

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD AT THE MUNICIPAL ANNEX
ON MARCH 28, 2017 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada J. R. Doporto Jason Shirley Richard Doss	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Ward 4 Wesley A. Carter	Vacancy Councilor
Also Present:	Steve McCutcheon Stephanie Shumsky Eileen P. Riordan Annette Barrick Patsy Jackson-Christopher Luis Camero Steve Hendley Michael Hernandez LaVelta Jenkins Sandy Gonzales Richard Lopez Jeff Patterson Kent D. Waller Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Director of Arts & Culture Director of Engineering Services Director of Parks & Recreation Director of Utilities Assistant City Treasurer Budget Manager Fire Chief Planning Director Police Chief 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

0:00:28 **Mayor Janway introduced two outstanding Carlsbad High School students who are present tonight, Stormy Barnes and Brendan Boatwright.** Mayor Janway said Stormy was crowned Miss Carlsbad 2017, she has danced for 16 years and is a member of the CHS Dance Company, a member of BPA, and a member of AAUW. He added she is a dance instructor at Just Dance Studio and is an intern at Farm Bureau Insurance. He said as Miss Carlsbad, Stormy has founded her own organization, Project Ohana. He added Stormy looks forward to working with the

community and will attend NMSU-Carlsbad to earn a degree in Education. She will be competing for the Miss New Mexico pageant in June.

Mayor Janway said Brendan Boatwright was honored on March 20, 2017 as the Gatorade New Mexico's Boys Basketball Player of the year. He said Brendan is the first Gatorade player to be chosen from Carlsbad. He said the award not only recognizes outstanding athletic excellence, but also high standards of academic achievement and exemplary character. He said Brendan is now a candidate for the National Player of the Year Award. He said Brendan averaged 21.5 points, 11.1 rebounds, and 2.3 block shots per game, while shooting 62% from inside the arc. Brendan received All State First Team honors, he is an outdoorsman, and a member of the Welding Club, a mentor for kids with special needs, and is a youth basketball coach. He has maintained a 3.35 gpa and signed a national letter of intent to play basketball at Fort Lewis College in Colorado **Mayor Janway** asked for Council to join him to take a picture with our local celebrities.

0:04:54 **1. APPROVAL OF AGENDA**

0:04:57 **Motion**

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

0:05:01 **Vote**

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

0:05:12 **2. CONSIDER APPROVAL OF RES. NO. 2017-13, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS (3RD QUARTER) TO THE 2016-2017 FISCAL YEAR BUDGET**

Mrs. Gonzales reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget highlighting the General Fund, and the Disaster Preparedness Fund.

Councilor Doss said the \$125K adjustment for the Brine well is contingent upon the State and the County participation.

0:07:13 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2017-13, a Resolution making certain Budgetary Adjustments (3rd Quarter) to the 2016-2017 Fiscal Year Budget

0:07:19 **Vote**

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

0:07:33

3. CITY OF CARLSBAD FINANCIAL REPORT FOR FEBRUARY 2017

Ms. Jenkins reviewed the revenues and expenditures as of February 2017 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:08:53

4. ROUTINE AND REGULAR BUSINESS

- A. Minutes of the Regular City Council Meeting Held on March 14, 2017
- B. City Personnel Report
- C. Purchasing:
 - 1) Consider approval to Award Bid No. 2017-02, for the Walter Gerrells Performing Arts Center Repairs/Remodel Projects
 - 2) Consider approval to Advertise Invitation for Requests for Proposals for Oil and Gas Well Inspection Services
 - 3) Consider approval to Advertise Invitation for Requests for Proposals for Third Party Administration and Health Insurance Coverage Services
 - 4) Consider approval to Advertise Invitation for Requests for Proposals for the Cafeteria Plan Administrator
 - 5) Consider approval to Advertise Invitation for Proposals for Group Life, Dependent Life, Accidental Death & Dismemberment and Weekly Indemnity Insurance
- D. Monthly Reports:
 - 1) Arts and Culture Monthly Report, February 2017
 - 2) Sports and Recreation Monthly Report, February 2017
 - 3) Utilities Department Monthly Report, February 2017
- E. Set Date: April 11, 2017
 - 1) Consider an Ordinance placing a Moratorium on the acceptance, review and issuance of all Building and Subdivision Permits in the Area Known as the I & W Brine Well Main Cavern and Partial Salt Removal Areas

0:09:22

Mayor Janway asked Mr. McCutcheon to explain Item C.1 Consider approval to Award Bid No. 2017-02, for the Walter Gerrells Performing Arts Center Repairs/Remodel Projects; and Item E.1 Set Date: April 11, 2017 to Consider an Ordinance placing a Moratorium on the acceptance, review and issuance of all Building and Subdivision Permits in the area known as the I & W Brine Well Main Cavern and Partial Salt Removal Areas.

Mr. McCutcheon explained item C.1 is to award the bid for the Walter Gerrells Center repairs after the snow storm that occurred in 2015. He explained the insurance company has agreed to pay for the cost of the repairs. He said the Walter Gerrells Performing Arts Center will be repaired to code and as quickly as possible.

Mr. McCutcheon explained that item E.1 is to set the date for Council to consider an Ordinance to clarify the development potential of the area around the Brine Well. He said upon approval the discussion will be held on April 11, 2017.

0:11:40 **Motion**

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

0:11:46 **Vote**

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

0:12:06 **5. CONSIDER APPROVAL OF RENEWAL OF A BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN IN ACCORDANCE WITH CARLSBAD CODE OF ORDINANCES CHAPTER 28, ARTICLE II, SEC. 41-48 AND ARTICLE V, SEC. 136-141**

Mr. McCutcheon explained this is an annual requirement for renewal of Courtesy Sporting and Pawn's business license. He said Courtesy Sporting and Pawn has been very responsible as a pawn dealer and works well with the City. He said administration is requesting approval.

0:12:57 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Rodriguez to approve renewal of a Business License for Courtesy Sporting and Pawn in accordance with Carlsbad Code of Ordinances, Chapter 28, Article II, Sec. 41-48 and Article V, Sec. 136-141

0:13:03 **Vote**

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

0:13:14 **6. CONSIDER APPROVAL TO DESIGNATE THE EAST SIDE OF THE PECOS RIVER, IN PARTICULAR THE AREA ADJOINING THE PECOS RIVER VILLAGE CONFERENCE CENTER FOR THE FUTURE DEVELOPMENT OF THE POTASH PARK AND MUSEUM**

Ms. Patsy Jackson-Christopher explained the Mayor approached her several years ago and explained that many citizens are interested in the development of a potash museum to commemorate this industry that has had a significant impact on the development of Carlsbad. She said Willie Jung has been appointed to be chairman of the Potash Museum committee. **Mr. Jung** said he believes this project is significant for Carlsbad and tourism. He said the committee is planning to build Potash Park on the east side of the Pecos. He explained the park will show large mining equipment, a train, and a museum. He said the project will be built in three phases; first the park, second the train, and then the museum. He said the committee is requesting approval to use the area east of the Pecos for the Potash Park and Museum. **Mr. Jung** introduced Jazmine McCauley who works for Mosaic. **Ms. McCauley** said Mosaic is excited about the project and is looking forward to bringing forth a park that the community can use as an education tool and a great addition to the area.

Ms. Jackson-Christopher introduced Mr. Larry Mitchell who prepared the drawing and is helping with the project and Mr. Buzz Sexton who is also on the committee.

0:18:32 **Mayor Janway** said he feels this is a great project and appreciates all the work the committee has done. He thanked the committee for all of their hard work on the project.

0:18:54 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to approve to designate the east side of the Pecos River, in particular the area adjoining the Pecos River Village Conference Center for the future development of the Potash Park and Museum

0:18:59 **Vote**

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

0:19:13 **7. CONSIDER APPROVAL OF RESOLUTION NO. 2017-14, 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.

0:20:05 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Estrada to approve Resolution No. 2017-14, a Resolution declaring certain City Property unusable or obsolete

0:20:11 **Vote**

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

0:20:23 **8. CONSIDER APPROVAL OF RESOLUTION NO. 2017-15, A RESOLUTION FINDING THE BUILDING OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 2607 IOWA TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; OWNER: CLARA GURROLA GARIBALDI**

Ms. Riordan explained this property came before Council several years ago. She explained the family made repairs at that time and the Resolution was rescinded. She said in the meantime there has been a fire at the property that has caused severe damage. She said staff believes the property is beyond repair and is recommending

approval of the Resolution. She explained a letter was sent to the owner of the property. She said the owner has requested additional time to clean up the property.

Mayor Janway asked if a representative for the property is present, no one appeared.

0:23:25 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2017-15, a Resolution finding the building or structures at the property commonly known as 2607 Iowa to be ruined, damaged, and dilapidated and finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the buildings, structures, ruins, rubbish, wreckage, weeds, debris; Owner: Clara Gurrola

0:23:32 **Vote**

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

0:23:43 **9. CONSIDER APPROVAL OF RESOLUTION NO. 2017-16, A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 2223 SANDYRIDGE TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; OWNER: JARVIS JOHNSON**

Ms. Riordan explained this is a property at the corner of Sandyridge and Sixth Street. She said the property has suffered severe fire damage. She said there has been no contact with the owners of the property because staff has not been able to find the owner. She added the property is damaged beyond repair and staff is recommending approval of the Resolution.

0:26:15 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doss to approve Resolution No. 2017-16, a Resolution finding the buildings or structures at the property commonly known as 2223 Sandyridge to be ruined, damaged, and dilapidated and finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the buildings, structures, ruins, rubbish, wreckage, weeds, debris; Owner: Jarvis Johnson

0:26:22 **Vote**

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

0:26:31 **10. CONSIDER APPROVAL OF ORDINANCE NO. 2016-28, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL DISTRICT TO "C-1"**

COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.34 ACRE PROPERTY, LOCATED AT 502 N. SIXTH STREET, LEGALLY DESCRIBED AS THE SOUTH 100 FEET OF TRACT 66, IN THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION ONE, TOWNSHIP 22 SOUTH, RANGE 26 EAST, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 198 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES

0:27:31 **A. Remove from Table**

0:27:31 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to Remove from Table

0:27:38 **Vote**

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

0:27:48 **B. Public Hearing**

Mr. Patterson explained this property was previously before Council requesting a zone change from R-2 Residential to C-2 Commercial District. He explained the surrounding neighbors came before Council and complained of the constant noise and were not in favor of the zone change. He said as a result of the neighborhood complaints the applicant would like to request C-1 zoning and has stopped all mechanical vehicle repairs at the property. **Mr. Patterson** said the applicant would like to continue with the vehicle electrical repairs at the property.

Councilor Rodriguez asked if the zone change would create a spot zone. **Mr. Patterson** answered, yes.

Councilor Doss said once the zoning is changed, it could open the property up to any commercial venture. **Mr. Patterson** said anything allowed under C-1 zoning would be allowed. He explained C-1 zoning is more for professional offices and the types of businesses you would find within a neighborhood.

0:30:03 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Mike Huber said he is requesting the zone change to run his business out of the property. He said he no longer has his mechanic working there and is only doing electrical installations and troubleshooting. He said he has been making improvements to the property and will continue to improve the property.

Councilor Doss asked Mr. Huber if he owned the property. **Mr. Huber** said Brian Stevens is the owner of the property.

0:31:22 **Mayor Janway asked if anyone else would like to speak in favor of the Ordinance, no one appeared. Mayor asked if anyone would like to speak against the Ordinance.**

Mr. Eddy Hernandez said he lives across the street from the property and is against the Ordinance and would like to see the property remain residential.

Ms. Joyce Enriquez said she lives near the property and is against the zone change. She thanked Mr. Huber for quieting the noise but would like the property to remain residential.

0:35:01 **Mayor 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.**

0:35:11 **C. Consider Ordinance No. 2016-28**

Ms. Riordan explained an Ordinance must be passed by a majority of the body; therefore, five votes are required to adopt the Ordinance.

0:35:49 **Motion**

The motion was made by Councilor Shirley to approve Ordinance No. 2016-28, an Ordinance rezoning part of "R-2" Residential District to "C-1" Commercial District for an approximately 0.34 acre property, located at 502 N. Sixth Street, legally described as the South 100 feet of tract 66, in the North 1/2 of the Northwest 1/4 of Section One, Township 22 South, Range 26 East, pursuant to Section 3-21-1 et. Seq. NMSA 198 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:36:19 *Motion dies due to lack of a second*

0:36:32 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to deny Ordinance No. 2016-28, an Ordinance rezoning part of "R-2" Residential District to "C-1" Commercial District for an approximately 0.34 acre property, located at 502 N. Sixth Street, legally described as the South 100 feet of tract 66, in the North 1/2 of the Northwest 1/4 of Section One, Township 22 South, Range 26 East, pursuant to Section 3-21-1 et. Seq. NMSA 198 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:36:59 **Vote**

The vote was as follows: Yes - Doporto, Doss, Estrada, Rodriguez, Anaya Flores; No - Shirley; Absent- Carter; The motion carried.

0:37:23 **11. COUNCIL COMMITTEE REPORTS**

Councilor Doss said he and the Mayor attended the dedication of Bill Edmondson Field at the Bob Forrest Youth Sports Complex. He said it is a good feeling to see the amount

of participation and the work that has been completed on the complex. He thanked Councilor Doporto, Councilor Carter, and everyone who has served on the committee for all of their hard work and dedication to the Sports Complex.

Mr. Lowe added it was also opening day for softball and baseball and was followed by a Home Run Derby.

Mayor Janway asked Mr. Lowe for an update on the construction at the Complex. **Mr. Lowe** said at the championship softball field the curbs are in, backstop poles are hung; and the dirt work has begun for the turf installation. He said the dirt work should be complete by Wednesday and they will begin laying the synthetic turf. He said the project is going good and is on schedule and he does not anticipate any delays. **Mr. Lowe** added the RV parking is going well and the splash pad will be running in a few weeks.

0:41:59 **Mayor Janway introduced guest, Ms. Gemma Ferguson, the County Tax Assessor, and he thanked her for attending.**

0:42:22 **Mayor Janway asked if anyone present would like to address the Council.**

Mr. Phillip Davis said there is a problem in town. He said about two weeks ago his home and a vacant property down the street from him were burglarized. He said he lost over \$100,000 in merchandise. He said it took the police department about 1 hour to arrive. He said we need a stronger police force. **Mr. Davis** added that more street lights are also needed in the area of Francis and Eddy Streets. He said the area has been burglarized several times during the day and night.

Mayor Janway asked Mr. Cass to address the street light issue. **Mr. Cass** said the policy has been to light the intersections. He added to his knowledge this is the first request for another street light in the area. He said he drove around the area last night and agrees that a light is needed at the curve on Francis Street. He said the city needs to request another street light from Xcel.

Mayor Janway asked Chief Waller to address the police situation. **Chief Waller** said he is not familiar with the burglary in the area but he will look into it. He said if the burglary has been reported, the incident is being investigated. He said motion lights are a preventative measure that can be used. He said he will check into the investigation and report back to the Mayor and Mr. Davis on the progress.

Councilor Doss asked if the neighborhood watch and the wise eyes program are operating at this time. **Chief Waller** said yes, and if anyone in the community is interested they should call the police department and the department will help to set up the program in your neighborhood. **Councilor Doss** mentioned that the National Night Out was a great opportunity for officers to go out and talk to residents. **Chief Waller**

said the National Night Out was an exceptional program that was sponsored through the Drug coalition. He said some neighborhoods really participated but others did not. **Councilor Doss** said working with the Anti-Gang and Drug Coalition he will see if they can bring back the National Night Out.

Mr. McCutcheon added that budgets have been exceptionally tight. He said very recently the Mayor and the Budget Committee approved 3 new positions at the police department and staff is moving forward to fill the positions. He said the new positions should help improve the efficiency of the department.

0:56:15 **12. ADJOURN**

0:56:19 **Motion**

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

0:56:24 **Vote**

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

0:56:43 **Adjourn**

There being no further business, the meeting was adjourned at 6:56 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk