

**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 24, 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
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
Absent:	Judith E. Waters	Councilor
Also Present:	Michael Hernandez	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
	Richard Lopez	Fire Chief
	Sam Plumlee	IT Director
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	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

0:00:36      **Mayor Janway** said the Mural Art Project in the Pavilion restrooms on Pavilion Lane has been completed. He thanked Keep Carlsbad Beautiful, the Carlsbad Intermediate School Eclectic Group, the Carlsbad High School Arts Society, and Creative Carlsbad for the Project. He explained the concept for the mural was created by CHS senior Kelci Bryant who worked with her fellow students to paint the mural. He explained the design and said the project has been a great way to encourage the talent in these students. He said projects like this have a track record of lowering local crime and vandalism.

**Mayor Janway** honored the 14 students and 2 instructors for the many hours they put into the project and wished them much success for the future.

**Mary Garwood** with the Keep Carlsbad Beautiful Program explained the Program was created to find ways to improve recycling, end littering, and beautify our community. She said this mural project fits perfect with beautifying our community and these students deserve this appreciation and so much more. She added this was the trial project and the group is looking forward to doing many more projects in the community.

0:10:41      **1. APPROVAL OF AGENDA**

**Mayor Janway** explained he would like to pull Item No. 5 Consider Approval to Award RFP 2018-07 to Carter's Air Conditioning, LLC for On-Call HVAC Services for City Facilities, until the next Council meeting on May 8, 2018.

0:10:49      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve the Agenda with amendments

0:10:57      **Vote**

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

0:11:19      **2. CONSIDER APPROVAL OF RESOLUTION NO 2018-29, 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 Capital Outlay GRT Fund, and the Water & Sewer Fund.

0:13:13      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve of Resolution No. 2018-29, a Resolution making Certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget

0:13:26      **Vote**

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

0:13:43      **3. CITY OF CARLSBAD FINANCIAL STATEMENTS - MARCH 2018**

**Ms. Hammett** reviewed the revenues and expenditures for FY 2018 ending in March 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:14:38

**4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 10, 2018
- B. City Personnel Report
- C. Purchasing:
  - 1. Consider Approval to Award RFP 2018-06 to Highway Supply for Cavern City Air Terminal Airport Markings
  - 2. Consider Approval to Award Bid 2018-08 to Charles Jurva for Tennis Professional Services for Rio Pecos Tennis Courts at the City Tennis Complex
- D. Contracts and Agreements:
  - 1. Consider Approval of Renewal Agreement between the City of Carlsbad and J. Wayne Bevers, d.b.a. Chaparral Claims & Investigations, LLC, for Claims Administration and Adjustment Services
  - 2. Consider Approval of Agreement between the City of Carlsbad and Austin Turf & Tractor for Lease of a John Deere Z930M Commercial ZTrak Mower for the Facility Maintenance Department
- E. Monthly Reports:
  - 1. Community Development Department, March 2018
  - 2. Department of Utilities, March 2018
- F. Set Date: June 12, 2018
  - 1. Consider Approval of an Ordinance Rezoning Part of "R-1" Residential District to "R2" Residential 2 District for an approximately 8.36 Acre Property, Located at 111 East Farris Street, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56- 150(B) and Sections 56-140(I), Carlsbad Code of Ordinances
  - 2. Consider Approval of an Ordinance Rezoning Part of "R-R" Rural Residential District to "R-1" Residential District for an Approximately 30.95 Acre Property located to the East of Old Cavern Highway and South of Warachie Lane, Legally described as Martin Farms Subdivision Unit 2, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
- G. Board Appointments:
  - 1. Parks and Recreation Advisory Board: Kelley Reid, remainder of 4 year term
  - 2. Carlsbad Cemetery Board: Cecilia Castañeda, remainder of 2 year term

0:15:00

**Mayor Janway asked Mr. Hernandez to discuss item C.2 Consider Approval to Award Bid 2018-08 to Charles Jurva for Tennis Professional Services for Rio Pecos Tennis Courts at the City Tennis Complex**

**Mr. Hernandez** explained that the city solicited proposals for a Tennis Professional. He explained one bid was received from Mr. Charles Jurva. He added the contract is for 4 years with yearly renewals.

0:15:41

**Motion**

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

0:15:47 **Vote**

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

0:16:04 **6. CONSIDER APPROVAL OF TRANSFER OF OWNERSHIP OF LIQUOR LICENSES FROM BREWER OIL, CO. FOR PROPOSED LOCATIONS: 3628 NATIONAL PARKS HWY, 3024 NATIONAL PARKS HWY, 713 N CANAL, 1401 N CANAL, 1725 S CANAL, 1311 W PIERCE, CARLSBAD, NM; BREWER OIL MANAGER: TOM HENNESSY**

0:16:38 **A. Public Hearing**

**Mr. Hernandez** explained on April 16, 2018 a public hearing was held regarding transfer of ownership of the Brewer Oil, Company liquor licenses. He said Mr. Hennessy was present in support of the transfer and no one appeared to speak against the transfer. **Mr. Hernandez** explained this is a transfer in stock of ownership at the 6 existing locations. He said the owners remain the same, only the stock percentages have changed.

0:17:17 **Mayor Janway asked if anyone present would like to speak in favor of the Ordinance.**

**Ms. Erica Phillips**, Brewer Oil Area Supervisor, added she is in favor of the Ordinance and said it is just a change in shares.

0:18:03 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session.**

0:18:10 **B. Consider Approval**

0:18:14 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Transfer of Ownership of Liquor Licenses from Brewer Oil, Co., for Proposed Locations: 2628 National Parks Hwy, 3024 National Parks Hwy, 713 N. Canal, 1401 N. Canal, 1725 S. Canal, 1311 W. Pierce, Carlsbad, NM; Brewer Oiler Manager: Tom Hennessy

0:18:28 **Vote**

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

0:18:44 **7. CONSIDER APPROVAL OF ORDINANCE NO 2018-09, AN ORDINANCE REPEALING CHAPTER 42 OF THE CARLSBAD CODE OF ORDINANCES, TITLED "SIGNS", AND REPLACING WITH THE NEW CHAPTER 42, "SIGNS"**

0:19:04      **A.      Public Hearing**

**Mr. Hernandez** explained that in January Council passed Resolution 2018-02 placing a 60 day Moratorium on permitting and installation of new off premises signs. He said the Moratorium was created due to the city receiving concerns from citizens regarding the signs. He explained the Planning Department has prepared and updated a revised ordinance for review by Council. He added if approved this Ordinance will repeal and replace the current Chapter 42 code titled "Signs".

0:19:52      **Mayor Janway asked if anyone would like to speak regarding the Ordinance, no one appeared.**

0:20:15      **Mr. Patterson** explained the item presented tonight would be a total repeal and replacement of the existing sign ordinance. He said this ordinance will regulate all signs within the city, not only the off premises signs. He said the Planning Department revised the entire ordinance because a court case decided by the Supreme Court of the United States struck down a lot of the city's ability to regulate signage. He explained this is the cities first attempt to comply with the Supreme Court's decision.

**Councilor Shirley** asked if the city had any input from sign contractors to help craft the ordinance. **Mr. Patterson** explained that staff has not reached out to private industry. He added he felt it was prudent to have staff and Council review before reaching out to outside sources.

0:22:59      **B.      Consider Approval of Ordinance No 2018-09**

0:23:06      **Motion to Table**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to Table Item No. 7 Consider Approval of Ordinance No. 2018-09, an Ordinance repealing Chapter 42 of the Carlsbad Code of Ordinances, titled "SIGNS", and replacing with the new Chapter 42, "SIGNS" until May 22, 2018

**Councilor Shirley** asked Ms. Riordan if there is a forum where the Councilors can review each other's questions without violating the Open Meetings Act. He added not to have conversations, just to be able to see the questions asked and the answers so staff is not bombarded with the same questions. **Ms. Riordan** said there could be a single site where questions and answers could be posted. She added under the Open Meeting Act we would prohibit conversations between Council members about the ordinance. She added if a working session is needed it would need to be posted as a meeting and open to the public.

0:25:26      **Vote**

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

0:25:41 **8. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** explained the Blue Ribbon Committee met yesterday and said the areas of interest are varied and many. He said the Committee is working to provide solid numbers on the level and amount of housing needed, the proper sizes and price ranges needed to ensure that all housing needs are met. He said the Committee meeting was very productive and well attended.

**Mayor Janway** commended Mr. Patterson for a great job on his presentation to the Committee.

**Councilor Shirley** explained that he and Councilor Chavez attended the Energy Communities Alliance Meeting in Washington. He said the meeting was very productive and the proposed WIPP budget is very good for the next cycle.

0:27:44 **9. ADJOURN**

0:27:50 **Motion**

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

0:27:57 **Vote**

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

0:28:14 There being no further business, the meeting was adjourned at 6:28 p.m.

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Mayor

ATTEST:

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City Clerk