

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON SEPTEMBER 24, 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
	Anna Beason	Projects Coordinator
	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

0:00:40      **Mayor Janway introduced and welcomed Dina Navarrette, as the Assistant Sports and Recreation Coordinator.**

0:00:56      **Mayor Janway explained that he would like to appoint a Mayor's Committee for the Emergency Warning System.**

**Mayor Janway** said that the Committee would be made up of Mayor Pro Tem Dick Doss as the Chairman, Councilor Nick Salcido, Councilor Jason Shirley, Fire Chief Rick

Lopez, and Jay Granger. He explained that the committee will report back to Council in 60 days with recommendations.

0:01:26      **1. APPROVAL OF AGENDA**

0:01:30      **Motion**

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

0:01:34      **Vote**

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

0:01:55      **2. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the Regular City Council Meeting held on September 10, 2013

B. Personnel Report

C. Check Register and Bills

D. Purchasing:

- 1) Consider approval to Advertise for Bids for the construction of a 6 foot high, cinder block fence with wrought iron inserts for the Veterans Cemetery
- 2) Consider approval to Award Bid No. 2013-51A to Power Ford and Award Bid No. 2013-51B to Rich Ford Sales for three Pickup Trucks for the Water Department
- 3) Consider approval to procure Professional Engineering Services for the Repair of the Callaway Storm Drainage

E. Contracts and Agreements:

- 1) Consider approval of Agreement with the Carlsbad Soccer League for Sports Services at the Bob Forrest Youth Sports Complex
- 2) Consider approval to apply to NMDOT-Aviation Division for the Airport Projects Grant

F. Set Dates: (November 12, 2013)

- 1) To consider an Ordinance regarding a Zoning Change from "R-R" Rural Residential District to "C-2" Commercial District for an approximately 4.75 acre parcel, located on the west side of Happy Valley Road north of the Church Street intersection, to be subdivided and legally described as "C Mountain Land Division Tract", pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances
- 2) To consider an Ordinance regarding a Zoning Change from "C-1" Neighborhood Commercial District to "C-2" Commercial District for an approximately .45 acre site, located at 102 E. Greene Street, legally described as Original Township of Eddy Subdivision, Block 7, Lots 20, 22, 24, 26 and 28 pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances

3) To consider an Ordinance regarding the Annexation and Establishment of Neighborhood Commercial (C-1) zoning for an approximately 0.21 acre lot located at 1410 N. Canal Street, legally known as LaHuerta Subdivision Block 11, Lot 10, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978

4) To consider an Ordinance regarding revisions to the New Mexico Uniform Traffic Ordinance, 2010 Compilation, adopted in Sec. 50-1 of the Code of Ordinances, City of Carlsbad, New Mexico

G. Monthly Department Reports:

- 1) Culture, Recreation, and Community Service Monthly Report for August 2013
- 2) Planning, Engineering, & Regulation Department Monthly Report for August 2013
- 3) Transportation and Facilities Department Monthly Report for August 2013
- 4) Utilities Department Monthly Report for August 2013

H. Board and Committee Appointments:

- 1) Carlsbad Golf Advisory Board: Zeph Roberson & Maurice Pruitt-remainder of 4 year term
- 2) City of Carlsbad Solid Waste Commissioners: Alvin Doporto-Ward 2- 2 year term
- 3) Pecos River Committee: Jim Grantner

I. Miscellaneous:

- 1) Consider approval of recommendation from the City of Carlsbad Golf Course Advisory Board to amend Section C.5., regarding the Municipal Golf Course Dress Code
- 2) Consider approval to Deed 0.07 acres, adjacent to 112 S. 10th Street, Carlsbad, NM to Donald and Ruthie J. Porter

0:02:16        **Mayor Janway explained that a request has been made to remove Item I.1 Consider approval of recommendation from the City of Carlsbad Golf Course Advisory Board to amend Section C.5, regarding the Municipal Golf Course Dress Code; from Routine and Regular Business to Item #10.**

0:02:22        **Mayor Janway asked Mr. McCutcheon to discuss Item D.1 Consider approval to Advertise for Bids for the construction of a 6 foot high, cinder block fence with wrought iron inserts for the Veterans Cemetery; Item E.1 Consider approval of Agreement with the Carlsbad Soccer League for Sports Services at the Bob Forrest Youth Sports Complex; and Item I.2 Consider approval to Deed 0.07 acres, adjacent to 112 S. 10th Street, Carlsbad, NM to Donald and Ruthie J. Porter.**

**Mr. McCutcheon** explained that Item D.1 is to consider approval to advertise for Bid for construction of a 6 foot high fence made of cinder block with wrought iron inserts for the Veterans Cemetery. He explained that the Veterans Cemetery group has raised about \$8000 that the group will donate to the City to help with the costs of the fence. He explained that the City has some money that is for use at Sunset Garden Cemetery and the City has also received a grant for \$25,000 that will come from the State in

January. He explained that the fence will help to seal the perimeter of the Cemetery and define the future site of the Veterans Cemetery.

**Mr. McCutcheon** explained that Item E. is to consider approval for the Carlsbad Soccer League Sports Services at the Bob Forrest Youth Sports Complex. He explained that this is essentially the same agreement that was completed for National Little League. He added that Mr. Wes Carter is present in support of the agreement.

**Mr. Carter** explained that the agreement is essentially the same as the agreement for American Little League. **Councilor Aguilar** asked if American Little League is receiving the same amount of money. **Mr. John Lowe** answered yes and explained that this agreement is similar except for U-4 and U-6 would be Tee Ball and Pee Wee. **Councilor Aguilar** asked if American Little League was being paid per game. **Mr. Lowe** said yes and added that for Tee Ball and Pee Wee American League was paid \$30 per game. **Councilor Aguilar** asked what the total reimbursement is for the league. **Mr. Lowe** explained that soccer has two seasons and the league will not get more than \$15,000. He added that the league may not use the entire amount but that is the maximum that the City has for the Fall and Spring seasons. **Councilor Aguilar** asked if the City is paying that amount of money for the league to draw the lines and rake the fields. **Mr. Lowe** explained that the pay is for painting the fields, lining them out, and trash services. He explained that now that the leagues do not have the concession revenue to purchase the materials to maintain the fields, they are paid per game. **Councilor Aguilar** asked what percentage the City is receiving from the concession stand. **Mr. Lowe** said that the City is receiving 35% of revenue from the concession stands per the contract with Becky. He explained that the amounts does not come through his office. **Mr. McCutcheon** explained that he will get the information for Councilor Aguilar and Council.

**Councilor Nunley** asked how many children are participating in the soccer league. **Mr. Lowe** said over 600 and that has risen from 550 last year.

**Councilor Shirley** explained that it is a significant portion of revenue that the leagues lose from the concession stand. He explained that adding the revenue back in the agreements benefits the leagues and the City. **Councilor Doportto** explained that it looks like a lot of money that is being paid to the leagues but when tournaments are hosted the City benefits greatly. He explained that when the complex is completed there will be a lot more revenue coming in.

**Councilor Whitlock** said that Councilor Doportto and the Youth Sports Committee are doing a great job with the complex.

0:10:57 **Mr. McCutcheon** explained that Item I.2 is to consider approval to sell a small portion of land to Donald and Ruthie Porter that is adjacent to their property.

He explained that several years ago the parcel of land was donated to the City. He explained that the Porter's are the only people that can utilize the land. He said the City has had an appraisal of the .07 acres of land and this would deed the portion of land to the Porters.

0:12:18        **Motion**

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

0:12:25        **Councilor Whitlock** asked Ms. Riordan about Item F.4, in the Uniform and Traffic Code how will the electronic tickets will work. **Ms. Riordan** said the State is moving towards the use of electronic tickets, although the use of electronic tickets has not been fully executed. She explained that the Carlsbad Police Department is not yet able to issue electronic tickets and this approval would only bring the Uniform Traffic Code into conformity with State law.

0:13:51        **Vote**

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

0:14:13        **3. CONSIDER APPROVAL OF RESOLUTION NO. 2013-42, A RESOLUTION DECLARING THE SEPTEMBER 2013 RAINS AND FLOODING TO BE A LOCAL DISASTER**

**Mr. McCutcheon** explained that this Resolution is important for the City to pass so that Carlsbad can be part of the State's declaration which declared the State a disaster based on the rains and flooding. He explained that passing this Resolution will assist the City when applying for FEMA (Federal Emergency Management Agency) reimbursement of the losses that the City of Carlsbad incurred.

0:15:00        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Nunley to approve Resolution No. 2013-42, a Resolution declaring the September 2013 rains and flooding to be a Local Disaster.

0:15:04        **Vote**

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

0:15:22        **4. CONSIDER APPROVAL OF RESOLUTION NO. 2013-43, FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 4505 REDBUD TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS-**

**OWNERS: JAMES ROBERTSON C/O CAMERON CLARK AND TERESA GALINDO**

**Ms. Riordan** explained that the property is located in a mobile home subdivision. She explained there is a mobile home on the property that is in very poor condition. She explained that there is extensive water damage leading to concerns that the property is not repairable. She explained that Code Enforcement and the Fire Marshall have found the property a danger to public health and safety and recommend demolition.

0:17:44      **Mayor Janway asked if a representative for the property was present, no one appeared.**

0:17:55      **Motion**

The motion was made by Councilor Doss and seconded by Councilor Whitlock to approve Resolution No. 2013-43, finding the Buildings or Structures at the Property commonly known as 4505 Redbud to be ruined, damaged, and dilapidated and finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the buildings, structures, ruins, rubbish, wreckage, weeds, debris - Owners: James Robertson c/o Cameron Clark and Teresa Galindo

0:18:01      **Vote**

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

0:18:18      **5. CONSIDER APPROVAL OF RESOLUTION NO. 2013-44, FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 1714 CURRY ROAD TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS- OWNERS: BRIGIDO SALDANA C/O ANGELA CAMPOS**

**Ms. Riordan** explained that this is a larger property on Curry Road that has tall weeds and debris. She explained that the property contains a single family dwelling and two smaller structures. She explained that all of the structures are in poor condition and have not been maintained. She explained that the building inspector is worried that the garage may collapse with any stress. She said that Staff has recommended demolition of the buildings and that the property be cleaned.

0:21:20      **Mayor Janway asked if a representative for the property was present, no one appeared.**

0:21:31      **Motion**

The motion was made by Councilor Doss and seconded by Councilor Nunley to approve Resolution No. 2013-44, finding the Buildings or Structures at the Property commonly known as 1714 Curry Road to be ruined, damaged, and dilapidated and

finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the buildings, structures, ruins, rubbish, wreckage, weeds, debris - Owners: Brigido Saldana c/o Angela Campos

0:21:38       **Vote**

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

0:22:01       **6. CONSIDER APPROVAL OF PROTEST HEARINGS REGARDING WATER, SEWER, AND GARBAGE ASSESSMENT ROLLS REPEALING:**

**1) Resolution 2013-45, a Resolution determining the delinquency of payment for Water Services**

**2) Resolution 2013-46, a Resolution determining the delinquency of payment for Sewer Services**

**3) Resolution 2013-47, a Resolution determining the delinquency of payment for Garbage Services**

**Ms. Harris** explained that 3-23-6 NMSA 1978 requires that the City file a lien against all properties that have unpaid utility bills and that the unpaid bills are payable by the owner. She explained that the only exception by the owner is if the owner has notified the City in writing that they are not responsible for any bills of a tenant or renter. She explained the total of the liens to be filed is \$22,102.56, which is approximately 0.10% un-collection rate.

**Councilor Doss** asked if the City files the liens for the delinquent amount plus any additional costs. **Ms. Harris** said that the liens are filed for the delinquent amount only. **Councilor Doss** asked if the liens cost the City money to file. **Ms. Harris** said yes, it does cost the City about \$2,000 a year to file the liens with the County and that does not include time and labor. **Councilor Doss** said that the additional costs should be added to the lien amount. **Ms. Harris** explained that she can look into charging the additional fees.

0:26:02       **Mayor Janway convened the Council as a protest hearing board to hear protests regarding the request Water, Sewer, and Garbage Assessment Rolls repealing: 1) Resolution 2013-45, a Resolution determining the delinquency of payment for Water Services**

**Ms. Harris** asked the audience if anyone present would like to protest, no one appeared.

**Councilor Doporto** asked what the process is if property owners are deceased. **Ms. Harris** explained that the lien is filed against the property and whoever inherits the property also inherits the lien.

0:26:40       **Motion**

The motion was made by Councilor Aguilar and seconded by Councilor Nunley to approve Resolution No. 2013-45, a Resolution determining the delinquency of payment for Water Services.

0:26:54       **Vote**

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

0:27:10       **2. Resolution 2013-46, a Resolution determining the delinquency of payment for Sewer Services**

0:27:18       **Mayor Janway convened the Council as a protest hearing board to hear protests regarding the request Water, Sewer, and Garbage Assessment Rolls repealing: 2) Resolution 2013-46, a Resolution determining the delinquency of payment for Sewer Services**

0:27:27       **Mayor Janway asked if anyone would like to protest. No one appeared and the Mayor declared the protest hearing closed and reconvened the Council in regular session.**

0:27:33       **Motion**

The motion was made by Councilor Aguilar and seconded by Councilor Nunley to approve Resolution 2013-46, a Resolution determining the delinquency of payment for Sewer Services.

0:27:43       **Vote**

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

0:27:57       **3. Resolution 2013-47, a Resolution determining the delinquency of payment for Garbage Services**

0:28:06       **Mayor Janway convened the Council as a protest hearing board to hear protests regarding the request Water, Sewer, and Garbage Assessment Rolls repealing: 3) Resolution 2013-47, a Resolution determining the delinquency of payment for Garbage Services**

0:28:08       **Mayor Janway asked if anyone would like to protest. No one appeared and the Mayor declared the protest hearing closed and reconvened the Council in regular session.**

0:28:16       **Motion**

The motion was made by Councilor Waters and seconded by Councilor Shirley to approve Resolution 2013-47, a Resolution determining the delinquency of payment for Garbage Services.

0:28:43        **7. CONSIDER APPROVAL OF RESOLUTION 2013-48, A RESOLUTION ADOPTING THE 2015-2019 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)**

**Ms. Shumsky** explained that every year the City has to develop a Infrastructure Capital Improvement Plan (ICIP). She explained that staff has compiled all of the projects submitted by various City departments into a spreadsheet. She explained that she sent the spreadsheet to Council members to review and rank their top 10 projects.

**Ms. Shumsky explained the projects and the rankings:**

- 1. Callaway Drive Widening
- 2. New Fire Station - South
- 3. Double Eagle Well field Improvements
- 4. Double Eagle Waterline Improvements
- 5. Street Reconstruction Program
- 6. Repair Riverwalk Recreation Center
- 7. San Jose Boulevard - Phase 3
- 8. Kircher Street Reconstruction
- 9. Sunset Gardens Veterans Cemetery
- 10. Youth Sports Complex

**Ms. Shumsky** explained that if Council approves the Resolution, this will be the project ranking that is submitted to the Department of Finance Administration to be utilized for legislative funding and other funding that the City may be eligible to apply for.

**Councilor Waters** asked when the deadline is to submit the ICIP. **Ms. Shumsky** said that the deadline is September 30, 2013 at 3:00 p.m.

0:32:37        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to approve Resolution 2013-48, a Resolution adopting the 2015-2019 Infrastructure Capital Improvement Plan (ICIP).

0:32:46        **Vote**

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

0:33:03        **8. DISCUSSION REGARDING LOW WATER CROSSING DAMAGE AT SAN JOSE AND DARK CANYON**

**Mr. McCutcheon** explained that the City had a flood event that washed out the unfinished low water crossing at San Jose completely destroying a portion of the

project. He explained that the approaches were left but the culverts were completely washed away. He explained that the City met with the State Highway Department. He explained that the State Highway Department has a contract with Hasse Construction to rebuild the Canal Street Bridge. He explained in preparation for the contract the State Highway Department removed the emergency shoring expecting Hasse to start the contract. He explained that the State Highway Department extended the time for Hasse to begin work to 90 days and the State Highway Department is insistent that the City move forward to open San Jose in order to do the repairs on the Canal Street, Dark Canyon crossing. He also explained that Mr. Carlson met with FEMA and FEMA indicated that the State has been declared a disaster and the City could submit a claim for damages on the low water crossing. He explained that Souder Miller and Associates are present to discuss the engineering, the loss, and some possible answers and paths forward on the low water crossing.

0:35:55      **Mr. Eric Krch**, Senior Engineer with Souder Miller and Associates, explained that he has prepared a power point presentation to review what has happened and options going forward. His presentation included:

- Location of the project
- Original design
- Storm event/conditions
- Support of the City to finish the project
- Make appropriate adjustments to project
- Assist City with FEMA application
- FEMA Flood Insurance Study/Flood History
- Hidalgo Road Crossing
- San Jose Road Crossing
- Options
- Costs

0:58:20      **Mayor Janway** asked what the time difference would be from **Option 1** to **Option 2**.

**Mr. Krch** said approximately 15 to 30 days to begin construction.

**Mayor Janway** asked about the option to go back to the way San Jose was originally with no water crossing at all. **Mr. Krch** said the City would jeopardize State Funding because the Department of Transportation has put \$385,000 into the project to improve the crossing. He explained that going back to the way San Jose was originally would not save a lot of time and the City would have to reconstruct cut off walls and do a lot of concrete work. He said it would not save an enormous amount of money and the City would be back to closing the road anytime the City received any rain. He said he does not recommend going back to the original way the road was.

**Councilor Doss** asked if the road would be operable with any of the options within the remaining 85 days before the work on the bridge is to start. **Mr. McCutcheon** explained

that Constructors has told the City that they require 120 days to complete the work and the State Highway department only extended their contract with Hasse for 90 days. He explained that Constructors said they would focus on the project and complete the project as quickly as possible.

1:02:05 **Councilor Aguilar explained that from the beginning he has been against the low water crossing.**

**Councilor Aguilar** explained that he grew up in the area and has seen the area full of water many times. He said that even if the low water crossing was complete and it held the road would have been closed because the water would have been over the crossing. He said what would happen to the people who live on the South side if emergency personnel can not get through to the area. He said that he believes for emergency, health, and safety the City should focus on a bridge. He said that he feels the area should go back to the original state and the City should start trying to fund the \$5 million to put a bridge in the area. He said the City should be proactive instead of reactive and focus on a bridge.

**Councilor Waters** explained that she has received comments from residents that live in the area and they would like a bridge because they feel alienated. She added that emergency personnel need to be able to cross over if there is an emergency in the area. She said that she is in favor of a bridge if funding is available.

**Councilor Doporto** said that he believes everyone is in favor of a bridge if funding is available. He explained that the Department of Transportation recommended to the City to not place a bridge in that area. He said if the City puts in a bridge he would like it to go more South towards the Boyd Drive area so traffic is not so congested in one area. He said that right now the City should concentrate on the low water crossing and then look for funding and put a 5 or 10 year plan in place. He said that a bridge in the future is something that the City should think about but at this time the low water crossing will benefit Carlsbad.

**Mayor Janway** asked how long it would take to build a bridge from design to finish. **Mr. Krch** said if the City had the funding today it would be approximately 1.5 years to complete the bridge.

**Councilor Shirley** asked how often the City reaches 4000 or 5000 cubic feet per second (cfs). **Mr. Krch** said that he did not review the record of events with that high frequency. He explained that the current design is for a storm that happens once every 2 years. **Mr. McCutcheon** said that the last significant event happened in 2004.

**Councilor Shirley** said that if the City goes with Option 1 handling 1800 cfs the City would still be closing the road 1 or 2 times per year. He said that if the City decided on Option 2 would the City be alleviating closing the road yearly and move into once every 5 or 10 years. He said that the bottom line for him is that the Department of

Transportation is going to start working on the Canal Bridge in 90 days and the City needs to have an alternative route open to divert traffic.

1:11:29        **Discussion regarding the cost of the bridge and the complex design**

1:14:45        **Councilor Salcido explained that he lives in the area and agrees that a bridge is needed.**

1:15:14        **Councilor Whitlock said that she supports a bridge in the area, but the City is in a time constraint and needs to do something now.**

**Councilor Whitlock** explained that the City should look at finding funding and moving the bridge into a different area for better access.

**Councilor Aguilar** said that if the City decides to bring the road back to the original state, the work could be done fairly quickly. **Mr. McCutcheon** explained that all of the concrete has been removed and the build up of elevation on the sides would need to be removed which would cost approximately \$500,000, which is about the same cost as finishing the low water crossing. He added that FEMA said they may consider some reasonable improvements. He explained that FEMA said they want to work with the City but asked that the City not be unreasonable.

**Councilor Aguilar** explained that the low water crossing will not work there; the water will still flood over the area. He asked why the City does not ask the County to help with funding the bridge. **Mayor Janway** explained that he has talked about entering into an agreement with the County to build a bridge. He added that he supports a bridge especially with all the growth in the area. He said that at this time the City needs to complete the low water crossing and then focus on a bridge.

1:20:44        **Discussion regarding the funding side of the decision**

**1:26:04        Motion**

The motion was made by Councilor Doss and seconded by Councilor Salcido to approve Option 2A to change the arch culverts to precast concrete box culverts plus add two arch culverts with the idea that the City is going to explore a way to build a bridge as quickly as possible and find the funding to complete the bridge.

1:26:21        **Councilor Aguilar asked when the City starts to apply for funding with the low water crossing installed, how will the City be approved with the problem alleviated.**

**Mayor Janway** said that the City has been told that a bridge in that exact area is too close to the Canal Street bridge. **Councilor Aguilar** asked who said that the bridges would be too close.

**Ms. Anna Beason** explained that the City has talked to District 2 about the Bridge Project and in 2011 the Bridge Project was voted #1, the project was not funded or supported because the bridge was too close to Canal Street, so the District never placed the project on the stip. She explained that that district engineer informed the City that the project would not be considered because the federal government does not have the funding and it is too close to the Canal Street Bridge. She explained that if the City can find the funding it would take approximately 3 years to complete the bridge. **Councilor Aguilar** said that he does not believe that there is a problem with the bridges being too close together. **Ms. Beason** said that the district does not want to support the bridge project because it would be too close to another bridge and it is not a federal highway. She said it is difficult for the State to come up with the funding for those reasons.

**Councilor Doss** asked if the bridge could be done through a bond, how long the process would take to get the bond on the ballot. **Mr. McCutcheon** explained if the bond was done as a general obligation bond, it would be possible to add the bond to the March election.

**Councilor Shirley** said that he supports a bridge, but at this time the City needs to move forward with the low water crossing and in the future put in a bridge.

**Councilor Doporto** asked if in an emergency if a bridge in the area would help. **Chief Lopez** explained that he and Chief Fierro have discussed the issue and in the case of another big event; the issue would remain after crossing the bridge. **Chief Fierro** explained that it is a better idea to spread the bridges out over different areas because if something were to happen in the area as a whole both of the bridges could be taken out.

1:36:14 **Ms. Beason explained that the City will not stop looking for Federal or State funds and at this time the City needs passage through San Jose.**

1:36:32 **Mayor Janway said if Council decides to go with the original low water crossing a vote is not needed.**

**Ms. Riordan** explained that the Item can be added as an emergency vote because it is a public safety matter and can not be delayed because of the timelines. She explained that if Council does not want to change the existing plans, no vote is needed.

1:40:35 **Amended Motion**

The motion was made by Councilor Doss and seconded by Councilor Salcido to approve Option 2 to change the arch culverts to precast concrete box culverts plus add two arch culverts with the idea that the City is going to explore a way to build a bridge as quickly as possible and find the funding to complete the bridge.

1:40:48 **Emergency Vote**

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

1:43:41      **9. CONSIDER APPROVAL OF ORDINANCE NO. 2013-24, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT BETWEEN THE CITY OF CARLSBAD AND THE NM FINANCE AUTHORITY FOR THE DRINKING WATER STATE REVOLVING LOAN FUND**

**Mr. McCutcheon** explained that Council previously approved an application to New Mexico Finance Authority (NMFA) for final funding to build the pipeline for Double Eagle. He explained that the application was for a \$20 million loan and the City has been approved by NMFA. He explained that the vote is to accept the loan agreement with possible slight modifications. He explained this will be the final funding required for the Double Eagle water line to Carlsbad.

1:46:25      **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Waters to approve Ordinance No. 2013-24, an Ordinance Authorizing the Execution and Delivery of a Loan and Subsidy Agreement between the City of Carlsbad and the NM Finance Authority for the Drinking Water State Revolving Loan Fund.

1:46:32      **Vote**

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

1:46:47      **10. CONSIDER APPROVAL OF RECOMMENDATION FROM THE CITY OF CARLSBAD GOLF COURSE ADVISORY BOARD TO AMEND SECTION C.5., REGARDING THE MUNICIPAL GOLF COURSE DRESS CODE**

**Ms. Jackson-Christopher** explained that the previous rules and regulations read individuals are required to wear shirts and shoes at all times. She explained members of the Golf Board have made some clarifications on what is appropriate dress. She reviewed the recommendations from the Golf Course Board.

**Councilman Shirley** said that his only concern is with no tank tops allowed. He explained that he would be in full support of the dress code if the board would allow tank tops.

1:53:37      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to send recommendation from the City of Carlsbad Golf Course Advisory Board to amend Section C.5., regarding the Municipal Golf Course Dress Code back to the Golf Course Advisory Board to consider removing the no tank top restriction.

1:53:55      **Vote**

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

1:54:24      **11. COUNCIL COMMITTEE REPORTS AND RECOMMENDATIONS**

**Mayor Janway** said that he would like to appoint a Mayor's Committee for a Bridge. He appointed: Councilor Paul Aguilar - Chair; Councilor Judith Waters, Councilor JR Doporto, Councilor Sandra Nunley, and Steve McCutcheon.

1:55:31      **11. ADJOURN**

1:55:32      **Motion**

The motion was made by Councilor Waters and seconded by Councilor Doporto to adjourn.

1:55:37      **Vote**

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

1:07:56      **Adjourn**

There being no further business, the meeting was adjourned at 8:03 p.m.

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

ATTEST:

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