting on February 27, 2016 from 9:00 a.m. to 4:00 p.m. at the PRV.

Councilor Nunley asked if the Boy Scout troop would like to come up and receive a City of Carlsbad pin.

2:29:25 **15. ADJOURN**

2:29:29 **Motion**

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

2:29:38 **Vote**

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

2:29:54 **Adjourn**

There being no further business, the meeting was adjourned at 8:31 p.m.

/s/Dale Janway
Mayor

ATTEST:

/s/Annette Barrick
City Clerk