

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON SEPTEMBER 10, 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	Utilities Director
	Thomas Carlson	Public Works Director
	Richard Lopez	Fire Chief
	Daniel Fierro	Police Chief
	Patsy Jackson-Christopher	Director of CRC Services

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

0:00:32      **Mayor Janway presented Mr. Richard Fielder with a proclamation stating that he is an outstanding citizen that has served on the Carlsbad Public Library Board for the past 20 years.**

**Cassandra Arnold, Library Director, thanked Mr. Fielder for his many years of service to the Library.**

0:03:35      **Mayor Janway introduced Carol Worley and Shannon Snell of the Zeta Nu chapter of Epsilon Sigma Alpha (ESA) to discuss Packs for Hunger.**

**Ms. Worley** explained that in March of 2012 a member came to ESA with the idea that ESA needs to help teachers feed children. She explained that in 2012 ESA was able to feed 165 children. She added that in 2013 they grew a little and serviced 1496 children. She explained that ESA is so appreciative to be in the school system and added that last year Packs for Hunger distributed 46 backpacks per week and this year they are already distributing 75 backpacks per week. She explained that community involvement is needed because it takes a lot to feed these children. She said that last year Packs for Hunger was in 7 schools and this year they are in 11 schools. She added that the goal is to be in all of the Elementary Schools in our community.

**Mayor Janway** said that he appreciates what ESA is doing for the community and added that they are doing a great job.

0:08:09      **Ms. Snell informed Council that Packs for Hunger fills backpacks on Thursday evenings at the Riverwalk Recreation Center at 6:30 p.m. and welcomed Council to join if they are available.**

0:09:07      **1. APPROVAL OF AGENDA**

0:09:09      **Motion**

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

0:09:14      **Vote**

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

0:09:32      **2. BUDGET REVIEW**

**Ms. Harris** reviewed the revenue and expenditures as of July 31, 2013 for the General Fund, Selected Enterprise, and Special Funds contained within the City Budget.

0:13:42      **Councilman Shirley asked what the reason for spending the additional 29% of the overtime budget was for in the sewer department.**

**Mr. Camero** explained that it was not additional overtime it was 29% of the budgeted overtime. He explained that the overtime was due to different items that needed to be checked on after the improvements were made.

**Councilman Shirley** asked if the overtime is expected to continue. **Mr. Camero** said that the overtime is not expected to continue.

0:14:47      **Motion**

The motion was made by Councilman Aguilar and seconded by Councilman Salcido to approve the Budget Review as of July 31, 2013.

0:14:53       **Vote**

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

0:15:12       **3. CONSIDER APPROVAL OF RESOLUTION NO. 2013-39, A RESOLUTION APPROVING THE 1<sup>ST</sup> QUARTER BUDGET ADJUSTMENTS**

**Ms. Harris** reviewed the revenue and expenditures making certain budgetary adjustments to the 2013-2014 fiscal year budget highlighting the General Fund, Fire Protection Fund, Lodgers' Tax Fund, and the Water & Sewer Fund.

0:19:38       **Motion**

The motion was made by Councilor Nunley and seconded by Councilman Shirley to approve Resolution No. 2013-39, a Resolution approving the 1st Quarter Budget Adjustments.

0:19:43       **Vote**

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

0:20:07       **4. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the Regular City Council Meeting held on August 13, 2013

B. Personnel Report

C. Check Register and Bills

D. Purchasing:

1) Consider approval to purchase two (2) Precast Concrete Restroom Buildings for Dr. Martin Luther King, Jr., Park and the Carlsbad Cemetery pursuant to the GSA Contract, #GS-07F- 0602N

2) Consider approval to purchase seven (7) Police Vehicles pursuant to the State of NM Pricing Agreement, #20-000-00-00026 for the Carlsbad Police Department

3) Consider approval to Rescind Award of Bid No. 2012-60, Rocky Mountain Welding and Fabrication and Award Bid No. 2012-60, to Wastequip for Four (4), 40-Cubic Yard Standard Bathtub Type Roll-off Containers

4) Consider approval to Award RFP No. 2013-11, to Souder-Miller and Associates for General Engineering Services for the San Jose Road Reconstruction Phase III

5) Consider approval to Award Bid No. 2013-45, to Austin Turf and Tractor for one (1) Utility Tractor with Canopy, Front End Loader, and Rotary Cutting Attachment for the Bob Forrest Youth Sports Complex

6) Consider approval to Award Bid No. 2013-46, to Ditch Witch of El Paso for one (1) Ride-On Trencher and Trailer for the Water Department

7) Consider approval to Award Bid No. 2013-47, to Western Hydro Corporation for one (1) Well Inspection Camera for the Double Eagle Department

8) Consider approval to Reject Bid No. 2013-15, with CD General Contractor, Inc. and re-bid Bid No. 2013-15, for the Noah's Ark Ventilation project

- 9) Consider approval to Advertise Invitation to Bid Halagueno Art Park Phase 2 Improvements
- 10) Consider approval to Advertise Invitation for Request for Proposal for Professional Janitorial Services for City Park Restrooms
- 11) Consider approval to Advertise

E. Contracts and Agreements:

- 1) Consider approval of Lease Agreement between the City of Carlsbad and John Deere Credit for the lease of John Deere Equipment, one (1) Front Rotary Mower and two (2) Wide Area Mowers for four years
- 2) Consider approval of Lease Agreement between the City of Carlsbad and John Deere Credit for the lease of John Deere Equipment, one (1) 4X2 Turf Gator for four years

F. Set Dates:

- 1) For scheduling of Ordinance for a Public Hearing for 2867-DW Loan, Drinking Water Revolving Loan Fund (September 24, 2013)
- 2) For approval of a Policy for Naming Fields at the Bob Forrest Youth Sports Complex (October 22, 2013)

G. Monthly Department Reports:

- 1) Culture, Recreation, and Community Service Monthly Report for July 2013
- 2) Fire Department Monthly Reports for July & August 2013
- 3) Personnel Department Monthly Report for August 2013
- 4) Transportation and Facilities Department Monthly Report for July 2013

H. Board and Committee Appointments:

- 1) Solid Waste Committee: Jim Grantner, 4-Year Term
- 2) Bob Forrest Youth Sports Complex Advisory Board: Allen Kilgore, Remainder of 3-Year Term

I. Miscellaneous:

- 1) Correspondence from NMDFA regarding approval of FY 2013-2014 Final Budget

0:20:28        **Mayor Janway asked Mr. McCutcheon to explain Item D. 9 Consider approval to advertise invitation to bid Halagueno Art Park Phase 2 improvements; Item D. 11 Consider approval to advertise invitation for request for proposal to Signalize the Canal and Lea Street Intersection; and Item H.1 Board and Committee Appointments - Solid Waste Committee: Jim Grantner 4 year term.**

**Mr. McCutcheon** explained that Item D.9 Halagueno Art Park Phase 2 invitation to bid includes several improvements including a stage and fountain.

0:22:32        **Discussion regarding the water fountain at the Halagueno Art Park**  
                   - Size  
                   - Algae  
                   - Chemical treatments

0:27:03 **Mr. McCutcheon explained that Item D.11 is asking for approval to advertise an Invitation to Bid the Signalize at Canyon Street and Lea Street.**

**Mr. McCutcheon** explained that it is not for Canal Street and added that Canal Street in the agenda is a typo. He explained that the buildings at Canyon and Lea are built very close to the sidewalk making it very difficult to see and the signals will be beneficial.

**Mr. McCutcheon** explained that Item H.1 is a Board and Committee appointment for Mr. Jim Grantner. He explained that Mr. Grantner is suggested for a 4 year term appointment to the board of Solid Waste Commissioners.

0:28:49 **Councilman Whitlock asked if Mr. McCutcheon could explain Item D.8 Consider approval to reject bid No. 2013-15, with CD General Contractor, Inc. and re-bid Bid No. 2013-15, for the Noah's Ark Ventilation project.**

**Mr. McCutcheon** explained that the City has Bid Noah's Ark Ventilation project in the spring, because there are some problems with the cooling, heating, air flow movement and ventilation. He explained that the successful bidder was CD General Contractor who planned to hire a sub-contractor to complete the work. He added that the sub-contractor did not come through on their part of the agreement and CD General is not going to be able to fulfill their obligation.

0:30:04 **Discussion regarding the Bid process for Noah's Ark Ventilation**

- Adding time limits
- Forfeit of bond for non performance
- COE contractor to speed up the process

0:31:34 **Councilman Aguilar asked for an explanation of Item D.1 Consider approval to purchase two (2) Precast Concrete Restroom Buildings for Dr. Martin Luther King, Jr., Park and the Carlsbad Cemetery pursuant to the GSA Contract, #GS-07F-0602N.**

**Mr. McCutcheon** explained that a request was made to place restrooms at the Carlsbad Cemetery and Dr. Martin Luther King, Jr., Park. He explained that they will be precast restrooms that are concrete. He explained that the City selected what is thought to be a destruction proof option. He explained that automatic door locks will unlock the doors at 7:00 a.m. and lock them in the evenings at 7:00 p.m. to help prevent vandalism.

0:33:04 **Motion**

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

0:33:08 **Vote**

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

0:33:28      **5.      CONSIDER APPROVAL OF REQUEST FROM UNITED WAY OF CARLSBAD AND SOUTH EDDY COUNTY FOR PERMISSION TO INSTALL TWO (2) BORN LEARNING TRAILS IN CITY PARKS**

**Ms. Shaye Coats**, Executive Director of the United Way, explained that the Born Learning Trail is interactive and playful. She explained that the Born Learning Trail is designed to help parents, caregivers, and communities support early learning. She explained that the Trail is a great way to elevate awareness of early childhood education. She explained that the Trail consists of 10 fun outdoor games on engaging signs to help parents and caregivers create learning opportunities for young children. She said the Trails can be installed in parks, in front of libraries or museums and can be a valuable community resource for early learning. She said that the United Way is asking for permission to install two (2) Born Learning Trails in the Community. She added that the United Way would take the responsibility of the maintenance of the trails and maintain the signs quarterly. She added the United Way is also asking to include the City's logo on the signs.

**Councilman Doporto** asked if the United Way has picked out any locations. **Ms. Coats** said the United Way has discussed a ton of locations. She explained the United Way feels it may be better to start with one (1) by Project Playground and possibly one (1) on the other side of the river or at San Jose Park, Martin Luther King Park, or Happy Valley Park. She explained the United Way would like to have the Trails throughout the Community.

**Councilman Doss** asked what the cost is for each Trail. **Ms. Coats** explained that United Way would get the signage in English and Spanish and the cost would be \$1200.00 for each Trail. She said that the two Trails would be approximately \$5000.00 which would include the paint, poles, cement and leftover materials to maintain the signage.

**Councilwoman Whitlock** asked if the United Way would pick areas where sidewalks are currently present, so that the City would not be required to add sidewalks. **Ms. Coats** answered "yes".

0:38:57      **Motion**

The motion was made by Councilor Whitlock and seconded by Councilman Doss to approve request from the United Way of Carlsbad and South Eddy County for permission to install two (2) Born Learning Trails in two (2) City Parks.

0:39:20      **Vote**

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

0:39:45      **6.      CONSIDER ISSUANCE OF STATE LIQUOR LICENSE, APPLICATION # 877195 TO JILL FOWLER, DBA: RED CHIMNEY PIT BAR-B-QUE,**

**817 N. CANAL STREET, CARLSBAD, NM FOR A RESTAURANT BEER AND WINE ONLY LICENSE**

**Mr. McCutcheon** explained that the City has been through the hearing process for the license. He explained that the license name has changed from Ted Fowler to Jill Fowler and the other change is the standard renewal of the license. He explained that no one at the hearing spoke negatively about the City granting the license.

0:41:24      **Motion**

The motion was made by Councilman Doss and seconded by Councilor Whitlock to approve issuance of State Liquor License, Application #887195 to Jill Fowler, dba: Red Chimney Pit Bar-B-Que, 817 N. Canal Street, Carlsbad, NM for a Restaurant Beer and Wine only License.

0:41:29      **Vote**

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

0:41:47      **7. CONSIDER APPROVAL OF RECOMMENDATION FROM THE CARLSBAD PARKS AND RECREATION ADVISORY BOARD TO UPDATE THE CITY OF CARLSBAD PARK IMPROVEMENT MASTER PLAN**

**Mr. Ken Britt** introduced himself and Mr. Dave Gillian. **Mr. Britt** explained that in 2005 the Council approved the original master plan. He explained that the major components of the plan have been completed. He explained that Mr. Gillian has updated the master plan to continue the great work providing quality outdoor recreation for neighborhoods.

**Mr. Dave Gillian** explained that the master plan contains a reorganized approach to deal with neighborhood parks. He explained that the master plans will assign responsibility for various parks to various members of the Board. He explained with assigning responsibility, each member will have responsibility for certain parks.

**Councilman Doporto** asked how a park is picked for construction maintenance. **Mr. Gillian** explained that the advocate of each park would press the issues for the park they are responsible for. **Mr. Britt** added that the severity of safety issues and other issues are also reviewed and considered.

0:49:19      **Motion**

The motion was made by Councilman Shirley and seconded by Councilman Doporto to approve the recommendation from the Carlsbad Parks and Recreation Advisory Board to update the City of Carlsbad Park Improvement Master Plan.

0:49:25      **Vote**

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

0:49:41        **8.        CONSIDER APPROVAL OF GRANT APPLICATION WITH THE NM DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION FOR AIRPORT PROJECTS AT THE CAVERN CITY AIR TERMINAL**

**Mr. McCutcheon** explained that this grant application is time sensitive. He explained that at the last inspection by the FAA, it was noted that the markings were faded and the City was given a timeline by FAA to complete by October 7, 2013. He explained that the federal government will pay \$40,000 and the City will pay \$10,000 to bring the markings back into compliance.

0:50:40        **Motion**

The motion was made by Councilor Nunley and seconded by Councilor Waters to approve grant application with the NM Department of Transportation, Aviation Division for Airport Projects at the Cavern City Air Terminal.

0:50:44        **Vote**

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

0:51:04        **9.        CONSIDER APPROVAL OF RESOLUTION NO. 2013-40, A RESOLUTION IDENTIFYING PARTNERSHIP BETWEEN THE CITY OF CARLSBAD AND CARLSBAD MAINSTREET TO CREATE A STATE AUTHORIZED ARTS AND CULTURAL DISTRICT (ACD)**

**Ms. Jackson-Christopher** explained that she has been working with the new MainStreet Director. She introduced Ms. Margaret Berry, MainStreet President. **Ms. Berry** explained that she attended the National MainStreet conference in April and the focus was Arts and Culture. She said that Ms. Barnhart, the former Director, began writing the grant application and in the process of finding a new Director the board focused heavily on someone who has had experience in grant writing and non profits. She introduced, Amanda Melvin, new Executive Director of MainStreet.

0:54:26        **Ms. Melvin explained the Arts and Cultural District discussing:**

- Carlsbad Arts and Cultural Committee
- Transportation Tourism approach
- Master Plan
- Goals
- City support/Agreement
- Marketing trends
- \$30,000 City support/Steering Committee
- Zoning in Cultural area

**Mr. McCutcheon** added that MainStreet is applying for the designation of the Arts and Cultural District, but the grant is not guaranteed. He explained that there will only be

two Cities who will be granted the designation and there are many Cities interested. **Ms. Jackson-Christopher** added that there are 13 other Cities interested.

1:09:33        **Motion**

The motion was made by Councilor Whitlock and seconded by Councilman Doporto to approve Resolution No. 2013-40, a Resolution identifying partnership between the City of Carlsbad and Carlsbad MainStreet to create a State Authorized Arts and Cultural District (ACD).

1:09:41        **Vote**

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

1:10:12        **10. CONSIDER APPROVAL OF RESOLUTION NO. 2013-41, A RESOLUTION SUPPORTING THE EDDY LEA ENERGY ALLIANCE (ELEA)**

**Mayor Pro Tem Doss** explained that ELEA purchased a two-mile square area for the purpose of attempting to obtain a nuclear waste repository. He explained that the repository would be used for temporary storage. He added the more local support ELEA has the better chance ELEA will have to bring in the nuclear waste repository.

1:12:15        **Motion**

The motion was made by Councilman Doss and seconded by Councilor Waters to approve Resolution No. 2013-41, A Resolution supporting the Eddy Lea Energy Alliance (ELEA).

1:12:38        **Councilman Shirley said that the Eddy Lea Alliance Organization is doing a lot of good things for Carlsbad, Eddy County, Hobbs, and Lea County.**

**Councilman Shirley** explained that ELEA is moving forward to make Eddy and Lea County a nuclear corridor in the Nation by solving a lot of the Nation's issues with nuclear waste storage. He added that he feels it is positive and a good thing to move forward with.

1:14:14        **Vote**

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

1:14:31        **11. COUNCIL COMMITTEE REPORTS AND RECOMMENDATIONS**

**Mayor Janway** recommended to Council that San Jose Plaza be renamed to honor one of Carlsbad's outstanding citizens, Mr. Ray Anaya. He explained that Mr. Anaya was a pioneer in the civil rights movement in the area and broke down many barriers; among them being elected the first Hispanic Sheriff in Eddy County. He explained that Mr. Anaya was a juvenile probation officer and had a great affect on many young lives in our community. He said it is fitting for the park to be named in his memory because

when you think of a park and the 16th of September celebration you think of Mr. Ray Anaya and el grito. He explained that this recommendation will be on the Council Agenda in 30 days.

1:15:34        **Councilman Aguilar asked if better paint could be purchased for street markings.**

**Mr. Carlson** explained that the paint is not wearing off the streets are just very dirty. He said that the other option is to use thermal plastic which is a thick heavy material that is melted into the asphalt and is very expensive.

1:17:03        **Mr. Tom Kirby said that he has noticed the markings at Mesa and Lea Intersection are worn out.**

**Mr. Kirby** explained that he has almost been side swiped and feels that road markings are very important throughout the City, particularly in the congested intersections in town.

1:18:15        **Mr. Christopher asked what Mayor Janway said about renaming a park.**

**Mayor Janway** explained that the City would like to rename San Jose Plaza Park to the Ray Anaya San Jose Plaza Park. **Mr. Christopher** explained that Mr. Anaya was basically a legend in the community and would like to see the highway between Carlsbad and Loving named after him. **Mayor Janway** explained that the highway is a State highway. **Mr. Christopher** asked if the Council could ask the State if it would be possible to rename the highway. **Mayor Janway** said that Council will ask the State and continue to work on renaming the San Jose Plaza Park.

1:19:52        **12. ADJOURN**

1:19:53        **Motion**

The motion was made by Councilman Doss and seconded by Councilman Shirley to adjourn.

1:19:58        **Vote**

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

1:20:34        **Adjourn**

There being no further business, the meeting was adjourned at 7:26 p.m.

/s/Dale Janway

Mayor

ATTEST:

/s/Annette Barrick

City Clerk