

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON APRIL 10, 2018 AT 6:00 P.M.**

Present: Dale Janway Mayor  
Lisa A. Anaya Flores Councilor  
Edward T. Rodriguez Councilor  
Leo B. Estrada Councilor  
Jason O. Chavez Councilor  
Jason Shirley Councilor  
Judith E. Waters Councilor  
Wesley A. Carter Councilor  
Mark C. Walterscheid Councilor

Absent:

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  
Scot Bendixsen HR Director  
Richard Lopez Fire Chief  
Jeff Patterson Planning Director  
Shane Skinner Police Chief  
Terry Mathis Public Works Deputy 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**

0:00:02 Invocation - Pledge of Allegiance

0:00:33 **Presentation of City of Carlsbad Employee Service Awards**

**Mayor Janway** honored former City Councilors Dick Doss, Wanda Durham, and J.R. Doporto for their service and dedication to the community and the citizens. **Mr. McCutcheon** added he worked very closely with each of these former Councilors and he said they were very committed to Carlsbad. He said he appreciates their support and wishes them the best.

**Mayor Janway** presented staff with longevity awards for years of service.

0:08:07      **1. APPROVAL OF AGENDA**

0:08:19      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Agenda

0:08:23      **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:08:52      **2. CONSIDER APPROVAL OF RESOLUTION NO 2018-26, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2017-2018 FISCAL YEAR BUDGET**

**Mrs. Gonzales** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Non-Promotional Fund, the Lodgers' Tax Promotional Fund, the Solid Waste Fund, the Airport Improvement Fund, the Water and Sewer Fund, and the CIEP Fund.

0:13:00      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2018-26, a Resolution making Certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget

0:13:04      **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:13:23      **3. CONSIDER APPROVAL OF THE INDEPENDENT AUDITOR'S REPORT FOR FISCAL YEAR 2016-2017 BY FARLEY VENER**

**Ms. Hammett** explained Mr. Vener, Hinkle and Landers, is present to provide a summary of the 2016 - 2017 Fiscal Year Audit. She explained Mr. Vener has been the cities auditor for the past two years. She reported the cities financial statements and audit reports were submitted timely to the State Auditor.

0:14:53      **Mr. Vener** presented the 2017 Audit Summary highlighting:

- Scope of Audit Procedures
- Auditor's Communication
- Summary of Results
- Findings

0:19:26        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve the Independent Auditor's Report for Fiscal Year 2016-2017 by Farley Vener

0:19:31        **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:19:53        **4.        ROUTINE AND REGULAR BUSINESS**

- A.     Minutes of the Regular City Council Meeting held on March 27, 2018
- B.     Minutes of the Special City Council Meeting held on March 29, 2018
- C.     City Personnel Report:
  - 1. Appoint: Michael A. Hernandez, City Administrator and approve waiver for residency outside city limits
- D.     Purchasing:
  - 1. Consider Approval to Advertise Invitation to Bid for Two Sided LED Sign for Walter Gerrells Performing Arts Center
  - 2. Consider Approval to Award RFP to WW Construction through a CES Contract for Improvements to the Lake Carlsbad Golf Course Pro Shop
- E.     Contracts and Agreements:
  - 1. 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
  - 2. Consider Approval of Renewal of Agreement between the City of Carlsbad and Air Methods for ground space at the Cavern City Air Terminal
  - 3. Consider Approval of Agreement between the City of Carlsbad and AMEC Foster Wheeler Environment & Infrastructure, Inc. for Inspection Services for Wells, Pipelines and Related Facilities
- F.     Monthly Reports:
  - 1. Municipal Court Monthly Report, March 2018
  - 2. Personnel Monthly Report, March 2018
- G.     Board Appointments:
  - 1. Southeastern New Mexico Economic Development Committee: Councilor Lisa Anaya Flores
  - 2. Walter Gerrells Performing Arts Center: Sam Smith, Remainder of 4 year term

0:20:01        **Mayor Janway announced this would be the last Council meeting for City Administrator Steve McCutcheon.**

**Mayor Janway** thanked Mr. McCutcheon for doing an excellent job over the past 5 years. He explained Steve began with the city in September 2012 as the Deputy City Administrator. He explained in June 2013 he became the City Administrator. He added that in addition to being the City Administrator Steve also runs a large ranch and stays busy. **Mayor Janway** said Mr. McCutcheon was excellent at management, personnel issues, budget, water negotiations, working with the public, and planning.

He added it is very rare to have someone with such talent that is able to work so well with personnel and elected officials. **Mayor Janway** explained while Mr. McCutcheon will no longer be City Administrator he will still be working with staff on important issues. He added the city is fortunate to continue to work with one of the most gifted Administrators in the Country.

**Mayor Janway** explained he would like to appoint Michael Hernandez as the City Administrator. He said Mr. Hernandez is universally respected for his excellent understanding of the government's role in serving the public. He explained Mr. Hernandez has done an excellent job as the Deputy Administrator and also running the city's Utility Department. He said Mr. Hernandez started with the city of Carlsbad 24 years ago as a BPA student. He said he is proud to recommend Mr. Hernandez as City Administrator.

0:23:16 **Mayor Janway asked Mr. McCutcheon to discuss Item C.1 Appoint: Michael A. Hernandez, City Administrator and approve waiver for residency outside of city limits; and Item E.3 Consider Approval of Agreement between the City of Carlsbad and AMEC Foster Wheeler Environment & Infrastructure, Inc. for Inspection Services for Wells Pipelines and Related Facilities; and E.1 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.** **Mr. McCutcheon** explained State Law does not require the City Administrator to live within the city limits, however, our city Ordinance does. He explained Mr. Hernandez, like himself and the City Administrator before him, lives outside the city limits. He said this item allows Mr. Hernandez a variance from the Ordinance to reside in the county.

0:24:18 **Mr. McCutcheon** explained Item E.1 is approval of Agreement between the city and EMSRx, LLC for Medical Director Services for Carlsbad Fire and Police. He explained this is a third renewal of a four year contract.

**Mr. McCutcheon** explained Item E.3 is to consider approval for an agreement with AMEC Foster Wheeler Environmental & Infrastructure, Inc. for Well Inspection Services. He added this is a renewal of a contract and AMEC is the successful bidder and are very competent.

0:25:42 **Motion**  
The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Routine and Regular Business

0:25:48 **Vote**  
The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:26:13      **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 (AS RECENTLY AMENDED BY ORDINANCE NO 2012-16) AND ARTICLE V, SEC. 136-141**

**Mr. McCutcheon** explained this is an annual requirement for Pawn Shops. He explained Courtesy Sporting and Pawn has always been in compliance and staff is recommending approval.

0:26:57      **Motion**

The motion was made by Councilor Carter 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 (as recently amended by Ordinance No. 2012-16) and Article V, Sec. 136-141

0:27:01      **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:27:18      **6. CONSIDER APPROVAL OF BUSINESS LICENSE REQUEST BY THE HEIGHTS LION CLUB FOR A CARNIVAL AT 300 AND 301 DIAZ STREET (RAY ANAYA/SAN JOSE PLAZA AND PARK)**

**Mr. McCutcheon** explained this carnival has been going on for several years. He said the Lions Club and the city have worked well together and staff is recommending approval.

**Mr. Francis** explained the Lions Club is asking for approval to use San Jose Plaza for the carnival. He said the carnival will run May 22nd through the 27th of May.

0:30:08      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Business License request by the Heights Lion Club for a Carnival at 200 and 301 Diaz Street (Ray Anaya/San Jose Plaza and Park)

0:30:15      **Councilor Estrada** asked if there will be security at the carnival.

**Mr. Francis** said the Lions Club hires a private security firm and added on Friday and Saturday nights there will be extra police presence.

0:30:53      **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:31:25        **7.        CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 2126 W TEXAS ST, CARLSBAD: APPLICANT: EDNA WASHBURN**

**Mr. Patterson** explained that this request is to allow temporary housing as a temporary use at 2126 W. Texas Street. He said the property is currently zoned C-2 and was previously a mobile home park. He explained the property does lack the acreage requirement but added the previous owners were given a variance to operate the mobile home park. He said the Planning and Zoning Commission and the Planning Department recommend approval.

0:33:26        **Councilor Anaya Flores** asked how much acreage is lacking to meet the requirement. **Mr. Patterson** responded .4 acres.

0:34:08        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 2126 W. Texas St., Carlsbad; Applicant: Edna Washburn

0:34:15        **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Carter, Estrada, Rodriguez, Shirley; No - Chavez; Absent- None; the motion carried.

**Councilor Shirley** asked that the Planning Department do another analysis of the temporary use permit requirements regarding the acreage. **Mayor Janway** asked Mr. Patterson if he could review and bring recommendations back to Council.

0:35:26        **8.        CONSIDER APPROVAL OF ORDINANCE NO 2018-07, AN ORDINANCE EXTENDING 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**

0:35:50        **A.        Public Hearing**

**Mr. McCutcheon** explained this Moratorium was passed a year ago. He said there was a study completed by AMEC Foster Wheeler, where they characterized the area of the cavern and an area around the cavern that could possibly collapse. He said in good intent the Moratorium was adopted as a notice that the city would not issue a building permit in that area. He added the Ordinance should be brought back every year for a renewal until the risk of the cavern is mitigated.

**Mr. Patterson** added that this Moratorium places a hold on the acceptance, review, and issuance of building permits in the area. He explained the Moratorium does not affect permits for demolition or repair of existing structures.

0:38:40 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.

0:38:55 B. Consider Ordinance No. 2018-07

0:39:05 Motion

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Ordinance No. 2018-07, an Ordinance extending 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

0:39:09 Vote

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:39:29 9. CONSIDER APPROVAL OF ORDINANCE NO 2018-08, 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: APPLICANT: VALARIE HERNANDEZ

0:40:14 A. Public Hearing

Mr. Patterson explained this request is to change zoning at 2602 San Jose Boulevard from C-2 Commercial Zoning to R-1 Residential Zoning. He explained there was a residence on the property that has been removed and the applicant would like to build a home on the property. He said this change would not create a spot zone and the Planning and Zoning Commission and the Planning Department recommend approval.

0:41:20 Mayor Janway asked if anyone would like to speak in favor of the Ordinance.

Ms. Goya Gonzales said she gave the property to her granddaughter who would like to build a home on the property.

0:42:05 Mayor Janway asked if anyone else 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.

0:42:17 B. Consider Ordinance No 2018-08

0:42:23        **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Rodriguez to approve Ordinance No. 2018-08, 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 Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances; Applicant: Valarie Hernandez

0:42:28        **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:42:51        **10.    CONSIDER APPROVAL OF RESOLUTION NO 2018-27, A RESOLUTION REQUIRING THE REMOVAL OF THE DEBRIS AT 508 & 510 S OLIVE STREET, OWNER: JERRY & BRENDA NORTHCUTT & KRISTI NORTHCUTT**

**Ms. Riordan** explained this is a residential lot in a residential neighborhood. She said this request is to remove the junk and debris on the property. She said this property consists of two lots and staff has worked with the owners with no progress.

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

0:47:14        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Resolution No. 2018-27, a Resolution Requiring the Removal of the Debris at 508 & 510 S. Olive Street, Owner: Jerry & Brenda Northcutt & Kristi Northcutt

0:47:20        **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:47:34        **11.    CONSIDER APPROVAL OF RESOLUTION NO 2018-28, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 412 S. CYPRESS OWNER: GEORGE ORTEGA AND JOSE AVINA**

**Ms. Riordan** explained this property has suffered a severe fire and has extensive interior damage. She said the cities Building Inspector, Code Enforcement Officer, and the Fire Marshall all recommend the building be removed.

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

0:49:45        **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Walterscheid to approve Resolution No. 2018-28, a Resolution Requiring the Removal of the Buildings and Debris at 412 S. Cypress Owner: George Ortega and Jose Avina



0:49:52        **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent- None; the motion carried.

0:51:57        **12.    COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** stated the Budget Committee will meet on April 16th and the Brine Well Committee will meet on April 18th at 3:00 p.m. **Councilor Rodriguez** added that the Blue Ribbon Committee is working diligently on a plan forward in order to make a solid recommendation to the city.

0:52:52        **Mayor Janway asked if anyone present would like to address the Council.**

**Mr. Wes Boatright** explained he has a public safety concern. He explained Carlsbad has a lot of transient people not homeless but temporary workers. He said he has experienced several situations with his daughters, coworkers and friends regarding stalking type experiences. He said the experiences have been with groups of men videotaping girls as young as 12 or 13. He said this is alarming to him as a citizen and as a father. He said one of his coworker's daughters was followed into the bathroom at Walmart. He said it is happening at public places and he is concerned about the security of the children in the community and women in general. He said he wants to make the Council aware and said he does not know what to do about the problem. He said he is not sure what is needed and suggested an awareness campaign, strategies, or billboards to promote awareness. He said the only thing he knew to do when he saw it happen was to make the men aware that he knew what they were doing. He said as a father and with the human trafficking epidemic in this country he feels this issue needs to be addressed.

**Councilor Anaya Flores** said the community needs to raise awareness to the problem and possibly within the schools to make students more alert and aware.

**Chief Skinner** thanked Mr. Boatright for coming forward with the issue. He said this is not a new issue to the department. He explained the department is trying to develop some internal strategies to defeat the problem. He explained awareness is a great point and with the growth in the community the department will try to be a part of the awareness process.

**Mayor Janway** asked Councilor Anaya Flores to meet with Mr. Boatwright and Chief Skinner and come back to Council with recommendations.

**Councilor Rodriguez** thanked Mr. Boatwright for standing up and bringing the issue forward.

0:59:33 **13. ADJOURN**

0:59:38 **Motion**

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

0:59:44 **Vote**

The vote was as follows: Yes - Waters, Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Shirley; No - Rodriguez; Absent- None; the motion carried.

0:49:29 there being no further business, the meeting was adjourned at 7:01 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT