

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON APRIL 26, 2016 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Sandra K. Nunley	Councilor
	J. R. Doporto	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Janell E. Whitlock	Councilor

Absent:

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

0:00:32 **1. APPROVAL OF AGENDA**

0:00:34 **Motion**
The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve the Agenda

0:00:38 **Vote**

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

0:00:55 **2. PRESENTATION OF THE MARCH 2016 FINANCIAL REPORT**

Ms. Jenkins reviewed the revenues and expenditures as of March 31, 2016 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

Mr. McCutcheon added that the City's financials are now current and the DFA report will be on time.

0:02:25 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 12, 2016
- B. City Personnel Report
- C. Check Register
- D. Purchasing:
 - 1) Consider approval to Award Bid No. 2016-10, to Austin Turf and Tractor for one (1), Diesel Powered Gator
 - 2) Consider approval to Award Bid No. 2016-12, to Constructors, Inc. for the Callaway Road Reconstruction Project
- E. Monthly Reports:
 - 1) Arts and Culture Monthly Department Report for March 2016
 - 2) Municipal Court Monthly Department Report, March 2016
 - 3) Sports and Recreation Department Monthly Report for March 2016
 - 4) Transportation and Facilities Department Monthly Report for March 2016
- F. Board Appointments:
 - 1) Southeast Regional Transportation Planning Organization (SERTPO) Policy Committee: Stephanie Shumsky, Technical Committee: Jason Burns

0:02:46 **Mayor Janway asked Mr. McCutcheon to discuss Item D.2 Consider approval to Award Bid No. 2016-12, to Constructors, Inc. for the Callaway Road Reconstruction Project.**

Mr. McCutcheon explained this is the beginning of the reconstruction of Callaway Drive. He said the utility relocation will begin soon. He explained there will be additional phases of the project, but added this is the most critical phase.

0:03:42 **Motion**

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

0:03:48 **Vote**

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

0:04:08 **4. CONSIDER APPROVAL OF QUITCLAIM DEED WITH REVERTER CLAUSE FROM EDDY COUNTY TO THE CITY OF CARLSBAD FOR TRACT 1-A-1 OF THE CARLSBAD AIRPORT INDUSTRIAL PARK LAND DIVISION, UNIT 4, FILED IN CABINET 6, SLIDE 255-1 IN THE OFFICE OF THE COUNTY CLERK OF EDDY, COUNTY, NEW MEXICO FOR CONSTRUCTION AND USE OF THE LAND FOR PUBLIC ROAD OR HIGHWAY**

Mr. McCutcheon explained this portion of the project started two years ago. He said this is for the right of way for Corrales Road. He explained the County agreed to deed the land but there were delays at DFA. He explained the reverter clause states if the City does not build a road on part of the right of way in the next five years the land reverts back to the County.

0:05:43 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Quitclaim Deed with Reverter Clause from Eddy County to the City of Carlsbad for Tract 1-A-1 of the Carlsbad Airport Industrial Park Land Division, Unit 4, filed in Cabinet 6, Slide 255-1 in the office of the County Clerk of Eddy, County, New Mexico for construction and use of the land for public road or highway

0:05:50 **Vote**

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

0:06:05 **5. CONSIDER APPROVAL OF A TEMPORARY USE PERMIT FOR TEMPORARY HOUSING AT 2411 C & D, EAST GREENE STREET; APPLICANT: JOSH MOORE**

Mr. Patterson explained this application is asking for approval of temporary housing at 2411 E. Greene St. He said this applicant has been through the process and was approved for temporary housing at another location. He explained the property meets the all of the required requirements. He added the applicant would like to operate with a temporary septic plan until the permanent septic plan is in place. **Mr. Patterson** added the Planning and Zoning Commission recommend approval.

0:07:31 **Mr. Joshua Moore** said he has been working on his current project for about two years. He explained he lost his partner so the project has taken longer than expected. He said he has purchased property very close to the original property. He explained he now has the equipment, resources, and the help and would like to attempt to build another facility for these types of services.

0:08:30 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve a Temporary Use Permit for Temporary Housing at 2411 C & D, East Greene Street; Applicant: Josh Moore

0:08:36 **Vote**

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

0:08:56 **6. CONSIDER APPROVAL OF RESOLUTION NO. 2016-22, 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.

0:09:19 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve Resolution No. 2016-22, a Resolution declaring certain City property unusable or obsolete

0:09:24 **Vote**

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

0:09:40 **7. CONSIDER APPROVAL OF RESOLUTION NO. 2016-23, A RESOLUTION SUPPORTING THE PARTICIPATION WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE CAPITAL OUTLAY PROGRAM FOR THE DARK CANYON BRIDGE PROJECT**

Mr. McCutcheon explained staff has completed some preliminary engineering on the project. He said the Department of Transportation asked for a Resolution, which had not been completed. He added staff is doing some administrative clean up on the project to ensure everything is in order as the project moves forward.

0:10:29 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to approve Resolution No. 2016-23, a Resolution supporting the participation with the New Mexico Department of Transportation for the Capital Outlay Program for the Dark Canyon Bridge Project

0:10:36 **Vote**

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

0:10:52 **8. CONSIDER APPROVAL OF ORDINANCE NO. 2016-12, AN ORDINANCE REZONING PART OF "I" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.5 ACRE PROPERTY, LOCATED AT 1314 S. CANAL STREET, LEGALLY DESCRIBED AS TRACTS 27 & 28, NE ¼ OF THE SE ¼ OF SECTION 7, TOWNSHIP 27 SOUTH, RANGE 27 EAST, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B)**

AND 56-140(I) CARLSBAD CODE OF ORDINANCES; APPLICANT: ROBERT JACQUEZ

0:11:43 **A. Public Hearing**

Ms. Shumsky explained the applicant is requesting to change the zoning on the subject property. She said the applicant has put a lot of work into remodeling the facility. She said the property is currently zoned industrial and Mr. Jacquez is requesting a zone change to commercial. She added the Planning and Zoning Commission has recommended approval. She said the property is adjacent to commercial zoning and is appropriate for commercial zoning. She explained the proposed use for the property is essentially a service location for the homeless. She said the rear of the property will be surrounded by an R panel fence, which will provide a place to stay. She said in the building the following services will be provided: washers, dryers, showers, restroom facilities, counseling services, medical assistance, food distribution, and possibly haircuts and hygiene. She said those who are willing to stay and participate will have to follow rules or will not be allowed to stay.

0:14:25 **Ms. Shumsky** said this is a first step in dealing with the homeless issue. She explained there are a lot of community organizations that are partnering with Mr. Jacquez to provide services. She said the next step will be for those who are willing and able to move into transitional housing with the Carlsbad Transitional Housing Organization. She said the Mayor has been meeting with a group from the community for years to address the problem from a variety of different perspectives. She said the location of the property is an appropriate location for commercial business and staff is recommending approval.

0:16:49 **Mayor Janway asked if anyone would like to speak regarding the issue. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session.**

0:17:09 **B. Consider Ordinance No. 2016-12**

0:17:13 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Anaya Flores to approve Ordinance No. 2016-12, an Ordinance Rezoning Part of "I" Industrial District to "C-2" Commercial District for an approximately 0.5 acre property, located at 1314 S. Canal Street, legally described as Tracts 27 & 28, NE 1/4 of the SE 1/4 of Section 7, Township 27 South, Range 27 East, pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I) Carlsbad Code of Ordinances; Applicant: Robert Jacquez

0:17:19 **Vote**

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

0:17:38 **9. COUNCIL COMMITTEE REPORTS**

Councilor Shirley said Carlsbad MainStreet is hosting an event on June 11, 2016 called Cavern Fest. He explained the City has partnered with MainStreet to bring in the band Little Texas with opening act The Henningsons free of charge for the City of Carlsbad and surrounding areas.

Mr. Mike Hernandez said there will be a Household Hazardous Waste day at the Beach area parking lot on April 30, 2016 from 8:00 a.m. to 2:00 p.m.

Councilor Rodriguez recognized Councilor Whitlock on receiving the award for community service from the AARP. He added the award is the highest volunteer honor award that is given.

Councilor Shirley recognized Mr. Mike Hernandez for doing an incredible job.

Councilor Doss said himself, Mr. Jack Volpato, and Mr. John Heaton visited Washington, DC to represent Eddy County. He said they meet with a lot of people from DOE and spoke to them about continuing to open WIPP. He said they spoke with a number of representatives and senators. He added without the help of lobbyist Jeff Murray they would not have been able to meet with anyone outside of those from New Mexico.

Councilor Doss invited everyone to attend the Town hall Veterans Meeting on Thursday, April 28th at 6:00 p.m. at the Library Annex.

0:26:18 **10. ADJOURN**

0:26:21 **Motion**

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

0:26:30 **Vote**

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

0:26:50 **Adjourn**

There being no further business, the meeting was adjourned at 6:27 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk