

**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 24, 2018 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
Absent:	Lisa A. Anaya Flores	Councilor
	Jason Shirley	Councilor
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
	Luis Camero	Director of Engineering Services
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	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

0:00:26      **1. APPROVAL OF AGENDA**

0:00:29      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve the Agenda

0:00:34 **Vote**

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

0:00:51 **2. CONSIDER APPROVAL OF RESOLUTION NO 2018-42, A RESOLUTION APPROVING THE 4TH QUARTER FINANCIAL REPORT**

**Ms. Hammett** said the city is required to prepare these financial reports quarterly. She explained the 4th quarter report is required to be approved by Resolution and submitted with the final budget.

0:02:32 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution No. 2018-42, a Resolution Approving the 4th Quarter Financial Report

0:02:37 **Vote**

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

0:02:51 **3. CONSIDER APPROVAL OF RESOLUTION NO 2018-43, A RESOLUTION APPROVING THE CITY OF CARLSBAD 2018-19 FINAL BUDGET**

**Ms. Hammett** explained this Resolution adopts the final budget for the 2018-2019 fiscal year. She recognized the Budget Committee for their support, guidance and expertise throughout the budget process. She explained the city has budgeted a current fiscal year deficit of 2.7 million. Ms. Hammett said she is confident that the upward trend in gross receipts tax revenue will continue, allowing the city an opportunity to improve overall fund balance and invest excess funds into further infrastructure and other worthwhile capital projects.

**Councilor Rodriguez** commended Ms. Hammett and her department for all of their work on the budget and added he is proud to be working with the department.

0:07:04 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2018-43, a Resolution Approving the City of Carlsbad 2018-19 Final Budget

0:07:10 **Vote**

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

0:07:25 **4. CITY OF CARLSBAD FINANCIAL STATEMENTS - JUNE 2018**

**Ms. Hammett** reviewed the revenues and expenditures as of June 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:09:17 Mayor Janway thanked Ms. Hammett, her staff, City Administration, and the Budget Committee for all of their hard work on the Budget.

0:09:33 **5. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 10, 2018
- B. City Personnel Report
- C. Purchasing
  - 1. Consider Approval to Award HGAC Buy Contract to Vac-Con, Inc to purchase a 2018 Vac-Con Sewer Jet Truck for the Collections Department
- D. Contracts and Agreements
  - 1. Consider Approval of MOU Agreement between the City of Carlsbad and Department of Energy for Emergency Notifications and Resource Support
  - 2. Consider Approval of Renewal Agreement between the City of Carlsbad and Bohannon Huston, Inc for Engineering Services for the Hydraulic Model Update for the Utilities and Wastewater Department
- E. Monthly Reports
  - 1. Community Development Monthly Report June 2018
  - 2. PERD Monthly Report June 2018
  - 3. Utilities Monthly Report June 2018
- F. Board and Committee Appointments
  - 1. Riverwalk Recreation Advisory Board – Re-Appoint Kelly Wixom, 4 year term, Re-Appoint Anthony Alanzo, 4 year term
  - 2. Veteran’s Memorial Advisory Board – Re-Appoint Dagmar Youngberg, 4 year term, Re-Appoint Mario Salinas, 4 year term, Re-Appoint Charlie Daniell, 4 year term, Re-Appoint Charlie Dickman, 4 year term, Re-Appoint Paul Hill, 4 year term
  - 3. Board of Solid Waste – Appoint – David Redford, remainder of 6 year term
  - 4. Carlsbad Police Department Citizen Advisory Board – Appoint Mario Salinas, 4 year term
  - 5. Bob Forrest Youth Sports Complex Advisory Board – Appoint Allen Kilgore, remainder of 3 year term
  - 6. Community Volunteer Network Advisory Council (CCVN) – Re-Appoint Jim Grantner, 4 year term, Re-Appoint Julia Williams, 4 year term, Appoint Liz Gordy, 4 year term
  - 7. Planning & Zoning Commission – Re-Appoint James McCormick, 2 year term, Re-Appoint Brad Nesser, 2 year term, Re-Appoint James Knott, 2 year term
  - 8. North Mesa Senior Recreation Advisory Board – Re-Appoint William F. “Jigger” Skillern, 4 year term
- G. Set Date: August 28, 2018
  - 1. Consider approval of an Ordinance Rezoning part of “R-R” Rural Residential District to “C-2” Commercial 2 District for an approximately 2.35 acre property, located at 3621 San Jose Boulevard, legally described as beginning at the

Northeast corner of Merland Land Division 5 Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

2. Consider Approval of an Ordinance Rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 0.27 acre property, located at 111 South Mesa Street, legally described as Lot 2, block 98, Sevens Second Addition, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

3. Consider Approval of an Ordinance Rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 81.14 acre property, located at 812 George Shoup Relief Route, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances.

0:09:56 **Mayor Janway asked Chief Lopez to discuss item D.1, Consider Approval of MOU Agreement between the City of Carlsbad and Department of Energy for Emergency Notifications and Resource Support**

**Chief Lopez** explained that item D.1 is an MOU between Carlsbad Fire and DOE. He explained Carlsbad Fire has worked well with WIPP in the past. He added WIPP emergency personnel have come off of the WIPP site for some calls to lend a hand. He said he appreciates the working relationship and looks forward to continuing to work together.

0:11:23 **Councilor Chavez** added that with the oilfield traffic and more accidents, being able to rely on the WIPP Fire Department is vital.

0:11:39 **Motion**

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

0:11:46 **Vote**

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

0:12:04 **6. CONSIDER APPROVAL OF APPLICATION FOR A PERMIT FROM CHISHOLM ENERGY OPERATING, LLC TO DRILL WITHIN SHEEP'S DRAW WELL HEAD PROTECTION AREA, OCOTILLO WCB #2H**

**Mr. Hernandez** explained that Chisholm Energy is applying for a permit to drill within the Sheep's Draw Well Head Protection Area. He said this has been reviewed by AMEC, and AMEC has determined that the application and well design meet the requirements. He added the city has also had the permit reviewed by Balleau Groundwater, who also recommends approval. **Mr. Hernandez** explained this request was unanimously approved by the Water and Sewer Board in July.

**Mr. Tyler Lane**, Chisholm Energy, said he appreciates the city considering the applications to drill 3 wells in the Sheep's Draw Well Head area.

**Councilor Walterscheid** asked who is in charge of monitoring Chisholm Energy as they go through the drilling process. **Mr. Hernandez** said he believes AMEC will monitor the drilling.

**Councilor Chavez** asked if Chisholm Energy will be drilling or fracking. **Mr. Lane** explained Chisholm will be using both. He added Chisholm is a full operating company who drills, completes, and produces the wells. **Councilor Chavez** asked what Chisholm would do with the waste water from fracking. **Mr. Lane** explained that the waste water is either hauled for disposal to an SWD well or hauled to R360 or a disposal site. He added most of the water used is recycled and reused on future wells. An AMEC representative explained he reviewed the process and approved the permits based on the cities ordinances. He explained he recommended revising the casing and completion program and Chisholm Energy has complied. He explained upon approval to drill an AMEC representative will be on site supervising the drilling process.

**Mr. Romero**, Balleau Groundwater, explained he has reviewed AMEC's review and recommendations and concurs with their recommendations. **Councilor Chavez** asked about the long term migration of contamination underground leakage. He asked what the possibility of contamination seeping in the future. **Mr. Romero** said those are possibilities. He said they are going down very deep and there are some low permeability units that separate the drilling from the fresh water system. He said with today's modern technology, he feels it is a reasonable approach but cannot say there is 100% guarantee. **Councilor Rodriguez** added that in order for the casing to leak it would have to go through 4 different pipes, 3 of which are encased in concrete to extend beyond the casing.

0:22:52      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Application for a Permit from Chisholm Energy Operating, LLC to drill within Sheep's Draw Well Head Protection Area, Ocotillo WCB #2H

0:23:15      **Vote**

The vote was as follows: Yes - Walterscheid, Carter, Estrada, Rodriguez, Waters; No - Chavez; Absent- Anaya Flores, Shirley; the motion carried.

0:23:33      **7. CONSIDER APPROVAL OF APPLICATION FOR A PERMIT FROM CHISHOLM ENERGY OPERATING, LLC TO DRILL WITHIN SHEEP'S DRAW WELL HEAD PROTECTION AREA, OCOTILLO WCB #3H**

**Mr. Hernandez** explained this is the second well that Chisholm Energy is submitting an application for approval to drill with Sheep's Well Head Protection Area.

0:24:22      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Application for a Permit from Chisholm Energy Operating, LLC to drill within Sheep's Draw Well Head Protection Area, Ocotillo WCB #3H

0:24:31      **Vote**

The vote was as follows: Yes - Walterscheid, Carter, Estrada, Rodriguez, Waters; No - Chavez; Absent- Anaya Flores, Shirley; the motion carried.

0:24:45      **8.      CONSIDER APPROVAL OF APPLICATION FOR A PERMIT FROM CHISHOLM ENERGY OPERATING, LLC TO DRILL WITHIN SHEEP'S DRAW WELL HEAD PROTECTION AREA, OCOTILLO WCB #4H**

**Mr. Hernandez** explained this is the second well that Chisholm Energy is submitting an application for approval to drill with Sheep's Well Head Protection Area.

0:25:24      **Motion**

The motion was made by Councilor Waters and seconded by Councilor Walterscheid to approve Application for a Permit from Chisholm Energy Operating, LLC to drill within Sheep's Draw Well Head Protection Area, Ocotillo WCB #4H

0:25:33      **Vote**

The vote was as follows: Yes - Walterscheid, Carter, Estrada, Rodriguez, Waters; No - Chavez; Absent- Anaya Flores, Shirley; the motion carried.

0:25:47      **9.      CONSIDER APPROVAL OF TRANSFER OF OWNERSHIP OF LIQUOR LICENSES FROM ALLSUPS CONVENIENCE STORES, INC FOR PROPOSED LOCATIONS: 2301 W LEA, 102 EAST CHURCH, 1010 S CANAL, 3220 NATIONAL PARKS HWY, 920 W MERMOD, 2417 W PIERCE, CARLSBAD, NM; TEDDY HARTLEY, VICE PRESIDENT**

**Mr. Hernandez** explained this is a request for transfer of ownership. He explained Mr. Allsup's has passed and this is to transfer the licenses into his wife's name. He said a hearing was held on July 18, 2018 with no opposition of the transfer.

0:26:53      **A.      Public Hearing**

**Ms. Teresa Guevarra**, said this request is to transfer ownership of the liquor license to Mrs. Allsup.

0:27:31      **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 in regular session.**

0:27:41      **B.      Consider Approval**

0:27:44      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Transfer of Ownership of Liquor Licenses from Allsup's Convenience Stores, Inc. for Proposed Locations: 2301 W. Lea, 102 East Church, 1010 S. Canal, 3220 National Parks Hwy, 920 W. Mermod, 2417 W. Pierce, Carlsbad, NM; Teddy Hartley, Vice President

0:27:50      **Vote**

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

0:28:04      **10. CONSIDER APPROVAL OF RESOLUTION NO 2018-44, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2018-2019**

**Mr. Josh Moore**, Transit Superintendent, explained this application will be used to improve the infrastructure of fixed routes bus stops by adding benches and shelters. He explained the request would also fund Smart Transit Technology, which would provide GPS Tracking and Auto Routing making Transit much more efficient and customer friendly.

0:30:03      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution No. 2018-44, a Resolution authorizing the filing of an Application to the New Mexico Department of Transportation for Funding Assistance for FY 2018-2019

0:30:09      **Vote**

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

0:30:22      **11. CONSIDER APPROVAL OF ORDINANCE NO 2018-13, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.70 ACRE PROPERTY, LOCATED AT 509 DEL RIO STREET, LEGALLY DESCRIBED AS LOT 1 MESA VISTA REPLAT, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56- 140(I), CARLSBAD CODE OF ORDINANCES, APPLICANT: ALCHEMY IV LLC**

0:31:09      **A. Public Hearing**

**Mr. Patterson** explained this request is to change the zoning at 509 Del Rio Street from "R-2" to "C-2". He explained the property is located in the Petroleum Park, which is a commercial subdivision. He said the owner would like to change the zoning to install temporary housing. He said the Planning and Zoning Commission recommend approval.

0:32:37 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Ralph McInvale**, an owner of Premiere Lodging and Alchemy IV Management, explained they are in the work force housing business. He said they are first class and are very excited to begin this project.

**Councilor Walterscheid** asked how many people he plans on housing. **Mr. McInvale** said they will have 5 and 6 bedroom houses with a total of 380 to 420 total bedrooms. He said they will average about 1.5 people per bedroom. He explained all of the staff will live onsite and the housing will bring in large oil field service companies. He said they will charge about a 1/3 or a 1/4 of what the local hotels charge.

**Councilor Rodriguez** asked if there will be a fence along the perimeter of the senior citizen homes. **Mr. McInvale** said yes.

0:35:37 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:35:48 **B. Consider Approval of Ordinance No 2018-13**

0:35:54 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2018-13, an Ordinance Rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 2.70 acre property, located at 509 Del Rio Street, legally described as Lot 1 Mesa Vista Replat, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant: Alchemy IV, LLC

0:36:05 **Vote**

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

0:36:21 **12. CONSIDER APPROVAL OF ORDINANCE NO 2018-14, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.83 ACRE PROPERTY, LOCATED AT 513 DEL RIO STREET, LEGALLY DESCRIBED AS LOT 2, MESA VISTA REPLAT, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56- 140(I), CARLSBAD CODE OF ORDINANCES, APPLICANT/OWNER: MESA PROPERTIES OF CARLSBAD LLC**

0:37:07 **A. Public Hearing**

**Mr. Patterson** explained this is a request to change zoning from "R-2" to "C-2" for the property at 513 Del Rio Street. He explained this property is directly south of the previous item. He said the previous applicant plans to extend the operation onto this property. He added the Planning and Zoning Commission recommend approval.

**Councilor Walterscheid** asked why the request for a zone change. **Mr. Patterson** explained the property is a vacant property. He said previously the intent was to place an apartment complex on the property.

0:38:40 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. McInvale** explained this property is a continuation of the previous item. He said these five acres will allow him to expand.

0:39:15 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:39:32 **B. Consider Approval of Ordinance No 2018-14**

0:39:39 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2018-14, an Ordinance Rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 2.83 Acre Property, located at 513 Del Rio Street, legally described as Lot 2, Mesa Vista Replat, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant/Owner: Mesa Properties of Carlsbad, LLC

0:39:45 **Vote**

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

0:40:00 **13. CONSIDER APPROVAL OF ORDINANCE NO 2018-15, ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 3 ACRE PROPERTY, LOCATED AT 3701 SAN JOSE BOULEVARD, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES APPLICANT: RAGESHBHAI SHAH**

**Mr. Patterson** explained this request is to change the zoning on the subject property from "R-R" Rural Residential to "C-2" Commercial 2 District. He explained this property lies north of the Candlewood Suites. He said the Planning and Zoning Commission recommend approval.

0:41:40       **A.     Public Hearing**

0:41:42       **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Rageshbhai Shah** said he would like to build a hotel at this location.

**Councilor Walterscheid** asked what the name of the hotel will be. **Mr. Shah** explained he is still talking to the franchise and due to the business policy he cannot yet say.

**Councilor Chavez** asked how many rooms the hotel will have. **Mr. Shah** said 80 to 90 rooms.

0:43:23       **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:43:32       **B.     Consider Approval of Ordinance No 2018-15**

0:43:39       **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance No. 2018-15, an Ordinance Rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an Approximately 3 Acre Property, located at 3701 San Jose Boulevard, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances Applicant: Rageshbhai Shah

0:43:46       **Vote**

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

0:44:05       **14.     CONSIDER APPROVAL OF ORDINANCE NO 2018-16, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.61 ACRE PROPERTY, LOCATED AT 2115 SAN JOSE BOULEVARD, LEGALLY DESCRIBED AS TRACT 3A, REPLAT OF TRACT 2 OF OLD ROSE FARM #4 AND TRACT #3 OF OLD ROSE FARM #2, PURSUANT TO SECTION 3- 21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES, APPLICANT: NEW MEXICO GAS**

0:44:58       **A.     Public Hearing**

**Mr. Patterson** explained this request is to change the zoning of 2115 San Jose Boulevard. He said NM Gas plans to relocate its office, storage, and parking to this property. He said the Planning and Zoning Commission recommend approval.

0:47:13 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Kelly Sanders**, NM Gas Company, said they are proposing to build a new office at this site to better serve their customers and increase business opportunities in Carlsbad.

**Councilor Rodriguez** asked if this will only be used as an office. **Mr. Sanders** said they will also have equipment because they will completely abandon the facility on the Pecos Highway.

0:48:57 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:49:02 **B. Consider Approval of Ordinance No 2018-16**

0:49:09 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Ordinance No. 2018-16, an Ordinance Rezoning Part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 2.61 Acre Property, located at 2115 San Jose Boulevard, legally described as Tract #a, Replat of Tract 2 of Old Rose Farm #4 and Tract #3 of Old Rose Farm #2, pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant: New Mexico Gas

0:49:16 **Vote**

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

0:49:36 **15. CONSIDER APPROVAL OF ORDINANCE NO 2018-17, AN ORDINANCE ANNEXING A PORTION OF LAND LOCATED TO THE WEST OF THOMASON ROAD AND NORTH OF FARM VIEW SUBDIVISION, PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SECTION 3-7-1 ET. SEQ. NMSA 1978 APPLICANT/OWNER: WALTERSCHEID TRUCKING & FARMS**

0:50:09 **A. Public Hearing**

**Mr. Patterson** explained this is a petition to annex approximately 95.73 acres of property. He said the intent for the annexation is to build housing. He said the Planning and Zoning Commission recommend approval of the annexation.

0:51:21 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Dave Church**, Project Engineer, said he is representing the Walterscheids and Mr. Thurston who is the developer. He said the project speaks for itself and he appreciates the council considering approval.

0:52:30 Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

0:52:35 B. Consider Approval of Ordinance No 2018-17

0:52:42 Motion

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2018-17, an Ordinance Annexing a portion of land located to the West of Thomason Road and North of Farm View Subdivision, pursuant to the Petition method provided for in Section 3-7-1 ET. SEQ. NMSA 1978 Applicant/Owner: Walterscheid Trucking & Farm

0:52:55 Vote

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

0:53:14 **16. CONSIDER APPROVAL OF ORDINANCE NO 2018-18, AN ORDINANCE APPLYING "R-1" RESIDENTIAL 1 DISTRICT ZONING FOR AN 95.73 ACRE PROPERTY, LOCATED TO THE WEST OF THOMASON ROAD AND NORTH OF ELGIN ROAD, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56- 150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES, APPLICANT/OWNER: WALTERSCHEID TRUCKING & FARMS**

0:53:56 A. Public Hearing

Mr. Patterson explained this item is to apply zoning for the previously approved annexation. He explained the applicant is requesting "R-1" Residential 1 District Zoning, which is single family zoning. He said this zone request would not create a spot zone and the zoning fits the purpose intended for the parcel. He said the Planning and Zoning Commission recommends approval.

0:55:06 Mayor Janway asked if anyone would like to speak in favor of the Ordinance.

Mr. Church said there will be third acre lots along the boundary on the south. He said R-1 will be the appropriate zoning for the development.

Councilor Waters asked if the neighbors are aware of the project. Mr. Church answered yes, he explained one of the requirements is to notify all adjacent neighbors by registered mail.

0:56:25 Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

0:56:33        **B.        Consider Approval of Ordinance No 2018-18**

0:56:39        **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Ordinance No. 2018-18, an Ordinance Applying "R-1" Residential 1 District Zoning for an 95.73 acre property, located to the West of Thomason Road and North of Elgin Road, pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances, Applicant/Owner: Walterscheid Trucking & Farms

0:56:48        **Vote**

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

0:57:04        **17.        CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 600 KIRCHER STREET, CARLSBAD, NM; APPLICANT: WILLIAM WALKER**

**Mr. Patterson** explained this request is to allow Temporary Housing as a Temporary use at 600 Kircher Street. He said the property is zoned C-2 which fits with housing a temporary housing facility. He said the applicant is asking for 54 spaces on the property. He said the site plan included all the criteria required for approval.

0:58:24        **Mayor Janway asked if anyone present would like to address this Application. No one appeared.**

0:58:39        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 600 Kircher Street, Carlsbad, NM; Applicant: William Walker

0:58:45        **Vote**

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

0:58:58        **18.        CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 712 KIRCHER STREET, CARLSBAD, NM; APPLICANT: WILLIAM WALKER**

**Mr. Patterson** explained the applicant wishes to place a Temporary Housing facility/RV Park on the property. He said the property is zoned correctly and the site plan shows 54 spaces on this property. He said the site plan contains all the requirements and the Planning and Zoning Commission recommend approval.

1:00:03        **Mayor Janway asked if anyone present would like to address this Application. No one appeared.**

1:00:14      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve request for Temporary Use Application to allow Temporary Housing as a Temporary use at 712 Kircher Street, Carlsbad, NM: Applicant: William Walker

1:00:22      **Vote**

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

1:00:34      **19. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** said the Blue Ribbon Committee has continued to meet on a regular basis and continue to move forward.

**Mayor Janway** said he appreciates all the work the Committee is doing and added Oran Means is the Chairman and Councilor Rodriguez is the co-chair.

**Councilor Chavez** said he is on the Board of Solid Waste Commissioners. He said the Board is going to present an Ordinance to council to better serve the public and the city regarding trash. He added the Board is waiting on the results of the Recycling Survey so the Board can work on plans for recycling.

**Mr. Shah** said he is concerned about when San Jose Blvd and Standpipe Road will be opening. **Mr. Camero** said San Jose Blvd is scheduled to be completed on August 15, 2018. He explained this is the last phase of the project, so the entire corridor will be completed. **Mr. Camero** explained that Standpipe Phase 1 contractor is looking at paving the intersection next week. He said the goal is to open the intersection as soon as possible.

**Ms. Debra Chamblee**, who resides on Utah Street, said she has a complaint against her neighbor, who took her fence down. She said the neighbor has been doing work on his property and poisoning her animals with his exhaust. She said his vehicle is diesel and the exhaust comes into her home causing her and her pets to become sick. She said she has called the police and they have asked her to stop calling them because it is his property. She said he has caused her foundation to crack with all the work he is doing on his property.

**Mr. Patterson** said he has talked to the Building Inspector and Code Enforcement Officer about this issue. He said Mr. Cass stated that the fence issue will be a civil issue. He said there is nothing the city can do to fix the situation. He said Code Enforcement did not find any real issues that they could address.

**Chief Skinner** said a lot of the issues have been deemed civil issues. He said they have investigated and take all calls very seriously. He said the department has tried to

mediate the situation and have advised both parties of their avenues of pursuit. He said as future events happen the Police Department will continue to respond.

**Ms. Riordan** said from what has been described tonight, she concurs with Chief Skinner that these are civil issues. She said the city can not interfere with civil issues.

1:17:31      **20. ADJOURN**

1:17:35      **Motion**

The motion was made by Councilor Waters and seconded by Councilor Estrada to Adjourn

1:17:45      **Vote**

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

1:18:03      **Adjourn**

There being no further business, the meeting was adjourned at 7:19 p.m.

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Dale Janway, Mayor

ATTEST:

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Kadee Rodriguez, Deputy City Clerk