

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON AUGUST 14, 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
	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
	Kadee Rodriguez	Deputy City Clerk
	Ken Britt	Community Dev. Director
	Ron Myers	Director of Utilities
	Sam Plumlee	IT Director
	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**

0:00:02 Invocation - Pledge of Allegiance

0:00:37 **Mayor Janway** recognized the Shorthorn Allstars who did an incredible job this year. They finished as the 2018 District 6 Champions and the New Mexico Little League Champions. They went on to take third place in the Southwest Regionals in Texas. **John Lowe** presented each player with a special proclamation.

0:07:08 **1. APPROVAL OF AGENDA**

0:07:11 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve the agenda

0:07:15 **Vote**

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

0:07:31 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 24, 2018
- B. Minutes of the Special City Council Meeting held on July 30, 2018
- C. City Personnel Report
- D. Purchasing
 - 1. Consider Approval to Advertise for Request for Proposal of a Fire Alarm System Expansion for Walter Gerrells Performing Arts Center
- E. Contracts and Agreements
 - 1. Consider Approval of Agreement between the City of Carlsbad and Carlsbad Soccer League for Sports Services at the Bob Forrest Youth Sports Complex
 - 2. Consider Approval of Agreement between the City of Carlsbad and Molzen Corbin Engineers for Professional Services Agreement for Task Order No 2017-1 and Task Order No 2018-2 for Cavern City Airport
- F. Monthly Reports
 - 1. PERD Monthly Report June 2018
 - 2. Personnel Monthly Report July 2018
- G. Board and Committee Appointments
 - 1. Riverwalk Recreation Advisory Board, Re-Appoint Becky Fierro, 4 year term
 - 2. Lodger's Tax Advisory Board, Appoint Julie Chester, 6 year term

0:07:50 **Mayor Janway asked Mike Hernandez to briefly discuss Item E.2.**

Mike Hernandez explained this is for an agreement with Molzen Corbin for engineering services for the reconstruction of Taxiway C from Taxiway B to runway 826. This will bring the Airport in compliance with FAA Design Standards. This is a FAA Grant in which FAA will pay 95%, State 2.5%, and the City 2.5%. Estimated City funds are about \$3,000.

0:08:41 **Motion**

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

0:08:45 **Vote**

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

0:09:07 **3. CONSIDER APPROVAL OF LIQUOR LICENSE APPLICATION FOR A WINEGROWER LIQUOR LICENSE, WITH ON PREMISES CONSUMPTION AND PACKAGE SALES WITH PATIO SERVICE FROM GUADALUPE MOUNTAIN BREWING, CO. LLC FOR PROPOSED LOCATION: 3404 NATIONAL PARKS HWY, CARLSBAD, NM; CHRIS PETTUS, MANAGING MEMBER**

0:09:35 **A. Public Hearing**

Mike Hernandez explained there was an Alcohol Hearing on August 8, 2018. Chris and April Pettus are both in the audience and attended the Hearing in support of a Beer and Wine Wholesaler Liquor License. He said there was no opposition that showed up to oppose this and we are bringing this before you today for your approval. **Councilor Walterscheid** asked what the wording 'Winegrower' in the Liquor License Application meant. **Chris Pettus** explained that Winegrower is just the legal terminology to be a legal winery and they will not be growing wine. They are really looking to make hard cider.

0:10:59 **Mayor Janway asked if anyone would like to speak regarding the approval.**

Chris Pettus explained they want to make their own hard cider but cannot legally make it yet. He said they are selling hard cider right now from Albuquerque but they want to be able to keep everything local and in-house.

0:11:52 **The Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:12:04 **B. Consider Approval**

0:12:07 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Liquor License Application for a Winegrower Liquor License, with on premises consumption and package sales with Patio Service from Guadalupe Mountain Brewing, Co. LLC for Proposed Location: 3404 National Parks Hwy, Carlsbad, NM; Chris Pettus, Managing Member

0:12:12 **Vote**

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

0:12:27 **4. CONSIDER APPROVAL OF LIQUOR LICENSE APPLICATION FOR A BEER AND WINE WHOLESALER LIQUOR LICENSE FROM GUADALUPE MOUNTAIN BREWING, CO. LLC FOR PROPOSED LOCATION: 3404 NATIONAL**

PARKS HWY, CARLSBAD, NM; CHRIS PETTUS, MANAGING MEMBER A. PUBLIC HEARING B. CONSIDER APPROVAL

0:12:48 **A. Public Hearing**

Mike Hernandez explained this came before the Alcohol hearing on August 8, 2018. He said Chris and April Pettus came in support of this and there was no one who opposed it. He said this is a Winegrower Liquor License with on premises consumption and package sales with patio service.

0:13:31 **Mayor Janway asked if anyone would like to speak regarding the approval. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:13:45 **B. Consider Approval**

0:13:48 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Liquor License Application for a Beer and Wine Wholesaler Liquor License from Guadalupe Mountain Brewing, Co. LLC for proposed location: 3404 National Parks Hwy, Carlsbad, NM; Chris Pettus, Managing Member

0:13:53 **Vote**

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

0:14:12 **5. CONSIDER APPROVAL OF TRANSFER OF OWNERSHIP OF INTERLOCAL LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY FROM BLAZING WINGS INC. FOR PROPOSED LOCATION; 1801 W PIERCE, CARLSBAD, NM; MARK RHOADES, ATTORNEY A. PUBLIC HEARING B. CONSIDER APPROVAL**

0:14:32 **A. Public Hearing**

Mike Hernandez explained this Alcohol Hearing was August 8, 2018 and Mark Rhoades, the attorney for Blazing Wings, called in by phone and participated in support of the transfer of ownership with on premises consumption only. He said there was no opposition to protest this. He said Mr. Rhoades represents an investment group that has joined forces and bought out all of the Buffalo Wild Wings across the county, so there is one owner instead of separate franchises.

0:15:23 **Mayor Janway asked if anyone would like to speak regarding the approval.**

Denton McCullough said he is not speaking against the proposal but in the future he hopes they would do a better job of landscaping their property. He said it is unsightly for the parking lot they have in the front, they just park in the dirt. **Mike Hernandez** said he would make sure to let Mr. Rhoades know when he contacts him tomorrow.

0:16:26 **Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:16:29 **B. Consider Approval**

0:16:31 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Transfer of Ownership of Interlocal Liquor License with on premises consumption only from Blazin Wings Inc. for proposed location; 1801 W. Pierce, Carlsbad, NM; Mark Rhoedes, Attorney

0:16:36 **Vote**

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

0:16:52 **6. CONSIDER APPROVAL OF ORDINANCE NO 2018-19, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 1.3 ACRE PROPERTY, LOCATED AT 2017 SAN JOSE BLVD, LEGALLY DESCRIBED AS PART OF TRACT 2, OLD ROSE FARM #3, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES APPLICANT: DAVID AND LAVERNE MALEY A. PUBLIC HEARING B. CONSIDER APPROVAL OF ORDINANCE NO 2018-19**

0:17:52 **A. Public Hearing**

Mr. Patterson explained this request is to change the zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for the subject property. He said the property to the south, 2115 San Jose Blvd., recently was approved for a zoning change to "C-2" Commercial 2 District and that's where New Mexico Gas is going to be located. He explained the Planning and Zoning Commission recommend approval.

0:18:36 **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.**

0:18:58 **B. Consider Approval**

0:18:58 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Ordinance No 2018-19, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 1.3 acre property, located at 2017 San Jose Blvd, legally described as part of Tract 2, Old Rose Farm #3, Pursuant to

Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances Applicant: David and Laverne Maley

0:19:07 **Vote**

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

0:19:24 **7. CONSIDER APPROVAL OF ORDINANCE NO 2018-20, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 74.14 ACRE PROPERTY, LOCATED AT 3021 SAN JOSE BOULEVARD, LEGALLY DESCRIBED AS QUARTER: SW S: 18 T: 22S R: 27E S2SW (LESS 10' STRIP & LESS SAN JOSE BLVD REPLAT) MAP# 263-4, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES. APPLICANT: DAVID AND LAVERNE MALEY**

0:20:28 **A. Public Hearing**

Mr. Patterson stated this request is a for a change in zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District. He said they are seeing an increased location of commercial enterprise down the Boyd Drive corridor and changing the zoning to "C-2" would not create a spot zone in this location. He explained the Planning and Zoning Commission recommends approval.

0:21:27 **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.**

0:21:35 **B. Consider Approval**

0:21:49 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Ordinance No 2018-20, an Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 74.14 acre property, located at 3021 San Jose Boulevard, legally described as Quarter: SW S: 18T: 22S R: 27E S2SW (less 10' strip & less San Jose Blvd Replat) Map# 263-4, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances. Applicant: David and Laverne Maley

0:21:53 **Vote**

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

0:22:11 **8. CONSIDER APPROVAL OF ORDINANCE NO 2018-21, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.17 ACRE PROPERTY,**

LOCATED AT 113 SOUTH GUADALUPE STREET, LEGALLY DESCRIBED AS LOT 13, BLOCK 95, STEVENS 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. APPLICANT: VICTORIA ROMERO

0:22:54 **A. Public Hearing**

Mr. Patterson stated this request is for a zoning change from a "C-2" Commercial 2 District to "R-2" Residential 2 District. He said there is "R-2" Residential 2 District zoning across on the south side of Fox Street, it's in the vicinity of the property. He said technically this would not create a spot zone. He explained the Planning Department believes this rezoning would better fit the intended use for the property. He explained the Planning and Zoning Commission recommend approval.

0:23:45 **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.**

0:24:03 **B. Consider Approval**

0:24:09 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No 2018-21, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.17 acre property, located at 113 South Guadalupe Street, legally described as Lot 13, Block 95, Stevens 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. Applicant: Victoria Romero

0:24:13 **Vote**

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

0:24:30 **9. CONSIDER APPROVAL OF ORDINANCE NO 2018-22, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-5.17 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NEW MEXICO, LOCATED AT 912 STANDPIPE ROAD, LEGALLY DESCRIBED AS LYING BETWEEN THE CURRENT CORPORATE BOUNDARY AND THE NEW SOUTHERLY LINE OF TRACT 1A, CREATED BY THE BRIAN STEVENS LINE ADJUSTMENT PLAT, PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SECTION 3-7-1 ET. SEQ., NMSA 1978. APPLICANT: BRIAN STEVENS**

0:25:20 **A. Public Hearing**

Mr. Patterson stated this petition for annexation is for approximately 5.17 acres lying south of 912 Standpipe Road. He explained the owner moved their lot line and extended the property to the south and by doing so extended their property outside the

city's boundaries. He said the property owners would like to annex that portion in so they could continue with the expansion of their RV Park. He said the Planning and Zoning Commission recommends approval.

0:26:12 **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.**

0:26:28 **B. Consider Approval**

0:26:34 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Ordinance No 2018-22, an Ordinance annexing a portion of land containing +/-5.17 Acres more or less, Contiguous to the City of Carlsbad, New Mexico, located at 912 Standpipe Road, legally described as lying between the Current Corporate Boundary and the new Southerly Line of Tract 1A, created by the Brian Stevens Line Adjustment Plat, Pursuant to the Petition method provided for in Section 3-7-1 ET. SEQ., NMSA 1978. Applicant: Brian Stevens

0:26:39 **Vote**

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

0:26:56 **10. CONSIDER APPROVAL OF ORDINANCE NO 2018-23, AN ORDINANCE APPLYING "R-R" RURAL RESIDENTIAL DISTRICT ZONING FOR AN APPROXIMATELY 5.17 ACRE PROPERTY, LOCATED AT 912 STANDPIPE ROAD, LEGALLY DESCRIBED AS LYING BETWEEN THE CURRENT CORPORATE BOUNDARY AND THE NEW SOUTHERLY LINE OF TRACT 1A, CREATED BY THE BRIAN STEVENS LINE ADJUSTMENT PLAT, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES APPLICANT: BRIAN STEVENS A. PUBLIC HEARING B. CONSIDER APPROVAL OF ORDINANCE NO 2018-23**

0:27:44 **A. Public Hearing**

Mr. Patterson stated this request goes with the previous item, the annexation of 912 Standpipe Road. He said the applicant would like to apply Rural Residential zoning that matches the current zoning of the property they own north of this subject property. He said the Planning and Commission recommends approval.

0:28:25 **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 in regular session.**

