

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON DECEMBER 10, 2013 AT 6:00 P.M.**

Present:	Paul C. Aguilar	Councilor
	Nick G. Salcido	Councilor
	Sandra K. Nunley	Councilor
	Judith E. Waters	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
Absent:	Dale Janway	Mayor
	J. R. Doporto	Councilor
	Janell E. Whitlock	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Monica Harris	Finance Director
	Stephanie Shumsky	Planning, Eng., & Reg. Director
	Luis Camero	Public Works Utilities Director
	Thomas Carlson	Public Works Director
	Richard Lopez	Fire Chief
	Danny Fierro	Police Chief
	Patsy Jackson-Christopher	Director of CRC

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**

0:00:03 Invocation – Pledge of Allegiance

0:01:01 **1. APPROVAL OF AGENDA**

Mayor Pro Tem Doss added that Chief Fierro has a commendation for Corporal Whitzel.

0:01:11 **Motion**

The motion was made by Councilor Aguilar and seconded by Councilor Salcido to approve the Agenda.

0:01:18 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doport; The motion carried.

0:01:34 **Chief Fierro introduced Corporal David Whitzel with the Carlsbad Police Department who recently lost his partner.**

Chief Fierro explained that on Thursday, December 5, 2013, Aresta the departments final canine was put to sleep due to a tumor on her leg. He explained that she was 10.5 years old and worked with Corporal Whitzel for many years. He explained that she was trained as a dual purpose canine and assisted the department and other law enforcement agencies in tracking people, tracking property, apprehending criminals, narcotics, and she also served one year as a school resource officer. He added that she worked hard and gave his condolences to Corporal Whitzel for the loss and thanked him for all of the work that was done by him and Aresta as a team.

0:06:02 **2. BUDGET REVIEW**

Ms. Harris reviewed the revenues and expenditures as of October 31, 2013 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

Councilor Aguilar asked if the audit was completed on time. **Ms. Harris** explained that the audit is late; she is currently waiting on the auditors. **Councilor Aguilar** asked how that will affect the City receiving funding. **Ms. Harris** explained that the City will have an audit finding but the City will not become an at risk entity until January 15, 2014. She explained that the auditors have agreed to have the audit complete by December 31, 2013.

Councilor Aguilar explained that he was told the audit deadline was December 1, 2013. **Ms. Harris** explained that the deadline to complete the audit was December 2, 2013, in order to avoid the late audit finding. She explained that the at risk entity designation is not accessed until January 15, 2014. **Mr. McCutcheon** added that the designation for this year has been submitted and there have been no significant findings.

0:12:42 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Waters to approve the Budget Review.

0:12:49 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doport; The motion carried.

0:13:04 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on November 26, 2013
- B. Personnel Report

C. Purchasing:

- 1) Consider approval to Award RFP No. 2013-26, to B & R Trucking, Inc. for Structure Demolition and Debris Removal Services in the amount of \$80,000, pending successful contract negotiation
- 2) Consider approval to Award RFP No. 2013-27, to B & R Trucking, Inc. for Weed, Tree and Non-Structural Debris Removal Services in the amount of \$80,000, pending successful contract negotiation
- 3) Consider approval to complete Phase III, Little League Fields at the Bob Forrest Youth Sports Complex
- 4) Consider approval to Advertise Invitation for Bid; 128,000 square feet of Tifway 419 Sod for Athletic Fields at the Bob Forrest Youth Sports Complex

D. Contracts and Agreements:

- 1) Consider approval of sixth renewal of Agreement between the City of Carlsbad and Federal Express Corporation for lease of office space at the Carlsbad Municipal Airport
- 2) Consider approval of Agreement between the City of Carlsbad and Robert Jacquez, dba: Ultra Clean Carpet and Janitorial Services, for the cleaning of City Restrooms

E. Monthly Department Reports:

- 1) Municipal Court Revised Monthly Report for October 2013
- 2) Personnel Department Monthly Report for November 2013

F. Board and Committee Appointments:

- 1) Carlsbad Parks and Recreation Advisory Board: Don Dayton-Remainder of 4 year term, and Cindy Brininstool-Remainder of 4 year-term
- 2) Carlsbad Museum and Arts Center Advisory Board: David Prell-Remainder of 5 year-term

0:13:08 **Mayor Pro Tem Doss asked Mr. McCutcheon to explain Item C.1 Consider approval to Award RFP No. 2013-26, to B&R Trucking, Inc. for Structure Demolition and Debris Removal Services in the amount of \$80,000, pending successful contract negotiation; Item D.2 Consider approval to Award RFP No. 2013-27, to B&R Trucking, Inc. for Weed, Tree and Non-Structural Debris Removal Services in the amount of \$80,000 pending successful contract negotiation; Item C.3 Consider approval to complete Phase III, Little League Fields at the Bob Forrest Youth Sports Complex; and Item D.2 Consider approval of Agreement between the City of Carlsbad and Robert Jacquez, dba: Ultra Clean Carpet and Janitorial Services, for the cleaning of City Restrooms.**

Mr. McCutcheon explained that Item C.1 is to consider awarding a request for proposal to B&R Trucking for structure demolition in the amount of \$80,000, pending a successful contract negotiation. He explained there were four qualified bidders for the work and B&R Trucking was awarded the bid based on the criteria.

Mr. McCutcheon explained that Item C.2 is to consider award of RFP to B&R Trucking for weed, tree and non-structural debris removal services in the amount of \$80,000.

Mr. McCutcheon explained that Mr. John Lowe is present and has done the detail on Item D.3. He explained that the proposal is to build a little league field using the synthetic turf and a little league and peewee field out of grass. He explained that the 1.8 million represents the amount of money the City will receive from the taxation approved by the voters last year. He said that the recommendation has come through the Bob Forrest Youth Sports Complex Board and has been reviewed carefully throughout the process.

Mr. Lowe explained that the Board started the process to complete Phase 3 of the project three months ago. He explained that he has completed a lot of research on synthetic turf verse natural turf. He explained that the Board has come up with a solution to try a synthetic field because the board feels it is a premiere playing surface, easier to maintenance, and the water saving measures. He explained that the Board would like to build a couple of championship style fields with press boxes and larger spectator seating areas. He explained the synthetic turf holds up well and may terminate rainouts. He said that the field will have an 8 year warranty.

Councilor Doss asked what the longevity of the field is beyond the warranty. **Mr. Lowe** said that the longevity is approximately 10 to 11 years.

Mr. McCutcheon asked if the synthetic turf is ultraviolet resistant. **Mr. Lowe** said yes, and added there is a heat increase with the synthetic grass that averages between a 5 to 8 degree increase throughout the summer.

Councilor Aguilar asked how many fields the complex is short of completing from the 23 in the original plans. **Mr. Lowe** said after completing the two they are currently working on they will have 18 completed with the original plans showing 23 fields.

0:22:05 **Discussion regarding cost of completing the remaining fields and the preferred playing surfaces.**

0:27:45 **Mr. McCutcheon** explained that Item D.2 is to consider approval of agreement between the City and Robert Jacquez, dba: Ultra Clean Carpet and Janitorial Services. He explained that the contract has been written for a one year period. He explained that the contract is to begin on Monday, December 16, 2013.

Councilor Shirley asked if B&R Trucking in items C.1 and C.2 is the same company the City used last year for demolition. **Mr. McCutcheon** said that B&R Trucking is the same company that was used last year. **Councilor Shirley** said he recalls a problem with the company and asked if the problem was resolved. **Mr. McCutcheon** said that he believes there was an issue with a property that was cleared regarding the fill dirt for the property. He said that the issue was resolved and B&R Trucking brought fill dirt back in.

0:29:55 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Nunley to approve Routine and Regular business.

0:30:07 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doporto; The motion carried.

0:30:33 **4. REVIEW AND CONSIDER THE STATUS OF 4505 REDBUD WHICH UNDER RESOLUTION NO. 2013-43 WAS REQUIRED TO HAVE THE MOBILE HOME, PORCH, AND DEBRIS REMOVED AND THE PROPERTY CLEANED**

Ms. Riordan explained that this is a mobile home in a mobile home subdivision. She explained that this matter came before Council on September 24, 2013 and the Resolution was adopted. She explained that Council reset to review in November to allow Teresa Galindo, the owner to bring a plan before Council. She reviewed the plan and read that between November 25 - 29th the owner would board up the windows and change the locks; between December 2 - 6th the owner would get a permit to begin work to replace the windows; and between December 9 - 13th the owner would get a permit to work on the plumbing and electrical work. She added that speaking with code enforcement she learned there has really been no change to the property, except that two windows have been boarded up.

Ms. Alanis, sister of Ms. Galindo, explained that she and her husband are planning on repairing the home as a family project. She explained that she tried to get a permit and learned that she would need a licensed electrician to receive a permit. She explained that she is before Council to request more time and expects the work to be complete by February.

Councilor Shirley explained that he felt the plan was a bit ambitious and said he was a little discouraged that there has not been enough done according to the schedule.

0:40:39 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Aguilar to extend the time to review and consider the status of 4505 Redbud on January 14, 2014, under which Resolution No. 2013-43 was required to have the mobile home, porch, and debris removed and the property cleaned.

0:41:39 **Mr. West, Code Enforcement Officer explained that he has watched the home deteriorate and does not feel the home is repairable.**

Mr. West explained that it is going to be difficult to find a licensed MHD3 grade electrician and plumber to fix the home.

0:43:10 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar; No - Doss, Nunley; Absent - Whitlock, Doporto; The motion carried.

0:44:00 **5. CONSIDER APPROVAL OF RESOLUTION NO. 2013-57, A RESOLUTION FINDING 512 S. OLIVE STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS**

Ms. Riordan explained that the property is in a residential/commercial area. She explained that the listed owner has passed away. She explained that staff recommends adopting the resolution. She said that the resolution will give the owners 30 days to have the work complete.

0:46:10 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Nunley to approve Resolution No. 2013-57, a Resolution finding 512 S. Olive Street to be covered with ruins, rubbish, wreckage, debris, and/or weeds and requiring the removal of the ruins, rubbish, wreckage, debris, and/or weeds.

0:46:15 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doporto; The motion carried.

0:46:29 **6. CONSIDER APPROVAL OF RESOLUTION NO. 2013-58, A RESOLUTION CALLING FOR THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION**

0:46:46 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Nunley to approve Resolution No. 2013-58, a Resolution calling for the March 4, 2014 Regular Municipal Election.

0:47:00 **Discussion regarding important dates to remember for interested candidates:**

- 1/7/14 Candidate filing day
- 1/8/14 Certify candidates
- 1/9/14 Drawing for ballot order
- 1/14/14 Write-in Candidate filing day
- 1/15/14 Certify write-in candidates
- 1/28/14 First day to issue Absentee ballots
- 2/4/14 Voter registration closes
- 2/12/14 Early voting begins
- 2/28/14 Last day for Absentee/early voting
- 3/4/14 Election Day

Councilor Doss explained that this year the City will be using consolidated voting centers.

Ms. Barrick explained there will be four voting centers and registered voters can vote at any of the four locations: San Jose Sr. Recreation Center, Hillcrest Baptist Church, St. Peter Lutheran Church, and the Pecos River Village Conference Center. She explained that there is a voting center in each Ward. She explained that voters are not required to vote in their ward or precinct; voters may vote at any of the consolidated voting centers. She explained that there will be four centers, rather than ten, which should result in quicker results and save costs in the amount of poll workers needed.

Mr. McCutcheon explained that the County has purchased the equipment and staff has met with the County. He explained the centers have been used in Artesia successfully and have been used in most of the larger areas of New Mexico. He added the school elections will be using the consolidated voting centers. He explained that using the convenience centers will be quicker, more efficient, and easier for voters.

0:52:49 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doporto; The motion carried.

0:53:03 **7. CONSIDER APPROVAL OF RESOLUTION NO. 2013-59, A RESOLUTION DECLARING CERTAIN CITY PROPERTY TO BE OBSOLETE AND UNUSABLE**

Mr. McCutcheon explained that this is the standard resolution declaring certain City Property obsolete and unusable.

0:54:00 **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Waters to approve Resolution No. 2013-59, a Resolution declaring certain City property to be obsolete and unusable.

0:54:08 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doporto; The motion carried.

0:54:21 *Councilor Aguilar exits the meeting.*

0:54:32 **8. PRESENTATION BY GUY LUTMAN REGARDING VIDEO OF CARLSBAD**

Mr. Lutman explained that business is flourishing in Carlsbad. He explained that his company was approached by Mr. Oran Means to put together a business presentation giving an overview of the history of Carlsbad, the economy, schools, restaurants, hospitals, shops, recreation, surrounding areas, and job opportunities. He explained

that the idea of the DVD presentation is to get the DVD into the hands of families and potential people who may come to Carlsbad to seek job opportunities.

Mayor Pro Tem Doss asked if the presentation is available to anyone interested. **Mr. Lutman** said that Mr. Means is giving the rights to any business that is interested in tagging the link to their website. **Mayor Pro Tem Doss** thanked Mr. Lutman and asked that he thank Mr. Means for his commitment to the community.

1:06:27 **9. COUNCIL COMMITTEE REPORTS AND RECOMMENDATIONS**

Mayor Pro Tem Doss asked Chief Lopez if there would be a retirement celebration for the Lt. EMT that is retiring. **Chief Lopez** said yes, and added that Battalion Chief Ron Stevens is also retiring. He said there will be a celebration in mid-January for both retirements and all of the promotions.

1:08:06 **10. ADJOURN**

1:08:07 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Nunley to Adjourn.

1:08:13 **Vote**

The vote was as follows: Yes - Salcido, Shirley, Waters, Aguilar, Doss, Nunley; No - None; Absent - Whitlock, Doport; The motion carried.

1:08:37 **Adjourn**

There being no further business, the meeting was adjourned at 7:15 p.m.

_____/s/Richard Doss_____
Mayor Pro Tem

ATTEST:

_____/s/Annette Barrick_____
City Clerk