

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON MAY 11, 2010 AT 6:00 P.M.**

Present:	Wesley Carter	Mayor ProTem
	Paul C. Aguilar	Councilor
	Nick G. Salcido	Councilor
	Sandra K. Nunley	Councilor
	Richard Graves, Jr.	Councilor
	Judith E. Waters	Councilor
	Richard Doss	Councilor
	Fred Woody	Councilor
Absent:	Dale Janway	Mayor
Also Present:	Harry Burgess	City Administrator
	Eileen P. Riordan	City Attorney
	Amanda J. McDougall	City Clerk

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:01 Invocation-Pledge of Allegiance

0:00:41 **1. APPROVAL OF STATEMENT REGARDING CLOSED
SESSION**

0:00:47 **Motion to approve Statement**

The motion was made by Councilman Doss and seconded by Councilman Aguilar to approve the Statement regarding Closed Session held on April 27, 2010 to discuss matters pursuant to the provision of NMSA 1978, Section 10-15-1 (2), as amended, to discuss Personnel Matters.

0:00:53 **Vote**

The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:01:09 **2. APPROVAL OF AGENDA**

Mr. Burgess explained that due to failure to advertise the amendment of Ordinance No. 2009-19, item number 7 would need to be removed from the agenda.

0:01:52 **Motion to approve Agenda**

The motion was made by Councilman Graves and seconded by Councilman Salcido to approve the amended May 11, 2010 Agenda.

0:01:59 **Vote**

The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:02:15 **3. PRESENTATION OF NATIONAL PUBLIC WORKS WEEK PROCLAMATION**

Mr. Burgess read the proclamation. **Mr. Camero** explained that National Public Works Week was a way to honor the 140 Public Works employees. He invited the Council to the annual breakfast to be held for the Public Works employees.

0:05:31 **ROUTINE AND REGULAR BUSINESS**

- A. Minutes of regular City Council meeting held on April 27, 2010
- B. City Personnel Report
- C. Purchasing Matters:
 - 1) Consider approval to reject and rebid Bid No. 2010-07 for construction of Columbarium at Carlsbad Cemetery in the amount of \$90,000 (bid does not meet specifications)
 - 2) Consider approval of award of Bid No. 2010-08 to Truck Center of Fort Worth in the amount of \$32,750 for one (1) 500 gallon Barrel Single Tank
 - 3) Consider approval of award of Bid No. 2010-09 to Constructors, Inc. for the reconstruction of 10th Street in the amount of \$670,289.24
- D. Miscellaneous Requests:
 - 1) Consider approval of request from Alvin Doporto, Cavern City Runners Club for use of City roads and trails at the Municipal Beach Park and surrounding areas and City support regarding traffic for a 5K Fun Run in conjunction with the Chili Cook-off Festival on Saturday, June 5, 2010
 - 2) Consider approval of request from Sunset Church of Christ for use of the Beach Band Shell on Sunday, May 30, 2010 from 5:00 p. m. to 8:30 p. m. for the 5th Sunday Singing and Ice Cream Social
- E. Boards and Committee Appointments:
 - 1) Lodgers' Tax Advisory Board-Councilor Judi Waters
 - 2) Disability Advisory Board-Garry Adams (2 year term)
- F. Department Reports:
 - 1) Personnel Department Report for April, 2010
- G. Resolutions:
 - 1) Consider approval of Resolution 2010-18, a resolution finding the buildings or structures at the property commonly known as 511 N. 6th Street to be ruined, damaged, and dilapidated and finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the building, structure, ruins, rubbish, wreckage, weeds, debris

0:05:56 **Motion to approve the Routine and Regular Business**
The motion was made by Councilman Nunley and seconded by Councilman Waters to approve the Routine and Regular Business.

0:06:00 **Vote**
The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:06:36 **5. CONSIDER APPROVAL OF REQUEST FROM JERRY FLORES OF CARLSBAD RADIO OF CARLSBAD RADIO AND ADVENTURE HELICOPTERS FOR USE OF CITY PROPERTY LOCATED AT THE PARKING LOT NORTH OF PROJECT PLAYGROUND FOR A 60' X 60' LANDING ZONE FOR THE PURPOSE OF SELLING HELICOPTER RIDES DURING THE CHILI COOK-OFF ON SATURDAY, JUNE 5, 2010**

Ms. Gwenette Bradley, Carlsbad Radio explained why they needed that specific area for use of a landing zone. **Mr. Burgess** explained what Adventure Helicopters wanted to do, staff recommendations and that the company had the appropriate insurance in order to sell rides at the Chili Cook-off.

0:09:25 **Discussion regarding:**

- Fire and crash protection
- Liability protection for the City

0:11:39 **Motion to approve request from Jerry Flores**
The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve a request from Jerry Flores of Carlsbad Radio and Adventure Helicopters for use of City property located at the parking lot north of Project Playground for a 60' x 60' landing zone for the purpose of selling helicopter rides during the Chili Cook-off on Saturday, June 5, 2010.

0:11:46 **Vote**
The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:12:13 **6. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD HEIGHTS LIONS CLUB FOR A CHANGE OF LOCATION FOR THE PREVIOUSLY APPROVED LIONS CLUB CARNIVAL ON TUESDAY JUNE 1ST THROUGH MONDAY, JUNE 7TH, 2010 FROM THE PIERCE STREET LOCATION TO THE VACANT LOT LOCATED AT 3500 NATIONAL PARKS HIGHWAY**

Mr. Rob Perozynski and **Mr. Bill Derringer** explained why they need to change the location of the carnival.

0:15:44 **Discussion regarding neighborhood response to the carnival**

0:17:24 **Motion to approve request from Carlsbad Heights Lions Club**
The motion was made by Councilman Nunley and seconded by Councilman Waters to approve a request from Carlsbad Heights Lions Club for a change of location for the previously approved Lions Club Carnival on Tuesday June 1st through Monday, June 7th, 2010 from the Pierce Street location to the vacant lot located at 3500 National Parks Highway.

0:17:32 **Discussion regarding public safety during the carnival with respect to parking**

0:20:30 **Vote**
The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:20:57 **8. CONSIDER ORDINANCE NO. 2010-15, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BETWEEN THE CITY OF CARLSBAD AND THE STATE OF NEW MEXICO WATER TRUST BOARD AND NEW MEXICO FINANCE AUTHORITY**

A. Public Hearing

Mayor ProTem Carter asked if anyone would like to speak regarding this issue

0:21:25 **Mr. Burgess gave a brief description of the process to obtain the grant and how the funds would be used**

0:23:30 **Mayor Pro Tem Carter declared the protest hearing closed and reconvened the Council in regular session**

0:23:38 **Motion to approve Ordinance No. 2010-15**
The motion was made by Councilman Aguilar and seconded by Councilman Woody to approve Ordinance No. 2010-15, an Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement between the City of Carlsbad and the State of New Mexico Water Trust Board and New Mexico Finance Authority.

0:23:43 **Vote**
The vote was as follows: Yes - Aguilar, Carter, Doss, Graves, Nunley, Salcido, Waters, Woody; No - None; Absent - None. The motion carried.

0:24:02 **9. CONSIDER APPROVAL OF SPECIAL LICENSE REQUEST FROM ROBERT HADDAWAY, US CABLE TO CONDUCT DOOR-TO-DOOR SALES FOR US CABLE**

Benito of US Cable explained the manner in which they conduct their door-to-door sales.

Discussion was held regarding:

- Time of day door-to-door sales would be held
- Concern for citizens who do not want door-to-door sales
- Identification of US Cable workers
- Distribution of flyers instead of person to person contact with customers

0:29:06 **Councilman Waters explained that if Council does not wish to allow door-to-door sales they should look into changing the Ordinance but for now they need to remain consistent with their decision to allow door-to-door sales**

0:29:32 **Motion to approve request from US Cable**
The motion was made by Councilman Waters and seconded by Councilman Aguilar to approve the request for a Special License from Robert Haddaway, US Cable to conduct door-to-door sales for US Cable.

0:29:39 **Vote**
The vote was as follows: Yes - Aguilar, Carter, Nunley, Salcido, Waters; No - Doss, Graves, Woody; Absent - None. The motion carried.

0:30:12 **10. CONSIDER APPROVAL OF REQUEST FROM KEEP CARLSBAD BEAUTIFUL COMMITTEE REGARDING GRAFFITI REMOVAL**
Mayor ProTem Carter presented Mr. Don Cook with an Outstanding Citizen award for his services regarding graffiti removal in Carlsbad.

Mr. Cook read a letter from the Keep Carlsbad Beautiful Committee explaining how graffiti removal has been done in the past, the importance of removing it and how the committee would like to help the City with regard to hiring someone to do the job when he retires in July.

0:36:17 **Ms. Deanna Taylor gave a power point presentation that illustrated the areas of town that are affected by graffiti, how heavily the areas are tagged and how it hurts the community**

0:45:05 **Eve Flannigan of the Anti Drug and Gang Coalition**
Ms. Flannigan thanked the governing body, City employees and the citizens of Carlsbad for gathering to welcome home the 920th Engineering Company. She said it made her proud to be a citizen of Carlsbad.

She explained that rapid removal of graffiti is important. She explained the link between graffiti and gangs. She explained the messages sent by application of graffiti as well as removal.

0:48:28 **Ms. Janell Whitlock, Retirement Initiative Director**
Ms. Whitlock explained that people seeking to relocate to Carlsbad often ask about gang and criminal activity in the community. She explained how wonderful Mr. Cook has been in removing the graffiti for the past several years and urged the Council to continue on with the program.

0:50:20 **Mr. Cook read a letter from John Waters, Executive Director of the Department of Development explaining how important graffiti removal is to the success of the City and he urged the Council to pursue the continuance of the graffiti removal program**

0:51:11 **Ms. Wanda Welch explained what she thought the three choices to be in terms of graffiti removal. She expressed her appreciation to Council for their consideration of this matter. She reminded everyone of the promises made during the election that the city would be cleaned up**

0:54:20 **Discussion regarding the hours spent weekly and the methods used by Mr. Cook to remove the graffiti**

0:56:46 **Chief Joey Gonzalez explained that a more proactive approach needs to be taken with regard to graffiti and gangs and how it could be achieved. He expressed concerns for the safety of the people removing the graffiti due to gang activity**

1:00:45 **Ms. Flannigan explained the importance of hiring someone with excellent communication skills and the ability to build relationships with people in the community to do the job**

1:01:25 **Mr. Cook talked about his experience with graffiti removal and especially in dangerous areas**

1:05:30 **Discussion regarding how the process was handled in the past and the liability to the City by going onto private property**

1:11:39 **Mr. Cook explained that he would be happy to share his expertise with the next person to take over his job**

1:13:01 **Councilman Doss explained that this is a project that must be continued and if it can not be continued on a volunteer basis then the City needs to pick it up where Mr. Cook will leave off**

1:13:44 **Discussion regarding moving forward with hiring someone to remove graffiti**

Mr. Jim Grantner suggested that the City work closely with the Beautification Committee and Mr. Cook during the transition. **Councilman Woody** explained that he agreed with Mr. Grantner and that he would like for Mr. Cook to help the City come up with a plan for transition.

Mr. Burgess explained that there was a lot to be worked out with regard to hiring someone for graffiti removal. He said he had a list of people he was going to meet with including Mr. Cook. He said based on what was being said they want to pursue this, therefore; he would look into ways of expediting the process and once he had a plan he would bring it to Council for consideration. He explained that he wanted to keep the strategy flexible enough so that they will be able to respond to the various needs. **Councilman Graves** explained that a time limit should be placed on the amount of time spent on putting the plan together so that they could be training someone before Mr. Cook retires. **Mr. Burgess** said he would have something put together by the next meeting.

1:21:08

11. COUNCIL COMMITTEE REPORTS

Councilman Nunley explained that the Graduation Summit was a huge success.

Ms. Ruthie Porter stated that her company did a photo shoot of the reception for the 920th. She said there was a fabulous turnout. She said they would have the photos of the event on their website and if anyone is interested in purchasing a copy she had her business cards with her. She explained that she sent footage to KRQE and they were going to try to put in on the news. She thanked Carlsbad for bringing home the 920th the way they should be brought home each and every time to a community that cares about them and appreciates their service.

Chief Gonzales invited everyone to attend the Police Memorial service at 9:30 on Friday May 14, 2010 at the Police Department.

1:24:25

Adjourn

There being no further business, the meeting was adjourned at 7:24 p.m.

___/s/ Dale Janway_____
Mayor

ATTEST:

___/s/ Amanda McDougall_____
City Clerk