

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

Present:	Dale Janway	Mayor
	Paul C. Aguilar	Councilor
	Wesley Carter	Councilor
	Dick Doss	Councilor
	Richard Graves	Councilor
	Judi Waters	Councilor
	Fred Woody	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.

0:05:55 1. Approval of Agenda

0:05:59 Motion

The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve the Agenda of the Regular meeting of the Carlsbad City Council Meeting.

0:06:07 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:06:23 2. File Certificate of Election

Harry Burgess explained the City Clerk and Magistrate Judge Castaneda reviewed the reported numbers and the tabulations of the election for Mayor and City Council Members. Mr. Burgess recommended Council approve of the Filing the Election Certificate.

0:07:16 Motion

The motion was made by Councilman Carter and seconded by Councilman Graves to approve Filing the Election Certificate.

0:07:23 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:07:40 3. Routine and Regular Business

A. Minutes of Regular City Council meeting held February 23, 2010

B. City Personnel Report

C. Purchasing:

1) Consider award of Bid No. 2010-03 to Rush Truck Centers of NM, Inc. for the purchase of two (2) Peterbilt Model 320 Automated Refuse Collection Trucks equipped with 31 cy Kann Commercial Side Loader Compaction Bodies in the total amount of \$460,500

2) Consider rejection of Bid No. 2010-04 and instead purchase from State pricing Agreement two extended cab 4 X 4 short wheel trucks for the License and Permits Department in the total amount of \$32,854

D. Miscellaneous Requests:

1) Consider approval of request from the Cavern City Patriots for use of the Beach Bandshell and surrounding area for the purpose of holding a TEA Party Rally on Friday, March 19, 2010

E. City of Carlsbad Department Monthly Reports:

1) Monthly report for Personnel Department for February 2010

Councilor Dick Doss requested item 3.C.2. be pulled from the consent agenda and Councilor Nick Salcido requested discussion regarding item 3.D.1.

0:08:46 Motion

The motion was made by Councilman Graves and seconded by Councilman Salcido to approve the Routine and Regular Business items with the exception of 3.C.2. and 3.D.1.

0:08:55 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:09:41 Discussion regarding item 3.C.2., rejecting Bid No. 2010-04 and purchasing two 4 X 4 trucks for the Licensing Department.

Councilor Doss questioned the disparity in prices and the State Pricing Agreement. Mr. Burgess said with respect to the purchasing procedures, it has been common practice as requested by City Council to go out to bid for the items rather than purchasing off the State Contract. With that, local dealers have a shot at selling these

items to the City. He said we often see the State Pricing come in lower. The low bidder in this case also has the State pricing agreement, so we get a better price buying it off the State price than their bid. That is the reason the recommendation is to reject the bid and go with the State pricing agreement.

Councilor Doss asked for an explanation of the need for 4-wheel drive pickups. John Beasley said these vehicles are for Code Enforcement. The Code Enforcement Officers need 4-wheel drive vehicles because they are taken to vacant lots, undeveloped lots and areas where trash is often dumped. He said presently there are only two vehicles to be shared by four employees of the Code Enforcement and Building Inspectors office. Stephanie Shumsky clarified the vehicles are extended cab, 4-wheel drive, Ford Ranger trucks, not full-size pick ups.

0:14:14.0 Motion

The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve item 3.C.2.

0:14:19.0 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:14:36.0 Discussion regarding 3.D.1., A request from Cavern City Patriots for use of the Beach Bandshell and surrounding area for the purpose of holding a TEA Party Rally on Friday, March 19, 2010.

Robert Hutchens said he protests the use of the bandshell by the TEA Party. He said he disagrees with their purpose. Willard Flippin said he objects to not having the right to freely assemble and the right to freely speak. Eileen Riordan said under the State and Federal Constitutions, municipalities can not stop someone from using a public speaking area based on the content of that speech. She added whether you agree with the message or not, they are entitled to use the facility. It comes before Council not to address what will be said but instead to organize time, place and manner of the presentation to address any concerns we may have about over-lapping use and to address the use of sound amplification and times of day, no late night or after 10:00 p.m. use of sound amplifiers, and alcohol use. Tina Kincaid said the TEA Party Patriots are dedicated to informing and educating people on the current issues and things that face the community. She said the Rally is special; there will be candidates and special guests present. The Rally is family oriented with food vendors and live music. Kristin Pope said there are a lot of groups in Carlsbad that she does not agree with but she would not try to impede their right to free speech or use of a public facility if they were going through the proper channels.

0:20:48.0 Motion

The motion was made by Councilman Graves and seconded by Councilman Doss to approve 3.D.1., a request from the Cavern City Patriots for use of the Beach Banshell and surrounding area to host a TEA Party Rally on Friday, March 19, 2010.

Councilor Graves asked if the group would clean up after the Rally. Ms. Kincaid said the area would be left cleaner than it was found.

0:21:38.0 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:22:03 4. Consider approval Ordinance No. 2010-12, an Ordinance amending Ordinance No. 2009-18 regarding the City of Carlsbad Disabilities Advisory Board; increasing the number of members of the Board from nine to eleven
Mayor Janway stated the reason for the amendment to the Ordinance is due to the large interest in the committee.

0:22:29 Motion

The motion was made by Councilman Salcido and seconded by Councilman Woody to approve Ordinance No. 2010-12 amending Ordinance No. 2009-18; increasing the number of members of the Board from nine to eleven.

0:22:36 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:22:53 5. Consider approval of Resolution No. 2010-10, a change in the name of the Walter Gerrells Performing Arts and Exhibition Centre to the Walter Gerrells Performing Arts and Exhibition Center

Eileen Riordan explained to the Council that the name change was to change to the traditional spelling rather than the British spelling, simply one word, two letters. Councilor Waters asked what would be required at the facility. Ms. Riordan said very little in physical changes. Councilor Graves asked what would be the cost of the name change. John Beasley answered that it would only cost about \$50.00 for labor to exchange the placement of the r and the e letters on the outside of the building. The letters will be re-used to make the change.

0:23:18 Motion

The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve Resolution No. 2010-10, the name change of the Walter Gerrells Performing Arts and Exhibition Centre to the Walter Gerrells Performing Arts and Exhibition Center.

0:24:57 Vote

The vote was as follows: Yes-Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No-None; Absent - None. The motion carried.

0:25:16 6. Council Committee Reports

There were no reports.

Adjourn

There being no further business, the meeting was adjourned at 6:26 p.m.

 /S/ Bob Forrest
 Mayor

ATTEST:

 /S/ Amanda Asbury
 City Clerk