

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING
ON MAY 14, 2013 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Paul C. Aguilar	Councilor
	Nick G. Salcido	Councilor
	Sandra K. Nunley	Councilor
	J. R. Doporto	Councilor
	Judith E. Waters	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Janell E. Whitlock	Councilor

Absent: None

Also Present:	Jon Tully	City Administrator
	Steve McCutcheon	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Nadine Mireles	Deputy City Clerk
	Monica Harris	Finance Director
	Stephanie Shumsky	Planning, Eng., & Reg. Director
	Luis Camero	Utilities Director
	Tom Carlson	Public Works Director
	Rick Lopez	Fire Chief
	Kevin Florez	Assistant Police Chief
	Patsy Jackson-Christopher	Community Dev. 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 asked Chief Lopez to give a brief summary on the
Combat Challenge Team that just returned for Louisiana.**

Chief Lopez explained that a team of five for the Scott's Combat Challenge went to Louisiana to compete. He said the team consisted of Jay Carter, Geronimo Ontiveros, Anthony Franks, Robert Casey Collins, and Todd Vannatter. He explained that the team came in 2nd in the team event. He said that he will post the video of the challenge

on the City's website. He added that he is very excited and happy for them. **Mayor Janway** asked that Chief Lopez to congratulate the team.

0:02:43 **1. APPROVAL OF AGENDA**

0:02:45 **Motion**

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

0:02:50 **Vote**

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

0:03:05 **2. BUDGET REVIEW AS OF MARCH 31, 2013**

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

0:07:19 **Motion**

The motion was made by Councilman Nunley and seconded by Councilman Waters to approve the Budget Review as of March 31, 2013.

0:07:24 **Vote**

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

0:07:38 **3. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the Regular City Council Meeting held on April 23, 2013

B. Personnel Report

- 1) Appoint: Steven V. McCutcheon, City Administrator
- 2) Appoint: Thomas Carlson, Director of Public Works

C. Purchasing:

- 1) Consider approval to Advertise for Request for Proposals for Structural Demolition and large Debris Removal Services
- 2) Consider approval to Advertise for Request for Proposals for Weed and Tree and Non- Structural Debris Removal Services
- 3) Consider approval to Advertise for Request for Proposals for Engineering Design for Sheep Draw Well No. 6, Replacement
- 4) Consider approval to Advertise for Request for Proposals for Maintenance of the Landscaped Medians and Sidewalks on N. Canal Street from Pierce Street to Pompa Street
- 5) Consider approval to Advertise for Request for Proposals for Right-of-Way Survey for the Double Eagle Water and Municipal Water System

- 6) Consider approval to rescind the Award of RFP No. 2012-47, reject all proposals, and re-bid Vehicle GPS Systems
- 7) Consider approval to Award RFP No. 2013-08, to Molzen-Corbin Engineering for General Engineering Services for Airport Improvements
- 8) Consider approval of Agreement between the City of Carlsbad and the Cooperative Educational Services to participate in a Cooperative Purchasing Agreement for State Agencies and/or Local Public Bodies
- 9) Consider approval to Request a Second Solicitation of Bid No. 2013-22, for Well Inspection Camera
- 10) Consider approval to Award Bid No. 2013-21, to Wastequip Mfg. Co., LLC for a 25 cubic yard Compactor/Receiver in the amount of \$19,904.90

D. Contracts and Agreements:

- 1) Consider approval of Renewal Agreement between the City of Carlsbad and Carlsbad Chamber of Commerce, Inc. for Promotion Services and for the Operation of the Pecos River Village Conference Center
- 2) Consider approval of Maintenance Agreement between the City of Carlsbad and NM Department of Transportation for a Signal and Intersection Lighting at Pierce Street and Eighth Street and Pierce Street and Callaway Drive
- 3) Consider approval of License Agreement with Ken Thurston Development Corporation for placement of signs
- 4) Consider approval of Agreement between the City of Carlsbad and AMEC Environment & Infrastructure, Inc. for Oil and Gas Inspection Services
- 5) Consider approval to authorize the City Administrator to solicit competitive bids for the sale of City-owned properties
- 6) Consider approval of Amendment No. 1, to the Grant Agreement between the City of Carlsbad and the New Mexico Department of Transportation for Safe Routes to School Non- Infrastructure Funds
- 7) Consider approval of Professional Services Agreement proposed by Souder Miller and Associate for the Street Drainage Master Plan
- 8) Consider approval of the Assignment of the C2 Contract to FTI Consulting
- 9) Consider approval of Lease Agreement between the City of Carlsbad and John Deere Leasing for (2) 2500E Greens Mowers, (1) 8700 Fairway Mower, (2) 8800 Deck Mowers, and (1) 2653 Utility Mower

E. Monthly Department Reports:

- 1) Personnel Department Monthly Report for April, 2013
- 2) Planning, Engineering, and Regulation Department Monthly Report for April 2013

F. Set Date: June 11, 2013

- 1) Consider approval to set date to consider an Ordinance Repealing Section 48-89 of the Code of Ordinances, City of Carlsbad, New Mexico regarding the Administration of Lodgers' Tax Monies and replacing it with the Lodgers' Tax Advisory Board
- 2) Consider approval to set date to consider an Ordinance Repealing Ordinances No. 2009-19 and 2010-14, rescinding the Appointment of the Solid Waste

Committee, and creating the City of Carlsbad Board of Solid Waste Commissioners

3) Consider approval to set date to consider an Ordinance revising and repealing certain portions of the existing Chapter 3, Article II, of the Code of Ordinance, City of Carlsbad, New Mexico entitled Airport Industrial Park

0:07:58 **Mayor Janway asked that Items B.1 and B.2 be removed from Routine and Regular Business and added as Item No. 13. He also asked Mr. Tully to explain Item C.4 Consider approval to Advertise for Request for Proposals for Maintenance of the Landscaped Medians and Sidewalks on N. Canal Street from Pierce Street to Pompa Street; Item C.5 Consider approval to Advertise for Request for Proposals for Right-of-Way Survey for the Double Eagle Water and Municipal Water System; Item D.3 Consider approval of License Agreement with Ken Thurston Development Corporation for placement of signs; Item D.4 Consider approval of Agreement between the City of Carlsbad and AMEC Environment & Infrastructure, Inc. for Oil and Gas Inspection Services; Item D.8 Consider approval of the Assignment of the C2 Contract to FTI Consulting; and Item F.2 Set Date June 11, 2013 to Consider approval to set date to consider an Ordinance Repealing Ordinances No. 2009-19 and 2010-14, rescinding the Appointment of the Solid Waste Committee, and creating the City of Carlsbad Board of Solid Waste Commissioners.**

Mr. Tully explained that Item C.4 is a request for approval to advertise RFPs for the maintenance of the landscaped medians and sidewalks in regards to the Canal Street project that extends from Pierce Street to Pompa. He explained that he thinks the medians are attractive but they can be a nightmare for maintenance. He explained that it is likely that once the State comes back in to do the remediation on Canal Street the entire sidewalk landscaping may need to be removed to achieve ADA accessibility.

Mayor Janway added that a Committee has been appointed to survey Canal Street and the construction project for dead plants and plants that need attention and will report to the State.

Mr. Tully explained that Item C.5 is a request to advertise RFP's for Professional Survey Services for the Double Eagle and Municipal Water System. He explained that the City is quickly approaching the point where the negotiation with the State Land Office is going to come to fruition on the easement for Double Eagle and the Municipal System in regards to the entire infrastructure that is on State Trust Land. He said that he anticipates that the easement will be on the Agenda at the next Council meeting.

Mr. Tully explained that Item D.3 is to consider approval of a license agreement with Ken Thurston Development Corporation for continued placement of his subdivision advertising signs at Spring Hollow. He explained that the City has been working on the Calloway project for some time and part of the problem the City has run into is dedicated right-a-ways. He said that the CARC Farm has dedicated some property to the City and Ken Thurston has done the same. He explained that the City is now dedicated owners of all areas. He added that Mr. Thurston did not ask for any

compensation, except that he would like to keep the signs up. He explained that this agreement is to allow Mr. Thurston to keep the signs during the build out of the subdivision.

Mr. Tully explained that Item D.4 is to consider an agreement between the City and AMEC Environment & Infrastructure, Inc. for Oil and Gas Inspection Services. He explained that Council approved the RFP and tonight the agreement is before Council and added that this is an as needed service.

Mr. Tully explained that Item D.8 is to consider approval of the assignment of the C2 Contract to FTI Consulting. He explained that the assignment of the agreement for the lobbying services required that prior written approval of the other two parties. He explained that the County has formally approved the assignment to FTI.

Mr. Tully explained that Item F.2 is to consider approval to set a date of June 11, 2013 to consider an Ordinance that repeals Ordinances No. 2009-19 and 2010-14, rescinding the Solid Waste Committee and creating a Board of Solid Waste Commissioners.

0:18:01 **Councilman Shirley asked if F.2 will do away with the Recycle Board.**

Mr. Tully explained that it will do away with it as a Board and will become a Committee. He explained that it should be a standing committee because recycling is one of the biggest issues the City will have to deal in solid waste.

0:18:55 **Motion**

The motion was made by Councilman Shirley and seconded by Councilman Aguilar to approve Routine and Regular Business.

0:19:00 **Vote**

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

0:19:17 **4. PRESENTATION BY CARRIE MCNEIL WITH NM STATE DEPARTMENT OF HEALTH REGARDING RABIES**

Ms. McNeil gave a presentation on the recent study that the Department of Health and the Stakeholders did on Rabies in the area. Her presentation included:

- Rabies Outbreak
- Rabies vaccination rates
- Knowledge & attitude gaps
- Possible exposures
- Rabies facts
- How to protect your family from rabies
- Best methods to increase vaccination rates
- Best methods for outreach

Mr. Houghton added that he would like to remind Mayor and Council that rabies also affects livestock and he does not want to see it come back to the livestock industry.

0:29:17 **Councilman Doss stated that one of the best methods for outreach is through the schools.** He asked why schools are not a stakeholder; he added that he feels the schools should get more involved because students may be more interested in keeping their pets. **Ms. McNeil** said that she thinks that is a great idea. She added that Officer Dorado will be working with kids and doing training this summer.

0:30:28 **5. CONSIDER APPROVAL OF REQUEST FROM TOM MATHIS FOR THE CLOSING OF FOX STREET ON FRIDAY, AUGUST 23RD AND SATURDAY, AUGUST 24, 2013 FOR THE 13TH ANNUAL HAWG FEST**

Mr. Tully explained that this is the same approval that has been approved every year for the annual Hawg Fest. **Councilman Doporto** asked till what hours the noise would be going on. **Mr. Tully** responded he did not know the hours.

0:31:32 **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Doporto to approve request from Tom Mathis for the closing of Fox Street on Friday, August 23rd and Saturday, August 24, 2013 for the 13th Annual Hawg Fest.

0:31:38 **Vote**

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

0:31:52 **6. CONSIDER APPROVAL OF BUSINESS LICENSE REQUEST BY THE HEIGHTS LIONS CLUB FOR A CARNIVAL AT 3500 NATIONAL PARKS HIGHWAY ON MONDAY, JUNE 3, 2013 THROUGH SUNDAY, JUNE 9, 2013**

Mr. Francis explained that there is a correction the carnival will begin on June 4. He explained that this is the same location the Lions Club has used for the last 2 years. He said that he is present requesting a temporary business license. **Councilman Doporto** said that there has been a lot of carnival game fraud going on and asked if the Moore's Greater Shows have been involved in any of the fraud. **Mr. Francis** explained that the Lions Club has used the Moore's Greater Shows for the last 12 to 14 years. He explained that Moore's Greater Shows is a family operation and that the Lions Club has never had a problem. **Councilman Doporto** asked about the safety of the carnival. **Mr. Francis** said that there is a \$5 million dollar policy per incident and said that the state only requires \$2 million but Moore's Greater Shows carries the extra to be well protected.

0:34:47 **Motion**

The motion was made by Councilman Doporto and seconded by Councilman Whitlock to approve Business License request by the Heights Lions Club for a Carnival at 3500 National Parks Highway on Monday, June 3, 2013 through Sunday, June 9, 2013.

0:34:52 **Vote**

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

0:35:17 **7. REVIEW AND CONSIDER THE DESIGNATION OF CORRALES ROAD AS THE TIE-IN FOR THE PROPOSED EDDY COUNTY NORTHWEST RELIEF ROUTE**

Mr. McCutcheon explained that the County has been working to finalize the Northwest Relief Route. He explained that originally the City designed and planned for the route to merge on to the El Paso Highway on Corrales Road. He explained that as the City developed the Airport Industrial Park, the City preserved a 200 foot right a way on Corrales Road. He said through a series of discussions with the County there was some thought that Commerce Drive should be designated as the official route to enter the City. He explained that the City has been discussing with the County in detail the designation of the by pass and said that he is asking the Council to designate Corrales Road as the tie-in for the Northwest Relief Route. He said that the County has indicated that they will pay for the engineering services and have asked that the City pay for the development of the road. He explained that Mr. Eric Navarrete has completed some preliminary cost estimates. **Mr. Navarrete** explained that he has put together an alignment from the west by-pass to Corrales Road including tying into the existing pavement that has no curb and gutter the estimated cost is \$500,000. He explained that the other layout with the west by-pass signing into Commerce Drive the cost will be approximately \$400,000. He said in his scenario and comparison of cost there is about \$100,000 difference. **Mr. McCutcheon** said that a benefit of designating Corrales Road is that it gives frontage to the land that is unsold and owned by the City in the Airport Industrial Park. He explained that the City's intention is to bring that land for sale when the route is surveyed. **Mayor Janway** added that it will also benefit the new sheriff's office. **Mr. Tully** added that the Carlsbad Foundation is still the owner of about 100 foot of the right-a-way on Corrales Road which is about 6.23 acres. He explained that the Board has agreed to dedicate the right-a-way to the City in exchange for an equal amount of property contiguous to their property on the west end. He said that if it is the pleasure of the Council to designate this and the City moves forward with the trade, the City could develop the road and open up the property for sale. **Mr. McCutcheon** explained that the County has been amenable to the plan to designate Corrales as the official route. He added that another benefit is as the trucks come through the by-pass the set of curves would require the trucks to slow to 35 mph making it a safety benefit.

0:44:25 **Motion**

The motion was made by Councilman Whitlock and seconded by Councilman Doporto to approve the designation of Corrales Road as the tie-in for the proposed Eddy County Northwest Relief Route.

0:44:29 **Vote**

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

0:44:44 **8. CONSIDER APPROVAL OF PUMPING ORDER C-76, ET AL., WATER RIGHTS**

Mr. Tully explained that the City has for a number of years been moving aggressively towards the reuse of treated effluent. He said it was brought to the golf course a few years ago and that project is roughly complete. He explained that a preliminary engineering report is being prepared to identify how to best move the effluent into the parks to save the use of potable water for irrigation on crops. He explained that the City has a number of water rights that comprise the C-76, et al municipal water well. He explained that some of the rights have a mandatory return flow requirement of about 30%. He added that the City has utilized about 500 acre feet a year on the Golf Course and could use more in the drought. He said what the City is planning is to minimize the return flow to the river by ordering the water rights and declaring that the rights that have no return flow requirement are pumped first. He explained that the benefit will come when Double Eagle comes in. He explained that Double Eagle has no return flow requirements. He explained that the Water Board has approved this and he is asking Council to approve the order as a policy.

0:49:53 **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Waters to approve Pumper Order C-76, et al., Water Rights.

0:50:00 **Vote**

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

0:50:15 **9. CONSIDER APPROVAL OF RESOLUTION NO. 2013-22, A RESOLUTION DECLARING CERTAIN CITY PROPERTY TO BE OBSOLETE AND UNUSABLE**

Mr. Tully explained that this is a standard resolution declaring City Property obsolete and unusable.

0:50:57 **Motion**

The motion was made by Councilman Doss and seconded by Councilman Nunley to approve Resolution No. 2013-22, a Resolution declaring certain City property to be obsolete and unusable.

0:51:01 **Vote**

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

0:51:14 **10. CONSIDER APPROVAL OF RESOLUTION NO. 2013-23, A RESOLUTION EXPANDING THE USE OF FUNDS FOR COOPERATIVE AGREEMENT CONTROL NO. L 200076 WITH THE NMDOT FOR PROJECT NO. SP-2-13 (961), FOR ROAD IMPROVEMENTS ON GREENE STREET FROM CANAL STREET TO MESA STREET**

Mr. Tully explained that this relates back to the City's coop project which is a slurry seal on Greene Street. He explained that there was money left over and this resolution is required to expand the scope of the project to include the additional streets.

0:52:33 **Motion**

The motion was made by Councilman Waters and seconded by Councilman Aguilar to approve Resolution No. 2013-23, a Resolution expanding the use of Funds for Cooperative Agreement Control No. L200076 with the NMDOT for Project No. SP-2-13 (961), for road improvements on Greene Street from Canal Street to Mesa Street.

0:52:38 **Vote**

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

0:52:51 **11. PRESENTATION OF NATIONAL PUBLIC WORKS WEEK PROCLAMATION**

Mr. Camero explained that next week is National Public Works week. He explained that in celebration of Public Works week and to say Thank you to the employees of Public Works and Utilities there will be an appreciation breakfast on May 20, 2013 at 6:00 a.m. He said that he is asking for the Mayor to proclaim next week Public Works week and welcomes the public to call and visit with Public Works to learn what types of services they provide.

0:55:56 **12. COUNCIL COMMITTEE REPORTS AND RECOMMENDATIONS**

Councilman Doporto said that he would like to recognize Ms. Amy Barnhart for receiving an award for a Mainstreet Committee Board that she is a member of.

Mayor Janway also mentioned that he created a Street Plant Survey Committee to walk Canal Street from Pompa to Pierce and said that Ms. Barnhart is also a member of that Committee.

Ms. Patsy Jackson commended the Beautification Coordinators Ms. Deanna Taylor and Ms. Wanda Welch for receiving a grant from the State Beautification Committee for \$41,000.00. She explained that they are in 2nd for the highest funded Beautification Committee.

0:57:51 **13. PERSONNEL REPORT: B1) APPOINT: STEVEN V. MCCUTCHEON, CITY ADMINISTRATOR**

Ms. Riordan explained that State law does not require that City employees or appointed officials reside within a particular area of the City or within the City at all. She explained that the City ordinance does not make living in the City a requirement, but the Ordinance does allow it as grounds for dismissal if one does not live within the City. She explained that the request is that grounds for dismissal be waived by Council in appointing Mr. McCutcheon as City Administrator. She explained that this is not the first time it has been waived and added that Mr. McCutcheon lives in an unincorporated area of the County.

Mayor Janway explained that Mr. McCutcheon is a native of Carlsbad and graduated from the University of Utah with honors where he majored in organizational communication. He said that Mr. McCutcheon worked in retail, farming and ranching as a young man and later for the oil and gas industry as a gas operator. He also served as an assistant to the Secretary of Economic Development and Tourism for the State of New Mexico and worked for Senator Don Kidd for many years in the banking industry. He then moved to the potash industry where he served as HR Manager, Manager of Administration, Manager of Customer Service, and spent a major part of his career in government relations. He and his wife Michelle have been married for 30 years and have 4 children and 6 grandchildren. **Mayor Janway** said that he has known and worked with Mr. McCutcheon for many years and he is a hard working, honest, and dedicated individual who will do an outstanding job as City Administrator and the City is fortunate to have him and he recommends that Council approve the waiver and the appointment.

1:00:19 **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Doportto to approve the waiver and appointment of Steven V. McCutcheon, City Administrator.

1:00:25 **Vote**

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

1:01:31 **14. B.2 APPOINT: THOMAS CARLSON, DIRECTOR OF PUBLIC WORKS**

Mayor Janway explained that Mr. Carlson graduated from Carlsbad High School in 1968 and was in the Navy Reserves from 1971 to 1973. He worked for IMC from 1974 to 1999 and has a Bachelor's degree from NMSU in Mechanical Engineering. He and his wife Myra have 2 daughters and 4 grandchildren.

1:02:10 **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Doss to approve Appointment of Thomas Carlson, Director of Public Works.

1:02:16 **Vote**

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

1:02:42 **15. ADJOURN**

1:02:44 **Motion**

The motion was made by Councilman Waters and seconded by Councilman Doporto to Adjourn.

1:02:50 **Vote**

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

1:07:56 **Adjourn**

There being no further business, the meeting was adjourned at 7:07 p.m.

/s/Dick Doss
Mayor Pro Tem

ATTEST:

/s/Annette Barrick
City Clerk