

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON FEBRUARY 9, 2010 AT 6:00 P.M.**

Present:	Bob Forrest	Mayor
	Paul C. Aguilar	Councilor
	Wesley Carter	Councilor
	Brad Day	Councilor
	Jeff Diamond	Councilor
	Ned Z. Elkins	Councilor
	Jim Grantner	Councilor
	Sandra Nunley	Councilor
	Nick G. Salcido	Councilor

Absent: None

Also Present:	Harry Burgess	City Administrator
	Eileen P. Riordan	City Attorney
	Amanda J. Asbury	City Clerk
	Annette Barrick	Deputy City Clerk

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**

**0:00:38      1.      STATEMENT REGARDING CLOSED SESSION**

Mayor Forrest stated during the January 26, 2010 regular meeting of the Carlsbad City Council discussion was held regarding Section 10-15-1-H-7, NMSA 1978 to discuss matters regarding Threatened/Pending Litigation.

**0:00:53      Motion**

The motion was made by Councilman Elkins and seconded by Councilman Grantner to approve the Statement regarding Closed Session.

**0:01:03      Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido Nunley; No - None; Absent - None. The motion carried.

**0:01:21      2.      APPROVAL OF AGENDA**

**0:01:24 Motion**

The motion was made by Councilman Diamond and seconded by Councilman Grantner to strike the Amended Agenda and item number 8 on the Amended Agenda and approve the original Agenda for February 9, 2010.

**0:01:42 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido Nunley; No - None; Absent - None. The motion carried.

**0:01:55 3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of Regular City Council meeting held January 26, 2010**
- B. City Personnel Report**
- C. Check Register Bills & Petty Cash**
- D. Contracts and Agreements:**
  - 1) Consider approval of Grounds-keeping Services Agreements between the City of Carlsbad and National Little League, Shorthorn Little League and Teen Girls League**
  - 2) Consider approval of Agreement between the City of Carlsbad and Ben Jenkins Auctioneers for Professional Auction Services**
- E. City of Carlsbad Department Monthly Reports:**
  - 1) Personnel Department Monthly report for January, 2010**
  - 2) Utilities Department Monthly report for December, 2009**
- F. Set Dates for Ordinances:**
  - 1) Set date to consider an Ordinance authorizing the sale to Southwest Salt Company, LLC, of 960 acres of real property in SE Eddy County, commonly known as Harroun Farm (Feb 23, 2010)**
  - 2) Set date to consider an Ordinance authorizing the sale to John Draper Brantley, Jr. and Henry McDonald, of 4,135 acres of real property in SE Eddy County, commonly known as Harroun Farm (Feb 23, 2010)**
  - 3) Set date to consider an Ordinance setting the schedule of Sewer Service Charges, amending Ordinance No. 1998-12 (Feb 23, 2010)**
  - 4) Set date to consider an Ordinance amending Chapter 8, Article V, Flood Damage Prevention (March 9, 2010)**
  - 5) Set date to consider revising Ordinance 2009-18, an Ordinance creating the City of Carlsbad Disabilities Advisory Board (March 9, 2010)**
- G. Consider Resolution No. 2010-06, declaring certain City Property obsolete and unusable**

**0:02:02 Motion**

The motion was made by Councilman Elkins and seconded by Councilman Nunley to approve Routine and Regular Business.

**0:02:09 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido Nunley; No - None; Absent - None. The motion carried.

**0:02:27**      **4. CONSIDER APPROVAL OF REQUEST FROM LANDSUN HOMES, INC. FOR THE STREET NAME, LANDSUN CIRCLE, TO BE CHANGED TO PETE TRONE CIRCLE**

Danny York of Landsun Homes explained the primary reason for the name change request is the safety of the residents. He said emergency response is delayed because of the confusion from similar street names. Mr. Jack Hill, a resident on Landsun Circle, stated he and his neighbors signed a petition opposing the name change. He said the residents were advised of the proposed street name change at a meeting at the Landsun Clubhouse at 3:00 p.m. today. Councilor Elkins asked if a vote was taken at the meeting. Mr. York said he left the meeting before it ended but it was reported to him that a vote was taken and the results were 21 to 6 in favor of changing the name. Chief Reynolds said he agreed that there is an issue with the street names but neither he nor his department provided a recommendation for the change. Councilor Grantner said he did not feel there has been enough ground work done to make a decision. Chief Gonzalez said the 911 system will map the location for emergency responders. Councilor Day said this requested street name change is to bring this street into compliance with the existing subdivision code. Ms. Riordan agreed, saying the current code does not allow streets to be named the same with the only difference being the prefix or suffix.

**0:19:30**      **Motion**

The motion was made by Councilman Elkins and seconded by Councilman Nunley to approve the street name change.

**0:20:32**      **Vote**

The vote was as follows: Yes - Carter, Day, Elkins, Nunley; No - Diamond, Aguilar, Grantner, Salcido; Absent - None. Mayor Forrest cast the deciding vote. The motion failed.

**0:20:45**      **5. ORDINANCE NO. 2010-02, REGARDING THE SALE OF 17.04 ACRES LOCATED AT THE AIRPORT INDUSTRIAL PARK**

**A. Public Hearing**

Mr. Bob Morrow, managing member the Maxwell Group, a real estate developer and Christy Gray gave an overview of their plan for the property. Mr. Morrow said the Department of Development has been working with his company regarding re-locating in Carlsbad. He said he and his business partners have made a significant decision to cease operations in Colorado and move all their operations to Carlsbad. Those operations are primarily modular products which include a Truss Plant, (the manufacturing facility) and a Solar Panel business. Model structures will be available on the site. Their offices will also be located at the same location. He said they will employ 40 to 50 employees.

**B. Consider Ordinance 2010-02**

Mayor Forrest declared the public hearing closed and reconvened the Council in regular session.

**0:31:34 Motion**

The motion was made by Councilman Diamond and seconded by Councilman Elkins to adopt Ordinance No. 2010-02.

**0:31:44 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido Nunley; No - None; Absent - None. The motion carried.

**0:32:07 6. CONSIDER APPROVAL OF AN APPEAL OF THE FLOODPLAIN MANAGER'S DENIAL OF A FLOODPLAIN DEVELOPMENT PERMIT AND REQUEST OF A VARIANCE FROM THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE, SECT. 8- 32(1), FOR PROPERTY LOCATED AT 1104 W. RIVERSIDE DRIVE AND LOCATED IN FLOODPLAIN ZONE AE, FOR OWNERS: DAVE AND ANITA PERINI**

Dave and Anita Perini presented their request for a Variance from the Floodplain Manager's decision. Mr. Perini said he purchased the home at 1104 W. Riverside. The home had been in that location for 50 years. He said they have hired a local contractor to demolish the existing home and rebuild in the same location. He said building the new home on an elevated foundation could potentially damage the neighbor's property with the rain run off. He said the Floodplain ordinance would require the new home be built up 4.5 feet. He said it would not be aesthetically pleasing to the neighborhood.

**0:34:04 Motion**

The motion was made by Councilman Diamond and seconded by Councilman Elkins to approve the Variance.

**0:34:09 Vote**

The vote was as follows: Yes - Diamond, Aguilar, Carter, Day, Elkins, Grantner, Salcido Nunley; No - None; Absent - None. The motion carried.

**0:34:43 7. CONSIDER APPROVAL OF RESOLUTION 2010-05, A RESOLUTION COMMITTING TO THE CONCEPT OF THE SOUTH Y ROADWAY IMPROVEMENTS INCLUDING THE CANAL STREET IMPROVEMENTS AND AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR PROJECT FUNDS THROUGH THE SOUTHEAST REGIONAL PLANNING ORGANIZATION (SERPO) DEPARTMENT OF TRANSPORTATION**

Councilor Diamond clarified that this project would not begin for two to three years and the issues regarding the Brine Well should be resolved before the construction begins.

