

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JULY 10, 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 <i>via telephone</i>
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor

Absent:

Also Present:	Michael Hernandez	City Administrator
	John Lowe	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Kadee Rodriguez	Deputy City Clerk
	Ken Britt	Community Dev. Director
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Trysha Carrasco	Deputy 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

0:00:35 **1. APPROVAL OF AGENDA**

0:00:38 **Motion**

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

0:00:45 **Vote**

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

0:01:04 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 26, 2018
- B. City Personnel Report
- C. Contracts and Agreements
 - 1. Consider Approval of Agreement between the City of Carlsbad and Dale Balzano, Owner of Hoops Unlimited, for Video Machine Concession Services at the Riverwalk Recreation Center
 - 2. Consider Approval of Third Renewal Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening/Closing Services at the Carlsbad Cemeteries as amended in the 2016 renewal, and amended for the period of July 1, 2018 through June 30, 2019
 - 3. Consider Approval of Agreement between the City of Carlsbad and Eddy County for Prisoner Housing Agreement for FY 2018-2019
- D. Monthly Reports
 - 1. Personnel Report June 2018
- E. Board and Committee Appointments
 - 1. Carlsbad Board of Water and Sewer Commissioners – Re-Appoint Russell Hardy six year term, Re-Appoint Gary Perkowski six year term, Re-Appoint Fred Beard six year term

0:01:25 **Mayor Janways asked Chief Skinner to discuss Item C.3 Consider Approval of Agreement between the City of Carlsbad and Eddy County for Prisoner Housing Agreement for FY 2018-2019**

Chief Skinner explained the city has had a long standing contract with the Eddy County Detention Center. He explained the new proposed agreement will change the rate from \$75 a day per prisoner to \$95 a day per prisoner. He said the proposed rate appears to be in line with the overall cost and in a favorable range for the city. He added having the Detention Center in Carlsbad is extremely useful and he feels the proposal is fair and is recommending approval.

Councilor Rodriguez asked if adequacy of space has ever been an issue. **Chief Skinner** said no, not to his knowledge.

Councilor Chavez asked if the rate is the same for juveniles. **Chief Skinner** said Eddy County does not house juveniles, so that is a completely separate issue.

0:05:23 **Motion**

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

0:05:31 **Vote**

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

0:05:48 **3. CONSIDER APPROVAL TO ACCEPT THE EDDY COUNTY PURCHASE SERVICES AGREEMENT FOR FISCAL YEAR 2018-2019, IN THE AMOUNT OF \$250,000**

Mr. Hernandez explained this is an annual Agreement with Eddy County. He explained the Agreement is a Public Service Agreement for several city services including parks and recreation, the senior centers, the library, museum, access to public buildings, fire and ambulance services, the convenience station and a few other services. He said he has met with the county and they are firm in the amount of \$250,000. He added the county mentioned that Administration would consider recommending to the Commission that they support other projects. He said the \$250,000 is the exact amount the city received last year.

Councilor Walterscheid said he spoke to fire fighters at Station 4 and learned that for every 3 calls received 2 go to the county and 1 goes to the city.

Mr. Hernandez said the city will have better record keeping of all the services provided to the county.

Councilor Chavez said GRT for 2017 is \$17 million and very close to that of 2015. He said the fee should also change as GRT does.

Councilor Rodriguez said he feels these are vital services and the city will not deny anyone the service.

0:08:39 **Motion**

The motion was made by Councilor Rodriguez to approve the Eddy County Purchase Services Agreement for Fiscal Year 2018-2019, in the amount of \$250,000

Councilor Carter said before I second I would like to comment that these services on this list are things we are doing and were getting a check from the County for over \$600,000 several years ago. He explained the county fell on hard economic times, we understand because we were at the same place. He said I am on board with accepting the \$250,000, but frankly for me the \$250,000 is just not good enough. He added in their service agreement there is a list of services under Exhibit A that states we are allowed to implement fees for the city convenience station, fire services, and non-covered EMS services. **Councilor Carter** said he would second the motion if Councilor Rodriguez is willing to amend to impose these fees.

0:10:14 **Amended Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve the Eddy County Purchase Services Agreement for Fiscal Year 2018-2019, in the amount of \$250,000 and to impose fees to the list of services under Exhibit A in the Agreement

0:10:27 **Vote**

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

0:10:45 **4. CONSIDER APPROVAL OF DONATION AGREEMENT BETWEEN THE CITY OF CARLSBAD AND CARLSBAD MUNICIPAL SCHOOLS TO ACCEPT REAL PROPERTY KNOWN AS JED HOWARD LOOP**

Mr. Hernandez explained this Agreement is between the city and Carlsbad Municipal Schools to accept the Jed Howard Loop. He explained the Loop is the road around Ocotillo Elementary School. He added when Carlsbad Municipal Schools donated Pate School to the city, it was discussed that the city would take over the Loop. He said the value of Jed Howard Loop is approximately \$46,000.

0:11:42 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Donation Agreement between the City of Carlsbad and Carlsbad Municipal Schools to accept real property known as Jed Howard Loop

0:11:50 **Vote**

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

0:12:07 **5. CONSIDER APPROVAL OF RESOLUTION NO 2018-38, A RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE CITY OF CARLSBAD AND THE SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT FOR 2018-2019 MEMBERSHIP**

Mr. Hernandez explained this is an annual membership with the Southeastern New Mexico Economic Development District to provide planning and technical assistance with projects, ICIP, and the Capital Outlay Process.

0:12:45 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Estrada to approve Resolution No. 2018-38, a Resolution Ratifying the Agreement between the City of Carlsbad and the Southeastern New Mexico Economic Development District for 2018-2019 Membership

0:12:52 **Vote**

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

0:13:08 **6. CONSIDER APPROVAL OF RESOLUTION NO 2018-39, APPROVAL TO AUTHORIZE THE CITY CLERK TO DESTROY MUNICIPAL RECORDS THAT HAVE MET THE LEGAL RETENTION REQUIREMENTS**

Mrs. Mireles explained the Clerk's Office has provided a list of department records that have met their legal retention requirements and are eligible for destruction. She said each Department Director has reviewed and approved the destruction of the records that pertain to their department. She explained if approved the records will be destroyed by the shredding method by Carc, Inc.

0:14:17 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2018-39, Approval to authorize the City Clerk to destroy Municipal Records that have met the legal retention requirements

0:14:24 **Vote**

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

0:14:44 **7. CONSIDER APPROVAL OF RESOLUTION NO 2018-40, A RESOLUTION STATING THE REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEE, AGENCIES, AUTHORITIES, OR OTHER POLICYMAKING BODIES OF THE CITY OF CARLSBAD**

Mrs. Mireles explained the Clerk's Office is required by State Statute, which governs Open Meetings, to annually adopt a Resolution stating the requirements for Notice of Public Meetings. She explained there have been no changes to the Open Meetings Act in several years; therefore there have been no changes to the Resolution.

0:15:26 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2018-40, a Resolution stating the Requirements for Notice of Public Meetings of the Governing Body, Boards, Commissions, Committee, Agencies, Authorities, or other Policymaking Bodies of the City of Carlsbad

0:15:33 **Vote**

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

0:15:50 **8. CONSIDER APPROVAL OF RESOLUTION NO 2018-41, A RESOLUTION AUTHORIZING THE CITY OF CARLSBAD THE AUTHORITY TO**

OPEN AND MAINTAIN BANKING AND INVESTMENT ACCOUNTS WITH EDWARD JONES

Ms. Hammett explained this Resolution will allow the city to invest idle funds with Edward Jones, who not only specializes in individual and business investments but governmental investments as well. She said currently the city has a sizeable amount of idle funds that could be better invested to earn a higher rate of return for the citizens of Carlsbad.

Mr. Chris Jones, Edward Jones, said the primary push behind this Resolution is to be able to take advantage of a lower cost structure at Edward Jones. He said being a broker he has the ability to take advantage of opportunities across the country resulting in lower costs with better rates of return.

Councilor Walterscheid asked if there are any risks. **Mr. Jones** explained CD's are FDIC insured and there is also SIPC Insurance. He said the risks of the investments are pretty negligible and governed by the city's investment policy.

Councilor Rodriguez asked if there are action flag dollar amounts that indicate that action cannot be taken without authority from the city. **Mr. Jones** said that would be governed in the city's investment policy.

Councilor Chavez asked what the actual dollar amount the city will invest. **Ms. Hammett** said the city is still analyzing the threshold of the investment. She said the investment will be driven by the investment policy and primarily by State Statute.

0:20:47 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2018-41, a Resolution authorizing the City of Carlsbad the authority to open and maintain banking and investment accounts with Edward Jones

0:20:52 **Vote**

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

0:21:10 **9. COUNCIL COMMITTEE REPORTS**

Mayor Janway welcomed Mr. Don Owens and Mrs. Therese Rodriguez with Carlsbad Municipal Schools. He also welcomed Judge Redford and thanked them for attending.

Councilor Rodriguez reminded everyone of the Brine Well Committee Meeting being held tomorrow in Council Chambers at 1:30 p.m.

0:21:58 **10. ADJOURN**

0:22:04 **Motion**

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

0:22:11 **Vote**

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

0:22:38 **Adjourn**

There being no further business, the meeting was adjourned at 6:24 p.m.

Dale Janway, Mayor

ATTEST:

Nadine Mireles, City Clerk