

**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 25, 2017 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Wanda Durham	Councilor

Absent:	J. R. Doporto	Councilor
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Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Patsy Jackson-Christopher	Director of Arts & Culture
	Luis Camero	Director of Engineering Services
	Steve Hendley	Director of Parks & Recreation
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Kent D. Waller	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**

0:00:00 Start Audio Recording

0:00:01 Invocation – Pledge of Allegiance

0:00:28 **Mayor Janway** asked Mr. McCutcheon for an update on the coordinated effort on the entrances to the City. **Mr. McCutcheon** said there has been some reorganization in Code Enforcement. He said Mr. KC Cass has been given the responsibility to supervise Code Enforcement. He explained he has met with Mr. Cass

and Mr. Patterson and they have outlined a coordinated effort to take a look at the entrances to the City. He added staff has made some progress and should be able to address the issue in a broad manner with all involved.

0:02:21 **1. APPROVAL OF AGENDA**

Mayor Janway said he has been asked by the applicant to pull Item No. 8 Consider approval of Request from Mario Ramirez, of the Luxe Club for a Country Festival with Alcohol Sales on August 11, 2017 at the Halagueno Arts Park.

0:02:30 **Motion**

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

0:02:38 **Vote**

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

0:02:51 **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-27, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2016-2017 FISCAL YEAR BUDGET**

Mrs. Gonzales reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget highlighting the NM Finance Authority Loans Fund.

0:03:37 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Anaya Flores to approve Resolution No. 2017-27, a Resolution making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget

0:03:43 **Vote**

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

0:03:55 **3. CONSIDER APPROVAL OF RESOLUTION NO. 2017-28, A RESOLUTION APPROVING THE CITY OF CARLSBAD 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.

0:05:12 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Resolution No. 2017-28, a Resolution approving the City of Carlsbad 4th Quarter Financial Report

0:05:20 **Vote**

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

0:05:33 **4. CONSIDER APPROVAL OF RESOLUTION NO. 2017-29, A RESOLUTION APPROVING THE CITY OF CARLSBAD 2017-18 FINAL BUDGET**

Mr. McCutcheon explained that DFA has approved the interim budget and expect approval of the final budget. He said the final budget has been reviewed, approved, and recommended for approval by the Budget Committee. **Councilor Doss** congratulated the staff for completing the budget in a timely matter. **Mayor Janway** added he also appreciates the work of the budget committee.

0:07:20 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve Resolution No. 2017-29, a Resolution approving the City of Carlsbad 2017-18 Final Budget

0:07:23 **Vote**

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

0:07:33 **5. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 11, 2017
- B. City Personnel Report
- C. Contracts and Agreements:
 - 1) Consider approval of Agreement between the City of Carlsbad and the NM Department of Finance and Administration, Local Government Division, for the Enhanced 911 Act
 - 2) Consider approval of Agreement between the City of Carlsbad and Boutique Air, Inc. for a portion of the Cavern City Air Terminal
 - 3) Consider approval of Agreement between the City of Carlsbad and NMDOT for an Aviation Grant for various airport maintenance improvements at the Cavern City Air Terminal
- D. Set Date: September 12, 2017
 - 1) An Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential District for an approximately 36.01 acre property, located to the West of Boyd Drive and South of Hidalgo Road.
- E. Monthly Reports:
 - 1) Monthly Report, Utilities Department, June 2017
- F. Board and Committee Appointments
 - 1) Carlsbad Public Library Board of Trustees: Reappointment-Robert Chavez, Chris Owens, and Bernita Smith-Payne all for 4-year terms

0:07:56 **Mayor Janway** asked Mr. McCutcheon to discuss Item C.2 Consider approval of Agreement between the City of Carlsbad and Boutique Air, Inc. for a portion of the Cavern City Air Terminal. **Mr. McCutcheon** explained this request is an important service to the city. He said this request is for the office space that Boutique Air utilizes at the Cavern City Airport. He added EAS service funding will continue.

0:09:21 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Routine and Regular Business

0:09:27 **Vote**

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

0:09:41 **6. CONSIDER APPROVAL TO APPOINT WANDA DURHAM AS 2017 ANNUAL NMML CONFERENCE VOTING DELEGATE AND DICK DOSS AS ALTERNATE DELEGATE FOR THE CONFERENCE TO BE HELD AUGUST 17, 2017**

Mr. McCutcheon said the Mayor has recommended Councilor Durham and Councilor Doss as voting delegates to make decisions on behalf of the city at the NMML Conference.

0:10:43 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve to appoint Wanda Durham as 2017 Annual NMML Conference Voting Delegate and Dick Doss as Alternate Delegate for the conference to be held August 17, 2017

0:10:50 **Vote**

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

0:11:04 **7. CONSIDER APPROVAL OF RESOLUTION NO. 2017-30, A RESOLUTION SETTING THE REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AUTHORITIES OR OTHER POLICYMAKING BODIES FOR THE CITY OF CARLSBAD**

Mr. McCutcheon explained the New Mexico Statutes which govern open meetings require that this Resolution be adopted annually. He explained there are no changes and staff recommends approval to be in compliance with the statute required by the State.

0:11:57 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2017-30, a Resolution setting the requirements for

Notice of Public Meetings of the Governing Body, Boards, Commissions, Committees, Agencies, Authorities or other Policymaking Bodies for the City of Carlsbad

0:12:03 **Vote**

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

0:12:15 **9. CONSIDER APPROVAL OF ORDINANCE NO. 2017-17, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/- 34.70 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NEW MEXICO, LOCATED AT 1401 W. DERRICK RD., APPLICANT: JOE BRININSTOOL**

Mr. Patterson explained that this property is located at the corner of Derrick Road and National Parks Highway. He said the applicant is requesting annexation into the city limits. He explained the Planning and Zoning Commission recommend approval.

0:14:07 **A. Public Hearing**

0:14:12 **Mayor 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.**

0:14:27 **B. Consider Ordinance No. 2017-17**

0:14:33 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Ordinance No. 2017-17, an Ordinance Annexing a portion of land containing +/- 34.70 acres more or less, contiguous to the City of Carlsbad, New Mexico, located at 1401 W. Derrick Rd., Applicant: Joe Brininstool

0:14:39 **Vote**

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

0:14:51 **10. CONSIDER APPROVAL OF ORDINANCE NO. 2017-18, AN ORDINANCE ESTABLISHING "C-2" COMMERCIAL DISTRICT ZONING IN CONJUNCTION WITH THE ANNEXATION OF APPROXIMATELY 34.70 ACRES OF PROPERTY, LOCATED AT 1401 W. DERRICK RD., APPLICANT: JOE BRININSTOOL**

Mr. Patterson explained this is in conjunction with the previous annexation. He said the applicant is requesting "C-2" zoning and added this will not create a spot zone. He said the Planning and Zoning Commission voted to recommend approval.

0:16:17 **A. Public Hearing**

0:16:20 **Mayor 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.**

0:16:34 **B. Consider Ordinance No. 2017-18**

0:16:39 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Rodriguez to approve Ordinance No. 2017-18, an Ordinance establishing "C-2" Commercial District Zoning in conjunction with the Annexation of approximately 34.70 acres of property, located at 1401 W. Derrick Rd., Applicant: Joe Brininstool

0:16:51 **Vote**

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

0:17:04 **11. COUNCIL COMMITTEE REPORTS**

Councilor Carter said the ATV Committee met last night. He said the concerns addressed were safety, regulatory, enforcement actions, and inspection and compliance of the ATV's. He said it was decided not to move forward at this time.

Chief Waller explained he met with staff this morning regarding the Animal Ordinance. He said staff will meet with Ms. Donner to discuss changes and modifications. He said he is hoping to bring the changes to Council in August.

Councilor Rodriguez asked what are the major concerns for the Animal Ordinance.

Chief Waller said there are problems with definitions, verbiage, and how the Police Department is affected. **Councilor Rodriguez** asked if there is an aspect of exotic animals involved. **Ms. Riordan** said as currently drafted there would be certain exotics that would not be allowed to be sold. **Chief Waller** said there is also language addressing accidents involving animals and that is being reviewed. **Mr. McCutcheon** added they have appointed a special committee and allowed additional time and staff really appreciates that. He said the committee and time will allow for a thorough review for a better product.

Chief Lopez said the Combat Challenge Team will be going to Longmont, Colorado this weekend to compete. He said the Team received first place in Branson, Missouri on the relay portion. He said the Team is rebuilding because there were two members who are not able to compete this year. He said the two new members are Richie Ramirez and Mark Johnson. He said the Team has been practicing hard and he expects them to do well moving forward.

Mr. Denton McCullough said he would like to ask the Councilors for their views on the entrances to Carlsbad. He said he would be happy to meet with them and proceed. He added he appreciates the city moving quickly and looking into the issue.

0:26:22 **12. ADJOURN**

0:26:25 **Motion**

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

0:26:32 **Vote**

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

0:26:47 **Adjourn**

There being no further business, the meeting was adjourned at 6:28 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk