

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON APRIL 25, 2017 AT 6:00 P.M.**

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

0:00:28      **Mayor Janway announced that Stephanie Shumsky, the Deputy City Administrator has accepted a position with Bernalillo County in Albuquerque and this Friday will be her last day with the City of Carlsbad.**

**Mayor Janway** said Stephanie has done a great job for the city as the City Planner and as the Deputy City Administrator. He said she played a very important role during this important time of growth and was well respected by everyone she worked with. He

said he wishes her the very best and knows she will do an excellent job wherever she goes.

**Mr. McCutcheon** said he speaks for not only himself but for other members of staff when he says that Stephanie is very capable and committed to the City and her career and has been a pleasure to work with. He added she will be greatly missed and he wishes her the very best.

**Mayor Janway** complimented the Solid Waste Department for the great job they have been doing. He explained he has received many calls complimenting the Solid Waste Department and thanked them.

**Councilor Doss** added that he has watched the staff run the grappler truck and if they are not able to claw the debris they get out and sweep up the debris.

0:04:41        **1. STATEMENT REGARDING CLOSED SESSION HELD ON APRIL 11, 2017, PURSUANT TO SECTION 10-15-1H (2), NMSA 1978, LIMITED PERSONNEL MATTERS**

**Mayor Janway** read the statement: Pursuant to the requirements of the Open Meetings Act, the closed session held on April 11, 2017, was to discuss matters pursuant to the provision of NMSA 1978, Section 10-15-1 H (2), as amended, to discuss Limited Personnel Matters

0:05:22        **2. APPROVAL OF AGENDA**

0:05:24        **Motion**

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

0:05:29        **Vote**

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

0:05:40        **3. MARCH FINANCIAL REPORT**

**Ms. Jenkins** reviewed the revenues and expenditures as of March 31, 2017 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:07:04        **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting Held on April 5, 2017
- B. Minutes of the Regular City Council Meeting Held on April 11, 2017
- C. City Personnel Report
- D. Monthly Reports:
  - 1) Arts and Culture Monthly Report, March 2017

- 2) Sports and Recreation Department Monthly Report, March 2017
- 3) Utilities Department Monthly Report, March 2017

0:07:40        **Motion**

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

0:07:48        **Vote**

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

0:08:01        **5. CONSIDER APPROVAL OF REQUEST FOR A BUSINESS LICENSE FROM SMART HOME PROS, INC. (VIVINT, INC.) TO CONDUCT DOOR-TO-DOOR SALES, SERVICE AND INSTALLATION OF SECURITY SYSTEMS**

**Mr. Patterson** explained the applicant is requesting a business license to conduct door to door sales along with service and installation of security systems by Smart Home Pros Inc. owned by Vivint. He said the Planning Department is recommending approval with the consideration that the background check from the police department is positive.

**Chief Waller** explained that Captain Flores conducted the background investigation and the recommendation from the Police Department is for approval. He said the Better Business Bureau had two complaints but they were unfounded and the company currently has an A rating.

**Mr. Jacob McMillan** said he is the manager for Smart Home Pros Inc. and would be happy to answer any questions.

0:10:59        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Shirley to approve Request for a Business License from Smart Home Pros, Inc. (Vivint, Inc.) to conduct door-to-door sales, service and installation of security systems

0:11:07        **Vote**

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

0:11:17        **6. CONSIDER APPROVAL OF APPEAL OF FLOODPLAIN MANAGER'S DENIAL OF A FLOODPLAIN DEVELOPMENT PERMIT AND REQUEST FOR A VARIANCE FROM THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE, SECTION 8-132(1), FOR PROPERTY LOCATED AT 502 W. RIVERSIDE DRIVE LOCATED IN FLOODPLAIN ZONE AE, OWNER: MARVIN & CAROLE ALBRIGHT**

**Ms. Georgia Goad** explained the applicant is requesting a floodplain variance of 4.8 feet. She said the applicant plans to remove the existing home and rebuild on the same lot. She explained the base flood elevation recommended by FEMA is 3117.8 feet and the applicant is asking for a variance of 4.8 feet. She explained this would place the new structure almost exactly where the existing home is now. **Ms. Goad** said she recommends approval of the appeal.

0:13:12        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve the Appeal of Floodplain Manager's Denial of a Floodplain Development Permit and Request for a Variance from the City's Flood Damage Prevention Ordinance, Section 8-132(1), for property located at 502 W. Riverside Drive located in Floodplain Zone AE, Owner: Marvin & Carole Albright

0:13:18        **Vote**

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

0:13:29        **7. CONSIDER APPROVAL OF AN APPLICATION FOR INFRASTRUCTURE REIMBURSEMENT FOR HACKBERRY VIEW ESTATES SUBDIVISION, APPLICANT: REYNALDO DOPORTO**

**Mr. Patterson** explained the applicant is requesting an Infrastructure Reimbursement for Hackberry View Estates Subdivision. He explained the items requested are eligible for reimbursement in the amount of \$1,036.30.

**Mr. McCutcheon** added this property is Councilor Doporto's property. He said Councilor Doporto has complied with the rules to obtain the Infrastructure Reimbursement.

0:14:44        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the application for Infrastructure Reimbursement for Hackberry View Estates Subdivision, Applicant: Reynaldo Doporto

0:14:49        **Vote**

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

0:15:00        **8. CONSIDER APPROVAL OF ORDINANCE NO. 2017-08, AN ORDINANCE REZONING PART OF "I" INDUSTRIAL DISTRICT TO "R-1" RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.82 ACRE PROPERTY, LOCATED AT 2502 SOUTH CANAL STREET, LEGALLY DESCRIBED AS TRACT B, POPE REPLAT NO.1, PURSUANT TO SECTION 3-21-1 ET. SEQ., NMSA 1978**

**AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES,  
APPLICANT: THEODORE POPE**

0:15:45      **A.      Public Hearing**

**Mr. Patterson** explained this request is to apply R-1 Residential Zoning to Tract B of the property Pope Replat No. 1. He said there is currently a house on the property and the owner plans to keep the property residential and the rezoning would not create a spot zone. He explained the Planning & Zoning Commission and the Planning Department recommend approval.

**Councilor Doss** asked what the plans for the property are to be. **Mr. Patterson** said the applicant plans to keep the property residential.

0:17:45      **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.**

0:18:05      **B.      Consider Ordinance No. 2017-08**

0:18:10      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2017-08, an Ordinance Rezoning part of "I" Industrial District to "R-1" Residential District for an approximately 0.82 acre property, located at 2502 South Canal Street, legally described as Tract B, Pope Replat No. 1, Pursuant to Section 3-21-1 et. seq., NMSA 1978 and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant: Theodore Pope

0:18:14      **Vote**

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

0:18:23      **9.      CONSIDER APPROVAL OF ORDINANCE NO. 2017-09, AN  
ORDINANCE REZONING PART OF "I" INDUSTRIAL DISTRICT TO "C-2"  
COMMERCIAL DISTRICT FOR AN APPROXIMATELY 5.44 ACRE PROPERTY,  
LOCATED AT 2502-2 SOUTH CANAL STREET, LEGALLY DESCRIBED AS TRACT  
A, POPE REPLAT NO. 1, PURSUANT TO SECTION 3-21-1 ET. SEQ., NMSA 1978  
AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES,  
APPLICANT: THEODORE POPE**

0:19:10      **A.      Public Hearing**

**Mr. Patterson** explained this Item is a request to change the zoning of Tract A of Pope Replat from "I" Industrial to "C-2" Commercial. He explained the applicant currently has a business to the north of the property and would like to move part of his business to Tract A. He said the request would create a spot zone; however, most of the activity

in the area is commercial in nature. He said the Planning and Zoning Commission and the Planning Department recommend approval.

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

**Mr. Theodore Pope**, the applicant, said technically this request will create a spot zone but it is far less intrusive than the current Industrial zoning for the area.

0:21:06        **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.**

0:21:19        **B.        Consider Ordinance No. 2017-09**

0:21:24        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Ordinance No. 2017-09, an Ordinance Rezoning part of "I" Industrial District to "C-2" Commercial District for an approximately 5.44 acre property, located at 2502-2 South Canal Street, legally described as Tract A, Pope Replat No. 1, Pursuant to Section 3-21-1 et. seq., NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant: Theodore Pope

0:21:35        **Vote**

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

0:21:44        **10.        COUNCIL COMMITTEE REPORTS**

**Mr. Robert Defer**, Executive Director of Chamber of Commerce, said there will be ribbon cutting for the Guadalupe Ridge Trail (GRT) on May 6, 2017. He said the multi-access trail winds through two national parks, Guadalupe Mountains and Carlsbad Caverns, Lincoln National Forest, Sitting Bull Falls as well as the Bureau of Land Management. He said the Mayor has been invited to speak at the ribbon cutting ceremony. He said this is exciting and is personally inviting everyone to attend.

**Mayor Janway** thanked Mr. Defer for all of his work and accomplishments on the Trail.

**Mr. Defer** also invited everyone to attend the Micro Brew Festival on May 13 at the Pecos River Village Conference Center.

0:25:05        **11.        ADJOURN**

0:25:08        **Motion**

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

0:25:15       **Vote**

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

0:25:28       **Adjourn**

There being no further business, the meeting was adjourned at 6:25 p.m.

\_\_\_\_\_/s/Dale Janway\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_/s/Annette Barrick\_\_\_\_\_  
City Clerk