

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON MARCH 22, 2016 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Sandra K. Nunley J. R. Doporto Wesley A. Carter Richard Doss	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Jason Shirley Janell E. Whitlock	Councilor Councilor
Also Present:	Steve McCutcheon Stephanie Shumsky Eileen P. Riordan Annette Barrick LaVelta Jenkins Jeff Patterson Luis Camero Thomas Carlson Richard Lopez Kent D. Waller Patsy Jackson-Christopher Steve Hendley	City Administrator Deputy City Administrator City Attorney City Clerk City Treasurer Planning, Eng., & Reg. Director Public Works Utilities Director Public Works Director Fire Chief Police Chief Director of Arts & Culture 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

0:00:37 **Councilor Carter** introduced special guests from the 6th Grade Academy Student Council that were in attendance.

0:02:49 **Councilor Doss** added the 6th Grade Academy put on a great performance a few nights ago.

0:03:34 **Mr. Patterson** introduced Mr. Bob Garcia, the new Code Enforcement Supervisor. He added if there are any code enforcement complaints, questions, or concerns you may contact Mr. Garcia.

0:04:13 **Mayor Janway asked Mr. McCutcheon to explain Item D.3 Consider approval of Agreement between the City of Carlsbad and National Little League for League Services at the Bob Forrest Youth Sports Complex.**

Mr. McCutcheon explained there is an error in Item D.3, he said the Agreement between the City of Carlsbad and National Little League is for services at the National Little League Field as opposed to the Bob Forrest Youth Sports Complex.

0:04:40 **1. APPROVAL OF AGENDA**

0:04:43 **Motion**

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

0:04:47 **Vote**

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

0:05:10 **2. CONSIDER APPROVAL OF RESOLUTION NO. 2016-16, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2015-2016 FISCAL YEAR BUDGET (3RD QUARTER)**

Mrs. Jenkins reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget highlighting the General Fund, the Fire Protection Fund, the Lodgers' Tax Fund, the Solid Waste Fund, the Airport Improvement Fund, the Cemetery Fund, and the Water & Sewer Fund.

0:10:46 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Anaya Flores to approve Resolution No. 2016-16, a Resolution making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget (3rd Quarter)

0:10:53 **Vote**

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

0:11:09 **3. PRESENTATION OF THE JANUARY 2016 FINANCIAL REPORT**

Mrs. Jenkins reviewed the revenues and expenditures as of January 31, 2016 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:14:55 **4. CONSIDER APPROVAL OF THE CITY OF CARLSBAD, FY 2014-2015 ANNUAL AUDIT REPORT**

Mr. McCutcheon introduced Mr. Vogue with Strickler & Prieto, LLP to present the audit report.

Mr. Vogue said he would like to begin with the unmodified report issued on page 3. He reviewed the Emphasis of Matter. He said on page 5, the statement of position, the pension liability of over 30 million is now showing and was not presented before. He said the pension liability increases the City's liabilities and decreases the fund balance. He reviewed the findings on page 114. He gave a quick overview of the findings which included late audit reports that have been an ongoing problem for the last eight years; 2014-001 controls over financial reporting; 2015-001 bank reconciliations not being completed on a timely basis; State requirement of a fixed asset certification annually not complete, schedule of expenditure of federal awards not correct; 2014-007 encountered difficulty trying to tie out the grant expenses to the general ledger; last finding was 2014-009 grant management on expenses reported. He said there were 12 findings last year and 7 of the findings have been resolved and 5 have been repeated. He said a lot of progress has been made this year and the City is headed in the right direction.

0:22:03 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to approve the City of Carlsbad, FY 2014-2015 Annual Audit Report

0:22:08 **Vote**

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

0:22:21 **5. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Organizational and Regular City Council Meeting held on March 8, 2016
- B. City Personnel Report
- C. Purchasing:
 - 1) Consider approval to Solicit Request for Bids for one (1), Diesel Powered Gator for use at Lake Carlsbad Golf Course
 - 2) Consider approval to Award RFP No. 2016-06, to Molzen Corbin for the Waterline Extension and Replacement pending the negotiation of a satisfactory contract
- D. Contracts and Agreements:
 - 1) Consider approval of Agreement between the City of Carlsbad and American Little League for League Services at the Bob Forrest Youth Sports Complex
 - 2) Consider approval of Agreement between the City of Carlsbad and Little Girls Softball League for League Services at the Bob Forrest Youth Sports Complex
 - 3) Consider approval of Agreement between the City of Carlsbad and National Little League for League Services at the Bob Forrest Youth Sports Complex
 - 4) Consider approval of Agreement between the City of Carlsbad and Shorthorn Little League for League Services at the Bob Forrest Youth Sports Complex
 - 5) Consider approval of Agreement between the City of Carlsbad and Becky Thompson for Concession Services at the Bob Forrest Youth Sports Complex

- 6) Consider approval of Agreement between the City of Carlsbad and EMSRx, LLC for the provision of Medical Director Services for the Carlsbad Fire and Police Departments
- 7) Consider approval of Agreement between the City of Carlsbad and the NM Department of Transportation, Aviation Division for the 3.125% of Grant CNM-16-04, for the Rehabilitation of Carlsbad Industrial Airport, Runway 8-26
- E. Monthly Reports:
 - 1) Arts and Culture Department Monthly Report, February, 2016
 - 2) Municipal Court Monthly Report, February, 2016
 - 3) Sports and Recreation Department Monthly Report, February 2016
 - 4) Utilities Department Monthly Report, February, 2016
- F. Board Appointments:
 - 1) San Jose Senior Recreation Center Advisory Board, Jackie Rayroux, 4-year term
- G. Set Date: April 26, 2016
 - 1) An Ordinance Rezoning Part of "I" Industrial District to "C-2" Commercial District for an approximately 0.5 acre property, located at 1314 S. Canal Street, Legally described as Tracts 27 & 28, NE ¼ of the SE ¼ of Section 7, Township 27 South, Range 27 East, pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I) Carlsbad Code of Ordinances

0:22:42 **Mayor Janway asked Mr. McCutcheon to give an overview of the Bob Forrest Youth Sports Complex contracts.**

Mr. McCutcheon said these are exactly the same contracts with the same terms and conditions that have been presented to Council in the past.

Councilor Doporto explained these agreements are huge for the kids, volunteers, and the parents. He said this is the fourth year to renew the contracts and the contracts have made a huge difference, with more focus on the youth and the greater good of the sports complex.

0:24:11 **Motion**

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

Councilor Doss asked for an explanation of Item C.2 Consider approval to Award RFP No. 2016-60, to Molzen Corbin for the Waterline Extension and Replacement pending the negotiation of a satisfactory contract. **Mr. McCutcheon** explained this item was previously approved by Council. He said it is a Double Eagle Waterline extension and Molzen Corbin was the successful bidder on the design.

0:24:56 **Vote**

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

0:25:19 **6. CONSIDER APPROVAL TO RENEW A BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN IN ACCORDANCE WITH CITY CODE OF ORDINANCES, CHAPTER 28, ARTICLE II, SEC. 41-48 AND ARTICLE V, SEC. 136-41**

Mr. McCutcheon explained this is an annual renewal of Courtesy Sporting and Pawns Business License. He said they have been a satisfactory vendor and have worked well with the City and with the requirements of the Ordinance.

0:25:56 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve the renewal of a Business License for Courtesy Sporting and Pawn in accordance with City Code of Ordinances, Chapter 28, Article II, Sec. 41-48 and Article V, Sec. 136-41

0:26:00 **Vote**

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

0:26:17 **7. CONSIDER APPROVAL OF BUSINESS LICENSE REQUEST BY THE HEIGHTS LIONS CLUB FOR A CARNIVAL AT 300 AND 301 DIAZ STREET (RAY ANAYA SAN JOSE PLAZA & PARK), PURSUANT TO CARLSBAD CODE OF ORDINANCES, CHAPTER 28, AND ARTICLE II**

Mr. Bill Derringer said this is the 24th year the Lions Club has had the carnival. He explained the carnival is an excellent fundraiser for the Lions Club. He explained all of the money raised goes back into the community. He said San Jose has been a really good location for the carnival and added last year was a record year with \$24,000 that went back into the community. He said there was a small issue with vehicles that used the parking during the day. He said the carnival operator asked if a sign could be placed in the parking area asking for no parking while the carnival is being set up and through June 5, 2016.

Councilor Doss asked what date is planned for the carnival. **Mr. Derringer** said the first week of June, it will be June 1 through June 5, 2016.

Ms. Riordan said it is her understanding that the parking is a WIPP transportation point and does not believe it will be a problem to reserve the parking lot. **Mr. McCutcheon** added that he, the Mayor, and Mr. Carlson have been working with WIPP on the miners' parking lot and hopefully that could be an alternate site. **Mr. Derringer** said the Lions Club will post a sign a week in advance to notify those using the lot with the dates the lot will be needed.

Chief Waller added everything went well last year and he has no concerns.

0:29:53 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Business License Request by the Height Lions Club, for a Carnival at 300 and 301 Diaz Street (Ray Anaya San Jose Plaza & Park), pursuant to Carlsbad Code of Ordinances, Chapter 28, and Article II

0:30:00 **Vote**

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

0:30:28 **8. CONSIDER APPEAL OF FLOODPLAIN MANAGER'S DENIAL OF A FLOODPLAIN DEVELOPMENT PERMIT AND REQUEST FOR A VARIANCE FROM THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE, SECTION 8-132(1), FOR PROPERTY LOCATED AT 204 W. RIVERSIDE DRIVE AND LOCATED IN FLOODPLAIN ZONE AE; OWNERS: RAY & HERMINIA PETERS**

Ms. Goad said the applicant is asking for a variance to build a home on Riverside Drive. She added the last appeal that Council passed was just slightly under the variance request for this evening.

Councilor Doss asked what level this property is at in relationship to the required level.

Ms. Goad explained the base flood elevation is 3115 feet above sea level and the applicant is requesting to come from a point on his lot that lies at 3112.9 and come up .79 feet which will put the property at 3113.69 feet and will give the property a variance of 2.81 feet. She said she has visited with the surveyor and Mr. Peters has had an elevation certificate completed.

Councilor Doss said he assumes there will be a fence along the back of the property and provide a barrier to the river. **Ms. Goad** said she believes there already is on the upstream side. **Mr. Peters** said there is a fence on the west side of the property. He said he would like to build about 2 1/2 feet lower then flood plain level. He said a lot of the houses in the area are 5 feet below level.

Councilor Doss thanked Mr. Peters for everything he has built around town and said he has done a really fine job. **Mr. Peters** thanked him and said he takes a lot of pride in his work.

0:33:51 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve appeal of Floodplain Manager's denial of a Floodplain Development Permit and request for a variance from the City's Flood Damage Prevention Ordinance, Section 8-132(I), for property located at 204 W. Riverside Drive and located in Floodplain Zone AE; Owners: Ray & Herminia Peters

0:34:04 **Vote**

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

0:34:18 **9. CONSIDER APPROVAL OF RESOLUTION NO. 2016-17, A RESOLUTION SUPPORTING THE SUBMITTAL OF A 2016 APPLICATION FOR MUNICIPAL ARTERIAL PROJECTS (MAP) GRANT FUNDING ADMINISTERED BY NM DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF SAN JOSE BOULEVARD**

0:34:38 **Mr. McCutcheon** explained that Item No. 9, 10, and 11 are Resolutions accepting grant funding by the Department of Transportation for projects. He added each of the items will be voted on separately. He said these grants are a result of Representative Browns work on behalf of the City in the 2015 session of the Legislature. He said each of these projects represent funds to the City of Carlsbad for building and maintaining the City's infrastructure.

0:35:29 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Carter to approve Resolution No. 2016-17, a Resolution supporting the submittal of a 2016 Application for Municipal Arterial Projects (MAP) Grant Funding Administered by NM Department of Transportation for the Reconstruction of San Jose Boulevard

0:35:34 **Vote**

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

0:35:52 **10. CONSIDER APPROVAL OF RESOLUTION NO. 2016-18, A RESOLUTION SUPPORTING THE PARTICIPATION IN THE 2015 CAPITAL OUTLAY PROGRAM ADMINISTERED BY NM DEPARTMENT OF FINANCE AUTHORITY FOR GRANT FUNDING FOR PLAN, DESIGN, AND CONSTRUCTION IMPROVEMENTS TO OLD CAVERN HIGHWAY**

0:36:12 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Anaya Flores to approve Resolution No. 2016-18, a Resolution supporting the participation in the 2015 Capital Outlay Program Administered by NM Department of Finance Authority for Grant Funding for plan, design, and construction improvements to Old Cavern Highway

0:36:17 **Vote**

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

0:36:27 **11. CONSIDER APPROVAL OF RESOLUTION NO. 2016-19, A RESOLUTION SUPPORTING THE PARTICIPATION IN THE 2015 CAPITAL OUTLAY PROGRAM ADMINISTERED BY NM DEPARTMENT OF FINANCE AUTHORITY FOR GRANT FUNDING FOR PLAN, DESIGN, AND CONSTRUCTION IMPROVEMENTS TO LIGON ROAD**

0:36:45 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Anaya Flores to approve Resolution No. 2016-19, a Resolution supporting the participation in the 2015 Capital Outlay Program Administered by NM Department of Finance Authority for Grant Funding for plan, design, and construction improvements to Ligon Road

0:36:52 **Vote**

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

0:37:14 **12. CONSIDER APPROVAL OF ORDINANCE NO. 2016-11, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.632 ACRE PROPERTY, LOCATED AT 814 N. CANAL STREET, LEGALLY DESCRIBED AS LOT 13, BLOCK 108, NORTH CARLSBAD SUBDIVISION, PURSUANT TO SECTION 3-21-1 ET. SEQ., NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES; APPLICANT: MICHAEL MCQUEEN**

0:38:00 **A. Public Hearing**

Mr. Patterson explained this property is directly north of Albertsons. He said the western half of the property is zoned "C-2" and the eastern half is zoned "R-2". He explained the applicant is asking that the eastern half be rezoned to "C-2". He added the change will not create a spot zone and said most of the zoning along Canal Street is "C-2" Commercial. He said the Planning Department and the Planning and Zoning Commission recommend approval for the request.

0:38:54 **Mayor Janway asked if anyone would like to speak regarding this issue. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:39:13 **B. Consider Ordinance No. 2016-11**

0:39:19 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to approve Ordinance No. 2016-11, an Ordinance rezoning part of "R-2" Residential District to "C-2" Commercial District for an approximately 0.632 acre property, located at 814 N. Canal Street, Legally described as Lot 13, Block 108, North Carlsbad

Subdivision, pursuant to Section 3-21-1 et.seq., NMSA 1978 and Sections 56-150(B) and 56-140 (I), Carlsbad Code of Ordinances; Applicant: Michael McQueen

0:39:23 **Vote**

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

0:39:37 **13. COUNCIL COMMITTEE REPORTS**

None to report.

0:39:57 **14. ADJOURN**

0:39:58 **Motion**

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

Councilor Doporto congratulated Councilor Nunley on her last bus ride.

0:40:19 **Vote**

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

0:40:42 **Adjourn**

There being no further business, the meeting was adjourned at 6:41 p.m.

/s/Dale Janway
Mayor

ATTEST:

/s/Annette Barrick
City Clerk