

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON AUGUST 13, 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:	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**

0:00:01      Invocation - Pledge of Allegiance

0:00:38      **Mayor Janway announced New Mexico Atomic Blast the Little Girls Softball National Champions.**

**Kevin Aragon**, Manager of Atomic Blast, explained that Atomic Blast represented Carlsbad in the U8 ASA Nationals in Fort Smith, Arkansas. He explained that they are the first New Mexico team to win a class A National tournament in the 8U division. He announced the members of the team and said that they played against the best competition in the Country. He added that Atomic Blast placed 1st and went undefeated in the tournament and their record is 75 and 3 for the year. He thanked the Mayor and Council for all that they do for the youth of Carlsbad and for developing the

Youth Sports Complex. He added that the 12U team competed in Peoria, Arizona two weeks ago in the 12U Nationals and placed 3rd. Mayor and Council congratulated the girls and thanked Mr. Aragon for all of his work.

0:07:55        **Mayor Janway mentioned that Mr. Ray Anaya an Outstanding Citizen of Carlsbad has passed away.**

0:08:21        **1. APPROVAL OF AGENDA**

0:08:23        **Motion**

The motion was made by Councilman Doporto and seconded by Councilman Waters to approve the Agenda.

0:08:27        **Vote**

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

0:08:48        **2. ROUTINE AND REGULAR BUSINESS**

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

B. Personnel Report

C. Purchasing:

- 1) Consider approval to Advertise Invitation to Bid one (1), ½ Ton, Extended Cab, Short Wheel Base, 4X4 Pickup Truck with Light Bar for the Planning, Engineering and Regulation Department
- 2) Consider approval to Advertise Invitation to Bid two (2), ¾ Ton, 4X2, Long Bed, Pickup Trucks for the Street Department
- 3) Consider approval to Advertise Invitation to Bid three (3) ¾ Ton, 4X2, Utility Bed Pickup Trucks for the Parks and Electric Department
- 4) Consider approval to Advertise Invitation to Bid two (2) ¾ Ton, 4X2, Crew Cab Pickup Trucks for the Parks and Community Service Departments
- 5) Consider approval to Advertise Invitation to Bid one (1) ½ Ton, Long Bed 4X2 Pickup Truck for the Construction Department
- 6) Consider approval to Advertise Invitation to Bid Phase II Double Eagle Waterline
- 7) Consider approval to purchase one (1) 2013, Dump Truck Cab and Chassis and 12-yard Dump Body pursuant to the SPD Contract for the Double Eagle Water Department
- 8) Consider approval to purchase one (1) Backhoe pursuant to the SPD Contract for the Parks Department
- 9) Consider approval to purchase one (1) 2014, International, 5 cubic-yard, Dump Truck Cab and Chassis pursuant to the GSA Contract for the Construction Department
- 10) Consider approval to purchase one (1) 2014, Caterpillar Model 420F, Backhoe pursuant to SPD Contract for the Water Department

- 11) Consider approval to Award RFP No. 2013-18, to Life Quest Services, LLC, for Emergency Medical Billing Services
- 12) Consider approval to Award Bid No. 2013-40, to Wagner Equipment, Hobbs, NM for one (1) C-10 Caterpillar Engine for the Solid Waste Department
- 13) Consider approval to Award Bid No. 2013-23, to Constructors, Inc. for Blodgett Street Restroom Lift Station in the amount of \$71,231.06
- 14) Consider approval to Award Bid No. 2013-20, to ADS, LLC, Inc. /Hydrastop for one (1) Hot Tapping Machine

D. Contracts and Agreements:

- 1) Consider approval of Memorandum of Understanding between the City of Carlsbad, the County of Eddy and the Carlsbad Municipal Schools for the Provision of School Resource Officers
- 2) Consider approval of Agreement between the City of Carlsbad and Metal Shop Live Productions, LLC for Promotion and Operation of the Walter Gerrells Performing Arts and Exhibition Center
- 3) Consider approval of Memorandum of Understanding between the City of Carlsbad Police Department and the County of Eddy for the Justice Assistance Grant (JAG) in the amount of \$16,154.
- 4) Consider approval of Agreement between the City of Carlsbad and Orlando M. Garza for the Maintenance and Management of the Chief Ira Stockwell Softball Fields
- 5) Consider approval of Seventh Renewal of Agreement between the City of Carlsbad and Kids' Safehouse of Eddy County for Victim and Witness Interviewing Services
- 6) Consider approval of Agreement between the City of Carlsbad and the Carlsbad MainStreet Project, Inc.

E. Monthly Department Reports:

- 1) Municipal Court Monthly Report for July 2013
- 2) Personnel Department Monthly Report for July 2013
- 3) Planning, Engineering and Regulation Department Monthly Report for July 2013

F. Boards and Committee Appointments:

- 1) Carlsbad Public Library Board of Trustees: Chris Owens 4-year term
- 2) Carlsbad Bob Forrest Sports Complex Advisory Board: Wesley Carter, remainder of 2-year term
- 3) Board of Solid Waste Commissioners: Jerry Stanley- "At Large", 6-year term, Lisa Flores-Ward 1, 6-year term, Chris Jones-Ward 3, 4-year term

0:09:09      **Mayor Janway asked Mr. McCutcheon to explain Item C. 6 Consider approval to Advertise Invitation to Bid Phase II Double Eagle Waterline; C.12 consider approval to Award Bid No. 2013-40, to Wagner Equipment, Hobbs, NM for one (1) C-10 Caterpillar Engine for the Solid Waste Department; Item D.1 Consider approval of Memorandum of Understanding between the City of Carlsbad, the County of Eddy and the Carlsbad Municipal Schools for the Provision of School**

**Resource Officers; Item D.2 Consider approval of Agreement between the City of Carlsbad and Metal Shop Live Production, LLC for Promotion and Operation of the Walter Gerrells Performing Arts and Exhibition Center; and Item D.4 Consider approval of Agreement between the City of Carlsbad and Orlando M. Garza for the Maintenance and Management of the Chief Ira Stockwell Softball Fields.**

**Mr. McCutcheon** explained that Item C.6 is for approval to advertise the Double Eagle Phase II construction. He explained that this is a large project that the City has been planning. He said that the Molzen-Corbin engineers Mr. Campos and Mr. Lopez are present.

**Mr. Campos** explained that he has been working with the City on Phase II of the Double Eagle water line project. He explained that Phase II is located along the Hobbs Highway and is approximately 29 miles. He explained that the project is ready to advertise and was submitted to NMED for review and has been approved for Bid. He said that the construction cost estimate is approximately \$27.9 million and includes a 20% contingency into the budget.

0:13:07 **Mr. McCutcheon** explained that Item C.12 is to award Bid to Wagner Equipment for a C-10 Caterpillar Engine for the Solid Waste Department.

**Mr. McCutcheon** explained that Item D.1 is the MOU between the City and Carlsbad Municipal Schools for the School Resource Officers. He explained that this MOU is exactly the same as the one done in the past.

**Mr. McCutcheon** explained that Item D.2 is an agreement between the City of Carlsbad and Metal Shop Live Productions for the promotion and operation of the Walter Gerrells Performing Arts and Exhibition Center. He explained that staff has worked through the contract negotiations and have been very successful.

**Mr. McCutcheon** explained that Item D.4 is an agreement proposed between Orlando Garza and the City for maintenance and management of the Chief Ira Stockwell Softball Fields.

**Councilman Aguilar** asked if there are currently any teen softball teams. **Mr. John Lowe** said there have not been teams for the last couple of years. **Councilman Aguilar** asked if there are no teams, what is the need to maintain the fields. **Mr. Lowe** explained that the biggest problem is the lack of practice facilities and there are a lot of teams that utilize these fields for practice and he feels it is a great addition to maintain the fields. **Councilman Doport** added that the fields could serve as an overflow for tournaments at the Youth Sports Complex. **Mr. Lowe** explained that there are teams that play year round and with more than 50 teams looking for practice fields, these softball fields will serve that purpose.

0:19:38 **Motion**

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

0:19:44       **Vote**

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

0:20:03       **3. CONSIDER APPROVAL OF GRANT APPLICATION WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR FY 2014-2015 FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP)**

**Mr. McCutcheon** explained that this is a grant application that the City has completed in the past. He explained that the federal government will pay \$36,000 and there are matching funds from the community to support the program.

0:21:04       **Motion**

The motion was made by Councilman Doss and seconded by Councilman Doporto to approve the Grant Application with the Corporation for National and Community Service for FY 2014-2015 for the Retired Senior Volunteer Program (RSVP).

0:21:07       **Vote**

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

0:21:23       **4. CONSIDER THE APPLICATION BY KEY ENERGY SERVICES, LLC FOR A SALT WATER DISPOSAL WELL, FOR THE CARLSBAD GRACE #1**

**Mr. McCutcheon** explained that staff has reviewed the application and enlisted the support of AMEC. He explained that AMEC finds that both the application and proposed well construction configuration meet the requirements of the City.

0:24:07       **Discussion regarding Airport Wells #1, #2, and #3.**

0:26:03       **Motion**

The motion was made by Councilman Doss and seconded by Councilman Aguilar to approve application by Key Energy Services, LLC for a Salt Water Disposal Well, for the Carlsbad Grace #1.

0:26:08       **Vote**

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

0:26:33       **5. CONSIDER APPROVAL OF A SPECIAL LICENSE TO CONDUCT DOOR-TO-DOOR SALES OF EDUCATIONAL BOOKS AND CDS BY KASPAR KORK OF SOUTHWESTERN ADVANTAGE, INC.**

**Ms. Shumsky** explained that this is a request for a special license to allow the applicant to go door-to-door selling educational materials as a solicitor. She explained that the Police Department completed a background search on the applicant and were not able to find much information. She said that the Police Department recommended denial due to the lack of information. She added that generally the City receives a lot of complaints about solicitors going door-to-door. She added that the business owner is present to answer any questions from Council.

**Councilman Waters** asked Mr. Kork where the company is based. **Mr. Kork** said the company is based in Nashville, TN.

**Councilman Doporto** asked what kind of books Kasper Books would be selling. **Mr. Kork** explained that he would be selling educational books that would contain all of the subjects from Elementary to High School. He explained that it would help school children with completing homework.

**Councilman Doporto** asked Mr. Kork if he would hire help locally. **Mr. Kork** said no and explained the program is a student exchange program so it would only be students.

**Councilman Shirley** explained that he understands that Mr. Kork was selling in Loving and asked if he had to receive a license to sell in Loving. **Mr. Kork** said a special license was not needed to solicit sales in Loving. **Councilman Shirley** asked how long the company has been in existence. **Mr. Kork** explained that the company is based in Nashville, TN and is over 155 years old. He explained that it is a student program and there are over 3000 students from the USA, Canada, and Europe that are involved.

**Councilman Whitlock** asked if customers would sign up for a subscription or if they would be purchasing and paying for the material up front. **Mr. Kork** explained that he will have the books with him.

**Councilman Whitlock** asked if he was a student of a college and if so which college. **Mr. Kork** explained that he studied thermal engineering in Estonia and this is a summer exchange program which helps his college background, with the language skills, and with communication skills. **Councilman Whitlock** asked if he was in the US on a work visa. **Mr. Kork** said yes he has a working visa.

**Councilman Waters** added that she lives in a predominantly older subdivision and do not like door-to-door sales.

0:33:15 **Councilman Shirley explained that he spoke to several people from Loving and there was not a real favorable response to the solicitations.**

0:33:38           **Motion**

The motion was made by Councilman Shirley and seconded by Councilman Waters to deny Special License to conduct door-to-door sales of educational books and CDs by Kaspar Kork of Southwestern Advantage, Inc.

0:33:52           **Vote**

The vote was as follows: Yes - Shirley, Waters, Whitlock, Doss; No - Nunley, Salcido, Aguilar, Doporto; Absent - None; The motion carried. There being a tie, Mayor Janway voted "Yes" and the motion to deny carried.

0:34:43           **6. CONSIDER APPROVAL OF THE UPDATED CITY OF CARLSBAD COPY FEE SCHEDULE**

**Mr. McCutcheon** explained that in the last few years technology has changed. He explained that technology makes it possible to deliver data and information requested in different forms such as jump drives and CDs. He explained that the copy fee schedule has been updated to stay current with the current trends in delivering data.

0:35:24           **Motion**

The motion was made by Councilman Doporto and seconded by Councilman Waters to approve the updated City of Carlsbad Copy Fee Schedule.

0:35:29           **Vote**

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

0:35:50           **7. CONSIDER APPROVAL OF THE CARLSBAD MUNICIPAL GOLF COURSE RATE INCREASE AND AMENDMENT TO THE LAKE CARLSBAD GOLF COURSE RULES AND REGULATIONS**

**Mr. Hendley** explained that several years ago the Board decided on instead of waiting on rate increases they would vote to raise the rates at a small amount each year. He explained that the board tied the increases to the cost of living increase which was 1.8% this year.

0:37:03           **Motion**

The motion was made by Councilman Waters and seconded by Councilman Doporto to approve the Carlsbad Municipal Golf Course Rate Increase and Amendment to the Lake Carlsbad Golf Course Rules and Regulations.

0:37:12           **Discussion regarding the yearly increase in fees.**

0:38:04           **Vote**

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

0:38:40        **8.        CONSIDER APPROVAL OF THE CITY OF CARLSBAD CEMETERY RULES AND REGULATIONS**

**Ms. Jackson-Christopher** explained that the Cemetery Board reviewed the rules and regulations. She explained that the problem is that the memorabilia is getting out of hand making it difficult for the maintenance contractor to get in and maintain the graves, especially in baby land. She explained that the board is trying to strengthen the rules to keep the graves better maintained. She explained that the board would like to give the public a six month notice to remove the items.

**Councilman Doss** asked if the Rules and Regulations would be explained when the plots are purchased. **Ms. Jackson-Christopher** said yes, the regulations are handed out when plots are purchased.

**Councilman Whitlock** asked if this is the only change to the regulations. **Ms. Jackson-Christopher** said that there are specifications that have been added that say the items must be attached to the monument area. She said that the board is also asking that the public refrain from using the shepherd's hooks.

0:41:49        **Motion**

The motion was made by Councilman Doss and seconded by Councilman Aguilar to approve the City of Carlsbad Cemetery Rules and Regulations.

0:41:55        **Vote**

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

0:42:20        **9.        CONSIDER APPROVAL OF RESOLUTION NO. 2013-37, A RESOLUTION DECLARING CERTAIN CITY PROPERTY TO BE OBSOLETE AND UNUSABLE**

**Mr. McCutcheon** explained that there are some calculators and a considerable amount of wire for disposal. He asked Mr. Carlson to comment on the wire disposal.

**Mr. Carlson** explained that the wire has been accumulated over the years and periodically needs to be cleaned out. He explained that the wire will be auctioned at the regular yearly auction.

**Mr. McCutcheon** added that this is a standard resolution declaring City Property obsolete and unusable.

0:43:06        **Motion**

The motion was made by Councilman Nunley and seconded by Councilman Waters to approve Resolution No. 2013-37, a Resolution declaring certain City property to be obsolete and unusable.

0:43:11           **Vote**

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

0:43:33           **10. CONSIDER APPROVAL OF RESOLUTION NO. 2013-38, A RESOLUTION AUTHORIZING THE FILING OF SECTION 5311 GRANT APPLICATION WITH THE NM DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2014-2015**

**Ms. Jackson-Christopher** explained that the fiscal year for this grant is April 1 - March 31 and added that Ms. JoAnn Moore is present to answer questions. **Ms. Moore** explained that the fiscal year runs from September 30 to October 1 per year. She explained that Transit is applying for the continuation of the funding for the 5311 program. She explained the grant is to continue the transportation for the after school program and the regular public transportation.

**Councilman Whitlock** explained that she is very pleased but was not aware that Carlsbad Municipal Transit travels to Loving to pick up passengers. She added that she is surprised that Carlsbad would be allowed to take the transit into another town or City. **Ms. Moore** explained that transit will pick up patrons in Loving that need to travel to doctor appointments in Carlsbad. **Councilman Whitlock** added that it is great and commended Ms. Moore and Carlsbad Transit.

0:45:23           **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Waters to approve Resolution No. 2013-28, a Resolution authorizing the filing of Section 5311 Grant Application with the NM Department of Transportation for Funding Assistance for FY 2014-2015.

0:45:31           **Mayor Janway said that he hears many compliments on the Transit service and said that Ms. Moore and Transit are doing a great job.**

0:45:39           **Vote**

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

0:45:56           **11. CONSIDER ORDINANCE NO. 2013-21, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING 12.14 ACRES, MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NM LOCATED APPROXIMATELY 444' SOUTH OF LEA STREET BETWEEN STANDPIPE ROAD AND THE CID CANAL PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SECTION 3-7-1 ET SEQ., NMSA 1978; APPLICANTS: BRIAN STEVENS, DOROTHY A. ANDERSON FAMILY TRUST**

0:46:35           **A. Public Hearing**

**Ms. Shumsky** explained that this is a request for the annexation of a portion of land located South of Lea Street between Standpipe Road and the CID Canal. She explained that she contacted the property owners adjacent to the property and they are opposed to being annexed into the City. She explained that the City has analyzed the request and there is a water line in existence and the land owners have previously improved the property by planting pine trees along Standpipe Road. She explained that the applicant will extend the sewer line from Lea Street to the property. She added that the applicant is requesting Rural Residential zoning which allows for a variety of residential and agricultural type uses. She said if the property is developed to full potential there could be a maximum density of 34 dwelling units. She said that staff and the Planning and Zoning Commission recommended approval.

**Councilman Doss** asked if there is access to the property on the East side between the Canal and the property. **Ms. Shumsky** said that the only access will be off of Standpipe Road and to the East is the CID canal.

**Councilman Doporto** asked why only a portion of the applicant's property is being proposed for annexation and what the applicant plans are for the property. **Ms. Shumsky** explained that the applicants have an existing business to the south and would like to do something different with this portion that would require the property to be within the City limits.

**Councilman Doporto** asked about the State requirements regarding land that is surrounded by City property. **Ms. Shumsky** explained that the State does not allow the City to create an island so the land would have to be surrounded by City property. She added that at this time the opposed property is not surrounded by City property so the property is not required to be annexed into the City limits.

**Councilman Shirley** asked for clarification, if Council votes to approve the annexation will the opposing property be included. **Ms. Shumsky** answered no.

0:57:02 **Councilman Doporto** asked what plans the applicant has for the land. **Mr. Louie Barnes** said the owners are planning on building an upscale RV park. He explained when the RV park is complete the park will be a nice facility. **Councilman Doporto** asked Mr. Barnes if he has reviewed the City's RV requirements. **Mr. Barnes** said yes he is aware of the requirements. **Councilman Doporto** added that he believes Carlsbad needs a good RV park.

**Councilman Shirley** asked Mr. Barnes why he is only requesting to annex a portion of the land. **Mr. Barnes** explained that at the south end of the property he has an oilfield service company BDS Enterprises and he feels that would be best outside the City limits.

0:58:48        **Mayor Janway asked if anyone would like to speak regarding this issue. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:58:57        **B.        Consider Ordinance No. 2013-21**

0:59:01        **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Nunley to approve Ordinance No. 2013-21, an Ordinance Annexing a portion of Land containing 12.14 acres, more or less, contiguous to the City of Carlsbad, NM located approximately 444' South of Lea Street between Standpipe Road and the CID Canal pursuant to the petition method provided for in Section 3-7-1 et Seq., NMSA 1978; Applicants: Brian Stevens, Dorothy A. Anderson Family Trust.

0:59:31        **Councilman Doporto said that he thinks the area is a good place to put an RV park.**

**Councilman Doporto** added that the problem he has is that the property North of the park has a completely different zoning.

1:00:25        **Vote**

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

1:00:42        **12.        CONSIDER ORDINANCE NO. 2013-22, AN ORDINANCE ESTABLISHING "R-R" RURAL RESIDENTIAL DISTRICT ZONING IN CONJUNCTION WITH THE ANNEXATION OF AN APPROXIMATELY 12.14 ACRE AREA AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY PURSUANT TO SECTION 3-21-1 ET.SEQ. NMSA 1978 AND SECTION 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES; APPLICANTS: BRIAN STEVENS, DOROTHY A. ANDERSON FAMILY TRUST**

1:01:24        **A.        Public Hearing**

**Ms. Shumsky** explained that this is the second portion of the previous application for annexation. She explained when property is annexed into the City the Council needs to establish zoning. She explained that the requested zoning is "R-R" Rural Residential which is the most similar to the existing zoning in the surrounding area. **Councilman Whitlock** asked if an RV park would fit into R-R zoning. **Ms. Shumsky** said yes.

1:02:16        **Mayor Janway asked if anyone would like to speak regarding this issue. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

1:02:30        **B.        Consider Ordinance No. 2013-22**

1:02:34           **Motion**

The motion was made by Councilman Waters and seconded by Councilman Shirley to approve Ordinance No. 2013-22, an Ordinance establishing "R-R" Rural Residential District Zoning in conjunction with the Annexation of an approximately 12.14 acre area and amending the Official Zoning Map of the City pursuant to Sections 3-21-1 et. Seq. NMSA 1978 and section 56-150(B) and 56-140(I), Carlsbad Code of Ordinances; Applicants: Brian Stevens, Dorothy A. Anderson Family Trust

1:02:52           **Vote**

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

1:03:16           **13. CONSIDER APPROVAL OF ORDINANCE NO. 2013-23, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(J) AND 56-140 (I), CARLSBAD CODE OF ORDINANCES, REGARDING 14+/- ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF CHERRY LANE AND CALLAWAY DRIVE INTERSECTION; APPLICANT: PETTIGREW & ASSOCIATES, PA**

1:04:05           **A. Public Hearing**

**Ms. Shumsky** explained that the applicants are requesting a Planned Unit Development (PUD) which is a zone change from the existing zoning. She explained that under the existing zoning the applicant would be allowed to develop 44 dwelling units. She said the applicant is proposing a PUD that requires a zoning change and the Council to review and approve the concept plan. She explained the applicant has provided a development plan that consists of 16 dwelling units that are either connected or share a wall with lot sizes much smaller than allowed in the existing zoning, however, a large common space will be provided. She added that the applicant has agreed to make it a one way route and a gated community. She explained that staff recommended approval with conditions and the applicant has addressed the conditions.

1:08:48           **Discussion regarding developers building parks in the areas with new growth.**

1:13:12           **Councilman Whitlock asked for clarification regarding the entrance and exit of the one-way street.**

**Mr. Jonathon Kerry**, Pettigrew & Associates, PA, said that both the entrance and exit are on Cherry Lane. He explained that the main group that the development will be marketed to will be senior citizens but not exclusive to that group of people.

**Councilman Nunley** asked if the homes will be one story homes. **Mr. Kerry** said that some will be two story with the majority being one story dwellings.

**Councilman Nunley** asked where the parking would be. **Mr. Kerry** said that the homes will have garage areas and there will be common parking areas along the front.

1:16:21 **Mr. Jerry Stanley explained that he lives on Mountain Shadow Drive and has friends all around the area.**

**Mr. Stanley** explained that he and his friends are not against the development and feel like it is a good thing. He added that he loves for Carlsbad to grow but his concern is that Carlsbad keeps the infrastructure improvements ahead of the developments. He explained that he knows there are future plans for the improvements on Callaway. He said that he is asking some consideration from the City to accelerate some effort for these improvements on Callaway. **Mr. McCutcheon** explained that the City has commissioned an engineering study on Callaway and the cost of \$250,000 is included in the budget. **Mr. Carlson** added that the RFP is out and the engineering firms are preparing bids. He explained that the City should receive the bids and make a selection in the next few weeks. **Mr. McCutcheon** explained that the City agrees with the concerns of Callaway and are moving as quick as possible.

1:23:14 **Mr. Edmundo Orozco a resident of Mountain Shadow shared his concerns.**

**Mr. Orozco** asked if the property owner is the developer and if not who is Mr. Kerry representing. **Mr. Kerry** answered that he is speaking for the property owner. **Mr. Orozco** explained that the area does not need more traffic. He said that if there will be more traffic it is incumbent upon the City as representatives of the taxpayers of this community to protect the assets of the community. He added that the City should have the developers bare some if not all the cost of the infrastructure expenses. He asked why the taxpayers should subsidize the advantages that are being enjoyed by the developers.

1:24:13 **Mayor Janway asked if anyone would like to speak regarding this issue. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

1:24:25 **B. Consider Ordinance No. 2013-23**

1:24:29 **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Doporto to approve Ordinance No. 2013-23, an Ordinance rezoning part of "R-R" Rural Residential District to "PUD" Planned Unit Development District and Amending the Official Zoning Map of the City pursuant to section 3-21-1 et. Seq. NMSA 1978 and Section 56-150(J) and 56-140(I), Carlsbad Code of Ordinances, regarding 14+/- acre

parcel located at the Northwest corner of Cherry Lane and Callaway Drive intersection;  
Applicant: Pettigrew & Associates, PA.

1:24:34        **Vote**

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

1:25:00        **14. COUNCIL COMMITTEE REPORTS AND RECOMMENDATIONS**

**Councilman Doporto** said that the Sports Complex received their building and the construction will begin at the end of the week.

**Councilman Doss** explained that he spoke with a couple of gentlemen from Albuquerque who met with the City's administrative staff last night. He said that the gentlemen were extremely complimentary with the help that they received and the amount of time that was spent with them.

**Councilman Doss** added that there is a situation at Heritage Park. He explained that he does not know what happened, it looks as if all of the mesquite bushes have been sprayed and are dead. **Mayor Janway** explained that Mr. Stanley can address the issue and added that the Soil and Water Conservation District sprayed the bushes because of the traffic getting into the mesquites.

**Councilman Doss** also added that he hopes the City is looking into river safety and a way to get the kids to slow down on jet skis. **Councilman Shirley** explained that he and Councilman Waters met with Chief Lopez and homeowners along the river and a lot of good has come out of the meeting. He said that Chief Lopez will be drafting a letter and sending it to the residents on the river and there will also be some public service announcements on the radio and in the newspaper. He said that they are trying to be proactive and doing everything that they can, so that this will not happen again.

**Mr. Stanley** explained that he and the committee have been working on the project with Heritage Park. He explained that none of the mesquite bushes have been removed from the area since it became a park. He added that mesquites can become very big and take up a lot of space and water. He explained that they are almost impossible to get rid of unless done correctly. He explained that in the past years it is his understanding that the Soil and Water Conservation District has voluntarily come in and sprayed and killed about 60 or 70 mesquites that are in the middle of the park where they need to be removed.

1:35:26        **15. ADJOURN**

1:35:26        **Motion**

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

1:35:30        **Vote**

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

1:35:51        **Adjourn**

There being no further business, the meeting was adjourned at 7:40 p.m.

\_\_\_\_\_/s/Dale Janway\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_/s/Annette Barrick\_\_\_\_\_  
City Clerk