

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON OCTOBER 9, 2018 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor
	Jason Shirley	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor

Absent:

Also Present:	Michael Hernandez	City Administrator
	John Lowe	Deputy City Administrator
	Rich Olsen	General Counsel
	Nadine Mireles	City Clerk
	Ken Britt	Community Dev. Director
	Coby Crouch	Director of Projects
	Ron Myers	Director of Utilities
	Sam Plumlee	IT Director
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Terry Mathis	Deputy 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**

0:00:16      Invocation - Pledge of Allegiance

0:00:50      **Mayor Janway announced that the City of Carlsbad won Best Day Trip in the Odessa American poll.**

0:01:36 **1. APPROVAL OF AGENDA**

0:01:39 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve the Agenda

0:01:43 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:02:04 **2. CONSIDER APPROVAL OF RESOLUTION NO 2018-56, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2018-2019 FISCAL YEAR BUDGET**

**Mrs. Gonzales** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2018-2019 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Promotional Fund, the Sports Complex Fund, the Water and Sewer Fund, and the Health Insurance Fund.

0:04:16 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2018-56, a Resolution making certain Budgetary Adjustments to the 2018-2019 Fiscal Year Budget

0:04:21 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:04:40 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on September 25, 2018
- B. City Personnel Report
- C. Contracts and Agreements
  - 1. Consider Approval of Renewal Agreement between the City of Carlsbad and Becky Thompson for Concession Services at the Bob Forrest Youth Sports Complex
- D. Purchasing
  - 1. Consider Approval to Advertise Invitation for Bid for Security Services at the Riverwalk Recreation Center and other City Facilities
  - 2. Consider Approval to Award Bid 2018-18 to Kam Security and Sound for the Fire Alarm System at the Walter Gerrells Performing Arts Center
- E. Monthly Reports
  - 1. Personnel Department Monthly Report September 2018
  - 2. Utilities Department Monthly Report August 2018

F. Set Date: November 13, 2018

1. Consider Approval of an Ordinance Rezoning Part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 7.26 acre property, located at 117 and 125 Kircher Street, legally described as Quarter: SE Section 18, T22S, R27E, Tract 55 in SESE, less 0.38 acres, described as beg NW Corner of SESE E 30', S 76.8' to POB, S 167', E 150', N 49.9', NWLY 190.4' to POB, map #264-55.1, CAB 3-242-1, and Quarter: SE Section 18, T22S, R27E, Tract 56 in SESE described as beg at SW corner of SESE, E 30' and N 615' to POB, N 203', E 509.4', SE 70'6', SWLY 184.5', W 475.8' to POB, map 264-56, CAB #3-242-1, and Quarter: SE Section 18, T22S, R27E, Tract 63, map #264- 63, located W of 3100 National Parks Highway, odd shape Tract, Pursuant to Section 3-21-1 ET. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
2. Consider Approval of an Ordinance Rezoning Part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.25 acre property, located at 111 and 113 Kircher Street, legally described as Quarter: SE Section 18, T22S, R27E, E 45' of Tract 57 in SESE map #264 - E 57 and Quarter: SE Section 18, T22S, R27E, W 55' of Tract 57 in SESE map #264 - W 57, Pursuant to Section 3-21-1 ET. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
3. Consider Approval of an Ordinance Rezoning Part of "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 1.91 acre property, located at 710 Hueco Street, legally described as lots 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, Block 212 Osborne Subdivision 4th Replat, Pursuant to Section 3-21-1 ET. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:05:03        **Mayor Janway asked Mr. Britt to discuss Item D.1 Consider Approval to Advertise Invitation for Bid for Security Services at the Riverwalk Recreation Center and other city facilities and Item D.2 Consider Approval to Award Bid 2018-18 to Kam Security and Sound for the Fire Alarm System at the Walter Gerrells Performing Arts Center**

**Mr. Britt** explained Item D.1 is a request to solicit bids for Security Services at the Riverwalk Recreation Center and any other city events as needed.

**Mr. Britt** explained Item D.2 is to provide increased safety at the Walter Gerrells Performing Arts Center Auditorium. He added the upgrade to the existing system is required by the State Fire Marshall in order to ensure the safety of those utilizing the facility.

0:07:15        **Motion**

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

0:07:21 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:07:42 **4. CONSIDER APPROVAL OF PROJECTS TO RECOMMEND FOR 2019 LEGISLATIVE CAPITAL OUTLAY FUNDING**

**Mr. Crouch** explained that each year the City applies for Legislative Capital Outlay Funding for miscellaneous projects. He explained these projects have to be submitted by October 19, 2018 and it is advised not to request more than \$500,000 for each project. He explained city staff has identified 3 projects listed and approved on the ICIP list.

0:09:38 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Projects to recommend for 2019 Legislative Capital Outlay Funding

0:09:45 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:10:02 **5. Consider Approval of Five Permit Applications from Marathon Oil to drill within the City Limits near access road off Derrick Road**

- A. Airport State 22 26 36 WXY 10H**
- B. Catapult Fee 23 26 1 WA 6H**
- C. Catapult Fee 23 26 1 WA 5H**
- D. Catapult Fee 23 26 1 WXY 3H**
- E. Catapult Fee 23 26 1 WXY10H**

0:10:48 **Mr. Aguilar** explained this request is for five permits submitted by Marathon Oil to drill with the city limits.

**Mr. Matthew Rugaard** explained Marathon Oil has submitted five permits to drill within the city limits with a start date of November 23, 2018, if Council approves the permits.

**Mr. Matthew McGill**, Geologist for Wood, PLC, explained he has reviewed the applications and has determined that the well designs meet all of the drilling requirements to drill within the city limits.

0:17:44 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Five Permit Application from Marathon Oil to drill within the City Limits near access road off Derrick

0:17:50           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:18:12           **6.       CONSIDER APPROVAL OF REQUEST FROM DENNIS WILLIAMS FOR WATER SERVICE OUTSIDE CITY LIMITS FOR AN RV PARK LOCATED AT 1517 STANDPIPE ROAD**

**Mr. Myers** explained Mr. Williams is requesting water service outside the city limits for his property located at 1517 Standpipe Road. He explained the request was brought before the Board of Water and Sewer Commissioners and the Board recommends approval.

**Mr. Williams** said this will be a standard 30 spot RV Park that has been approved by the City, County, State, and the Water Board and he does not see why it would not be approved.

0:19:46           **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve Request from Dennis Williams for Water Service Outside City Limits for an RV Park located at 1517 Standpipe Road

0:19:53           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:20:14           **7.       CONSIDER APPROVAL OF REQUEST FROM TREY HUGHES FOR WATER SERVICE OUTSIDE CITY LIMITS FOR A SINGLE FAMILY RESIDENCE LOCATED AT 605 SANDSTONE**

**Mr. Myers** explained Mr. Hughes is requesting water service outside the city limits for his property located at 605 Sandstone. He explained the request was brought before the Board of Water and Sewer Commissioners and the Board recommends approval.

**Councilor Rodriguez** asked for the additional costs associated with receiving city water outside the city limits. **Mr. Myers** said based on city policy, the applicant will incur a \$2500 per acre water rights acquisition fee, the applicant will pay to put the service in, and the rate will be 2.5 times the regular city water rates.

0:22:12           **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Request from Trey Hughes for Water Service Outside City Limits for a Single Family Residence located at 605 Sandstone

0:22:20           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:22:38           **8.       CONSIDER APPROVAL OF REQUEST FROM COBY CROUCH FOR WATER SERVICE OUTSIDE CITY LIMITS FOR A SINGLE FAMILY RESIDENCE LOCATED AT 603 SANDSTONE**

**Mr. Myers** explained Mr. Crouch is requesting water service outside the city limits for his property located at 603 Sandstone. He explained the request was brought before the Board of Water and Sewer Commissioners and the Board recommends approval.

0:23:19           **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Request from Coby Crouch for Water Service Outside City Limits for a Single Family Residence located at 603 Sandstone

0:23:26           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:23:48           **9.       CONSIDER APPROVAL OF HIRING INCENTIVE FOR UNCERTIFIED AND CERTIFIED LAW ENFORCEMENT OFFICERS FOR THE CARLSBAD POLICE DEPARTMENT**

**Chief Skinner** said the Carlsbad Police Department would like to offer a \$5,000 hiring incentive to new hires which would include certified and uncertified candidates. He explained the Department has recently developed an aggressive and more regional recruiting approach and philosophy. He said it is the Department's short term goal to completely staff the current allotted positions. He added that the Department's long term goal is to expand staffing numbers in order to provide better service to the community of Carlsbad and address internal retention issues associated with "burnout".

0:28:04           **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Shirley to approve the Hiring Incentive for Uncertified and Certified Law Enforcement Officers for the Carlsbad Police Department

0:28:13           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:28:33      **10. CONSIDER APPROVAL OF AN APPEAL OF THE DECISION BY THE PLANNING & ZONING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT APPLICATION TO INSTALL WORK FORCE HOUSING, TERMED "CONGREGATE RESIDENCE" AT A PROPERTY ZONED "R-R" RURAL RESIDENTIAL DISTRICT, LOCATED TO THE NORTH OF DERRICK RD AND EAST OF NATIONAL PARKS HWY. APPELLANT: MONTCLAIR DEVELOPMENT, INC.**

**Mr. Patterson** explained the Planning and Zoning Commission heard and approved the request for a Conditional Use Permit from Target Logistics on September 10, 2018. He explained on September 19th the Planning Department received a letter from Montclair Development, Inc., requesting to appeal the decision of the Planning and Zoning Commission. **Mr. Patterson** explained that at the September 10, 2018 meeting, city staff said they would continue to work with the applicant moving forward through the permitting process and the applicant agreed to do the same.

**Mr. Olsen**, General Counsel, notified everyone that Ms. Riordan asked him to sit in on the meeting for her. He explained his firm has previously worked for Montclair Development, Inc. in the past. He said he notified the Council for Montclair Development and it was agreed that his representation for the city in this matter would not constitute a conflict. He also alerted **Mr. Patterson**, **Ms. Riordan**, and **Mr. Hernandez** and added his involvement with this would be primarily to advise on procedural matters which will not constitute a conflict.

0:33:59      **Mayor Janway asked if anyone would like to speak in favor of the appeal.**

**Mr. Gary Lane** gave a presentation highlighting his concerns.

- Traffic study needed
- Site Plan concerns
- Utility concerns

0:43:06      **Mayor Janway asked if anyone would like to speak against the appeal.**

**Mr. Travis Kelley** explained Target Logistics currently runs Iron Horse Lodge. He explained Target Logistics manages and operates approximately 10, workforce housing establishments for men and women around the world. He said all of the questions asked will be addressed as the permit process progresses.

**Mr. John Woolf** explained there will be two entrances to the facility. He said Target Logistics will follow all the permitting and inspection processes of the city. He explained they will utilize a lift station to tie into **Mr. Brininstool's** utilities that will ultimately go back into city utilities. **Mr. Patterson** explained that anything proposed by Target Logistics would have to be reviewed and approved by city staff prior to approval. **Mr. Brininstool** added that there may be a third possibility for ingress and egress on the property.

0:51:45           **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to Deny the Appeal and uphold the decision by the Planning and Zoning Commission to Approve a Conditional Use Permit Application to install Work Force Housing, termed "Congregate Residence" at a property zoned "R-R" Rural Residential District, located to the North of Derrick Rd and East of National Parks Hwy., Appellant: Montclair Development, Inc.

0:51:56           **Vote**

The vote was as follows: Yes -Anaya Flores, Carter, Estrada, Rodriguez, Shirley, Waters; No - Chavez, Walterscheid; Absent- None; the motion carried.

0:52:31           **11. CONSIDER APPROVAL OF ORDINANCE NO 2018-26, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.40 ACRE PROPERTY, LOCATED AT 412 E CHURCH ST., LEGALLY DESCRIBED AS LOTS 21 & 21, BLOCK 113, KERR PARK 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**

0:53:24           **A. Public Hearing**

**Mr. Patterson** explained this is a request for a zone change from R-1 to C-2 at the September Planning and Zoning Commission meeting. The Planning and Zoning Commission voted to deny the request. The applicant sent an email to city staff stating they would agree to C-1 instead of C-2. This is the request being presented to Council tonight.

0:56:19           **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to Deny Ordinance No. 2018-26, an Ordinance Rezoning Part of "R1" Residential 1 District to "C-1" Commercial 2 District for an approximately 0.40 Acre Property, located at 412 E. Church St., legally described as Lots 21 & 22, Block 113, Kerr Park 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 and refer back to the Planning and Zoning Commission with the requested change

0:59:01           **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.



0:59:24        **12.    CONSIDER APPROVAL OF ORDINANCE NO 2018-27, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-R" RURAL RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.49 ACRE PROPERTY, LOCATED AT 1000 MALAGA AVE, LEGALLY DESCRIBED AS LOT 23, BLOCK D, JOEL SUBDIVISION, PURSUANT TO SECTIONS 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES**

1:00:08        **A.    Public Hearing**

**Mr. Patterson** explained the applicant is requesting a zone change from "C-2" to "R-R" to build a residence on the property. He added the Planning and Zoning Commission recommend approval

1:01:08        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance**

**Ms. Gadbury**, realtor, explained Mr. Bell purchased the property and believed at the time of purchase that all of the property was "R-R" zoning. She explained the property is up for sale and the buyer is interested in building a home on the property.

1:02:59        **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared.**

1:03:07        **B.    Consider Approval of Ordinance No 2018-27**

1:03:13        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Estrada to approve Ordinance No. 2018-27, an Ordinance Rezoning part of "C-2" Commercial 2 District to "R-R" Rural Residential District for an approximately 0.49 acre property, located at 1000 Malaga Ave, legally described as Lot 23, Block D, Joel Subdivision, Pursuant to Sections 3-21-1 Et. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

1:03:20        **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

1:03:36        **13.    CONSIDER APPROVAL OF RESOLUTION NO 2018-57, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDING AND DEBRIS AT 312 S ALAMEDA OWNER: CAROL D. KNIGHT**

**Mr. Patterson** explained this Resolution is to remove a dangerous building and debris at 312 S. Alameda. He said the state of the property poses a significant danger to emergency services, the property owner, and surrounding neighbors. He added the Planning Department, Building Inspector, and Fire Marshall recommends approval.

1:06:40 **Ms. Knight** stated he has not been contacted by anyone prior to receiving the certified letter. She said the building is bad and would like to request 30 days to fix the building or to seal the brick. She said she is trying to clean up the property and fix the roof on the building.

**Councilor Rodriguez** asked if this Resolution included removing the house. **Mr. Patterson** said no, it includes the accessory building and the debris around the home. **Mr. Cass** explained the structure is in imminent danger of collapse and is a significant danger to the homeowner and the public. **Ms. Knight** pleaded with Council for additional time to clean up the property.

1:16:53 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2018-57, a Resolution requiring the removal of the Building and Debris at 312 S. Alameda, Owner: Carol D. Knight

1:17:17 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

1:17:35 **14. COUNCIL COMMITTEE REPORTS**

**Mr. Britt** explained Carlsbad won the 2018 Best Day Trip by the Odessa paper. He said Carlsbad has a lot to offer with the water park, the beach, the museum, the library, and the Living Desert Zoo. He said the recognition is something for Carlsbad to be proud of. **Mr. Britt** thanked the Chamber of Commerce for all the advertising they do for the city and assisting in making Carlsbad a travel destination for surrounding communities.

1:21:27 **15. ADJOURN**

1:21:31 **Motion**

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

1:21:37 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

1:21:59            **Adjourn**

There being no further business, the meeting was adjourned at 7:21 p.m.

\_\_\_\_\_/s/Dale Janway\_\_\_\_\_

Dale Janway, Mayor

ATTEST:

\_\_\_\_\_/s/Nadine Mireles\_\_\_\_\_

Nadine Mireles, City Clerk