

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON AUGUST 9, 2016 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada J. R. Doporto Wesley A. Carter Richard Doss Janell E. Whitlock	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Jason Shirley	Councilor
Also Present:	Steve McCutcheon Stephanie Shumsky Eileen P. Riordan Annette Barrick Wendy Hammett LaVelta Jenkins Jeff Patterson Luis Camero Thomas Carlson Richard Lopez Kent D. Waller Patsy Jackson-Christopher Steve Hendley	City Administrator Deputy City Administrator City Attorney City Clerk Finance Director Assistant City Treasurer Planning, Eng., & Reg. Director Public Works Utilities Director Public Works Director Fire Chief Police Chief Director of Arts & Culture 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

0:00:38 **Mayor Janway welcomed Ms. Wendy Hammett, the new City Finance Director, to her first Council meeting.**

0:00:54 **1. APPROVAL OF AGENDA**

0:00:56 **Motion**

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

0:01:01 **Vote**

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

0:01:12 **2. ROUTINE AND REGULAR BUSINESS**

- A. City Personnel Report
- B. Purchasing:
 - 1) Consider approval to Advertise Invitation for Bids for One (1) Type 6 Wildland Fire Apparatus
 - 2) Consider approval to Advertise Request for Proposals for the provision of Concession Services at the Bob Forrest Youth Sports Complex
 - 3) Consider approval to Advertise Invitation for Bids for the San Jose Boulevard, Phase 4 Construction Project
 - 4) Consider approval to Advertise Invitation for Bids for Resurfacing Runway 8-26
 - 5) Consider approval to Accept the Final Feasibility Study and designate Alternate 4 as the preferred Alternate for the proposed bridge over Dark Canyon near Boyd/Radio Boulevard and Monterrey
 - 6) Consider approval to Award CES Contract to Wade Construction for the reconstruction of the Labyrinth near the intersection of Locust Lane and Mission Avenue
 - 7) Consider approval to Award CES Contract to Speir Construction for the Roof Construction on the Carlsbad Municipal Library
 - 8) Consider approval to Award Bid #2016-21, to DuCross Construction for the Repair of a 30 foot section of the Double Eagle Waterline
- C. City of Carlsbad Department Monthly Reports:
 - 1) Carlsbad Municipal Court Department Monthly Report for July 2016
 - 2) Planning, Engineering, Regulations Department Monthly Report for July 2016
 - 3) Personnel Department Monthly Report for July, 2016
 - 4) Transportation & Facilities Department Monthly Report for June, 2016
- D. Contracts and Agreements
 - 1) Consider approval of the First Renewal and Amendment of Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening and Closing Services at the City of Carlsbad Cemeteries
 - 2) Consider approval of Request from the Carlsbad Fire Department for the Scott Firefighter Combat Challenge
 - a. Consider an Agreement between the City of Carlsbad and the Scott Firefighter Combat Challenge
 - b. Consider approval of Request for use of the North half of the Beach Parking Lot on Friday, September 30 through Sunday, October 2, 2016

- 3) Consider approval of NMDOT Aviation Grant, CNM-17-01, for airport maintenance improvements at the Cavern City Air Terminal
- E. Boards and Committee Appointments:
 - 1) Carlsbad Parks and Recreation Advisory Board: Akilah Nosakhere, 4-year term
 - 2) Bob Forrest Youth Sports Complex Advisory Board: Shelly Tucker, Remainder of 3-year term
- F. Set Date (September 13, 2016)
 - 1) An Ordinance Rezoning part of "R-2" Residential District to "C-2" Commercial District for an approximately 0.22 acre property, located at 618 West Pierce Street, legally described as Lot 2, Block 181, Westfall Subdivision, pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:01:40 **Mayor Janway asked Mayor Pro Tem Doss to discuss item B.5 Consider approval to Accept the Final Feasibility Study and designate Alternate 4 as the preferred Alternate for the proposed bridge over Dark Canyon near Boyd/Radio Boulevard and Monterrey.**

Councilor Doss explained that Item B.5 is the feasibility study to design the alternate route that will go over Dark Canyon near Boyd/Radio Boulevard and Monterrey intersections. He said there were 4 alternatives and number 4 is the preferable choice because option 4 only crosses the canal one time and it will be easier to straighten out the street in that area. He said with the feasibility study complete and the design approved, the project can get started. He said with the alternate City emergency vehicles will be able to get south of town.

Councilor Rodriguez said the study was well done. He said a few important key things with Alternate 4 are that the City is staying out of the landfill, it will minimize the impact, and it is also the least expensive alternate. He explained this will be an alternate means of transporting people on the south side of town in the event of heavy rainfall and flooding.

Councilor Anaya Flores said the project is really needed and she feels that alternate 4 is the best choice for all of the reasons already mentioned.

0:04:44 **Mayor Janway asked Chief Lopez to explained Item D.2 Consider approval of Request from the Carlsbad Fire Department for the Scott Firefighter Combat Challenge; a. Consider an Agreement between the City of Carlsbad and the Scott Firefighter Combat Challenge, and b. Consider approval of Request for use of the North half of the Beach Parking Lot on Friday, September 30 through Sunday, October 2, 2016.**

Chief Lopez explained this is the annual Firefighters Combat Challenge in Carlsbad. He said this is something the Fire Department looks forward to every year. He said the Combat Challenge Team has been working hard and preparing for the event. He

explained the Team took first place in Louisiana and Ohio and were able to beat the team that currently holds Worlds. He said the Team is close to beating the world record. He explained it is difficult to shave off the last second or two but the Team is working very hard. He said the Challenge is scheduled for later in the year so it won't be so hot and will be more enjoyable.

Mayor Janway asked Chief Lopez to let the Challenge Team know how proud he and the Council are of them and their great accomplishments.

0:06:08 **Councilor Doss** referenced C.3 Personnel Reports, he said there were many resignations from Lifeguards hired for the summer and would like an explanation on how that will affect the operation of the waterpark. **Mr. Hendley** said many of the lifeguards will be going back to school and college. He said Thursday, August 11th will be the last day the water park will be open during the week. He added the water park will be open on weekends through the last weekend of September. **Mr. McCutcheon** explained staff has tried very hard to staff the waterpark. He said he doesn't believe that many local people will visit during the day because school has started, but there is concern about visitors. He said staff is currently looking at ways for next year to staff the waterpark through the end of September.

0:08:12 **Motion**

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

0:08:22 **Vote**

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

0:08:37 **3. CONSIDER APPROVAL OF RESOLUTION 2016-39, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

Mr. McCutcheon explained this is the standard Resolution for following statute to dispose of obsolete and unusable City property.

0:09:10 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Resolution No. 2016-39, a Resolution declaring certain City property unusable or obsolete

0:09:19 **Vote**

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

0:09:30 **4. CONSIDER APPROVAL OF ZONING CHANGE FROM "C-2" COMMERCIAL DISTRICT TO "R-1" DISTRICT FOR FIVE PROPERTIES ON WEST ROSE STREET ADDRESSED AS 118, 205, 206, 208, & 209 W. ROSE STREET**

0:10:35 **A. Consider approval of Ordinance No. 2016-19, an Ordinance rezoning Part of "C-2" Commercial District to "R-1" Residential District for an approximately 1.83 acre Lot, located at 118 W. Rose Street, legally described as Tract 66, Assessor's Plat Amended, SE ¼ , SE ¼, 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**

0:10:35 **1) Public Hearing**

Mr. Patterson explained this item and the items that will follow are a continuation of an item that was brought before Council concerning a zone change at 212 W. Rose Street. He said the properties listed serve as a residence where the current zoning is C-2. He explained there is a clause in the Ordinance that states if the property is destroyed, the homeowner cannot rebuild in a residential nature in C-2 zoning. He said the residents want to continue to use the properties as a residence. He added if the property owners want to sale the property, the buyers would have trouble finding lending that would allow them to buy the property. **Mr. Patterson** said he was directed by Council to allow property owners to come forward to the Planning Department and join together as a group on the zone change application. He said the Planning & Zoning Commission has recommended approval and as a result he is recommending approval.

0:12:07 **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.**

0:12:29 **2) Consider Ordinance No. 2016-19**

0:12:35 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2016-19, an Ordinance rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 1.83 acre lot, located at 118 W. Rose Street, legally described as Tract 66, Assessor's Plat amended, SE 1/4, SE 1/4, 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

0:12:39 **Vote**

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

0:12:51 **B. Consider approval of Ordinance No. 2016-20, an Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an**

approximately .50 acre Lot, located at 205 W. 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

0:13:29 1) **Public Hearing**

0:13:32 **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.**

0:13:46 2) **Consider Ordinance No. 2016-20**

0:13:53 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2016-20, an Ordinance rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately .50 acre lot, located at 205 W. 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

0:14:00 **Vote**

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

0:14:12 C. **Consider approval of Ordinance No. 2016-21, an Ordinance Rezoning Part of “C-2” Commercial District to “R-1” Residential District for an approximately 0.96 acre Lot, located at 206 W. 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**

0:15:01 1) **Public Hearing**

0:15:02 **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.**

0:15:14 2) **Consider Ordinance No. 2016-21**

0:15:23 **Councilor Whitlock** asked if the zoning has ever been residential, since the properties are residential housing. Mr. Patterson said the previous zoning was D-2 and allowed residential uses. He said when a new Ordinance was adopted the clause came into effect, stating residential purposes were not allowed in the new commercial zoning.

0:15:58 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2016-21, an Ordinance rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.96 acre lot, located at 206 W. Rose Street, legally described at Tract 67, Assessor's Plat, map of the E 1/2 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

0:16:02 **Vote**

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

0:16:15 **D. Consider approval of Ordinance No. 2016-22, an Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.55 acre Lot, located at 208 W. Rose Street, Legally described as the East half of Tract 68, in SWSE N306', W80', S to Public Highway, East 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**

0:17:08 **1) Public Hearing**

0:17:10 **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.**

0:17:22 **2) Consider Ordinance No. 2016-22**

0:17:27 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2016-22, an Ordinance rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.55 acre lot, located at 208 W. Rose Street, legally described as the East half of Tract 68, in SWSE N306', W80', S to Public Highway, East 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

0:17:35 **Vote**

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

0:17:46 **E. Consider approval of Ordinance No. 2016-23, an Ordinance Rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.37 acre Lot, located at 209 W. 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

0:18:44 **1) Public Hearing**

0:18:46 **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.**

Ms. Melissa Washburn, property owner of 209 W. Rose St, thanked the Council on behalf of her neighbors and herself for considering the zone change. She explained she is in the process of selling her property and cannot get an appraisal of the property as it is currently zoned.

0:20:00 **2) Consider Ordinance No. 2016-23**

0:20:03 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2016-23, an Ordinance rezoning part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.37 acre lot, located at 209 W. 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

0:20:08 **Vote**

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

0:20:26 **5. COUNCIL COMMITTEE REPORTS**

None to report.

0:20:42 **6. ADJOURN**

0:20:49 **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Doporto to Adjourn

0:20:58 **Vote**

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

0:21:17 **Adjourn**

There being no further business, the meeting was adjourned at 6:22 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk