

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON FEBRUARY 14, 2017 AT 6:00 P.M.**

Present:	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor (arrived at 6:02 p.m.)
	J. R. Doportto	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
Absent:	Dale Janway	Mayor
	Ward 4	Vacancy
Also Present:	Steve McCutcheon	City Administrator
	Stephanie Shumsky	Deputy City Administrator
	Annette Barrick	City Clerk
	Patsy Jackson-Christopher	Director of Arts & Culture
	Luis Camero	Director of Engineering Services
	Steve Hendley	Director of Parks & Recreation
	Michael Hernandez	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Kent D. Waller	Police Chief
	Patrick Cass	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**

0:00:03 Invocation - Pledge of Allegiance

0:00:33 **1. APPROVAL OF AGENDA**

0:00:35 **Motion**

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

0:00:39 **Vote**

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

0:01:00 **Mayor Pro Tem Doss** asked Mr. McCutcheon to join him in presenting service awards honoring employees who have achieved 20, 25, 30 and 35 years of service with the City of Carlsbad. **Mayor Pro Tem Doss** added the City of Carlsbad has outstanding employees and we are proud of each one of you.

0:06:22 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting Held on January 24, 2017
- B. Minutes of the Special City Council Meeting Held on January 26, 2017
- C. City Personnel Report
- D. Purchasing:
 - 1) Consider approval to Advertise Request for Proposals for General Engineering Services for Airport Improvement Projects for the Cavern City Air Terminal
 - 2) Consider approval to Award Bid No. 2016-34, to White Cloud Pipeline Construction for Sheep Draw Well No. 6, Replacement
 - 3) Consider approval to Award RFP to Souder, Miller & Associates for Professional Design Services for the Dark Canyon Bridge Project
 - 4) Consider approval to Purchase from AK Sales and Consulting through a CES Contract; Portable Stage Lighting & Equipment for the Cavern Theater
- E. Monthly Reports:
 - 1) Municipal Court Monthly Report, January 2017
 - 2) Personnel Department Monthly Report, January 2017
- F. Board Appointments:
 - 1) Carlsbad Museum and Arts Center Advisory Board: K.C. Sparks, remainder of 5-year term
- G. Contracts and Agreements:
 - 1) Consider approval of Agreement between the City of Carlsbad and Southeastern NM Economic Development District/Council of Governments for Fiscal Agent Services
 - 2) Consider approval of Agreement between the City of Carlsbad and the Carlsbad Municipal Schools for FY 2016-2017, for provision services
 - 3) Consider approval of Agreement between the City of Carlsbad and the Carlsbad Little Girls Softball League for League Services at the Bob Forrest Youth Sports Complex

0:07:00 **Mayor Pro Tem Doss** asked Mr. McCutcheon to discuss Item D.4 Consider approval to Purchase from AK Sales and Consulting through a CES Contract; Portable Stage Lighting & Equipment for the Cavern Theater. **Mr. McCutcheon** explained this item is to request approval of a CES Contract from AK Sales for a Portable Stage, Lighting and Equipment. He said the wording on the Agenda is a little misleading. He explained the staging is not specifically for the Cavern Theater the staging is portable and the intention of the City is to use the equipment at other City sponsored events to create a more professional appearance.

Councilor Shirley asked if Item D.4 could be moved from the consent agenda to be voted on, on its own merit. **Mayor Pro Tem Doss** said Item D.4 would be moved to Item No. 11.

0:08:24 **Motion**

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

0:08:31 **Vote**

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

0:09:15 **3. PRESENTATION BY THE PECOS VALLEY DRUG TASK FORCE**

Chief Waller said the Pecos Valley Drug Task Force is present to inform the Council on what the Task Force does and what the HIDTA initiative is in this area and how it affects us. He introduced Commander James McCormick to give the presentation.

0:10:27 Commander James A. McCormick's presentation reviewed the following:

- Executive Board
- HIDTA (High Intensity Drug Trafficking Area)
 - Established in 1990
 - 16 Counties in NM
 - Executive Committee
 - Funding Levels
- PVDTF Trends
 - Cases per year
 - Firearms Seizures
 - Meth Seizures
 - Cocaine Seizures
 - Heroin Seizures
 - Marijuana Seizures
 - Majority of PVDTF cases are in Carlsbad
 - Multi-billion dollar industry
- Narcotics Smuggling Routes
- Dangers, Threats
- Facebook Page/Crime stoppers

Mayor Pro Tem Doss thanked Commander McCormick for all of the hard work.

Chief Waller added the backbone of the operation is made up of the personnel provided through the City of Carlsbad, City of Artesia, and Eddy County.

Commander McCormick said all of the PVDTF agents are cross commissioned and have some federal authority when working cases.

0:34:21 **4. CONSIDER APPROVAL TO ADOPT THE STATEWIDE AMBULANCE TARIFF SET BY THE NM PUBLIC REGULATIONS COMMISSION**

Mr. McCutcheon explained this is a process to set Statewide Ambulance Tariffs. He said traditionally the city adopts the tariff and staff recommends approval.

0:34:59 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve to adopt the Statewide Ambulance Tariff set by the NM Public Regulations Commission

0:35:06 **Vote**

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

0:35:19 **5. CONSIDER APPROVAL OF RESOLUTION NO. 2017-04, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE (CHANGED TO RESOLUTION NO. 2017-06)**

Mr. McCutcheon explained this is the standard Resolution for following statute to dispose of obsolete and unusable City property.

0:35:58 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to approve Resolution No. 2017-04, a Resolution Declaring Certain City Property Unusable or Obsolete

0:36:05 **Vote**

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

0:36:17 **6. CONSIDER APPROVAL OF RESOLUTION NO. 2017-05, A RESOLUTION FOR PARTICIPATION WITH THE NM DEPARTMENT OF TRANSPORTATION, CAPITAL OUTLAY PROGRAM FOR THE 2015 CAPITAL OUTLAY LEGISLATIVE GRANT FOR SAN JOSE BOULEVARD, PHASE 5**

Mr. McCutcheon explained this is a small grant the City was approved to assist with San Jose Blvd. He said staff is recommending approval to accept the grant.

0:37:02 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Rodriguez to approve Resolution No. 2017-05, a Resolution for participation with the NM Department of Transportation, Capital Outlay Program for the 2015 Capital Outlay Legislative Grant for San Jose Boulevard, Phase 5

0:37:09 **Vote**

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

0:37:27 **7. CONSIDER APPROVAL OF ORDINANCE NO. 2017-03, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING 15.59 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NEW MEXICO, LOCATED ALONG CENTER AVENUE, LEGALLY DESCRIBED AS THE WEST 135' OF LOT 19, BLOCK A, HALL SUBDIVISION, LESS THE SOUTH 100' AND LESS THE NORTH 445', LOT 17, BLOCK A, HALL SUBDIVISION, LESS THE SOUTH 150' OF THE EAST 50' DESCRIBED AS LOT 18, BLOCK B, HALL SUBDIVISION, LOTS 32 AND 33, FUSON LAND DIVISION, PART OF JASMINE STREET, PART OF CENTER AVENUE, PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SEC. 3-7-1 ET. SEQ., NMSA 1978; APPLICANT: PHILLIP MCCULLOUGH**

Mr. Patterson explained this item is a petition for annexation for approximately 15.59 acres located along Center Avenue. He said the applicant has fulfilled the requirements for the annexation. He said the Planning and Zoning Commission heard the request at the January 9, 2017 meeting and recommended approval.

Councilor Doporto asked if the applicant is requesting rural residential zoning. **Mr. Patterson** said yes if the annexation is approved he is requesting rural residential zoning.

0:40:13 **A. Public Hearing**

0:40:17 **Mayor Pro Tem Doss** asked if anyone would like to speak in favor of the Ordinance to please come forward.

Mr. McCullough said he is the applicant and is in favor of the annexation because he would like to have City water.

Mayor Pro Tem Doss asked if the water would be used for commercial or residential. **Mr. McCullough** said he is not sure yet.

0:41:26 **Mayor Pro Tem Doss** asked if anyone would like to speak against the Ordinance.

Mr. Tom Martin, representing Otis water users, said Otis water users have over the years borrowed money from the USDA for their operations and system. He explained Otis has had to pledge their entire system as well as their customers as security to meet the obligations to the USDA. He said this obligation is ongoing of Otis water users. He said this proposed annexation will take in a portion of the Otis system and pick up one if not more customers which could result in a violation of the security agreements with the USDA. He said ultimately the annexation could be treated as a default which could open issues for Otis and for the City of Carlsbad. He said the City and Otis need to

discuss and recommends tabling to a later date to allow time for discussion. He said the issue is of critical importance to Otis water users and the City of Carlsbad.

0:44:23 **Mayor Pro Tem Doss** asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor Pro Tem declared the public hearing closed and reconvened the Council in regular session.

0:44:37 **B. Consider Ordinance No. 2017-03**

0:44:37 **Motion to Table**

The motion was made by Councilor Carter and seconded by Councilor Estrada to table approval of Ordinance No. 2017-03, an Ordinance annexing a portion of land containing 15.59 acres more or less, contiguous to the City of Carlsbad, New Mexico, located along Center Avenue, legally described as the West 135' of Lot 19, Block A, Hall Subdivision, less the South 100' and less the North 445', Lot 17, Block A, Hall Subdivision, less the South 150' of the East 50' described as Lot 18, Block B, Hall Subdivision, Lots 32 and 33, Fuson Land Division, part of Jasmine Street, part of Center Avenue, pursuant to the Petition Method provided for in Sec. 3-7-1 et. seq., NMSA 1978; Applicant: Phillip McCullough till March 14, 2017

0:44:55 **Vote**

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

0:45:34 **8. CONSIDER APPROVAL OF ORDINANCE NO. 2017-04, AN ORDINANCE ESTABLISHING "R-R" RURAL RESIDENTIAL DISTRICT IN CONJUNCTION WITH THE ANNEXATION OF APPROXIMATELY 15.59 ACRES OF PROPERTY, LOCATED ALONG CENTER AVENUE; APPLICANT: PHILLIP MCCULLOUGH**

Mayor Pro Tem explained because Item No. 7 was tabled Item No. 8 cannot be acted on.

0:45:56 **Motion to Table**

The motion was made by Councilor Carter and seconded by Councilor Shirley to table approval of Ordinance No. 2017-04, an Ordinance establishing "R-R" Rural Residential District in conjunction with the Annexation of approximately 15.59 acres of property, located along Center Avenue; Applicant: Phillip McCullough till March 14, 2017

0:46:10 **Vote**

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

0:46:26 **9. CONSIDER APPROVAL OF ORDINANCE NO. 2017-05, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 2.90 ACRES LOCATED AT 4100 NATIONAL PARKS HIGHWAY; OWNER: MARIA KNITTEL**

Mr. Patterson explained this request is for a zone change. He said the property is 2.9 acres with a portion of the property zoned "C-2" and the other portion is zoned "R-R". He explained the applicant would like to apply "C-2" zoning to the entirety of the property. He said the Planning and Zoning Commission recommend approval.

0:48:15 **A. Public Hearing**

0:48:17 **Mayor Pro Tem Doss** asked if anyone would like to speak in favor of the Ordinance.

Ms. Knittel said the property has two commercial buildings and she is asking for approval.

0:48:42 **Mayor Pro Tem Doss** asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor Pro Tem declared the public hearing closed and reconvened the Council in regular session.

0:48:59 **B. Consider Ordinance No. 2017-05**

0:49:01 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Ordinance No. 2017-05, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial District for an approximately 2.90 acres located at 4100 National Parks Highway; Owner: Maria Knittel

0:49:06 **Vote**

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

0:49:21 **10. CONSIDER APPROVAL OF ORDINANCE NO. 2017-06, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 3.43 ACRE PROPERTY LOCATED AT 4208 NATIONAL PARKS HIGHWAY; OWNER: MARIA KNITTEL**

Mr. Patterson said this item is similar to the previous item and is the same applicant. He explained the applicant is requesting that "C-2" zoning be applied to the entirety of her property.

0:50:27 **A. Public Hearing**

0:50:32 **Mayor Pro Tem Doss** asked if anyone would like to speak in favor of the Ordinance.

Ms. Knittel said she is requesting approval for the zone change.

0:50:53 **Mayor Pro Tem Doss** asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor Pro Tem declared the public hearing closed and reconvened the Council in regular session.

0:51:03 **B. CONSIDER ORDINANCE NO. 2017-06**

0:51:07 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Ordinance No. 2017-06, an Ordinance Rezoning Park of "R-R" Rural Residential District to "C-2" Commercial District for an approximately 3.43 Acre property located at 4208 National Parks Highway; Owner: Maria Knittel

0:51:16 **Vote**

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

0:51:38 **11. CONSIDER APPROVAL TO PURCHASE FROM AK SALES AND CONSULTING THROUGH A CES CONTRACT PORTABLE STAGE LIGHTING & EQUIPMENT FOR THE CAVERN THEATER**

Councilor Shirley said it appears to him to be a portable stage to be used at multiple locations, with the lighting being permanently installed at the Cavern Theater. **Ms. Jackson-Christopher** said the entire set up is what you would typically see at a street concert. She said the entire rigging including the lighting, back drapery, and the stage is all portable.

Councilor Shirley said he would like to ensure that the equipment is going to be used at events other than the Cavern Theater.

Mr. McCutcheon said the money to purchase will come out of the general fund. He added if the equipment had not had support for use in other places, staff would not have been able to purchase the equipment.

0:55:01 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve the purchase from AK Sales and Consulting through a CES Contract; Portable Stage, Lighting & Equipment to be used at City events

0:55:26 **Vote**

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

0:55:52 **12. COUNCIL COMMITTEE REPORTS**

Mayor Pro Tem Doss said he attended the Bat Brigade, State Legislature trip. He added that he, Councilor Carter, and Councilor Shirley went back to Santa Fe to attend hearings on the house bill for the Brine well problem. He said the trip went very well and next week there will be a group from Carlsbad visiting Washington, DC to meet with FEMA. He said they would like to discuss fixing the problem rather than waiting for it to sink.

0:58:04 **13. ADJOURN**

There being no further business, the meeting was adjourned at 6:59 p.m.

/s/Dale Janway
Mayor

ATTEST:

/s/Annette Barrick
City Clerk