

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON FEBRUARY 27, 2018 AT 6:00 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
Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	John Lowe	Community Dev. Director
	Luis Camero	Director of Engineering Services
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Sam Plumlee	IT Director
	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**

0:00:01      Invocation - Pledge of Allegiance

0:00:24      **Mayor Janway welcomed special guests, Coach Zumbrun and the Carlsbad Cavegirls Basketball Team.**

He said the Cavegirls have a 24-5 record and are headed to the State Playoffs. He added the Cavegirls will play Volcano Vista at 7:00 p.m. on Friday and encouraged everyone to show their support. He explained there has been a lot of concern at Carlsbad High School and at schools across the nation over the past few weeks and we are so honored to have young ladies such as the members of this basketball team and so many others representing our school and community on this positive manner.

**Coach Zumbrun** thanked the Mayor and Council. He introduced the team members and his assistant coaches, Mr. Paul Gomez and Ms. Taylor Edmondson. He said the girls have represented Carlsbad with a lot of class and dignity.

0:04:08 **Mayor Janway introduced Coach Ryan Salcido the wrestling coach for Carlsbad High School.**

**Mr. Salcido** said his team just returned from the State Tournament. He said the team had an awesome season and made great strides for Carlsbad. He said the team took runner ups in State and were only a few wins away. He said the team had 10 State Placers and 3 State Runner Ups. He added the team also had a female who competed in the first ever New Mexico Girls State Tournament and she was a State Runner Up. He brought up two of his team members that he said lead the team and made a huge impact to the team. He introduced Senior Mateo Messer and Justin Wood who are State Champions.

0:06:20 **Mr. Kyle Marksteiner** introduced Aaron Braddock who is a junior at the Early College High School. He explained Aaron has been an intern with the city and has played an extremely important role in a variety of projects including the Brine Well and some of the Mental Health efforts and many other important projects. He explained last week Aaron went to northern New Mexico and was elected the State President for Business Professionals of America for all students across New Mexico. He added Aaron is also involved in a student senate organization. He explained Aaron will visit Washington, DC and will have the opportunity to meet the President and Supreme Court. He added that Aaron will also receive a \$10,000 scholarship that he was awarded through the senate organization. **Mr. Marksteiner** said Aaron is a great intern and added one day he could end up in the Carlsbad Hall of Fame.

0:08:09 **1. APPROVAL OF AGENDA**

0:08:11 **Motion**

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

0:08:16 **Vote**

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

0:08:27 **2. CITY OF CARLSBAD FINANCIAL STATEMENTS - JANUARY 2018**

0:08:33 **Councilor Doss** said McKenna was present and would like to make a statement before we start the meeting.

**McKenna Brown**, President of Carlsbad Board of Realtors, said in an effort for the Board to have a more active part in the community they have decided to sponsor a city

candidate forum on Thursday, March 1, 2018 from 6:30 p.m. to 8:00 p.m. at the Leo Sweet Community Center.

0:10:12 **Ms. Hammett** reviewed the revenues and expenditures as of January 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:11:40 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on February 13, 2018
- B. City Personnel Report
- C. Contracts and Agreements
  - 1. Consider Approval of an Agreement between the City of Carlsbad and the Shorthorn Little League Services for League Services at Bob Forrest Youth Sports Complex
  - 2. Consider Approval of an Agreement between the City of Carlsbad and the Carlsbad Little Girls Softball for League Services at Bob Forrest Youth Sports Complex
  - 3. Consider Approval of an Agreement between the City of Carlsbad and NM Department of Transportation for the 2018 NMDOT Aviation Grant #CNM-18-03 for Taxiway B Reconstruction
  - 4. Consider Approval of an Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for Management Services of the Walter Gerrells Performing Arts Center
- D. Purchasing:
  - 1. Consider Approval to Advertise Invitation to Bid for Bird Exclusion and Abatement Services for City Buildings
  - 2. Consider Approval to Advertise Invitation for Request for Proposal for Concession Services for Port Jefferson at Lake Carlsbad Recreation Area
- E. Set Date: April 10, 2018
  - 1. Consider Approval of an Ordinance Rezoning Part of "C-2" Commercial District to "R-1" Residential District for an Approximately 0.16 Acre Property, Located at 2602 San Jose Boulevard, Legally Described as Lot 1, Hilltop Subdivision, Pursuant To Section 3-21-1 Et. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
- F. Monthly Reports:
  - 1. Community Development January 2018 Monthly Report
  - 2. Transportation & Facilities December 2017 Monthly Report
  - 3. Utilities January 2018 Monthly Report
- G. Board Appointments:
  - 1. Carlsbad Museum and Arts Center Advisory Board: Mike Medrano remainder of five year term

0:12:03 **Mayor Janway** asked **Mr. McCutcheon** to discuss item **C.3 Consider Approval of an Agreement between the City of Carlsbad and NM Department of**

**Transportation for the 2018 NMDOT Aviation Grant #CNM-18-03 for Taxiway B Reconstruction; and Item C.4 Consider Approval of an Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for Management Services of the Walter Gerrells Performing Arts Center**

**Mr. McCutcheon** explained Item C.3 is asking for approval for a Grant from the NMDOT Aviation Division. He said the Grant is for \$925,000 to rebuild Taxiway B. He said the cities portion will be \$30,100. He added we continue to see continued use of our Airport in most cases from private planes. **Mr. McCutcheon** explained Item C.4 is asking for approval of an Agreement with Metal Shop Live Productions, LLC for the management of the Walter Gerrells Performing Arts Center.

**0:14:04 Motion**

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

**0:14:08 Vote**

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

**0:14:24 4. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 807 HIDALGO ROAD, CARLSBAD; APPLICANT: JAMES CHAMPION**

**Mr. Patterson** explained the applicant is requesting approval for a Temporary Use Application to allow Temporary Housing at his residence 807 Hidalgo Road. He said initially the Planning Department was not in support of this request because the applicant does not reach the acreage requirement which is 2 acres minimum. He explained the applicant has requested a variance from that requirement and the Planning and Zoning Commission approved the request for variance and the Temporary Housing. **Mr. Patterson** said he went by the residence today and noticed the RV's are already on the property, prior to approval.

**Councilor Durham** asked if the pool on the property has a privacy fence.

**Mr. Glen Frintz**, on behalf of the applicant, explained Mr. Champion is on social security and had one trailer on the property and was not aware of the process until he was cited. He said the people who live in the trailers are very quiet and you cannot see the trailers from Hidalgo. He added the property is very clean and well kept. He added the pool is for the private use of the owner only and is fenced inside Mr. Champion's yard.

**Councilor Doss** asked if the properties are on city sewer. **Mr. Frintz** said they are on city sewer. He said there are taps and clean outs, water, and 50 amp services that were already in place when he purchased the property. **Councilor Rodriguez** said there is an RV Park about 100 feet from the property; why not use the RV Park. **Mr. Frintz** said

because the Park is full and one of the two trailers was previously in that Park and did not desire to remain there because of the noise.

**Councilor Anaya Flores** asked if there are penalties attached to the citation received. **Mr. Frintz** said no, the citation required Mr. Champion to come into compliance.

**Councilor Doss** asked if this request would follow the man camp renewable provisions. **Mr. Patterson** said yes, if approved the applicant would get 5 years to operate before returning for renewal. He added if this or any other temporary housing falls out of compliance or receives a lot of complaints from the Police Department or Code Enforcement the City Administrator can step in and end the permit if necessary.

**Councilor Shirley** asked for differences between R-1, R-2, and R-R. **Mr. Patterson** explained R-R is Rural Residential and is intended to be residential which will cater to a more rural lifestyle. He explained R-1 is single family housing and R-2 is multi-family which incorporates apartments and more structures on one lot. **Councilor Shirley** said what bothers him is that the Ordinance sets a 2 acre minimum and this property does not meet that requirement.

0:23:54      **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to approve Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 807 Hidalgo Road, Carlsbad; Applicant: James Champion

0:24:37      **Vote**

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

0:26:34      **5. CONSIDER APPROVAL OF REQUEST FROM JERRY FLORES AND SAUNDRA HESTER, TO ALLOW GUADALUPE BREWING COMPANY TO HOST A BEER GARDEN AT THE 2018 CHILI COOK-OFF AT THE BEACH BANDSHELL**

**Mr. Patterson** explained this request is to allow a Beer Garden at the 2018 Chili Cook-off to be held at the Beach Bandshell on June 22 - 23, 2018. He added the Planning Department is recommending approval of the request.

**Councilor Doss** asked if the Beer Garden would be fenced in with security required. **Mr. Patterson** said yes, that is correct.

**Councilor Doporto** asked if the City Ordinance specifically states no alcohol at the Beach area. **Mr. Patterson** said he is not aware what the Ordinance specifically states regarding the Beach Bandshell area. He added going by precedent each time that someone has requested alcohol at an event they have had to request Council approval.

0:28:43        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to approve Request from Jerry Flores and Saundra Hester, to allow Guadalupe Brewing Company to host a Beer Garden at 2018 Chili Cook-off at the Beach Bandshell

0:28:55        **Vote**

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

0:29:29        **6. CONSIDER APPROVAL OF AMENDMENTS TO THE REVISED DRUG AND ALCOHOL POLICY FOR THE CARLSBAD MUNICIPAL TRANSIT SYSTEM**

**Mr. McCutcheon** explained the adoption of this updated Drug and Alcohol Policy is a requirement for continued federal funding. He said the revision now includes opioids and staff is recommending approval to remain in compliance with current federal guidelines.

0:30:20        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doporto to approve Amendments to the Revised Drug and Alcohol Policy for the Carlsbad Municipal Transit System

0:30:26        **Vote**

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

**Councilor Shirley** stated he is in total agreement with the Policy and added there is a Board that was appointed by this body, the Anti-Drug and Gang Coalition who advises businesses on Drug Policies. He said he would like staff to consult with the Coalition in the future.

0:31:26        **7. CONSIDER APPROVAL OF ORDINANCE NO 2018-06, AN ORDINANCE AMENDING ORDINANCE 2010-01 LOAN AGREEMENT WITH NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE WASTEWATER CONSTRUCTION LOAN FUNDS**

0:31:49        **A. Public Hearing**

**Mr. McCutcheon** explained this is an update of the 2010 Loan Agreement Ordinance. He explained that Ordinance 2010-01 funded the building of the new WasteWater Treatment Plant. He said the WasteWater Treatment Plant has been an ongoing project. He explained the WasteWater Treatment Plant is functioning very well at this time. He said this Ordinance is an increase to the original loan amount. He said staff is recommending taking the interest of 1.839% and adding that to the principal balance allowing the city to start making payments over the period of the loan, making the total

\$19,414,000. He gave praise to Mr. Camero for his leadership and fore thought on the WasteWater Plant. He said the Plant currently runs at about 50% so the growth of the city will not be a problem.

0:34:27 **Mayor Janway asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session**

0:34:43 **B. Consider Ordinance No 2018-06**

0:34:48 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Anaya Flores to approve Ordinance No. 2018-06, an Ordinance Amending Ordinance 2010-01 Loan Agreement with New Mexico Environment Department for the WasteWater Construction Loan Funds

0:34:54 **Vote**

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

0:35:10 **8. CONSIDER APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CARLSBAD AND (IBEW)**

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL #611**

**Mr. McCutcheon** explained staff is in negotiations with all four of the cities unions at this time and are under a gag order until the negotiations are complete for the other three contracts. He explained the changes and said two categories were added to the longevity pay, maternity leave was removed because it is covered in FMLA, catastrophe leave was defined by the miles of the funeral, and lastly staff agreed to a 2% increase this year with a 3% for the next 2 years.

0:38:10 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve to Approve Collective Bargaining Agreement between the City of carlsbad and (IBEW) International Brotherhood of Electrical Workers, Local #611

0:38:14 **Vote**

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

0:38:28 **9. CONSIDER APPROVAL OF RESOLUTION NO 2018-13, A RESOLUTION TO DEEM CERTAIN UTILITY ACCOUNTS UNCOLLECTABLE**

**Mr. McCutcheon** explained the accounts are from 1996 to 2013. He explained staff received guidance from our auditors to begin looking at these accounts. He said we are

following statute and this will clean up accounts moving forward into the new computer system.

0:39:39 **Ms. Hammett** explained the Water and Sewer Fund and the Solid Waste Fund are enterprise funds. She explained for governmental financial reporting purposes enterprise funds are treated as for profit businesses. She added this is revenue that was never collected, so it is an accrual based financial accounting reporting that the city is likely never to collect.

0:41:42 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Resolution No. 2018-13, a Resolution to Deem Certain Utility Accounts Uncollectable

0:41:50 **Vote**

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

0:42:03 **10. CONSIDER APPROVAL OF RESOLUTION NO 2018-14, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 214 N. FIFTH STREET, OWNER: OLETA DAVIS HARRINGTON**

**Ms. Riordan** explained this is a large vacant residential lot with a tall growth of weeds. She explained Code Enforcement and the Fire Marshall both agree the lot violates city code and could present a fire danger and recommend approval.

0:45:15 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Resolution No. 2018-14, a Resolution requiring the Removal of the Weeds and Debris at 214 N. Fifth Street, Owner: Oleta Davis Harrington

0:45:22 **Vote**

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

0:45:34 **11. CONSIDER APPROVAL OF RESOLUTION NO 2018-15, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 203 S 11TH STREET, OWNER: MARY ANN FOLSOM**

**Ms. Riordan** explained this Resolution is requesting weed and debris removal. She added there is a structure on the lot but at this time the recommendation from Code Enforcement and the Fire Marshall is to clean up the debris. She said that the Code Enforcement department has not been able to inspect the building.



0:47:33        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2018-15, a Resolution requiring the Removal of the Weeds and Debris at 203 S. 11th Street, Owner: Mary Ann Folsom

0:47:40        **Vote**

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

0:47:52        **12. COUNCIL COMMITTEE REPORTS**

None to report.

0:48:10        **Mayor Janway** asked the candidates with campaign signs to pick them up as quickly as possible.

**Councilor Shirley** thanked everyone for serving on Council and said it has been a wonderful experience serving with them and he wished them luck.

**Councilor Doss** added this will be his last time sitting on the Council after 8 years. He added he appreciates the citizens for allowing him to represent them and for Council allowing him to be Mayor Pro Tem.

0:50:06        **13. ADJOURN**

0:50:13        **Motion**

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

0:50:31        **Vote**

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

0:49:29        **Adjourn**

There being no further business, the meeting was adjourned at 6:51 p.m.

---

Mayor

ATTEST:

---

City Clerk