

**LINKED MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON NOVEMBER 21, 2017 AT 4:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	J. R. Doporto	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Wanda Durham	Councilor
Absent:	Ward 3	Vacancy
	Lisa A. Anaya Flores	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Kent D. Waller	Police Chief

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**

0:00:01 Invocation – Pledge of Allegiance

0:00:31 **1. APPROVAL OF AGENDA**

Mayor Janway asked to remove Item No. 2 Appointment of Judi Waters to serve as City Councilor, Ward 3, replacing Councilor Wes Carter's vacant seat from the Agenda.

0:00:41 **Motion**

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

0:00:50 **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Doporto, Doss, Estrada; No - None; Absent- Durham, Anaya Flores; Vacancy - Ward 3; the motion carried.

0:01:09 **2. APPOINTMENT OF JUDI WATERS TO SERVE AS CITY COUNCILOR, WARD 3; REPLACING COUNCILOR WES CARTER'S VACANT SEAT**

Item removed from the Agenda

0:01:09 **3. CONSIDER APPROVAL OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CARLSBAD AND HERMES DEVELOPMENT, NM, LLC**

Mr. McCutcheon explained that Hermes Development, the project developer, has added a couple of other entities for tax purposes that will control the development of two parcels. He explained this annexation was previously approved by Council and this Development Agreement will finalize the annexation process.

0:03:37 **Mr. Patterson** explained this Development Agreement, along with the final Planned Unit Development (PUD) Plan has undergone extensive review. He explained the Development Agreement is the final piece of any PUD that the city passes and approves. He explained the Agreement assures that the Developers stay with the plan approved by Council. He added the Agreement also assures that the city has evaluated the wastewater and infrastructure plan, and that the city's emergency services will be able to serve the development. **Mr. Patterson** added that he and Ms. Riordan did an extensive review of the Development Agreement.

Councilor Rodriguez asked if this Agreement would bind any and all sales and property developments in the future. **Mr. Patterson** said, yes. **Ms. Riordan** explained the Development Agreement will be filed with the County Clerk's office to be of record and on notice for future developments.

Mr. McCutcheon added staff is in support of the development and the developer has agreed to tie into existing city utilities.

0:10:27 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve the Development Agreement between the City of Carlsbad and Hermes Development, NM, LLC

0:10:32 **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Doporto, Doss, Estrada; No - None; Absent- Anaya Flores; Vacancy - Ward 3; the motion carried.

0:10:49 **4. ADJOURN**

0:10:52 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to Adjourn

0:10:57 **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Doporto, Doss, Estrada; No - None; Absent- Anaya Flores; Vacancy - Ward 3; the motion carried.

0:11:18 **Adjourn**

There being no further business, the meeting was adjourned at 4:12 p.m.

ATTEST:

City Clerk

Mayor

DRAFT