

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON APRIL 12, 2016 AT 6:00 P.M.**

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

0:00:01 Invocation - Pledge of Allegiance

0:00:42 **Mayor Janway said it is his privilege to introduce the Mayor's Cultural Development Council.**

Mayor Janway said Council was created in an effort to draw the expertise, enthusiasm, and commitment of some of Carlsbad's most outstanding former citizens. He said the Cultural Development Council will work closely with the Carlsbad Creative Arts Council, the City Arts and Culture Department, the Cavern Theatre Committee, the Mainstreet Committee and any other organizations for the betterment of Carlsbad.

Mayor Janway announced the member of the Mayor's Cultural Development Council: Chairman Mr. John Andrews, Ms. Anna Jane Hays, Mr. Bill Brooks, Mr. Michael

Rosenberg, Mr. Dwight Pitcaithley, Mr. Sonny Throckmorton, and Mr. Jim Tucker. He added the Council consists of experts in a wide variety of fields who are from Carlsbad.

0:02:01 **Ms. Patsy Jackson-Christopher** said she would like to recognize a new nonprofit group called Creative Carlsbad. She said Creative Carlsbad is an Arts Council. She said when she moved here over 6 years ago it was very obvious that an Arts Council was needed. She explained Carlsbad applied for the Arts and Cultural District designation through the State. She said Carlsbad did not get the designation and the main criticism was that Carlsbad did not have an Arts Council. She said several local citizens began working very hard towards developing an Arts Council. She said the Arts Council has been developed and are now an official nonprofit group. She said an Arts Council is defined by the State as a community organization that supports cultural organizations, provides services to artists and arts organizations, and presents arts programming to the public. She said an Arts Council serves as an advocacy group for artists and there work, they participate in arts education activities, and cultural planning. She said Mr. Larry Mitchell is the President of the Arts Council. Mr. Mitchell said it is his pleasure to be present tonight. He introduced the Creative Carlsbad Arts Council Board members Dr. Lamante, Ms. Elaine Mead Murphy, Ms. Julia Heaton, Ms. Julie Chester, Ms. Karla Hamel, Mr. Ken Britt, Ms. Lawanda Scholl, Mr. Mike Cleary, Ms. Patsy Jackson-Christopher, and Wren Stroud. He said he looks forward to having the support and participation of Carlsbad.

Ms. Jackson-Christopher said another group to work with the Council is referred to as FAAV, it is the Fine Arts Acquisition and Vetting Committee. She explained this committee designed the Halagueno Arts Park and vett the City art. She said the FAAV committee is chaired by Ms. Julia Heaton. **Ms. Heaton** introduced the FAV Committee members: Ms. Carla Dunagan, Mr. Wren Stroud, Ms. Karla Hamel, Ms. Jackson-Christopher, Ms. Gerri Mattson, Mr. Dave Morgan, Ms. Cassandra Arnold, Mr. Larry Mitchell, Ms. Linda Pruit, Ms. Judy Murray, and Ms. Mary Garwood.

Ms. Jackson-Christopher said in the fall, Carlsbad hosted the State Museum Conference and invited several guest speakers. She said there are many talented people that grew up in Carlsbad and left Carlsbad to do stellar things with their careers. She explained Dr. Andrews asked that this group form a committee so these individuals could come and give back to Carlsbad and help to expand the cultural amenities.

Dr. Andrews said the primary motivation of the Council is to have an excuse to come back to Carlsbad. He said the Council loved growing up in Carlsbad and love the City.

0:11:08 **Mayor Janway also introduced Mr. Jerry Helmans, a sculptor in Carlsbad.**

0:11:26 **Ms. Jackson-Christopher** said she is delighted to have the new Council along with the other Arts committees.

0:11:43 **Councilor Nunley** introduced students in attendance that belong to the Mayors Student Advisory Council: Roman Moya, Alex Garcia, Ethan Johnson, Garrett Carrasco, Sierra Kostedt, Sara Bernal, and Kiera Morton.

0:13:00 **Mayor Janway read a letter from Councilor Doss who is on business in Washington, DC.** The letter read as Mayor pro tem and a lifelong resident of Carlsbad, I enthusiastically support the Mayors Cultural Development Council to be chaired by an old friend and school mate Dr. John Andrews. He added these individual are outstanding and love their hometown of Carlsbad.

0:15:09 **Mayor Janway announced that Councilor Anaya Flores is joining by phone.**

0:15:13 **1. APPROVAL OF AGENDA**

0:15:15 **Motion**

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

0:15:18 **Vote**

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

0:15:42 **2. PRESENTATION OF THE FEBRUARY 2016 FINANCIAL REPORT**

Ms. Jenkins reviewed the revenues and expenditures as of January 29, 2016 for the General Fund and selected Enterprise and Special Funds contained within the City Budget

0:17:10 **3. PRESENTATION OF THE ACEC AWARD FOR THE DOUBLE EAGLE WATERLINE PROJECT, PHASE I AND PHASE II BY MOLZEN-CORBIN & ASSOCIATES**

Mr. McCutcheon said this is a prestigious award that was given for Phase I and Phase II to Molzen-Corbin & Associates. He said the dream team from Molzen-Corbin is present to give a presentation of the project. Mr. Bob Robedo congratulated the City and said this is a very important project to Carlsbad. He introduced Mr. Angel Campos, the project manager for Phase I and Phase II. He said Mr. Campos was a part of the project from beginning to end. He also introduced Mr. Jerry Paz who represents the Las Cruces office and he and his staff did all the work related to permitting. He said Molzen-Corbin is very proud to be the engineers for Carlsbad on the project. He said this is a very prestigious award from the American Consulting Engineers Council and Molzen-Corbin is proud to have participated.

0:19:21 **Mr. Jerry Paz** said when the project was inherited there was a previous national consulting firm that had started the project. He explained the project had grown and ballooned and become out of control and 25 to 30 million dollars over budget. He said as Molzen-Corbin looked at the pieces it was a puzzle that needed to be solved. His presentation reviewed the following:

- Re-Design of Project
- Re-Align Project
- Regulatory & Agency Management
- Construction
- Solving the Puzzle

0:25:38 **Mr. McCutcheon** explained that Mr. Campos and Mr. Paz worked tirelessly on the project. He said they dealt with many issues and did a great job. He added Mr. Mike Hernandez and Mr. Luis Camero also worked many hours on the project. He said they along with Molzen-Corbin worked really hard on the project and most importantly there were no leaks.

0:26:30 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 22, 2016
- B. City Personnel Report
- C. Purchasing:
 - 1) Consider approval to Advertise Invitation for Requests for Proposals for Concession Services for Port Jefferson located at the Carlsbad Beach Area
 - 2) Consider approval to Award RFP No 2016-07, in the amount of \$47,396, to Dossier Systems, Inc., for Fleet Maintenance Software for Public Works and the PFA Garage
- D. Contracts and Agreements:
 - 1) Consider approval of a Lease Agreement between the City of Carlsbad and John Deere, Inc. for one (1) John Deere 4 X 2 Gator Utility Vehicle for the City Parks Department
 - 2) Consider approval of Memorandum of Understanding between the City of Carlsbad and Homeland Security Investigations, SAC El Paso
 - 3) Consider approval of First Renewal of Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for Promotion and Operation of the Walter Gerrells Performing Arts and Exhibition Center
 - 4) Consider approval of Amendment of Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for the Walter Gerrells Performing Arts and Exhibitions Center Suspending Services
 - 5) Consider approval of Third Extension of Agreement between the City of Carlsbad and CARC, Inc., Rainbow Recycling Center for Recycling Services
- E. Monthly Reports:
 - 1) Municipal Court Monthly Department Report, February 2016
 - 2) Personnel Department Monthly Department Report, March 2016

3) Planning, Engineering, Regulations Department Monthly Report for March, 2016

F. Set Date: May 24, 2016

1) An Ordinance Annexing a Portion of Land Containing 0.47 Acres More or Less, Contiguous to the City of Carlsbad, New Mexico, located North of East Wood Avenue, legally described as Lot 1, Block 6, Riverside Farms Amended, Block 6, Riverside Farms Amended, Block 6, Pursuant to the Petition Method provided for in Section 3-7-1 Et. Seq., NMSA 1978

2) An Ordinance Establishing "R-R" Rural Residential District in Conjunction with the Annexation of an approximately 0.47 Acre Property, Located at 510 East Wood Avenue, legally described as Lot 1, Block 6, Riverside Farms Amended Block 6, Pursuant to Section 3-21-1 Et. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

3) An Ordinance Rezoning Part of "R-1" Residential District to "C-2" Commercial District for an approximately 2.36 Acre Property, located to the East of San Jose Boulevard, legally described as Lots 5-21, Block 1, Southridge Subdivision, and Lots 12-22, Block 2, Southridge Subdivision, Pursuant to Section 3-21-1 Et. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

4) An Ordinance Authorizing the Lease of the property commonly known as 402 South Alameda Street, Carlsbad, NM, to the Carlsbad Community Kitchen, Inc. for the provisions of its Nutritional Program Services

0:26:53 **Mayor Janway asked Mr. McCutcheon to discuss item D.3 Consider approval of First Renewal of Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for Promotion and Operation of the Walter Gerrells Performing Arts and Exhibition Center; and Item D.4 Consider approval of Amendment of Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for the Walter Gerrells Performing ARTs and Exhibitions Center Suspending Services.**

Mr. McCutcheon explained these items are regarding the Walter Gerrells Civic Center. He said the snow storm damaged the Center. He said Item D.3 is an extension of the contract to manage the center and Item D.4 is an agreement to amend the agreement and put the agreement on hold for 90 days while the Center is being repaired. He said the City couldn't pay someone to run the Center while it is closed. He explained Mr. McKinney was very cooperative in working with the City. He said the annex should be ready for use in 90 days and the City will not pay full price for the operation until all repairs are complete. He explained when all repairs are complete the contract will resume.

Councilor Shirley asked if the 90 days would be added to the end of the contract. Mr. McCutcheon answered yes.

0:28:43 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve Routine and Regular Business

0:28:49 **Vote**

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

0:29:09 **5. CONSIDER APPROVAL OF REQUEST FROM THERESA GARCIA, FOR A RESTAURANT BEER AND WINE LICENSE APPLICATION NO. 978770 FOR LITTLE ITALY CAFÉ, LLC, LOCATED AT 1000 S. CANYON STREET, CARLSBAD, NM**

Mr. McCutcheon explained the City has held the proper hearings for this Liquor License and all the proper procedure notices have been completed. He explained there was no opposition at the hearing.

0:29:53 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve request from Theresa Garcia, for a Restaurant Beer and Wine License Application No. 978770 for Little Italy Cafe, LLC, located at 1000 S. Canyon Street, Carlsbad, NM

0:29:57 **Vote**

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

0:30:13 **6. CONSIDER APPROVAL OF RESOLUTION NO 2016-20, A RESOLUTION AMENDING RESOLUTION NO 2014-23, WHICH APPROVED THE REQUEST BY CVS PHARMACY, INC. FOR A WAIVER OF THE MINIMUM DISTANCE REQUIREMENTS BETWEEN A SCHOOL AND A PROPOSED LIQUOR LICENSE AND A CHURCH AND THE PROPOSED LIQUOR LICENSE FOR THE PROPERTY IN THE 300 BLOCK OF WEST CHURCH STREET ON THE NORTH SIDE OF THE STREET**

Mr. McCutcheon explained that Ms. Riordan and Ms. Barrick have been working with the State to extend the time limit for this liquor license due to the slowdown in construction. He said this Resolution with Councils approval will extend the time limit for the business to open and begin to sell liquor. He said staff has complied with all statutory requirements to extend this license and the final requirement is a vote by the Council.

0:31:23 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2016-20, a Resolution amending Resolution No. 2014-23, which approved the request by CVS Pharmacy, Inc. for a waiver for the Minimum Distance Requirements between a School and a Proposed Liquor License and a Church and the

Proposed Liquor License for the Property in the 300 Block of West Church Street on the North side of the Street

0:31:31 **Vote**

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

0:31:45 **7. CONSIDER APPROVAL OF RESOLUTION NO 2016-21, 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.

0:32:26 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Shirley to approve Resolution No. 2016-21, a Resolution declaring certain City Property unusable or obsolete

0:32:31 **Vote**

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

0:32:46 **8. COUNCIL COMMITTEE REPORTS**

Mayor Janway invited everyone present to a reception at the Pecos River Village in honor of the Cultural Development Council. He added the reception will be immediately following the Council meeting.

0:33:23 **9. ADJOURN**

0:33:23 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Rodriguez to Adjourn

0:33:28 **Vote**

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

0:33:51 **Adjourn**

There being no further business, the meeting was adjourned at 6:38 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk