

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON JUNE 28, 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
	Annette Barrick	City Clerk
	LaVelta Jenkins	City Treasurer
	Jeff Patterson	PER Director
	Georgia Goad	Deputy PER 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 **Mayor Janway asked Councilor Nunley and former Mayor Perkowski to join him for a presentation.**

Mr. Perkowski said he is proud to be present and honored to send Councilor Nunley on her way. He said Councilor Nunley has been a great asset to the school system and to the City. He thanked her for all her time and hard work.

Mr. McCutcheon said he has dreaded this date for some time. He said he has received good council, sound advice, and good support from Councilor Nunley. He said her

service to the City of Carlsbad has always been unwavering. He added she has been a tremendous Councilor and he wishes her the best in her retirement.

Councilor Doss said he has known Councilor Nunley for a very long time. He said he has enjoyed being on Council with her and will look forward to her returning to visit.

Councilor Rodriguez said he has known Sandra for some time. He said they worked together in the school district and he has been fortunate to have her knowledge behind the bench. He thanked her.

Councilor Carter thanked Councilor Nunley for everything she has done for her constituents and her students. He said he has appreciated her and she will be missed.

Councilor Anaya Flores said she has had the pleasure and honor to work with Councilor Nunley in the school district and as a Council member. She said Councilor Nunley always been an admirable person, who she respects. She said she hopes she has a wonderful retirement and is happy for her.

Councilor Whitlock said Councilor Nunley has been as solid as a rock and on behalf of the citizens of Carlsbad and her constituents, we appreciate your service.

Councilor Shirley said he appreciated her honest and fair opinions, what she has done in the school system, and for her constituents. He said she has been a real asset to the community and wishes her the best.

Councilor Doport thanked her for all she has done for Ward 2. He said it has been a pleasure to serve with her. He added she was always looking out for her students and wishes her the best of luck.

Ms. Theresa Rodriguez said Sandy was her mentor and she appreciates everything she taught her. She added she will miss her dearly.

Mayor Janway said Councilor Nunley has been an outstanding educator and Councilor to the City of Carlsbad and declared May 6, 2016 as Sandra Nunley day.

Ms. Kelly Barta thanked her for her leadership and her service. She said she is such an inspiration to many in the community and she will be missed.

Chief Waller said he has known Sandra for a long time and thanked her for her service.

0:12:16 **Councilor Nunley** thanked Gary for getting her started on the Parks and Recreation Board. She thanked Mayor Forrest for appointing her to the City Council. She also thanked Mayor Janway for being a wonderful Mayor and said she will really

miss Carlsbad. She said it has been a privilege to serve and she hates to leave but knows she is leaving her constituents in good hands and thanked them all.

0:13:44 **Mayor Janway said there is a presentation by the president of Visions of Autism Advocacy Group, Kim Sanchez.**

Ms. Sanchez said they are present today to help the community become more autism friendly. She said the entire board is on the spectrum, has a child or family member on the spectrum, or has a passion for anything that deals with Autism. She explained the group would like to work with the City to implement safety for Autism. She said there are a lot of misconceptions about autism.

Ms. Shellie Boughey explained there are three primary goals of the group. She said one is to explain what ASD behaviors are so they can be identified by first responders. She said the second is to advocate through suggested interventions and lastly is to change the perception through visions that work for Carlsbad. She said children with autism are fascinated by water and 50% of them drown. She said there needs to be an open dialog to work together as a team. She said Visions of Autism seeks to build a partnership with families, first responders, and the community through support, training, and advocacy and she is asking the support of the Council to make it happen.

0:19:31 **Chief Lopez** said he would be happy to meet with the group to evaluate the training needed and take care of it.

Chief Waller said he is willing to get together and coordinate the needed training.

Councilor Anaya Flores suggested developing a registration for families with the police and fire departments.

Ms. Boughey said everyone on the Board are becoming certified autism trainers and will develop training to implement in Carlsbad to train teachers, first responders, and anyone else interested, free of charge. **Mayor Janway** thanked them all for coming tonight.

0:22:25 **1. APPROVAL OF AGENDA**

0:22:28 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve the Agenda

0:22:32 **Vote**

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

0:22:45 **2. PRESENTATION OF MAY 2016 FINANCIAL REPORT**

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

0:24:24 **3. CONSIDER APPROVAL OF RESOLUTION NO 2016-29, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2015-2016 FY BUDGET**

Mrs. Gonzales reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2015-2016 Fiscal Year Budget highlighting the General Fund, the Capital Outlay GRT Fund, the Municipal Transit Fund, the Solid Waste Fund, the Sports Complex Fund, the NMFA Loans-Governmental Fund, the NMFA Loans-Solid Waste Fund, the Capital Outlay GRT Bond, the 2002 Sales Tax Bond Fund, the Municipal Court Trust Fund, and the WIPP Acceleration Fund.

0:28:27 **Mr. McCutcheon** said there are a large amount of transfers in preparation for the year end close and to ensure the funds are properly put in place.

0:29:16 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Anaya Flores to approve Resolution No. 2016-29, a Resolution making certain Budgetary Adjustments to the 2015-2016 FY Budget

0:29:24 **Vote**

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

0:29:39 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 14, 2016
- B. City Personnel Report
- C. Check Register D. Purchasing:
 - 1) Consider approval to Award RFP No 2016-14, to Carlsbad Cruises for the lease and operation of Port Jefferson
 - 2) Consider approval to Award Bid No 2016-18, to Advanced Pest Management for Pest Control Services for FY 2016-2017
 - 3) Consider approval to Award Bid No 2016-19, to James Hamilton Construction for Ready Mix Concrete for FY 2016-2017
- E. Monthly Reports:
 - 1) Arts and Culture Monthly Department Report, May 2016
 - 2) Sports and Recreation Department Monthly Report, May 2016
 - 3) Utilities Department Monthly Report, May 2016
- F. Board Appointments:
 - 1) Carlsbad Parks and Recreation Advisory Board: John Barry and Denton McCullough, 4- year terms
 - 2) Walter Gerrell's Performing Arts Center: Todd Hyden and Christopher Walls, 4-year terms

- G. Contracts and Agreements:
- 1) Consider approval of First Renewal Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Keeping and Maintenance Services of Citywide Landscapes, Medians, Gateways, and Properties
 - 2) Consider approval of Agreement between the City of Carlsbad and NM Department of Transportation for a new Street light at NM-200 and US 62-180
- H. Set Date: (August 9, 2016)
- 1) An Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 1.83 Acre Lot, located at 118 West Rose Street, Legally Described as Tract 66, Assessor's Plat Amended, SE ¼, SE ¼, Sec. 18, Township 22 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
 - 2) An Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately .50 Acre Lot, located at 205 West Rose Street, Legally Described as Block L, Lot 2, Hemler Subdivision, 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 "C-2" Commercial District to "R-1" Residential District for an approximately 0.96 Acre Lot, Located at 206 West Rose Street, Legally Described as Tract 67, Assessor's Plat, Map of the E ½ of Sec. 18, T22S, R27E, 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 Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.55 Acre Lot, Located at 208 West Rose Street, Legally Described as the East Half of Tract 68, in SWSE described beg 190'W & 30'N of SE Cor SWSE, N306', W 80', S to Public Hwy, E to POB, Assessor's Plat of Sec. 18, T22S, R27E, Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
 - 5) An Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.37 Acre Lot, located at 209 West Rose Street, Legally Described as Block L, Lot 3, Hemler Subdivision, Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:30:00 **Mayor Janway asked Mr. McCutcheon to discuss item G.1 Consider approval of First Renewal Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Keeping and Maintenance Services of City wide landscapes, medians, gateways, and properties.**

Mr. McCutcheon explained this item is a renewal of one of the City's larger contracts for grounds keeping and maintenance services for various City properties. He said Mr. Garza continues to do a great job for the City and this is a renewal of his contract.

Mayor Janway added that Mr. Garza has done a great job maintaining the properties.

0:30:45 **Motion**

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

0:30:55 **Vote**

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

0:31:14 **5. CONSIDER APPOINTMENT OF WENDY HAMMETT TO FILL THE POSITION OF THE CITY OF CARLSBAD FINANCE DIRECTOR**

Mr. McCutcheon explained a comprehensive search was taken to fill this very important position in the City of Carlsbad. He said several interviews were conducted with many qualified candidates. He said after final interviews which included the Mayor, Councilor Doss, and Councilor Whitlock staff chose and highly recommends Ms. Wendy Hammett. He added Ms. Hammett is a lifelong Carlsbad resident who is very qualified for the position and is committed to the community.

Mr. Fierro explained the prior Finance Director resigned in February and he has been assisting the City in maintaining the accounting department. He said he is happy to report that the accounting function is stabilized and working properly. He said Ms. Hammett has experience working in the private sector and is looking forward to working for the City of Carlsbad.

Ms. Hammett thanked staff for the recommendation and said she appreciates Council for their consideration of the position.

Councilor Doss said he checked references and she will be an extreme asset for the City.

Councilor Whitlock said there were many good candidates and added the City has a good Finance Department. She said she appreciates all the hard work the department has done and feels Ms. Hammett will be a good asset that will work well with staff.

Mayor Janway said the City is really looking forward to working with Ms. Hammett.

Councilor Rodriguez asked if there is a transition plan. **Ms. Hammett** said she has thought about a transition plan and has an action item list already started. She said her first action item would be to get to know her team, learn their jobs, their concerns, and learn what Mr. Fierro does. **Mr. Fierro** added Ms. Hammett will begin her position on August 1, 2016. He said they will go to training in Santa Fe. He said he will continue to work with the City until the audit is complete and Ms. Hammett is able to take care of the department on her own.

0:36:17 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doss to approve the appointment of Wendy Hammett to fill the position of the City of Carlsbad Finance Director

0:36:21 **Vote**

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

0:36:49 **6. CONSIDER APPROVAL OF CITY OF CARLSBAD, ANNUAL LIQUOR LICENSE RENEWALS FOR FISCAL YEAR 2016-2017, SUBJECT TO RECEIPT OF NM STATE LIQUOR LICENSE AND PAYMENT OF ANNUAL CITY LIQUOR LICENSE FEE**

Ms. Barrick explained this is the 2016-2017 renewal of the existing liquor licenses for the City of Carlsbad. She said the license is renewed with a \$250.00 annual fee and proof of their State Liquor License.

Councilor Shirley asked Chief Waller if any establishment on the list should not receive their City license based on previous altercations. **Chief Waller** said not that he is aware of.

0:37:53 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Whitlock to approve the City of Carlsbad's Annual Liquor License renewals for Fiscal Year 2016-2017, subject to receipt of NMState Liquor License and payment of Annual City Liquor License Fee

0:38:00 **Vote**

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

0:38:23 **7. CONSIDER APPROVAL OF REQUEST FOR THE MOBILE SALES OF SNOW CONES OUT OF A SNOW CONE TRUCK ON CITY RIGHT-OF-WAYS, PARKS, ETC.; APPLICATION: BRYAN INGRAM**

Ms. Georgia Goad explained the applicant is requesting a mobile vendor's license which falls in the temporary use category to be reviewed before Council. She said Mr. Ingram has met all the requirements and is requesting to use City right-of-ways for parking lot sales. She said the applicant is requesting to vend from 4:00 p.m. to 8:00 p.m. in the evening.

Councilor Whitlock asked if they will be ringing a bell and have kids running out into the street. **Mr. Ingram** answered no, he will drive down neighborhood with music but not loud music.

0:41:06 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Rodriguez to approve the request of mobile sales of snow cones out of a snow cone truck on City Right-of-Ways, parks, etc.; Applicant: Bryan Ingram

0:41:11 **Vote**

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

0:41:42 **8. CONSIDER APPROVAL OF RESOLUTION NO 2016-30, A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 2817 DAVIS 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 BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; OWNER: MARILYN ALEXANDER BARNES AND MARILYN ALEXANDER BARNES**

Mr. McCutcheon explained all procedures have been followed and the owners of the property have been notified; therefore, staff recommends condemnation of the property.

Mayor Janway asked if a representative of the property was present, no one appeared.

0:42:56 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Rodriguez to approve Resolution No. 2016-30, a Resolution finding the Buildings or Structures at the property commonly known as 2817 Davis 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 Buildings, Structures, Ruins, Rubbish, Wreckage, Weeds, Debris; Owner: Maurine Alexander and Marilyn Alexander Barnes

0:43:05 **Vote**

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

0:43:20 **9. CONSIDER APPROVAL OF ORDINANCE NO 2016-17, AN ORDINANCE AMENDING SECTION 16-29 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO TO INCREASE THE MAXIMUM COMPENSATION OF AN ACTING MUNICIPAL JUDGE**

0:43:41 **A. Public Hearing**

Mr. McCutcheon explained this Ordinance governs an acting Municipal Judge when the elected Municipal Judge is out. He said the Ordinance has been in place for many years and this does not change the dollar amount of the compensation. He explained

this will change the total amount of the compensation if the Municipal Judge is out for a long period of time and will allow the City to pay staff to fill the position.

0:44:25 **Mayor Janway 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 into regular session.**

0:44:45 **B. Consider Ordinance 2016-17**

0:44:50 **Councilor Doss** asked if there is a maximum amount of time that the Municipal Judge position can be run by the acting Judge. **Mr. McCutcheon** said this Ordinance sets the time limit. He said it was a very short time and this Ordinance will extend the time.

Councilor Whitlock said in addition to a judge being unable to preside there are times when a judge may have to recuse themselves because there is a conflict with the case or an attorney or defendant. She said in the past it was 30 days and will now be 60 days. **Councilor Doss** said if the 60 days is reached will the court have to close. **Councilor Whitlock** replied that has never happened. **Mr. McCutcheon** said staff will check with judicial standards and report back to Council.

0:47:06 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doss to approve Ordinance No. 2016-17, an Ordinance amending section 16-29 of the Code of Ordinances, City of Carlsbad, New Mexico to increase the maximum compensation of an Action Municipal Judge

0:47:10 **Vote**

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

0:47:33 **10. COUNCIL COMMITTEE REPORTS**

None to report.

0:47:51 **11. ADJOURN**

0:47:53 **Motion**

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

0:48:26 **Vote**

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

0:48:49 **Adjourn**

There being no further business, the meeting was adjourned at 6:49 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk