

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON FEBRUARY 23, 2016 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Sandra K. Nunley	Councilor
	J. R. Doporto	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
Absent:	Janel E. Whitlock	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	LaVelta Jenkins	City Treasurer
	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**

0:00:04 Invocation - Pledge of Allegiance

0:00:34 **1. APPROVAL OF AGENDA**

0:00:36 **Motion**

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

0:00:41 **Vote**

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

0:00:58 **2. BUDGET REVIEW AS OF DECEMBER 31, 2015**

Ms. Jenkins reviewed the revenues and expenditures as of December 31, 2015 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:05:17 **3. CONSIDER APPROVAL OF RESOLUTION 2016-11, 3RD QUARTER BUDGET ADJUSTMENTS**

Mrs. Gonzales reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Fund, and the 2002 Sales Tax Bond Funds.

0:07:25 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doportto to approve Resolution No. 2016-11, 3rd Quarter Budget Adjustments

0:07:31 **Vote**

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

0:07:46 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting held on February 4, 2016
- B. Minutes of Regular City Council Meeting held February 9, 2016
- C. City Personnel Report
- D. Purchasing:
 - 1) Consider approval to Award RFP 2015-47, to EMSRx for Medical Director Services for the City of Carlsbad Fire and Police Department
 - 2) Consider approval to Reject RFP 2015-48, for the Comprehensive Healthcare Study and Assessment
 - 3) Consider approval to Award a CES contract to AK Sales and Consulting, Inc. for the Carlsbad Youth Sports Complex Expansion for nylon netting and aluminum bleachers for each new field
- E. Contracts and Agreements:
 - 1) Consider approval of Infrastructure Reimbursement Agreement between the City of Carlsbad and Linda Kay Atwood for qualifying Public Infrastructure at Atwood Subdivision
- F. Monthly Reports:
 - 1) Municipal Court Monthly Report, January, 2016
 - 2) Planning, Engineering, Regulations Department Monthly Report, January, 2016
 - 3) Sports and Recreation Department Monthly Report, January, 2016
- G. Board Appointments:
 - 1) Parks and Recreation Advisory Board: Jim Grantner and Christy Thomas, Remainder of 4-Year Term

2) North Mesa Senior Recreation Center Advisory Board: Ysidro Molinar,
Remainder of 4-Year Term

0:08:08 **Mayor Janway asked Mr. McCutcheon to discuss item D.2 Consider approval to Reject RFP 2015-48, for the Comprehensive Healthcare Study and Assessment; and Item E.1 Consider approval of Infrastructure Reimbursement Agreement between the City of Carlsbad and Linda Kay Atwood for qualifying Public Infrastructure at Atwood Subdivision.**

Mr. McCutcheon explained that Item D.2 is asking Council to reject proposals for the Comprehensive Healthcare Study and Assessment. He said 4 or 5 qualified proposals were received but the proposals rated as number 1 and 2 were significantly over the budgeted funds allocated. He said staff feels the scope may be too large and staff is asking for time to reevaluate and rescope the study.

Mr. McCutcheon explained Item E.1 is a Reimbursement Agreement between the City and Linda Kay Atwood for qualifying Public Infrastructure Reimbursement which is 15% of hard costs. He explained Ms. Atwood has a small subdivision that qualifies for the reimbursement. He said she went through the process and has fulfilled all of the requirements.

Councilor Doss asked where the subdivision is located. **Ms. Goad** said the subdivision is at the end of Hamilton Place off of Old Cavern Highway.

0:10:38 **Motion**

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

0:10:47 **Vote**

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

0:11:03 **5. CONSIDER APPROVAL OF RESOLUTION NO. 2016-12, A RESOLUTION OF THE CARLSBAD CITY COUNCIL, CARLSBAD, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT; AND AUTHORIZING MAYOR DALE JANWAY TO ACT AS THE CITY OF CARLSBAD'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY OF CARLSBAD'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mr. McCutcheon explained staff is continuing the process of complying with the Community Development Block Grant Program. He added the City's chance of

receiving the grant is fairly limited, and said staff is requesting approval to move forward with the application.

0:12:14 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve Resolution No. 2016-12, a Resolution of the Carlsbad City Council, Carlsbad, New Mexico, Authorizing the submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government; and authorizing Mayor Dale Janway to act as the City of Carlsbad's Chief Executive Officer and Authorized Representative in all matters pertaining to the City of Carlsbad's participation in the Community Development Block Grant Program

0:12:18 **Vote**

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

0:12:38 **6. CONSIDER APPROVAL OF RESOLUTION NO. 2016-13, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

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

0:13:42 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Carter to approve Resolution No. 2016-13, a Resolution declaring certain City property unusable or obsolete

0:13:49 **Vote**

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

0:14:03 **7. CONSIDER APPROVAL OF ORDINANCE NO. 2016-10, AN ORDINANCE APPROVING THE SALE OF REAL PROPERTY BY EDDY-LEA ENERGY ALLIANCE, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY FORMED PURSUANT TO THE NEW MEXICO JOINT POWERS ACT BY EDDY COUNTY, LEA COUNTY, THE CITY OF CARLSBAD AND THE CITY OF HOBBS ("ELEA"); AUTHORIZING ELEA TO EXECUTE AND DELIVER A LAND PURCHASE OPTION AGREEMENT WITH HOLTEC INTERNATIONAL, A DELAWARE CORPORATION; AND AUTHORIZING AND DIRECTING ELEA TO SUBMIT THE AGREEMENT TO THE STATE BOARD OF FINANCE FOR APPROVAL PURSUANT TO SECTION 13-6-2.1 NMSA 1978**

0:14:52 **A. Public Hearing**

0:14:54 **Mr. McCutcheon** explained several years ago the City of Carlsbad joined with Lea County and the City of Hobbs in acquiring a 960 acre parcel between the two communities. He said this Ordinance approves ELEA selling the land as commercial property.

0:15:49 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Heaton explained an RFP has been issued to the State and the procurement has been published in the newspaper. He said there was one bidder, one proposer and that was Holtec International. He said the proposal presented was very good and was rated at 100%. He said ELEA was going through the local economic development act, and in midstream, have changed to straight purchase. He said all four entities will be asked to endorse a similar Ordinance. He explained the State Board of Finance will also need to approve the agreement which states the property will be purchased for the amount paid or the appraised value, whichever is greater. **Mr. Heaton** explained the licensing process with the Nuclear Regulatory Commission will probably take about four years and is very expensive. He said there is a revenue sharing agreement and the target is 30% of the gross revenue. He added limitations will be set. He said there will be several interim storage facilities of interest across the country so there will be some competitive bidding. He added there is a great indemnity clause to protect the cities and counties of the Eddy-Lea Alliance.

Councilor Rodriguez referred to a statement that said Holtec would obtain a license to construct and operate a facility, Holtec would then share the facility revenues. He asked is that the part that would be negotiated at a future date. **Mr. Heaton** said yes, that is the part that would be negotiated in section 8.

0:22:23 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:22:39 **B. Consider Ordinance No. 2016-10**

0:22:43 **Councilor Shirley** thanked Mr. Heaton for working so hard on this project.

0:23:03 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doss to approve Ordinance No. 2016-10, an Ordinance approving the sale of real property by Eddy-Lea Energy Alliance, LLC, a New Mexico Limited Liability Company formed pursuant to the New Mexico Joint Powers Act by Eddy County, Lea County, the City of Carlsbad and the City of Hobbs ("ELEA"); authorizing ELEA to execute and deliver a

Land Purchase Option Agreement with Holtec International, a Delaware Corporation, and authorizing and directing ELEA to submit the agreement to the State Board of Finance for approval pursuant to Section 13-6-2.1 NMSA 1978

0:23:09 **Vote**

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

0:23:26 **8. COUNCIL COMMITTEE REPORTS**

Chief Lopez gave an update on the Early Warning System. He explained the siren heads have arrived; the metal poles are being fabricated and should be complete in 45 days. He said the project is moving forward and making progress.

Councilor Carter asked if the 25 mph speed limit change will become effective on March 1, 2016. **Mr. McCutcheon** answered yes.

Councilor Doss commented on the ordinance group and code enforcement that have been going around town and noticing the weeds and mess. He said the City needs to stay on top of this.

Councilor Doss said himself, Mr. Heaton, Councilor Shirley, Mr. Valpato, and Ms. Crockett attended an ECA meeting in Austin last week. He said the main topic was consent for upcoming nuclear storage. He said the State will determine the consent and added New Mexico is ahead of the game.

Councilor Doporto said the water park is moving along great. He said the pool and the lazy river have been dug out.

Mr. McCutcheon introduced Mr. Fierro and said he is consulting with the city on some financial issues.

0:28:54 **9. ADJOURN**

0:28:58 **Motion**

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

0:29:10 **Vote**

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

0:29:31 **Adjourn**

There being no further business, the meeting was adjourned at 6:31 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk