

## **A G E N D A**

Carlsbad City Council Regular Meeting at the  
Municipal Building, 101 North Halagueno Street  
Carlsbad, New Mexico

September 13, 2016 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Consider approval of the Acceptance of the FY 2016-2017 City of Carlsbad Final Budget as approved by the NM Department of Finance Administration
3. Presentation of the July 2016 Financial Report
4. Routine and Regular Business

**All matters under this heading are considered routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items. If discussion is desired on a particular item, upon request, that item may be removed from the Routine and Regular Business and be considered separately.**

### **A. Minutes of the Regular City Council Meeting Held on August 23, 2016**

### **B. City Personnel Report**

### **C. Check Register**

### **D. Purchasing:**

- 1) Consider approval of the Annual Street Improvement Plan for FY 2016-2017
- 2) Consider approval of the acceptance of a Grant offer from the FAA for Resurfacing of Runway 8-26 at the Cavern City Air Terminal
- 3) Consider approval to Award Bid No. 2016-28, to Maxwell Asphalt Sealing Specialists, for the Resurfacing of Runway 8-26 at the Cavern City Air Terminal
- 4) Consider approval to Advertise Request for Proposals for Professional Design Services for the Dark Canyon Bridge Project

### **E. Contracts and Agreements**

- 1) Consider approval of the Agreement between the City of Carlsbad and the Stoller Newport News Nuclear, Inc. for Landfill Engineering Services
- 2) Consider approval of request from Curtis McKinney, Metal Shop Live, LLC to amend the current contract to receive an increase in the monthly payment

### **F. Set Date (October 11, 2016)**

- 1) An Ordinance Amending Section 2-290.53 of the Code of Ordinances, City of Carlsbad, New Mexico regarding the City of Carlsbad City Tree Advisory Board to Change the Membership Requirements to allow one Member to be a resident of Eddy County

### **G. Monthly Reports**

- 1) Municipal Court Monthly Report, August 2016
- 2) Personnel Department Monthly Report, August 2016

5. Consider approval of Resolution No. 2016-42, A Resolution Authorizing Filing of an Application to the NM Water Trust Board
6. Consider approval of Resolution No. 2016-43, A Resolution Declaring Certain City Property Unusable or Obsolete
7. Consider approval of Ordinance No. 2016-18, An Ordinance Adopting Amendments to the Carlsbad Code of Ordinances, Chapter 56, Zoning Ordinance pursuant to Code of Ordinances, Section 56-150 and Section 3-17-1 and 3-18-1 NMSA 1978
  - A. Public Hearing
  - B. Consider Ordinance No 2016-18
8. Consider approval of Ordinance No. 2016-24, An Ordinance Rezoning part of "R-2" Residential District to "C-2" Commercial District for an Approximately 0.22 Acre Property, located at 618 West Pierce Street, legally described as Lot 2, Block 181, Westfall Subdivision, pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140)l), Carlsbad Code of Ordinances
  - A. Public Hearing
  - B. Consider Ordinance No 2016-24
9. Council Committee Reports
10. Adjourn

#### FOR INFORMATION ONLY

Agendas and City Council minutes are available on the City web site: [cityofcarlsbadnm.com](http://cityofcarlsbadnm.com) or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours.

#### **CARLSBAD CITY COUNCIL MEETING SCHEDULE**

- Regular meeting - Tuesday, September 27, 2016 at 6:00 p.m.
- Regular meeting - Tuesday, October 11, 2016 at 6:00 p.m.

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: Sept 13, 2016**

<b>DEPARTMENT: Finance</b>	<b>BY: Sandy Gonzalez</b>	<b>DATE: August 30, 2016</b>	
<b>SUBJECT: FY16-17 Final Budget Approval Letter by DFA</b>			
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): <b>BACKGROUND:</b> The attached letter certifies that the final budget for Fiscal Year 2017 has been examined, reviewed and approved by the Department of Finance & Administration.			
<b>DEPARTMENT RECOMMENDATION: The presentation of the approval letter be made a part of the minutes.</b>			
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>			
<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
<b>Reviewed by</b> City Administrator /s/ Stephanie Shumsky			<b>Date:</b> <u>9-7-2016</u>

ATTACHMENTS: DFA Approval Letter

**SUSANA MARTINEZ**  
GOVERNOR



**DUFFY RODRIGUEZ**  
CABINET SECRETARY DESIGNATE

**RICK LOPEZ**  
DIRECTOR

**MICHAEL MARIANO**  
ACTING DEPUTY DIRECTOR

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501  
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 25, 2016

The Honorable Dale Janway  
City of Carlsbad  
PO Box 1659  
Carlsbad, NM 88211-1569

Dear Mayor Janway:

The final budget for your local government entity for Fiscal Year 2017, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per 2.2.2.16 NMAC) for Fiscal Year 2015 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with NMSA 1978, Section 6-6-2 (E) (2011), the LGD certifies your entity's final Fiscal Year 2017 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to NMSA 1978, Section 6-6-5 (1957). In addition, NMSA 1978, Section 6-6-6 (2001) provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

**Finally, as required by NMSA 1978, Section 6-6-2 (H) (2011), LGD is required to approve all budget increases and transfers between funds not included in the final approved budget.**

If you have questions regarding this matter, please call Paula Flores of my staff at 505-827-8065.

Sincerely,

A handwritten signature in blue ink that reads "Rick Lopez".

Rick Lopez, Director  
Local Government Division

xc: file

CASH REPORT WITH INVESTMENTS								
AS OF AND FOR THE MONTH ENDED JULY 31, 2016								
Fund	Fund	Beginning Cash	Revenues	Net Cash	Expenditures	Ending	INVESTMENTS	RESTRICTED CASH
No.		Balance	To Date	Transfers	To Date	Cash Balance	(included in Cash Bal)	(included in Cash Bal)
01	Gen & PR	\$ 16,932,710.13	\$ 2,938,622.65	\$ (30,400.17)	\$ 3,245,507.62	\$ 16,595,424.99	\$ 3,217,516.10	\$ 7,261,316.00
02	Capital Outlay GRT	\$ 9,643,265.43	\$ 186,883.41	\$ (40,121.36)	\$ 511,622.09	\$ 9,278,405.39	\$ -	\$ -
06	Disaster Preparedness	\$ 693,240.25	\$ 1,695.50	\$ -	\$ -	\$ 694,935.75	\$ -	\$ -
12	Museum	\$ 21,453.42	\$ 176.38	\$ -	\$ 15.16	\$ 21,614.64	\$ -	\$ -
15	Municipal Transit	\$ 260,867.81	\$ 28,326.64	\$ -	\$ 73,212.25	\$ 215,982.20	\$ -	\$ -
18	Perf. Arts Centre	\$ 370,989.72	\$ 3,340.00	\$ -	\$ 56,992.62	\$ 317,337.10	\$ -	\$ -
20	Fire Protection	\$ 118,510.10	\$ 378,348.00	\$ (88,330.00)	\$ 10,597.06	\$ 397,931.04	\$ -	\$ -
21	Lodgers Tax Non-Promo	\$ -	\$ 93,446.76	\$ 119,689.00	\$ -	\$ 213,135.76	\$ -	\$ -
22	SWD Reser.	\$ 3,498,754.86	\$ 67.70	\$ -	\$ -	\$ 3,498,822.56	\$ 2,825,056.76	\$ 3,498,822.56
23	Lodgers Tax	\$ 1,497,099.18	\$ 62,297.84	\$ (119,689.00)	\$ 19,640.82	\$ 1,420,067.20	\$ -	\$ -
24	Solid Waste	\$ 785,497.45	\$ 491,302.16	\$ -	\$ 424,295.76	\$ 852,503.85	\$ 8,288.44	\$ 8,288.44
25	Airport	\$ (132,379.74)	\$ 49,815.37	\$ -	\$ 18,527.37	\$ (101,091.74)	\$ -	\$ -
26	Cemetery	\$ 547,011.07	\$ 7,930.00	\$ -	\$ 81,253.75	\$ 473,687.32	\$ -	\$ -
27	Wmk Comp	\$ 2,154,130.31	\$ -	\$ -	\$ 28,139.01	\$ 2,125,991.30	\$ 501,575.52	\$ -
28	Insurance	\$ 419,132.28	\$ -	\$ -	\$ 31,944.10	\$ 387,188.18	\$ -	\$ -
29	Sports Complex	\$ 4,503,348.61	\$ 128,676.78	\$ (39,644.67)	\$ 158,097.61	\$ 4,434,283.11	\$ 4,813,588.00	\$ 4,813,588.00
31	EMS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32	Loc Gov Cor	\$ 344,970.80	\$ 10,781.00	\$ -	\$ 12,300.00	\$ 343,451.80	\$ -	\$ -
34	Law Enf. Pro.	\$ 7,678.31	\$ 68,400.00	\$ -	\$ -	\$ 76,078.31	\$ -	\$ -
36	Water & Swr	\$ 17,136,988.23	\$ 1,062,983.79	\$ (69,035.27)	\$ 832,444.90	\$ 17,298,491.85	\$ 855,619.10	\$ -
37	RSVP	\$ 0.00	\$ -	\$ -	\$ -	\$ 0.00	\$ -	\$ -
40	Beautification	\$ 29,364.89	\$ 750.00	\$ -	\$ -	\$ 30,114.89	\$ -	\$ -
41	Swr Sys Impr	\$ (657,193.43)	\$ -	\$ -	\$ 315,570.01	\$ (972,763.44)	\$ -	\$ -
42	Wat Sys Imp	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
44	Street Impr	\$ 4,950,109.29	\$ 271,554.57	\$ -	\$ 262,253.05	\$ 4,959,410.81	\$ -	\$ -
49	CIEP	\$ 4,343,173.76	\$ 191,753.93	\$ -	\$ 506,795.89	\$ 4,028,131.80	\$ -	\$ -
51	NMFA Loans-Governmen	\$ 79,516.85	\$ 24.51	\$ 127,974.67	\$ -	\$ 207,516.03	\$ 207,516.03	\$ 207,516.03
52	NMFA Loan Solid Waste	\$ 117,616.53	\$ 105.43	\$ -	\$ -	\$ 117,721.96	\$ 117,721.96	\$ 117,721.96
54	Capital Outlay GRT Bond	\$ 40,121.33	\$ -	\$ 40,121.36	\$ -	\$ 80,242.69	\$ -	\$ 80,242.69
55	NMFA Loans-Enterprise	\$ 3,891,312.74	\$ -	\$ -	\$ 25,553.10	\$ 3,865,759.64	\$ -	\$ 3,865,759.64
56	2002 Sls Tx Bond	\$ 242,608.17	\$ -	\$ 30,400.17	\$ -	\$ 273,008.34	\$ -	\$ 273,008.34
59	2009 W & S Bond	\$ 201,057.46	\$ -	\$ 69,035.27	\$ -	\$ 270,092.73	\$ -	\$ 270,092.73
60	2009 W & S Bond Acq.	\$ 976,264.93	\$ -	\$ -	\$ 144,234.85	\$ 832,030.08	\$ 800,000.00	\$ 832,030.08
63	Old Landfill Closure	\$ 132,559.26	\$ -	\$ -	\$ -	\$ 132,559.26	\$ -	\$ 132,559.26
67	Sndpt Landfill	\$ 1,092,159.48	\$ 84.62	\$ -	\$ -	\$ 1,092,244.10	\$ -	\$ 1,092,244.10
69	98 W&S Bond Acqui	\$ 171,437.36	\$ -	\$ -	\$ -	\$ 171,437.36	\$ -	\$ 171,437.36
71	Perm. W & S	\$ 8,417,064.36	\$ (8,511.40)	\$ -	\$ 865.04	\$ 8,407,687.92	\$ 8,407,687.92	\$ 8,407,687.92
72	Municipal Court Trust Fur	\$ 31,052.81	\$ 7,768.00	\$ -	\$ 5,431.00	\$ 33,389.81	\$ -	\$ 33,389.81
75	Health Insurance	\$ 1,018,865.00	\$ 494,509.76	\$ -	\$ 464,723.31	\$ 1,048,651.45	\$ 450,000.00	\$ 1,048,651.45
80	CDBG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
81	Federal Projects	\$ 771,937.43	\$ -	\$ -	\$ 9,668.31	\$ 762,269.12	\$ -	\$ 762,269.12
88	06-08 WIPP Impact	\$ -	\$ 49,725.00	\$ -	\$ 49,725.00	\$ -	\$ -	\$ -
	<b>Grand Total</b>	\$ 84,652,296.44	\$ 6,520,858.40	\$ (0.00)	\$ 7,289,409.68	\$ 83,883,745.16	\$ 22,204,569.83	\$ 32,876,625.49

**Other Fund Budget Review**  
**FY - 2016-2017**  
**YTD - July 2016**

<b>Revenues</b>	FY - 2016-2017	Current Budget	<b>Target 8%</b> % YTD
Gross Receipts Tax	2,310,024	32,112,550	7%
Property Tax	28,754	2,489,083	1%
Franchise Tax	62,230	749,700	8%
Other	535,627	2,639,804	20%
<b>TOTAL</b>	<b>2,936,635</b>	<b>37,991,137</b>	<b>8%</b>

<b>Tranfers</b>	FY - 2016-2017	Current Budget	% YTD
IN	-	7,829,576	0%
OUT	30,400	2,693,091	1%

<b>General Fund Expenditures</b>	Salaries			Operating			Capital			Total Expenditures			<b>Target 8%</b>
	FY - 2016-2017	Current Budget	% YTD	FY - 2016-2017	Current Budget	% YTD	FY - 2016-2017	Current Budget	% YTD	FY - 2016-2017	Current Budget	% YTD	
Executive	87,613	1,147,193	8%	166,381	1,091,560	15%	-	-	-	253,994	2,238,753	11%	
Personnel	21,964	291,228	8%	624	15,240	4%	-	-	-	22,587	306,468	7%	
Judicial	34,524	458,760	8%	14,043	106,346	13%	-	-	-	48,567	565,106	9%	
Riverwalk Recreation	31,380	407,857	8%	6,922	127,555	5%	-	-	-	38,301	535,412	7%	
Information Technology	40,808	542,621	8%	15,745	197,650	8%	-	169,763	0%	56,553	910,034	6%	
Finance Administration	104,228	1,575,794	7%	84,004	330,634	25%	4,414	35,000	13%	192,646	1,941,428	10%	
Cbad Comm Volunteer Netwrk	5,055	66,276	8%	1,227	14,760	8%	-	-	-	6,282	81,036	8%	
Public Safety	796,580	10,609,038	8%	72,246	1,351,589	5%	-	596,328	0%	868,826	12,556,955	7%	
Fire	586,550	7,764,880	8%	35,722	716,625	5%	22,877	407,536	6%	645,149	8,889,041	7%	
Street	100,061	1,558,379	6%	53,939	746,460	7%	-	-	-	153,999	2,304,839	7%	
Garage	87,209	1,259,360	7%	6,371	117,179	5%	7,614	7,700	99%	101,193	1,384,239	7%	
Electrical	58,363	846,739	7%	1,430	54,270	3%	-	-	-	59,793	901,009	7%	
Construction	79,191	1,251,222	6%	2,083	60,224	3%	-	7,000	0%	81,274	1,318,446	6%	
Community Service	19,625	265,111	7%	3,921	46,655	8%	-	-	-	23,546	311,766	8%	
Golf	37,285	550,094	7%	19,992	361,470	6%	22,367	31,409	71%	79,644	942,973	8%	
Parks	73,385	977,619	8%	64,450	607,023	11%	-	191,476	0%	137,836	1,776,118	8%	
Airport	23,223	315,896	7%	5,747	99,380	6%	-	15,500	0%	28,969	430,776	7%	
Facility Maintenance	70,465	1,025,102	7%	21,304	242,203	9%	-	48,000	0%	91,769	1,315,305	7%	
Water Park	55,629	207,681	27%	2,632	54,800	5%	-	-	-	58,261	262,481	22%	
Library	58,495	750,684	8%	14,958	201,797	7%	-	8,000	0%	73,452	960,481	8%	
CRC Beautification	3,991	52,939	8%	333	19,300	2%	-	-	-	4,324	72,239	6%	
Museum	15,235	176,490	9%	6,960	151,907	5%	-	-	-	22,196	328,397	7%	
Engineering Services	49,559	638,475	8%	-	-	-	-	-	-	49,559	638,475	8%	
Planning, Eng. & Regulations	84,772	1,107,018	8%	13,243	346,460	4%	-	18,000	0%	98,015	1,471,478	7%	
Culture & Arts	17,029	224,471	8%	251	122,630	0%	-	251,500	0%	17,280	598,601	3%	
San Jose Sr. Rec. Center	11,465	150,917	8%	3,147	68,840	5%	-	70,000	0%	14,612	289,757	5%	
North Mesa SC	12,556	159,136	8%	1,690	66,156	3%	-	11,000	0%	14,245	236,292	6%	
<b>TOTAL</b>	<b>2,566,240</b>	<b>34,380,980</b>	<b>7%</b>	<b>619,365</b>	<b>7,318,713</b>	<b>8%</b>	<b>57,271</b>	<b>1,868,212</b>	<b>3%</b>	<b>3,242,875</b>	<b>43,567,905</b>	<b>7%</b>	

**Other Fund Budget Review**  
**FY - 2016-2017**  
**YTD - July 2016**

<b>Revenues</b>	<b>FY - 2016-2017</b>	<b>Current Budget</b>	<b>Target 8% % YTD</b>	<b>Fund</b>
Transit	28,327	750,864	4%	15
Civic Center	3,340	325,000	1%	18
Lodgers Tax- Non-Promo	93,447	997,800	9%	21
Lodgers Tax- Promo	62,298	520,000	12%	23
<b>Total Lodgers Tax</b>	<b>155,745</b>	<b>1,517,800</b>	<b>10%</b>	
Solid Waste Operating Revenue	491,302	5,625,500	9%	24
Solid Waste Loan Proceeds				
<b>Total Solid Waste Revenue</b>	<b>491,302</b>	<b>5,625,500</b>	<b>9%</b>	
Cemetery Operating Revenue	7,930	153,700	5%	26
Cemetery Grants				
<b>Total Cemetery Revenue</b>	<b>7,930</b>	<b>153,700</b>	<b>5%</b>	
Sports Complex Fund	128,677	1,330,000	10%	29
Water & Sewer Oper Revenue	991,967	11,754,500	8%	36
Water & Sewer Loan/Grant	71,017	4,162,606	2%	
<b>Total Water &amp; Sewer Revenue</b>	<b>1,062,984</b>	<b>15,917,106</b>	<b>7%</b>	

<b>General Fund Expenditures</b>	<b>Salaries</b>			<b>Operating</b>			<b>Capital</b>			<b>Total Expenditures</b>			<b>Target 8% % YTD</b>
	<b>FY - 2016-2017</b>	<b>Current Budget</b>	<b>% YTD</b>	<b>FY - 2016-2017</b>	<b>Current Budget</b>	<b>% YTD</b>	<b>FY - 2016-2017</b>	<b>Current Budget</b>	<b>% YTD</b>	<b>FY - 2016-2017</b>	<b>Current Budget</b>	<b>% YTD</b>	
Transit	62,560	925,424	7%	10,652	194,492	5%	-	338,000	0%	73,212	1,457,916	5%	
Performing Arts Center	-	-		11,486	253,851	5%	45,507	251,000	18%	56,993	504,851	11%	
Lodgers Tax- Non-Promo	-	-		-	531,766	0%	-	322,226	0%	-	853,992	0%	
Lodgers Tax- Promo	-	-		13,037	650,672	2%	6,604	173,000	4%	19,641	823,672	2%	
<b>Total Lodgers Tax</b>	<b>-</b>	<b>-</b>		<b>13,037</b>	<b>1,182,438</b>	<b>1%</b>	<b>6,604</b>	<b>495,226</b>	<b>1%</b>	<b>19,641</b>	<b>1,677,664</b>	<b>1%</b>	
Solid Waste	146,150	1,999,919	7%	51,350	816,220	6%	-	217,130	0%	197,499	3,033,269	7%	
Sandpoint Landfill	-	-		226,796	650,000	35%	-	-		226,796	650,000	35%	
<b>Total Solid Waste</b>	<b>146,150</b>	<b>1,999,919</b>	<b>7%</b>	<b>278,146</b>	<b>1,466,220</b>	<b>19%</b>	<b>-</b>	<b>217,130</b>	<b>0%</b>	<b>424,296</b>	<b>3,683,269</b>	<b>12%</b>	
Cemetery	12,214	164,270	7%	49,540	538,218	9%	19,500	21,989	89%	81,254	724,477	11%	
Sports Complex	42,518	573,970	7%	38,804	550,470	7%	76,776	3,666,024	2%	158,098	4,790,464	3%	
Water	134,280	2,172,735	6%	137,661	2,888,385	5%	85,490	1,858,441	5%	357,430	6,919,561	5%	
Sewer	60,797	807,686	8%	15,460	502,262	3%	148,212	2,678,769	6%	224,469	3,988,717	6%	
Double Eagle	83,565	1,154,755	7%	11,032	803,362	1%	69,804	10,937,708	1%	164,401	12,895,825	1%	
Lab Environmental	24,199	323,613	7%	3,932	54,681	7%	-	-		28,131	378,294	7%	
Collection System	45,329	659,247	7%	12,685	210,330	6%	-	2,129,550	0%	58,013	2,999,127	2%	
<b>Total Water &amp; Sewer</b>	<b>348,169</b>	<b>5,118,036</b>	<b>7%</b>	<b>180,770</b>	<b>4,459,020</b>	<b>4%</b>	<b>303,506</b>	<b>17,604,468</b>	<b>2%</b>	<b>832,445</b>	<b>27,181,524</b>	<b>3%</b>	

**Selected Taxes & General Revenues**  
**Percent of Total Budget Received YTD**  
**FY - 2016-2017**

Month Straight Line Reference	July	August	September	October	November	December	January	February	March	April	May	June
Property Tax (GF)	1%											
Municipal GRT (GF)	7%											
Infrastructure GRT (GF)	8%											
State GRT (GF)	7%											
Environmental GRT (SW)	8%											
GRT Infrastructure (Spts Com)	8%											
Capital Outlay GRT (GRT Cap)	7%											
Auto License (GF)	9%											
Auto License (Street Impr)	10%											
Gas Tax 7-1-6.9	5%											
Gas Tax 7-1-6.27	8%											
Transit Fare Fees	4%											
Correction Fees	8%											
Ambulance	12%											
Building Permits	7%											
Court Fines	8%											
SWD Charges for Services	8%											
Cemetery Fees	5%											
Performing Arts Center Fees	3%											
Recreation Rental Fees	4%											
Recreation Concessions	6%											
<b>Lodgers' Tax*</b>	12%											
<b>Total GF Revenues</b>	8%											
<b>Total W/S Revenues*</b>	7%											

\*excluding Loan/Grant proceeds

**City of Carlsbad  
SWD Revenues**

FY 16-17														Year End Projection
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Refuse Removal	420,810												420,810	\$5,049,724
Landfill Charges	-												-	\$0
1/16 Envir. GRT	49,884												49,884	\$598,603
County Appropriation	20,495												20,495	\$245,935
Miscellaneous	114												114	\$114
<b>Total</b>	<b>491,302</b>	-	-	-	-	-	-	-	-	-	-	-	<b>491,302</b>	<b>5,894,375</b>
Required Annual Total	5,625,500													Required
Required Monthly Aver.	468,792													to meet
Projected O/U Budget	270,126													Budget
Percent + (-) Budget	4.80%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	<b>5,134,198</b>

FY 15-16													
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total
Refuse Removal	432,499	439,463	410,154	436,159	424,244	437,399	437,233	455,365	440,272	429,961	452,446	429,315	5,224,510
Landfill Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1/16 Envir. GRT	60,474	76,870	94,014	83,715	66,859	66,978	58,575	64,258	58,188	58,105	60,001	54,554	802,591
County Appropriation	-	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	-	-	8,532	-	-	-	-	-	-	-	-	-	8,532
<b>Total</b>	<b>492,973</b>	<b>516,333</b>	<b>512,700</b>	<b>519,874</b>	<b>491,102</b>	<b>504,377</b>	<b>495,808</b>	<b>519,624</b>	<b>498,460</b>	<b>488,065</b>	<b>512,447</b>	<b>483,868</b>	<b>6,035,633</b>

FY 14-15													
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total
Refuse Removal	398,457	394,287	398,284	404,650	398,758	427,242	414,655	412,625	435,763	424,390	418,050	432,085	4,959,245
Landfill Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1/16 Envir. GRT	65,794	71,243	69,360	72,294	67,306	73,707	69,821	82,681	70,788	68,328	74,910	71,061	857,292
County Appropriation	-	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	-	-	38,241	-	-	-	-	38,241
<b>Total</b>	<b>464,251</b>	<b>465,530</b>	<b>467,644</b>	<b>476,943</b>	<b>466,064</b>	<b>500,949</b>	<b>484,476</b>	<b>533,547</b>	<b>506,551</b>	<b>492,717</b>	<b>492,960</b>	<b>503,146</b>	<b>5,854,778</b>

FY 13-14													
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total
Refuse Removal	382,966	366,089	374,614	373,091	371,833	408,665	393,206	385,803	396,677	387,869	387,860	399,699	4,628,374
Landfill Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1/16 Envir. GRT	66,184	65,691	64,503	66,334	66,617	60,212	61,619	68,001	57,623	59,534	70,594	63,396	770,308
County Appropriation	-	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	-	30	15	212	15	19	23	21	23	-	-	40,686	41,044
<b>Total</b>	<b>449,150</b>	<b>431,810</b>	<b>439,132</b>	<b>439,638</b>	<b>438,464</b>	<b>468,896</b>	<b>454,849</b>	<b>453,826</b>	<b>454,323</b>	<b>447,403</b>	<b>458,454</b>	<b>503,781</b>	<b>5,439,725</b>

FY 12-13													
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total
Refuse Removal	333,015	351,583	337,618	348,369	364,117	363,016	362,630	366,514	362,756	374,279	367,734	360,044	4,291,674
Landfill Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
1/16 Envir. GRT	59,293	61,137	60,482	61,402	62,424	62,429	65,435	59,668	59,942	55,273	62,676	60,066	730,226
County Appropriation	-	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	54	96	66	1,346	56	90	77	60	85	100	91	3,486	5,607
<b>Total</b>	<b>392,362</b>	<b>412,816</b>	<b>398,165</b>	<b>411,117</b>	<b>426,596</b>	<b>425,535</b>	<b>428,142</b>	<b>426,242</b>	<b>422,782</b>	<b>429,652</b>	<b>430,501</b>	<b>423,596</b>	<b>5,027,507</b>

**City of Carlsbad  
Water & Sewer Revenues**

FY 16-17														Year End Projection
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Water Services	480,953												480,953	5,771,430
Sewer Services	334,789												334,789	4,017,468
Double Eagle	20,531												20,531	246,371
All Other	226,711												226,711	2,720,536
<b>Total</b>	<b>1,062,984</b>	-	-	-	-	-	-	-	-	-	-	-	<b>1,062,984</b>	<b>12,755,805</b>
Required Annual Total	15,917,106													Required
Required Monthly Aver.	1,326,426													to meet
Projected O/U Budget	(3,161,301)													Budget
Percent + (-) Budget	-19.86%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	<b>14,854,122</b>

FY 15-16														
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Water Services	393,669	505,275	413,527	523,497	332,176	278,837	273,994	289,725	255,311	303,685	392,638	430,203	4,392,537	
Sewer Services	339,715	351,703	321,601	365,928	330,502	337,797	340,537	365,934	297,542	337,489	353,250	331,092	4,073,090	
Double Eagle	249,616	204,918	243,404	221,034	140,652	133,113	92,920	206,003	127,549	86,646	119,813	54,667	1,880,335	
All Other	96,328	95,574	135,762	131,350	99,273	117,466	99,788	95,691	74,485	82,545	92,492	138,485	1,259,239	
<b>Total</b>	<b>1,079,328</b>	<b>1,157,470</b>	<b>1,114,294</b>	<b>1,241,809</b>	<b>902,603</b>	<b>867,213</b>	<b>807,239</b>	<b>957,353</b>	<b>754,887</b>	<b>810,365</b>	<b>958,193</b>	<b>954,447</b>	<b>11,605,201</b>	

FY 14-15														
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Water Services	448,468	545,214	479,170	430,219	302,692	307,757	261,510	307,998	247,713	245,067	320,138	392,489	4,288,435	
Sewer Services	332,122	335,660	333,003	339,283	317,429	357,549	328,523	336,076	337,256	335,892	333,595	349,904	4,036,292	
Double Eagle	556,269	871,038	924,383	840,211	810,583	699,819	890,851	655,267	582,397	300,411	464,491	519,651	8,115,371	
All Other	60,168	60,602	57,497	118,642	80,829	112,619	92,965	126,492	80,970	81,496	49,622	137,816	1,059,718	
<b>Total</b>	<b>1,397,027</b>	<b>1,812,514</b>	<b>1,794,053</b>	<b>1,728,355</b>	<b>1,511,533</b>	<b>1,477,744</b>	<b>1,573,849</b>	<b>1,425,833</b>	<b>1,248,336</b>	<b>962,866</b>	<b>1,167,846</b>	<b>1,399,860</b>	<b>17,499,816</b>	

FY 13-14														
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Water Services	584,858	484,957	437,907	489,990	359,512	360,180	230,803	269,557	268,508	277,128	332,499	443,641	4,539,540	
Sewer Services	338,821	325,203	328,457	332,687	314,553	349,094	323,609	317,256	328,470	318,547	321,864	338,036	3,936,597	
Double Eagle	791,824	738,273	630,170	688,386	678,297	782,975	494,464	539,647	703,732	605,621	728,054	775,568	8,157,011	
All Other	26,028	34,113	21,963	26,712	37,450	25,617	44,397	17,286	43,076	38,521	34,881	71,833	421,877	
<b>Total</b>	<b>1,741,531</b>	<b>1,582,546</b>	<b>1,418,497</b>	<b>1,537,775</b>	<b>1,389,812</b>	<b>1,517,866</b>	<b>1,093,273</b>	<b>1,143,746</b>	<b>1,343,786</b>	<b>1,239,817</b>	<b>1,417,298</b>	<b>1,629,078</b>	<b>17,055,025</b>	

FY 12-13														
Revenues-\$	July	August	September	October	November	December	January	February	March	April	May	June	Total	
Water Services	504,562	600,623	568,702	562,726	378,007	348,731	327,023	331,539	290,283	367,394	475,585	504,448	5,259,623	
Sewer Services	285,231	300,313	278,756	301,162	308,679	313,400	310,753	313,710	306,986	310,977	322,262	320,134	3,672,363	
Double Eagle	530,733	366,246	492,464	449,982	349,839	519,103	478,567	388,061	805,955	609,243	1,048,326	668,093	6,706,612	
All Other	18,778	17,259	4,805	44,284	15,029	28,840	13,618	30,614	20,306	33,036	40,326	20,602	287,497	
<b>Total</b>	<b>392,362</b>	<b>412,816</b>	<b>398,165</b>	<b>411,117</b>	<b>426,596</b>	<b>425,535</b>	<b>428,142</b>	<b>426,242</b>	<b>422,782</b>	<b>429,652</b>	<b>430,501</b>	<b>423,596</b>	<b>15,926,095</b>	

City of Carlsbad  
 Water & Sewer Department  
 2016-2017

	Jul-16	Jun-16	Current Month vs. Previous Month	Jul-15	Current Month vs. Previous Yr. Month	Notes
			Increase (Decrease)		Increase (Decrease)	
<b>Water Meters in Service</b>						
City of Carlsbad	10,856	10,871	(15)	10,820	36	
Double Eagle	61	60	1	74	(13)	
La Huerta	974	968	6	933	41	
<b>Total</b>	<b>11,891</b>	<b>11,899</b>	<b>(8)</b>	<b>11,827</b>	<b>64</b>	
<b>Inoperative Meters</b>						
	937	939	(2)	837	100	
<b>Sewer Connections</b>						
	10,054	10,062	(8)	9,969	85	

	Jul-16 YTD	Jul-15 YTD	Current Month vs. Previous Yr. Month	Notes
			Increase (Decrease)	
<b>Water Consumption Gals. M.</b>				
City of Carlsbad	302,832	285,391	17,441	
Double Eagle	2,592	5,798	(3,206)	
La Huerta	46,350	35,762	10,588	
<b>Total</b>	<b>351,774</b>	<b>-</b>	<b>-</b>	<b>326,951</b>
<b>Revenues - \$</b>				
	1,062,984	2,139,587	(1,076,603)	2015 Includes: \$178k NMED Grant, \$38k Sale of Fixed Asset, \$811k Loan Proceeds
<b>Expenditures - \$</b>				
	832,445	1,106,001	(273,556)	

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
CURRENT PROPERTY TAXES	28,754.36-	28,754.36-	2,489,083	1	
WATER DEPARTMENT	.00	.00	20,000		
ELECTRIC COMPANY	24,471.20-	24,471.20-	475,000	5	
CABLE TV COMPANY	9,567.61-	9,567.61-	122,200	8	
TELEPHONE COMPANY	15,658.05-	15,658.05-	65,000	24	
GAS COMPANY	12,295.85-	12,295.85-	65,000	19	
FRANCHISE TAX - PVT NETWORKS	236.93-	236.93-	2,500	9	
MUNICIPAL GROSS RECEIPT TAX	1,197,228.54-	1,197,228.54-	16,701,275	7	
GROSS REC-INFRASTRUCTURE	99,781.68-	99,781.68-	1,200,000	8	
LIQUOR LICENSE	10,250.00-	10,250.00-	10,500	98	
DOG LICENSES	314.00-	314.00-	3,000	10	
BUILDING PERMITS	7,849.00-	7,849.00-	115,000	7	
PLUMBING/MECHANICAL PERMITS	1,636.00-	1,636.00-	25,000	7	
ELECTRICAL PERMITS	4,869.00-	4,869.00-	55,000	9	
BUSINESS LICENSES	130.00-	130.00-	3,000	4	
BUSINESS REGISTRATIONS	1,645.00-	1,645.00-	60,000	3	
USE PERMITS-PICNIC SHELTERS	325.00-	325.00-	3,000	11	
AUTO LICENSES - GENERAL	1,408.63-	1,408.63-	15,500	9	
GROSS RECEIPTS TAX - 1.225	1,013,013.78-	1,013,013.78-	14,211,275	7	
NM INTERSTATE TELECOM TAX	889.88-	889.88-	15,000	6	
NM MUNI SHARE COMPENSATING TAX	7,393.71-	7,393.71-	49,000	15	
PRINTING & COPYING	1,251.50-	1,251.50-	18,000	7	
STREET & CURB REPAIR	10.00-	10.00-	49	20	
AMBULANCE CALLS	88,843.96-	88,843.96-	751,378	12	
WATER PARK RENTAL DEPOSIT	2,254.00-	2,254.00-	0		
DEPOSIT FEES	100.00-	100.00-	0		
NM PAYROLL W/H RECEIVED	56,876.26-	56,876.26-	0		
GOVERNMENTAL COMPENSATING TAX COLLEC	917.92-	917.92-	0		
LEASE-CAVE/KARST	18,000.00-	18,000.00-	36,000	50	
GREEN FEES	14,920.00-	14,920.00-	210,000	7	
GOLF CART PERMITS	.00	.00	40,000		
ZONING FEES	200.00-	200.00-	1,500	13	
SUB-DIVISION FEES	250.00-	250.00-	2,500	10	
REC CENTER RENTAL FEES	500.00-	500.00-	12,000	4	
WATER PARK RENTAL FEES	2,550.00-	2,550.00-	0		
COUNTY REIMB-DWI TRACKING	3,158.44-	3,158.44-	0		
COUNTY APPROPRIATION	142,875.00-	142,875.00-	571,500	25	
LIBRARY BOND ACT	.00	.00	53,133		
STATE E-911 PER DIEM/TRAINING	1,504.00-	1,504.00-	0		
LIBRARY STATE GRANT - IN AID	.00	.00	7,527		
COURT FINES	30,444.50-	30,444.50-	375,000	8	
LIBRARY FEES	267.00-	267.00-	8,600	3	
CRIME LAB FEES	76.00	76.00	0		
PREVENTION FEES	85.00	85.00	0		
JUDICIAL FEES	471.00	471.00	0		
AUTOMATION FEES	897.00	897.00	0		
RENTS & ROYALTIES	2,158.82-	2,158.82-	25,000	9	
SALES OF FIXED ASSETS	.00	.00	1,000		
SENIOR CENTERS	287.54-	287.54-	8,500	3	
SENMCAE LEASE	400.00-	400.00-	4,800	8	
RECOVERIES	175.00-	175.00-	0		
PORT JEFFERSON RENT	.00	.00	3,000		
MISCELLANEOUS REVENUES	48.38-	48.38-	3,000	2	

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
REIMBURSEMENT	7,436.76-	7,436.76-	0			
INTEREST	124.10-	124.10-	1,500	8		
INTEREST ON INVESTMENTS	.00	.00	5,417			
CONCESSION-VIDEO MACHINES	.00	.00	4,000			
SALES	.00	.00	100			
CONCESSION-SNACK BAR	417.33-	417.33-	2,500	17		
WATER PARK REVENUE	72,131.15-	72,131.15-	54,800	132		
PD INSTRUCTOR DEVELOPMENT CLASS FEES	385.00-	385.00-	0			
MISCELLANEOUS REVENUE	190.00-	190.00-	0			
UNCLAIMED PROPERTY RECEIVED	.00	.00	5,000			
2014 LEGISLATIVE GRANTS	50,000.00-	50,000.00-	50,000	100		
2015 LEGISLATIVE GRANTS	.00	.00	30,000			
OPERATION DWI	1,290.17-	1,290.17-	0			
OPERATION BUCKLE DOWN	479.42-	479.42-	0			
<b>TOTAL REVENUES</b>	<b>2,936,635.47-</b>	<b>2,936,635.47-</b>	<b>37,991,137</b>	<b>8</b>		
TRANSFER-IN	.00	.00	7,829,576			
TRANSFER-OUT	30,400.17	30,400.17	2,693,091-	1		
<b>TOTAL TRANSFERS</b>	<b>30,400.17</b>	<b>30,400.17</b>	<b>5,136,485</b>	<b>1-</b>		
<b>EXECUTIVE &amp; LEGISLATIVE</b>						
SALARIES	87,613.31	87,613.31	1,147,193	8	.00	1,059,579.69
OPERATING EXPENSE	166,380.56	166,380.56	1,091,560	15	840,105.67	85,073.77
<b>TOTAL EXECUTIVE &amp; LEGISLATIVE</b>	<b>253,993.87</b>	<b>253,993.87</b>	<b>2,238,753</b>	<b>11</b>	<b>840,105.67</b>	<b>1,144,653.46</b>
<b>PERSONNEL</b>						
SALARIES	21,963.66	21,963.66	291,228	8	.00	269,264.34
OPERATING EXPENSE	623.56	623.56	15,240	4	4,786.11	9,830.33
<b>TOTAL PERSONNEL</b>	<b>22,587.22</b>	<b>22,587.22</b>	<b>306,468</b>	<b>7</b>	<b>4,786.11</b>	<b>279,094.67</b>
<b>JUDICIAL</b>						
SALARIES	34,524.44	34,524.44	458,760	8	.00	424,235.56
OPERATING EXPENSE	14,042.89	14,042.89	106,346	13	78,546.79	13,756.32
<b>TOTAL JUDICIAL</b>	<b>48,567.33</b>	<b>48,567.33</b>	<b>565,106</b>	<b>9</b>	<b>78,546.79</b>	<b>437,991.88</b>
<b>RIVERWALK RECREATION</b>						
SALARIES	31,379.52	31,379.52	407,857	8	.00	376,477.48
OPERATING EXPENSE	6,921.71	6,921.71	127,555	5	64,567.67	56,065.62
<b>TOTAL RIVERWALK RECREATION</b>	<b>38,301.23</b>	<b>38,301.23</b>	<b>535,412</b>	<b>7</b>	<b>64,567.67</b>	<b>432,543.10</b>

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INFORMATION TECHNOLOGY						
SALARIES	40,808.29	40,808.29	542,621	8	.00	501,812.71
OPERATING EXPENSE	15,744.64	15,744.64	197,650	8	90,792.83	91,112.53
CAPITAL OUTLAY	.00	.00	169,763		44,200.16	125,562.84
TOTAL INFORMATION TECHNOLOGY	56,552.93	56,552.93	910,034	6	134,992.99	718,488.08
FINANCIAL ADMINISTRATION						
SALARIES	104,228.09	104,228.09	1,575,794	7	.00	1,471,565.91
OPERATING EXPENSE	84,004.22	84,004.22	330,634	25	233,279.30	13,350.48
CAPITAL OUTLAY	4,414.05	4,414.05	35,000	13	31,702.15	1,116.20-
TOTAL FINANCIAL ADMINISTRATION	192,646.36	192,646.36	1,941,428	10	264,981.45	1,483,800.19
CARLSBAD COMMUNITY VOLUNTEER NETWORK						
SALARIES	5,055.05	5,055.05	66,276	8	.00	61,220.95
OPERATING EXPENSE	1,226.59	1,226.59	14,760	8	1,309.36	12,224.05
TOTAL CARLSBAD COMMUNITY VOLUNTEER	6,281.64	6,281.64	81,036	8	1,309.36	73,445.00
PUBLIC SAFETY						
SALARIES	796,579.91	796,579.91	10,609,038	8	.00	9,812,458.09
OPERATING EXPENSE	72,246.36	72,246.36	1,351,589	5	761,417.59	517,925.05
CAPITAL OUTLAY	.00	.00	248,488		130,296.48	118,191.52
CAPITAL OUTLAY	.00	.00	347,840		344,613.85	3,226.15
TOTAL PUBLIC SAFETY	868,826.27	868,826.27	12,556,955	7	1,236,327.92	10,451,800.81
FIRE						
SALARIES	586,550.25	586,550.25	7,764,880	8	.00	7,178,329.75
OPERATING EXPENSE	35,722.11	35,722.11	716,625	5	255,898.43	425,004.46
CAPITAL OUTLAY	.00	.00	94,213		19,018.12	75,194.88
CAPITAL OUTLAY	22,876.75	22,876.75	313,323	7	25,028.89	265,417.36
TOTAL FIRE	645,149.11	645,149.11	8,889,041	7	299,945.44	7,943,946.45
STREET						
SALARIES	100,060.63	100,060.63	1,558,379	6	.00	1,458,318.37
OPERATING EXPENSE	53,938.79	53,938.79	746,460	7	542,685.18	149,836.03
CAPITAL OUTLAY	.00	.00	0		10,970.00	10,970.00-
CAPITAL OUTLAY	.00	.00	0		7,000.00	7,000.00-

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TOTAL STREET	153,999.42	153,999.42	2,304,839	7	560,655.18	1,590,184.40
GARAGE						
SALARIES	87,208.83	87,208.83	1,259,360	7	.00	1,172,151.17
OPERATING EXPENSE	6,370.98	6,370.98	117,179	5	64,493.52	46,314.50
CAPITAL OUTLAY	7,613.63	7,613.63	7,700	99	.00	86.37
TOTAL GARAGE	101,193.44	101,193.44	1,384,239	7	64,493.52	1,218,552.04
ELECTRICAL DEPT.						
SALARIES	58,362.89	58,362.89	846,739	7	.00	788,376.11
OPERATING EXPENSE	1,430.49	1,430.49	54,270	3	15,549.55	37,289.96
TOTAL ELECTRICAL DEPT.	59,793.38	59,793.38	901,009	7	15,549.55	825,666.07
CONSTRUCTION						
SALARIES	79,191.02	79,191.02	1,251,222	6	.00	1,172,030.98
OPERATING EXPENSE	2,083.32	2,083.32	60,224	3	21,624.58	36,516.10
CAPITAL OUTLAY	.00	.00	7,000		7,000.00	.00
TOTAL CONSTRUCTION	81,274.34	81,274.34	1,318,446	6	28,624.58	1,208,547.08
COMMUNITY SERVICE						
SALARIES	19,624.93	19,624.93	265,111	7	.00	245,486.07
OPERATING EXPENSE	3,921.15	3,921.15	46,655	8	10,326.81	32,407.04
TOTAL COMMUNITY SERVICE	23,546.08	23,546.08	311,766	8	10,326.81	277,893.11
GOLF						
SALARIES	37,285.41	37,285.41	550,094	7	.00	512,808.59
OPERATING EXPENSE	19,992.25	19,992.25	361,470	6	268,250.99	73,226.76
CAPITAL OUTLAY	22,366.50	22,366.50	22,367	100	.00	.50
CAPITAL OUTLAY	.00	.00	9,042		9,041.63	.37
TOTAL GOLF	79,644.16	79,644.16	942,973	8	277,292.62	586,036.22
PARKS						
SALARIES	73,385.38	73,385.38	977,619	8	.00	904,233.62
OPERATING EXPENSE	64,450.25	64,450.25	607,023	11	324,368.38	218,204.37
CAPITAL OUTLAY	.00	.00	189,476		89,439.44	100,036.56
CAPITAL OUTLAY	.00	.00	2,000		.00	2,000.00

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TOTAL PARKS	137,835.63	137,835.63	1,776,118	8	413,807.82	1,224,474.55
AIRPORT						
SALARIES	23,222.75	23,222.75	315,896	7	.00	292,673.25
OPERATING EXPENSE	5,746.50	5,746.50	99,380	6	68,126.46	25,507.04
CAPITAL OUTLAY	.00	.00	15,500		8,685.00	6,815.00
TOTAL AIRPORT	28,969.25	28,969.25	430,776	7	76,811.46	324,995.29
FACILITY MAINTENANCE						
SALARIES	70,464.66	70,464.66	1,025,102	7	.00	954,637.34
OPERATING EXPENSE	21,304.10	21,304.10	242,203	9	131,430.57	89,468.33
CAPITAL OUTLAY	.00	.00	48,000		.00	48,000.00
TOTAL FACILITY MAINTENANCE	91,768.76	91,768.76	1,315,305	7	131,430.57	1,092,105.67
WATER PARK						
SALARIES	55,628.76	55,628.76	207,681	27	.00	152,052.24
OPERATING EXPENSE	2,632.27	2,632.27	54,800	5	37,736.58	14,431.15
TOTAL WATER PARK	58,261.03	58,261.03	262,481	22	37,736.58	166,483.39
LIBRARY						
SALARIES	58,494.54	58,494.54	750,684	8	.00	692,189.46
OPERATING EXPENSE	14,957.90	14,957.90	201,797	7	76,585.90	110,253.20
CAPITAL OUTLAY	.00	.00	8,000		.00	8,000.00
TOTAL LIBRARY	73,452.44	73,452.44	960,481	8	76,585.90	810,442.66
CRC BEAUTIFICATION						
SALARIES	3,990.73	3,990.73	52,939	8	.00	48,948.27
OPERATING EXPENSE	333.20	333.20	19,300	2	4,257.31	14,709.49
TOTAL CRC BEAUTIFICATION	4,323.93	4,323.93	72,239	6	4,257.31	63,657.76
MUSEUM						
SALARIES	15,235.47	15,235.47	176,490	9	.00	161,254.53
OPERATING EXPENSE	6,960.10	6,960.10	151,907	5	29,150.14	115,796.76
TOTAL MUSEUM	22,195.57	22,195.57	328,397	7	29,150.14	277,051.29

FUND 01 GENERAL FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
ENGINEERING SERVICES						
SALARIES	49,559.46	49,559.46	638,475	8	.00	588,915.54
TOTAL ENGINEERING SERVICES	49,559.46	49,559.46	638,475	8	.00	588,915.54
PLANNING ENGINEERING & REGULATIONS						
SALARIES	84,772.28	84,772.28	1,107,018	8	.00	1,022,245.72
OPERATING EXPENSE	13,243.13	13,243.13	346,460	4	96,674.97	236,541.90
CAPITAL OUTLAY	.00	.00	18,000		.00	18,000.00
TOTAL PLANNING ENGINEERING & REGULA	98,015.41	98,015.41	1,471,478	7	96,674.97	1,276,787.62
CULTURE & ARTS						
SALARIES	17,028.60	17,028.60	224,471	8	.00	207,442.40
OPERATING EXPENSE	250.99	250.99	122,630		18,788.07	103,590.94
CAPITAL OUTLAY	.00	.00	150,000		.00	150,000.00
CAPITAL OUTLAY	.00	.00	101,500		.00	101,500.00
TOTAL CULTURE & ARTS	17,279.59	17,279.59	598,601	3	18,788.07	562,533.34
SAN JOSE SR. REC CTR						
SALARIES	11,465.48	11,465.48	150,917	8	.00	139,451.52
OPERATING EXPENSE	3,146.79	3,146.79	68,840	5	34,381.71	31,311.50
CAPITAL OUTLAY	.00	.00	70,000		.00	70,000.00
TOTAL SAN JOSE SR. REC CTR	14,612.27	14,612.27	289,757	5	34,381.71	240,763.02
N. MESA SR. REC CTR						
SALARIES	12,555.60	12,555.60	159,136	8	.00	146,580.40
OPERATING EXPENSE	1,689.78	1,689.78	66,156	3	29,027.84	35,438.38
CAPITAL OUTLAY	.00	.00	11,000		.00	11,000.00
TOTAL N. MESA SR. REC CTR	14,245.38	14,245.38	236,292	6	29,027.84	193,018.78
TOTAL FUND 01	3,242,875.50	3,242,875.50	43,567,905	7	4,831,158.03	35,493,871.47

FUND 02 GRT CAPITAL OUTLAY FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
CAPITAL OUTLAY GRT	186,798.31-	186,798.31-	2,560,000	7		
INTEREST	85.10-	85.10-	0			
TOTAL REVENUES	186,883.41-	186,883.41-	2,560,000	7		
TRANSFER-OUT	40,121.36	40,121.36	3,550,002-	1		
TOTAL TRANSFERS	40,121.36	40,121.36	3,550,002-	1		
CAPITAL OUTLAY GRT						
CAPITAL OUTLAY	250,551.27	250,551.27	2,261,762	11	1,293,655.80	717,554.93
CAPITAL OUTLAY	261,070.82	261,070.82	5,407,088	5	1,974,603.03	3,171,414.15
TOTAL CAPITAL OUTLAY GRT	511,622.09	511,622.09	7,668,850	7	3,268,258.83	3,888,969.08
TOTAL FUND 02	511,622.09	511,622.09	7,668,850	7	3,268,258.83	3,888,969.08

FUND 06 DISASTER PREPAREDNESS FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
FEMA MITIGATION-STATE	.00	.00	51,087		
FEMA FLOOD REIMB	.00	.00	295,418		
REIMBURSEMENT	1,695.50-	1,695.50-	0		
TOTAL REVENUES	1,695.50-	1,695.50-	346,505		
DISASTER PREPAREDNESS OPERATING EXPENSE	.00	.00	70,000	.00	70,000.00
TOTAL DISASTER PREPAREDNESS	.00	.00	70,000	.00	70,000.00
TOTAL FUND 06	.00	.00	70,000	.00	70,000.00

FUND 12 SPECIAL MUSEUM FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
DONATIONS	160.00-	160.00-	1,500 11		
SALES	16.38-	16.38-	5,000		
TOTAL REVENUES	176.38-	176.38-	6,500 3		
SPECIAL MUSEUM FUND OPERATING EXPENSE	15.16	15.16	11,500	2,000.78	9,484.06
TOTAL SPECIAL MUSEUM FUND	15.16	15.16	11,500	2,000.78	9,484.06
TOTAL FUND 12	15.16	15.16	11,500	2,000.78	9,484.06

FUND 15 MUNICIPAL TRANSIT

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
FEDERAL ADMINISTRATION 5311	13,311.26-	13,311.26-	0			
FEDERAL ADMINISTRATION 5311	.00	.00	35,000			
FEDERAL ADMINISTRATION 5311	.00	.00	113,231			
FEDERAL OPERATING 5311	11,136.03-	11,136.03-	0			
FEDERAL OPERATING 5311	.00	.00	75,000			
FEDERAL OPERATING 5311	.00	.00	187,633			
FEDERAL CAPITAL 5311	.00	.00	253,500			
FARE REVENUES	3,551.35-	3,551.35-	75,000	5		
CONTRACT FARES	328.00-	328.00-	11,500	3		
TOTAL REVENUES	28,326.64-	28,326.64-	750,864	4		
TRANSFER-IN	.00	.00	590,000			
TRANSFER-OUT	.00	.00	25,000-			
TOTAL TRANSFERS	.00	.00	565,000			
TRANSIT SERVICE						
SALARIES	62,560.01	62,560.01	925,424	7	.00	862,863.99
OPERATING EXPENSE	10,652.24	10,652.24	194,492	5	117,300.07	66,539.69
CAPITAL OUTLAY	.00	.00	338,000		.00	338,000.00
TOTAL TRANSIT SERVICE	73,212.25	73,212.25	1,457,916	5	117,300.07	1,267,403.68
TOTAL FUND 15	73,212.25	73,212.25	1,457,916	5	117,300.07	1,267,403.68

FUND 18 PERFORMING ARTS CENTER

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
C C RENTAL FEES	850.00-	850.00-	25,000	3		
INSURANCE RECOVERIES	.00	.00	300,000			
REIMBURSEMENT	2,490.00-	2,490.00-	0			
TOTAL REVENUES	3,340.00-	3,340.00-	325,000	1		
PERFORMING ARTS CENTER						
OPERATING EXPENSE	11,485.99	11,485.99	253,851	5	203,346.57	39,018.44
CAPITAL OUTLAY	45,506.63	45,506.63	226,000	20	.00	180,493.37
CAPITAL OUTLAY	.00	.00	25,000		17,265.00	7,735.00
TOTAL PERFORMING ARTS CENTER	56,992.62	56,992.62	504,851	11	220,611.57	227,246.81
TOTAL FUND 18	56,992.62	56,992.62	504,851	11	220,611.57	227,246.81

FUND 20 FIRE PROTECTION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
FIRE ALLOTMENT - STATE	378,348.00-	378,348.00-	381,258 99		
TOTAL REVENUES	378,348.00-	378,348.00-	381,258 99		
TRANSFER-OUT	88,330.00	88,330.00	88,330- 100		
TOTAL TRANSFERS	88,330.00	88,330.00	88,330- 100		
FIRE PROTECTION OPERATING EXPENSE	10,597.06	10,597.06	29 6542	1,541.85	12,109.91-
CAPITAL OUTLAY	.00	.00	103,000	.00	103,000.00
CAPITAL OUTLAY	.00	.00	308,408	.00	308,408.00
TOTAL FIRE PROTECTION	10,597.06	10,597.06	411,437 3	1,541.85	399,298.09
TOTAL FUND 20	10,597.06	10,597.06	411,437 3	1,541.85	399,298.09

FUND 21 LODGERS TAX NON-PROMO

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
LODGERS TAX	93,446.76-	93,446.76-	780,000	12		
2014 LEGISLATIVE GRANTS	.00	.00	217,800			
TOTAL REVENUES	93,446.76-	93,446.76-	997,800	9		
TRANSFER-IN	119,689.00-	119,689.00-	119,689	100		
TOTAL TRANSFERS	119,689.00-	119,689.00-	119,689	100		
LODGERS TAX NON-PROMO						
OPERATING EXPENSE	.00	.00	531,766		377,388.85	154,377.15
CAPITAL OUTLAY	.00	.00	138,521		.00	138,521.00
CAPITAL OUTLAY	.00	.00	183,705		.00	183,705.00
TOTAL LODGERS TAX NON-PROMO	.00	.00	853,992		377,388.85	476,603.15
TOTAL FUND 21	.00	.00	853,992		377,388.85	476,603.15

FUND 22 LANDFILL CLOSURE RESERVE

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
COUNTY LANDFILL SHARE	.00	.00	111,000		
INTEREST ON INVESTMENTS	67.70-	67.70-	4,500 2		
TOTAL REVENUES	67.70-	67.70-	115,500		
TRANSFER-IN	.00	.00	111,000		
TOTAL TRANSFERS	.00	.00	111,000		
TOTAL FUND 22	.00	.00	0		

FUND 23 LODGERS TAX PROMO

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
LODGERS TAX	93,446.76	93,446.76	520,000	18-		
LODGERS TAX	1,896.72-	1,896.72-	0			
LODGERS TAX	4,172.43-	4,172.43-	0			
LODGERS TAX	1,068.46-	1,068.46-	0			
LODGERS TAX	1,498.02-	1,498.02-	0			
LODGERS TAX	275.65-	275.65-	0			
LODGERS TAX	985.34-	985.34-	0			
LODGERS TAX	4,681.82-	4,681.82-	0			
LODGERS TAX	22,151.14-	22,151.14-	0			
LODGERS TAX	337.80-	337.80-	0			
LODGERS TAX	3,995.16-	3,995.16-	0			
LODGERS TAX	592.19-	592.19-	0			
LODGERS TAX	2,035.15-	2,035.15-	0			
LODGERS TAX	4,614.58-	4,614.58-	0			
LODGERS TAX	387.25-	387.25-	0			
LODGERS TAX	1,403.80-	1,403.80-	0			
LODGERS TAX	904.33-	904.33-	0			
LODGERS TAX	81.75-	81.75-	0			
LODGERS TAX	13,771.59-	13,771.59-	0			
LODGERS TAX	898.90-	898.90-	0			
LODGERS TAX	4,543.89-	4,543.89-	0			
LODGERS TAX	1,390.80-	1,390.80-	0			
LODGERS TAX	13,512.75-	13,512.75-	0			
LODGERS TAX	12,689.63-	12,689.63-	0			
LODGERS TAX	12,764.66-	12,764.66-	0			
LODGERS TAX	11,377.16-	11,377.16-	0			
LODGERS TAX	724.85-	724.85-	0			
LODGERS TAX	15,874.88-	15,874.88-	0			
LODGERS TAX	9,991.65-	9,991.65-	0			
LODGERS TAX	1,113.55-	1,113.55-	0			
LODGERS TAX	52.50-	52.50-	0			
LODGERS TAX	5,940.41-	5,940.41-	0			
LODGER'S TAX PENALTY	.00	.00	0			
INTEREST ON INVESTMENTS	15.79-	15.79-	0			
TOTAL REVENUES	62,297.84-	62,297.84-	520,000	12		
TRANSFER-OUT	119,689.00	119,689.00	119,689-	100		
TOTAL TRANSFERS	119,689.00	119,689.00	119,689-	100		
LODGERS TAX PROMO						
OPERATING EXPENSE	13,037.10	13,037.10	650,672	2	520,672.95	116,961.95
CAPITAL OUTLAY	6,603.72	6,603.72	0		47,229.28	53,833.00-
CAPITAL OUTLAY	.00	.00	173,000		33,348.49	139,651.51
TOTAL LODGERS TAX PROMO	19,640.82	19,640.82	823,672	2	601,250.72	202,780.46
TOTAL FUND 23	19,640.82	19,640.82	823,672	2	601,250.72	202,780.46

FUND 24 SOLID WASTE DISPOSAL

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
1/16 ENVIR. GROSS REC. TAX	49,883.55-	49,883.55-	600,000	8		
REFUSE REMOVAL CHARGES	420,810.36-	420,810.36-	5,000,000	8		
COUNTY APPROPRIATION	20,494.57-	20,494.57-	0			
OTHER - COUNTY	.00	.00	25,000			
REIMBURSEMENT	113.68-	113.68-	0			
INTEREST ON INVESTMENTS	.00	.00	500			
TOTAL REVENUES	491,302.16-	491,302.16-	5,625,500	9		
TRANSFER-OUT	.00	.00	2,514,998-			
TOTAL TRANSFERS	.00	.00	2,514,998-			
SOLID WASTE DISPOSAL						
SALARIES	146,149.58	146,149.58	1,999,919	7	.00	1,853,769.42
OPERATING EXPENSE	51,349.91	51,349.91	816,220	6	458,031.46	306,838.63
CAPITAL OUTLAY	.00	.00	217,130		107,130.00	110,000.00
TOTAL SOLID WASTE DISPOSAL	197,499.49	197,499.49	3,033,269	7	565,161.46	2,270,608.05
SANDPOINT LANDFILL						
OPERATING EXPENSE	226,796.27	226,796.27	650,000	35	629,162.43	205,958.70-
TOTAL SANDPOINT LANDFILL	226,796.27	226,796.27	650,000	35	629,162.43	205,958.70-
TOTAL FUND 24	424,295.76	424,295.76	3,683,269	12	1,194,323.89	2,064,649.35

FUND 25 AIRPORT

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
AIRPORT-CELTECH CORP.	318.26-	318.26-	1,800	18		
AIRPORT-CARLSBAD NATIONAL BANK	.00	.00	50			
AIRLINE FEES-FED EXPRESS	210.00-	210.00-	1,260	17		
AIRPORT-MARBOB	.00	.00	900			
SOUTHWEST MED EVAC	164.11-	164.11-	1,912	9		
AIRPORT-BMB EQUIP HOLDING	.00	.00	1,830			
AIRPORT BOUTIQUE AIR	.00	.00	2,400			
NM AVIATION GRANT	.00	.00	8,980			
NM AVIATION GRANT	49,123.00-	49,123.00-	15,027	327		
NM AVIATION GRANT	.00	.00	10,000			
NMDOT	.00	.00	2,100			
FEDERAL GRANT - AIRPORT-FAA	.00	.00	205,659			
FEDERAL GRANT - AIRPORT-FAA	.00	.00	60,649			
TOTAL REVENUES	49,815.37-	49,815.37-	312,567	16		
TRANSFER-IN	.00	.00	135,500			
TOTAL TRANSFERS	.00	.00	135,500			
AIRPORT-MAINTENANCE						
OPERATING EXPENSE	18,527.37	18,527.37	196,227	9	44,096.47	133,603.16
CAPITAL OUTLAY	.00	.00	96,062		6,453.75	89,608.25
TOTAL AIRPORT-MAINTENANCE	18,527.37	18,527.37	292,289	6	50,550.22	223,211.41
TOTAL FUND 25	18,527.37	18,527.37	292,289	6	50,550.22	223,211.41

FUND 26 CEMETERY

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
COLUMBARIUM SALES	.00	.00	100			
OPENING & CLOSING	5,625.00-	5,625.00-	75,000	8		
SALE OF LOTS	2,305.00-	2,305.00-	75,000	3		
MONUMENT PERMITS	.00	.00	3,500			
CEMETERY-ADMIN.FEES	.00	.00	100			
TOTAL REVENUES	7,930.00-	7,930.00-	153,700	5		
TRANSFER-IN	.00	.00	75,000			
TOTAL TRANSFERS	.00	.00	75,000			
CEMETERY						
SALARIES	12,214.38	12,214.38	164,270	7	.00	152,055.62
OPERATING EXPENSE	49,539.85	49,539.85	538,218	9	284,931.21	203,746.94
CAPITAL OUTLAY	19,499.52	19,499.52	0		.00	19,499.52-
CAPITAL OUTLAY	.00	.00	21,989		.00	21,989.00
TOTAL CEMETERY	81,253.75	81,253.75	724,477	11	284,931.21	358,292.04
TOTAL FUND 26	81,253.75	81,253.75	724,477	11	284,931.21	358,292.04

FUND 27 WORKERS' COMPENSATION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INTEREST ON INVESTMENTS	.00	.00	1,000			
TOTAL REVENUES	.00	.00	1,000			
TRANSFER-IN	.00	.00	750,000			
TOTAL TRANSFERS	.00	.00	750,000			
WORKERS' COMPENSATION OPERATING EXPENSE	28,139.01	28,139.01	863,000	3	213,708.67	621,152.32
TOTAL WORKERS' COMPENSATION	28,139.01	28,139.01	863,000	3	213,708.67	621,152.32
TOTAL FUND 27	28,139.01	28,139.01	863,000	3	213,708.67	621,152.32

FUND 28 INSURANCE

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
REIMBURSEMENT	.00	.00	0			
TOTAL REVENUES	.00	.00	0			
TRANSFER-IN	.00	.00	1,300,750			
TOTAL TRANSFERS	.00	.00	1,300,750			
INSURANCE OPERATING EXPENSE	31,944.10	31,944.10	1,271,599	3	999,940.34	239,714.56
TOTAL INSURANCE	31,944.10	31,944.10	1,271,599	3	999,940.34	239,714.56
TOTAL FUND 28	31,944.10	31,944.10	1,271,599	3	999,940.34	239,714.56

FUND 29 SPORTS COMPLEX

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
GROSS REC-INFRASTRUCTURE	99,781.68-	99,781.68-	1,200,000	8		
GOVERNMENTAL COMPENSATING TAX COLLEC	3,813.07-	3,813.07-	0			
LOAN PROCEEDS	.00	.00	0			
INTEREST	2,028.22-	2,028.22-	5,000	41		
CONCESSION-SNACK BAR	23,053.81-	23,053.81-	125,000	18		
TOTAL REVENUES	128,676.78-	128,676.78-	1,330,000	10		
TRANSFER-OUT	39,644.67	39,644.67	480,632-	8		
TOTAL TRANSFERS	39,644.67	39,644.67	480,632-	8		
SPORTS COMPLEX						
SALARIES	42,517.53	42,517.53	573,970	7	.00	531,452.47
OPERATING EXPENSE	38,804.25	38,804.25	550,470	7	349,804.93	161,860.82
CAPITAL OUTLAY	.00	.00	62,668		17,495.68	45,172.32
CAPITAL OUTLAY	76,775.83	76,775.83	3,603,356	2	1,390,300.76	2,136,279.41
TOTAL SPORTS COMPLEX	158,097.61	158,097.61	4,790,464	3	1,757,601.37	2,874,765.02
TOTAL FUND 29	158,097.61	158,097.61	4,790,464	3	1,757,601.37	2,874,765.02

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BUDGET SUMMARY OF REVENUE AND EXPENSES  
FUND 31 EMERGENCY MEDICAL SERVICE (EMS)

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
EMS - STATE-AMB	.00	.00	20,000		
TOTAL REVENUES	.00	.00	20,000		
TRANSFER-IN	.00	.00	16,000		
TOTAL TRANSFERS	.00	.00	16,000		
EMERGENCY MEDICAL SERVICE (EMS) CAPITAL OUTLAY	.00	.00	36,000	.00	36,000.00
TOTAL EMERGENCY MEDICAL SERVICE (EM	.00	.00	36,000	.00	36,000.00
TOTAL FUND 31	.00	.00	36,000	.00	36,000.00

FUND 32 LOCAL GOVERNMENT CORRECTION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
LOCAL CORRECTIONS FEES	10,781.00-	10,781.00-	140,000 8		
TOTAL REVENUES	10,781.00-	10,781.00-	140,000 8		
LOCAL GOVERNMENT CORRECTIONAL OPERATING EXPENSE	12,300.00	12,300.00	325,000 4	160,402.40	152,297.60
TOTAL LOCAL GOVERNMENT CORRECTIONAL	12,300.00	12,300.00	325,000 4	160,402.40	152,297.60
TOTAL FUND 32	12,300.00	12,300.00	325,000 4	160,402.40	152,297.60

FUND 34 LAW ENFORCEMENT PROTECTION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
LAW ENFORCEMENT PROTECTION-STATE	68,400.00-	68,400.00-	68,400 100		
TOTAL REVENUES	68,400.00-	68,400.00-	68,400 100		
TRANSFER-OUT	.00	.00	7,678-		
TOTAL TRANSFERS	.00	.00	7,678-		
LAW ENFORCEMENT PROTECTION OPERATING EXPENSE	.00	.00	22,150	4,000.00	18,150.00
CAPITAL OUTLAY	.00	.00	46,250	37,244.27	9,005.73
TOTAL LAW ENFORCEMENT PROTECTION	.00	.00	68,400	41,244.27	27,155.73
TOTAL FUND 34	.00	.00	68,400	41,244.27	27,155.73

FUND 36 WATER AND SEWER

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
SEPTAGE FEES	43,396.40-	43,396.40-	350,000	12		
SEPTAGE DISPOSAL APP FEE	.00	.00	1,500			
UTILITY DEPOSITS COLLECTED	9,862.70-	9,862.70-	250,000	4		
GOVERNMENTAL GRT COLLECTED	57,697.23-	57,697.23-	750,000	8		
FEES	240.00-	240.00-	1,000	24		
TAP FEES	11,588.39-	11,588.39-	115,000	10		
RE-CONNECT FEES	32,425.00-	32,425.00-	75,000	43		
NMED GRANT	.00	.00	183,525			
EFFLUENT	.00	.00	225,000			
SALES OF FIXED ASSETS	.00	.00	1,000			
LOAN PROCEEDS	.00	.00	1,000,000			
LOAN PROCEEDS	.00	.00	664,031			
RECOVERIES	177.78-	177.78-	0			
MISCELLANEOUS REVENUES	139.46-	139.46-	8,000	2		
LONG & SHORT-CASH	40.66	40.66	0			
INTEREST	145.38-	145.38-	1,500	10		
INTEREST ON INVESTMENTS	62.63-	62.63-	1,500	4		
UNCLAIMED PROPERTY RECEIVED	.00	.00	5,000			
WATER SERVICE	407,864.68-	407,864.68-	3,950,000	10		
LA HUERTA WATER SERVICE	73,087.84-	73,087.84-	485,000	15		
DOUBLE EAGLE WATER SERVICE	20,530.90-	20,530.90-	1,500,000	1		
SEWER SERVICE	331,709.00-	331,709.00-	4,000,000	8		
WATER & SEWER ANALYSIS	3,080.00-	3,080.00-	35,000	9		
WATER TRUST BOARD GRANT	71,017.06-	71,017.06-	815,050	9		
WATER TRUST BOARD GRANT	.00	.00	1,500,000			
TOTAL REVENUES	1,062,983.79-	1,062,983.79-	15,917,106	7		
TRANSFER-IN	.00	.00	107,225			
TRANSFER-OUT	69,035.27	69,035.27	4,288,466-	2		
TOTAL TRANSFERS	69,035.27	69,035.27	4,181,241-	2		
WATER						
SALARIES	134,279.62	134,279.62	2,172,735	6	.00	2,038,455.38
OPERATING EXPENSE	137,661.08	137,661.08	2,888,385	5	992,729.01	1,757,994.91
CAPITAL OUTLAY	71,564.64	71,564.64	1,271,242	6	486,710.45	712,966.91
CAPITAL OUTLAY	13,925.13	13,925.13	587,199	2	89,370.38	483,903.49
TOTAL WATER	357,430.47	357,430.47	6,919,561	5	1,568,809.84	4,993,320.69
SEWER						
SALARIES	60,796.85	60,796.85	807,686	8	.00	746,889.15
OPERATING EXPENSE	15,459.69	15,459.69	502,262	3	183,527.28	303,275.03
CAPITAL OUTLAY	148,212.48	148,212.48	2,660,492	6	2,353,316.60	158,962.92
CAPITAL OUTLAY	.00	.00	18,277		9,462.08	8,814.92
TOTAL SEWER	224,469.02	224,469.02	3,988,717	6	2,546,305.96	1,217,942.02

FUND 36 WATER AND SEWER

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
DOUBLE EAGLE						
SALARIES	83,565.07	83,565.07	1,154,755	7	.00	1,071,189.93
OPERATING EXPENSE	11,032.40	11,032.40	803,362	1	236,473.81	555,855.79
CAPITAL OUTLAY	.00	.00	10,000		4,379.90	5,620.10
CAPITAL OUTLAY	69,804.00	69,804.00	10,927,708	1	4,163,359.52	6,694,544.48
TOTAL DOUBLE EAGLE	164,401.47	164,401.47	12,895,825	1	4,404,213.23	8,327,210.30
LAB ENVIRONMENTAL SERVICES						
SALARIES	24,198.73	24,198.73	323,613	7	.00	299,414.27
OPERATING EXPENSE	3,931.86	3,931.86	54,681	7	8,164.35	42,584.79
TOTAL LAB ENVIRONMENTAL SERVICES	28,130.59	28,130.59	378,294	7	8,164.35	341,999.06
COLLECTION SYSTEM						
SALARIES	45,328.59	45,328.59	659,247	7	.00	613,918.41
OPERATING EXPENSE	12,684.76	12,684.76	210,330	6	126,730.65	70,914.59
CAPITAL OUTLAY	.00	.00	669,008		.00	669,008.00
CAPITAL OUTLAY	.00	.00	1,460,542		46,037.83	1,414,504.17
TOTAL COLLECTION SYSTEM	58,013.35	58,013.35	2,999,127	2	172,768.48	2,768,345.17
TOTAL FUND 36	832,444.90	832,444.90	27,181,524	3	8,700,261.86	17,648,817.24

FUND 40 BEAUTIFICATION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
STATE BEAUTIFICATION PROJECT	750.00-	750.00-	0		
STATE BEAUTIFICATION PROJECT	.00	.00	18,500		
TOTAL REVENUES	750.00-	750.00-	18,500 4		
TRANSFER-OUT	.00	.00	29,365-		
TOTAL TRANSFERS	.00	.00	29,365-		
BEAUTIFICATION OPERATING EXPENSE	.00	.00	18,500	3,221.09	15,278.91
TOTAL BEAUTIFICATION	.00	.00	18,500	3,221.09	15,278.91
TOTAL FUND 40	.00	.00	18,500	3,221.09	15,278.91

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FUND 41 SEWER SYSTEM IMPROVEMENT

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
WASTEWATER PLANT CONST LOAN	.00	.00	1,793,061			
TOTAL REVENUES	.00	.00	1,793,061			
TRANSFER-OUT	.00	.00	107,225-			
TOTAL TRANSFERS	.00	.00	107,225-			
SWR CAP IMPROVEMENT CAPITAL OUTLAY	315,570.01	315,570.01	1,028,643	31	713,072.38	.61
TOTAL SWR CAP IMPROVEMENT	315,570.01	315,570.01	1,028,643	31	713,072.38	.61
TOTAL FUND 41	315,570.01	315,570.01	1,028,643	31	713,072.38	.61

FUND 44 STREET IMPROVEMENT

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
GASOLINE TX (7-1-6.9)	18,314.60-	18,314.60-	350,000	5		
GASOLINE (7-1-6.27)	19,217.38-	19,217.38-	240,000	8		
AUTO LICENSES (STREET IMPR FUND)	7,982.49-	7,982.49-	80,000	10		
INTEREST	406.17-	406.17-	0			
2013 LEGISLATIVE GRANTS	225,633.93-	225,633.93-	270,000	84		
2014 LEGISLATIVE GRANTS	.00	.00	287,500			
2015 LEGISLATIVE GRANTS	.00	.00	50,000			
2015 LEGISLATIVE GRANTS	.00	.00	150,000			
2015 LEGISLATIVE GRANTS	.00	.00	320,000			
TOTAL REVENUES	271,554.57-	271,554.57-	1,747,500	16		
TRANSFER-IN	.00	.00	1,240,000			
TOTAL TRANSFERS	.00	.00	1,240,000			
STREET IMPROVEMENT						
CAPITAL OUTLAY	248,510.79	248,510.79	5,901,786	4	1,422,767.88	4,230,507.33
CAPITAL OUTLAY	13,742.26	13,742.26	1,878,121	1	53,653.19	1,810,725.55
TOTAL STREET IMPROVEMENT	262,253.05	262,253.05	7,779,907	3	1,476,421.07	6,041,232.88
TOTAL FUND 44	262,253.05	262,253.05	7,779,907	3	1,476,421.07	6,041,232.88

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FUND 49 CIEP

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INSURANCE RECOVERIES	.00	.00	650,000			
INTEREST	355.39-	355.39-	0			
2013 LEGISLATIVE GRANTS	.00	.00	100,000			
2013 LEGISLATIVE GRANTS	191,398.54-	191,398.54-	100,000	191		
2014 LEGISLATIVE GRANTS	.00	.00	75,000			
TOTAL REVENUES	191,753.93-	191,753.93-	925,000	21		
TRANSFER-IN	.00	.00	100,000			
TOTAL TRANSFERS	.00	.00	100,000			
CIEP						
OPERATING EXPENSE	.00	.00	770,717		153,370.49	617,346.51
CAPITAL OUTLAY	193,582.56	193,582.56	3,286,288	6	1,777,730.23	1,314,975.21
CAPITAL OUTLAY	313,213.33	313,213.33	834,659	38	359,739.95	161,705.72
TOTAL CIEP	506,795.89	506,795.89	4,891,664	10	2,290,840.67	2,094,027.44
TOTAL FUND 49	506,795.89	506,795.89	4,891,664	10	2,290,840.67	2,094,027.44

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 FUND 51 NM FINANCE AUTHORITY LOANS-GOVERNMENTAL

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INTEREST ON INVESTMENTS	3.16-	3.16-	0		
INTEREST ON INVESTMENTS	21.35-	21.35-	0		
TOTAL REVENUES	24.51-	24.51-	0		
TRANSFER-IN	127,974.67-	127,974.67-	568,962 22		
TOTAL TRANSFERS	127,974.67-	127,974.67-	568,962 22		
NMFA LOANS-GOVERNMENTAL OPERATING EXPENSE	.00	.00	564,067	.00	564,067.00
TOTAL NMFA LOANS-GOVERNMENTAL	.00	.00	564,067	.00	564,067.00
TOTAL FUND 51	.00	.00	564,067	.00	564,067.00

BUDGET SUMMARY OF REVENUE AND EXPENSES  
 FUND 52 NM FINANCE AUTHORITY LOANS-SOLID WASTE

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INTEREST ON INVESTMENTS	105.43-	105.43-	0		
TOTAL REVENUES	105.43-	105.43-	0		
TRANSFER-IN	.00	.00	126,548		
TOTAL TRANSFERS	.00	.00	126,548		
NMFA LOANS - SOLID WASTE OPERATING EXPENSE	.00	.00	126,548	.00	126,548.00
TOTAL NMFA LOANS - SOLID WASTE	.00	.00	126,548	.00	126,548.00
TOTAL FUND 52	.00	.00	126,548	.00	126,548.00

FUND 54 CAPITAL OUTLAY GRT BOND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TRANSFER-IN	40,121.36-	40,121.36-	481,790 8		
TOTAL TRANSFERS	40,121.36-	40,121.36-	481,790 8		
GRT CAPITAL OUTLAY BOND OPERATING EXPENSE	.00	.00	481,457	.00	481,457.00
TOTAL GRT CAPITAL OUTLAY BOND	.00	.00	481,457	.00	481,457.00
TOTAL FUND 54	.00	.00	481,457	.00	481,457.00

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FUND 55 NM FINANCE AUTHORITY LOANS-WATER & SEWER

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TRANSFER-IN	.00	.00	84,201			
TOTAL TRANSFERS	.00	.00	84,201			
NMFA LOANS OPERATING EXPENSE	25,553.10	25,553.10	99,598	26	25,553.10	48,491.80
TOTAL NMFA LOANS	25,553.10	25,553.10	99,598	26	25,553.10	48,491.80
TOTAL FUND 55	25,553.10	25,553.10	99,598	26	25,553.10	48,491.80

FUND 56 2002 SALES TAX BOND FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TRANSFER-IN	30,400.17-	30,400.17-	351,591 9		
TOTAL TRANSFERS	30,400.17-	30,400.17-	351,591 9		
2002 SALES TAX REVENUE BOND OPERATING EXPENSE	.00	.00	338,887	.00	338,887.00
TOTAL 2002 SALES TAX REVENUE BOND	.00	.00	338,887	.00	338,887.00
TOTAL FUND 56	.00	.00	338,887	.00	338,887.00

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FUND 59 2009 WATER & SEWER BOND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TRANSFER-IN	69,035.27-	69,035.27-	1,554,765 4		
TOTAL TRANSFERS	69,035.27-	69,035.27-	1,554,765 4		
2009 W & S BOND OPERATING EXPENSE	.00	.00	1,620,557	.00	1,620,557.00
TOTAL 2009 W & S BOND	.00	.00	1,620,557	.00	1,620,557.00
TOTAL FUND 59	.00	.00	1,620,557	.00	1,620,557.00

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FUND 60 2009 W & S BOND ACQUISITION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
2009 W & S BOND ACQUISITION						
CAPITAL OUTLAY	144,234.85	144,234.85	295,905	49	151,670.22	.07-
CAPITAL OUTLAY	.00	.00	680,360		.00	680,360.00
TOTAL 2009 W & S BOND ACQUISITION	144,234.85	144,234.85	976,265	15	151,670.22	680,359.93
TOTAL FUND 60	144,234.85	144,234.85	976,265	15	151,670.22	680,359.93

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FUND 63 OLD CARLSBAD LANDFILL CLOSURE

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
OLD CARLSBAD LANDFILL CLOSURE					
OPERATING EXPENSE	.00	.00	50,850	.00	50,850.00
CAPITAL OUTLAY	.00	.00	10,000	.00	10,000.00
TOTAL OLD CARLSBAD LANDFILL CLOSURE	.00	.00	60,850	.00	60,850.00
TOTAL FUND 63	.00	.00	60,850	.00	60,850.00

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BUDGET SUMMARY OF REVENUE AND EXPENSES

FUND 67 SANDPOINT LANDFILL CONSTRUCTION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INTEREST	84.62-	84.62-	0		
TOTAL REVENUES	84.62-	84.62-	0		
TRANSFER-IN	.00	.00	200,000		
TOTAL TRANSFERS	.00	.00	200,000		
SANDPOINT LANDFILL CONSTRUCTION CAPITAL OUTLAY	.00	.00	1,200,000	400,687.50	799,312.50
TOTAL SANDPOINT LANDFILL CONSTRUCTI	.00	.00	1,200,000	400,687.50	799,312.50
TOTAL FUND 67	.00	.00	1,200,000	400,687.50	799,312.50

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FUND 69 98' WATER & SEWER BOND ACQUISITION

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
98' WATER & SEWER BOND ACQUISITION CAPITAL OUTLAY	.00	.00	171,437	30,954.12	140,482.88
TOTAL 98' WATER & SEWER BOND ACQUIS	.00	.00	171,437	30,954.12	140,482.88
TOTAL FUND 69	.00	.00	171,437	30,954.12	140,482.88

FUND 71 PERMANENT WATER & SEWER FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
INTEREST	8.20-	8.20-	0		
INTEREST ON INVESTMENTS	35.27	35.27	0		
UNREALIZED GAIN ON INVESTMENT	8,484.33	8,484.33	0		
TOTAL REVENUES	8,511.40	8,511.40	0		
OPERATING EXPENSE	865.04	865.04	0		
TOTAL OPERATING EXPENSES	865.04	865.04	0		
TOTAL FUND 71	9,376.44	9,376.44	0		

FUND 72 MUNICIPAL COURT TRUST

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
MUNICIPAL COURT RECEIPTS	7,768.00-	7,768.00-	125,000 6		
TOTAL REVENUES	7,768.00-	7,768.00-	125,000 6		
MUNICIPAL COURT TRUST OPERATING EXPENSE	5,431.00	5,431.00	125,000 4	.00	119,569.00
TOTAL MUNICIPAL COURT TRUST	5,431.00	5,431.00	125,000 4	.00	119,569.00
TOTAL FUND 72	5,431.00	5,431.00	125,000 4	.00	119,569.00

FUND 75 HEALTH INSURANCE FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
HEALTH INSUR. PREMIUMS	442,993.81-	442,993.81-	6,000,000	7		
PREMIUMS-AGGREGATE & 3RD PARTY	1,456.13-	1,456.13-	0			
REIMBURSEMENT	49,639.94-	49,639.94-	0			
INTEREST	44.94-	44.94-	1,000	4		
INTEREST ON INVESTMENTS	374.94-	374.94-	1,000	37		
TOTAL REVENUES	494,509.76-	494,509.76-	6,002,000	8		
HEALTH INSURANCE FUND OPERATING EXPENSE	464,723.31	464,723.31	6,002,000	8	284,194.06	5,253,082.63
TOTAL HEALTH INSURANCE FUND	464,723.31	464,723.31	6,002,000	8	284,194.06	5,253,082.63
TOTAL FUND 75	464,723.31	464,723.31	6,002,000	8	284,194.06	5,253,082.63

FUND 81 FEDERAL PROJECTS FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL BUDGET	PCT TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
NMDOT	.00	.00	500,000			
EFFLUENT	.00	.00	291,500			
FEDERAL GRANT - EDA	.00	.00	597,009			
YOUTH SPORTS COMPLEX	.00	.00	190,000			
TOTAL REVENUES	.00	.00	1,578,509			
TRANSFER-IN	.00	.00	0			
TRANSFER-OUT	.00	.00	1,838,121-			
TOTAL TRANSFERS	.00	.00	1,838,121-			
FEDERAL PROJECTS						
CAPITAL OUTLAY	9,668.31	9,668.31	500,000	2	7,090.44	483,241.25
CAPITAL OUTLAY	.00	.00	12,326		.00	12,326.00
TOTAL FEDERAL PROJECTS	9,668.31	9,668.31	512,326	2	7,090.44	495,567.25
TOTAL FUND 81	9,668.31	9,668.31	512,326	2	7,090.44	495,567.25

GLSR325  
 PERIOD ENDING 7/31/16  
 FUND 85 PAYROLL

CITY OF CARLSBAD  
 BUDGET SUMMARY OF REVENUE AND EXPENSES

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	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
MISCELLANEOUS REVENUES	1,987.18-	1,987.18-	0		
EMPLOYEE PORTION HEALTH	.00	.00	0		
TOTAL REVENUES	1,987.18-	1,987.18-	0		
PAYROLL					
OPERATING EXPENSE	2,632.12	2,632.12	0	.00	2,632.12-
PR EXPENSES	.00	.00	0	910,216.97	910,216.97-
TOTAL PAYROLL	2,632.12	2,632.12	0	910,216.97	912,849.09-
TOTAL FUND 85	2,632.12	2,632.12	0	910,216.97	912,849.09-

GLSR325  
 PERIOD ENDING 7/31/16

CITY OF CARLSBAD

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 11:40:31

BUDGET SUMMARY OF REVENUE AND EXPENSES  
 FUND 88 06-12 WIPP ACCELERATION IMPACT FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
REIMBURSEMENT	49,725.00-	49,725.00-	180,000 28		
TOTAL REVENUES	49,725.00-	49,725.00-	180,000 28		
TRANSFER-IN	.00	.00	0		
TRANSFER-OUT	.00	.00	0		
TOTAL TRANSFERS	.00	.00	0		
2010-12 WIPP ACCELERATION IMPACT FUND OPERATING EXPENSE	49,725.00	49,725.00	180,000 28	.00	130,275.00
TOTAL 2010-12 WIPP ACCELERATION IMP	49,725.00	49,725.00	180,000 28	.00	130,275.00
TOTAL FUND 88	49,725.00	49,725.00	180,000 28	.00	130,275.00

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PERIOD ENDING 7/31/16

CITY OF CARLSBAD

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9/01/16  
11:40:31

BUDGET SUMMARY OF REVENUE AND EXPENSES  
FUND 89 05-06 WIPP ACCELERATION IMPACT FUND

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
TRANSFER-OUT	.00	.00	0		
TOTAL TRANSFERS	.00	.00	0		
TOTAL FUND 89	.00	.00	0		

FUND 99 CASH IN BANK

	CURRENT ACTUAL	Y-T-D ACTUAL	TOTAL PCT BUDGET TOT	ENCUMBERED AMOUNT	UNENCUMBERED BALANCE
HELD BY OTHER FUNDS	349,010.96	13,630,590.35-	0		
HELD BY OTHER FUNDS	364,860.04	9,278,405.39-	0		
HELD BY OTHER FUNDS	1,695.50-	694,935.75-	0		
HELD BY OTHER FUNDS	161.22-	21,614.64-	0		
HELD BY OTHER FUNDS	44,885.61	140,982.20-	0		
HELD BY OTHER FUNDS	53,652.62	317,337.10-	0		
HELD BY OTHER FUNDS	279,420.94-	397,931.04-	0		
HELD BY OTHER FUNDS	.00	.00	0		
HELD BY OTHER FUNDS	.00	673,765.80-	0		
HELD BY OTHER FUNDS	166,103.78-	1,633,502.96-	0		
HELD BY OTHER FUNDS	1,102,750.68-	719,215.41-	0		
HELD BY OTHER FUNDS	31,288.00-	236,591.74	0		
HELD BY OTHER FUNDS	73,323.75	473,587.32-	0		
HELD BY OTHER FUNDS	28,139.01	1,624,415.78-	0		
HELD BY OTHER FUNDS	31,944.10	387,188.18-	0		
HELD BY OTHER FUNDS	71,093.72	350,011.82	0		
HELD BY OTHER FUNDS	.00	16,049.16	0		
HELD BY OTHER FUNDS	1,519.00	343,451.80-	0		
HELD BY OTHER FUNDS	68,400.00-	76,078.31-	0		
HELD BY OTHER FUNDS	161,440.99-	16,441,306.25-	0		
HELD BY OTHER FUNDS	.00	.15	0		
HELD BY OTHER FUNDS	750.00-	30,114.89-	0		
HELD BY OTHER FUNDS	315,570.01	972,763.44	0		
HELD BY OTHER FUNDS	9,301.52-	4,959,410.81-	0		
HELD BY OTHER FUNDS	315,041.96	4,028,131.80-	0		
HELD BY OTHER FUNDS	40,121.36-	40,122.44-	0		
HELD BY OTHER FUNDS	25,553.10	3,865,759.64-	0		
HELD BY OTHER FUNDS	30,400.17-	313,128.59-	0		
HELD BY OTHER FUNDS	69,035.27-	270,092.73-	0		
HELD BY OTHER FUNDS	144,234.85	32,030.08-	0		
HELD BY OTHER FUNDS	.00	132,559.26-	0		
HELD BY OTHER FUNDS	84.62-	1,092,244.10-	0		
HELD BY OTHER FUNDS	.00	171,437.36-	0		
HELD BY OTHER FUNDS	7,139.14-	1,077,304.66-	0		
HELD BY OTHER FUNDS	2,337.00-	33,389.81-	0		
HELD BY OTHER FUNDS	29,786.45-	598,651.45-	0		
HELD BY OTHER FUNDS	9,668.31	762,269.12-	0		
HELD BY OTHER FUNDS	11,725.82-	66,344.78-	0		
TOTAL REVENUES	183,445.42-	62,751,883.49-	0		
TOTAL FUND 99	.00	.00	0		

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON AUGUST 23, 2016 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Janell E. Whitlock	Councilor
Absent:	J. R. Doporto	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Stephanie Shumsky	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Wendy Hammett	Finance Director
	Jeff Patterson	Planning Director
	Luis Camero	Director of Engineering Services
	Thomas Carlson	Public Works Director
	Richard Lopez	Fire Chief
	Kent D. Waller	Police Chief
	Patsy Jackson-Christopher	Director of Arts & Culture
	Steve Hendley	Director of Parks & Recreation

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00      **Call Meeting to Order**

0:00:03      **Invocation - Pledge of Allegiance**

0:00:32      **Chief Lopez** said more rain is in the forecast and the ground is already saturated which will cause flooding conditions. He added there are currently flood warnings in the area. He said there are two swift water crews ready and available. He said the crews are running the low water crossing on the south side of town and in the county trying to prevent anyone from going off into the area. He said many barricades and low water crossings have been put out to warn drivers. He said stay out of the low water crossings and if you don't have to go out please don't.

0:03:21 **Chief Lopez** said the Combat Challenge Team went to compete in Texas and took first place. He said the Team is continuing to train for the Combat Challenge here in Carlsbad in October.

0:03:46 **Councilor Anaya Flores** asked if the City is prepared and if they already have sandbags prepared. **Mr. Carlson** said yes the City has 100 sandbags and staff is prepared to make more. He said if anyone is in need of sandbags the City will deliver and help stack them. He added staff has barricades on several of the low water crossings. **Councilor Whitlock** asked where constituents would call if they need sandbags. **Mr. Carlson** said they can call the Police Department.

0:05:10 **Mayor Janway** asked for an update on Ocotillo school traffic congestion. **Mr. McCutcheon** said on Thursday, August 18, 2016, staff met with Carlsbad Municipal Schools Administration. He said some short term goals were agreed upon, one of the goals was to install a three way stop sign, which was installed on Friday. He said the schools have encouraged walking, riding bicycles, and they changed the bus schedule to arrive earlier. He added these changes have taken the traffic from 45 minutes to 20 minutes. He said the landholders and County are willing to help.

**Mr. Carlson** said staff has completed traffic counts at the main intersection of Troy and Ligon. He said there are twice as many vehicles on Troy as there are on Ligon. He said Ligon was backing up because Troy is a through street with the right-of-way. He said a three way stop was placed at the intersection and traffic is moving well. He said crosswalks will be installed as soon as the weather permits.

**Chief Waller** said staff tried to anticipate what the traffic situation would be like, but it is hard to know until there is actually traffic. He said he anticipates the Calloway project will also have an effect on the traffic pattern. He said bus routes are designated to come in on Ligon and the three way stop will help. He explained the cross walks will be installed and getting the traffic down to 20 minutes is a good flow and going smoothly.

0:11:10 **Councilor Anaya Flores** asked if there is a plan to develop another entrance and exit in the neighborhood. **Mr. McCutcheon** said there are five alternatives that have been identified by Molzen Corbin. He said other options are already on the drawing board and funded. He said staff does not yet know what the best and most cost effective alternative is but staff is moving in that direction. He added there have been very few issues or complaints from Desert Willow School.

0:12:28 **Councilor Rodriguez** asked about Monterrey, PR Leyva, ECEC, and the High School traffic. **Chief Waller** said the beginning of every school year usually takes a few weeks to get the routes running smoothly. He said he is working with the new cross walks and SRO officers to assist with the transition. He said he is also trying to place uniformed officers and patrol cars in or near the school zones. **Councilor**

**Rodriguez** added that seeing an officer is a deterrent and helpful. **Councilor Anaya Flores** said she works at ECEC and staff encourages that the students ride the bus. She said the traffic does eventually get better as the year progresses.

0:15:44 **Councilor Whitlock** said she has been asked by many citizens, why there is not a stop light at 8th and Church Street. She said she thought years ago there was a stop light at that intersection. **Mayor Janway** said yes, there was a light there. **Councilor Whitlock** asked why the light was taken out. **Mr. Carlson** said staff has never really studied the area to see if it warrants a traffic light. He said he thinks the intersection might warrant for the peak flow. He said there are criteria and most of the time there is not a lot of traffic except at the peak flow.

**Mayor Janway** asked Mr. Carlson to complete a traffic study of the intersection. **Mr. Carlson** answered yes, he sure can. **Councilor Shirley** asked Mr. Carlson if he could also look at Lamont and Church Street. **Chief Waller** said the problem with Lamont is that it is not a true T intersection. He said with the angle it is easy to miss traffic coming from the west.

0:18:29 **Mayor Janway announced there is a special guest in attendance tonight, State Representative, Ms. Catherine Brown.**

0:18:38 **Councilor Doss** asked if Council could hear those present to speak of the traffic issues at Ocotillo school could give their concerns now. **Mr. Goodale** thanked the Council for working with the schools. He said as a resident of the area he appreciates the quick effort and initiative taken to put the three way stop in. He said the main concern is the safety of the children, pets, and people walking in the area. He explained the concerns arise from speed and built up into the traffic jam. He said he has conducted his own traffic count and the number of people dropping their children off is significantly less. He said bus use is decreasing the traffic in the area. He said the buses are still driving down Troy Drive. He said from the perspective of the residents the request is to slow traffic down in the area. He said if the buses would adhere to the suggested routes it would be much better. He added according to the schools the buses are not required to do that, the buses are public, contracted and can take the fastest route to the school which includes taking Troy Drive. He said the City is saying the school did not inform or include them and the school is saying it is not the schools responsibility, it is the City's problem and the residents are stuck in the middle. **Mr. McCutcheon** said he does not think the City has ever said that and would like to clear the record. **Mr. Goodale** said the alternate route planning was started in 2014 and there is still nothing going. He said \$2 million was spent on Ligon Rd which is still a 23 foot road that does not allow for the volume of traffic that is being run down the road. He said the residents are asking for confidence and updates that the issues will be resolved. He said the desire of the residents is to have their safe streets back. He said two of his neighbors have had pets run over and he does not want a child to be hit. He explained kids are playing on the street, riding scooters on the streets and he wants

to keep that opportunity available to the kids. He thanked the Council and Mayor for their time.

0:26:26 **Mr. McCutcheon** said he would like to respond to a couple of the questions. He said the plan was never to do an alternate route until Ligon was rebuilt. He said the City budgeted \$1.7 million to redo Ligon. He said the City did not choose the site that the school is built on and the City frankly did more for the school to support the development, then the City would have done for any other developer. He said other developers would have had to put in the street and utilities. He explained the best estimate for an alternate route is approximately 4.5 million dollars and is not at this point in the budget. He said once the study is complete there will be issues with funding and will not be quickly dealt with but it is and has been on the drawing board. He said once the engineering study is complete the Council will make a decision on the choice to select and staff will begin working on the funding to support the decision. He added speed limits are easy to do and alternate routes are very possible but more difficult.

0:30:34 **Mayor Janway asked Chief Waller and Mr. Carlson to look into the speed limits and return to Council with a recommendation.**

0:30:51 **1. APPROVAL OF AGENDA**

0:30:54 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doss to approve the Agenda

0:31:03 **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doportto; The motion carried.

0:31:16 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting Held on August 4, 2016
- B. Minutes of the Regular City Council Meeting Held on August 9, 2016
- C. City Personnel Report
- D. City of Carlsbad Department Monthly Reports:
  - 1) Arts and Culture Department Monthly Report for July 2016
  - 2) Sports and Recreation Department Monthly Report for July 2016
  - 3) Transportation & Facilities Department Monthly Report for July, 2016
- E. Contracts and Agreements
  - 1) Consider approval of the Fourth Renewal of Agreement between the City of Carlsbad and the SENM Community Action Corporation for the Lease of Property and Improvements known as the Adult Respite Facility located at 201 E. Cascades Avenue

2) Consider approval of the Agreement between the City of Carlsbad and the Carlsbad Soccer League for Sport Services at the Bob Forrest Youth Sports Complex

F. Boards and Committee Appointments:

1) Carlsbad Museum and Art Center Board: Appoint-Larry Pardue and Duane Pearson, 5-year terms

0:31:36 **Mayor Janway asked Councilor Carter to discuss item E.2 Consider approval of the Agreement between the City of Carlsbad and the Carlsbad Soccer League for Sport Services at the Bob Forrest Youth Sports Complex (BFYSC)** Councilor Carter said he is a member of the BFYSC Advisory Board. He said this is a third renewal of an agreement with the Carlsbad Soccer League. He explained the agreement has been very successful in the past and is for reimbursement of services rendered. He said the soccer league is by far the biggest league in town with over 700 kids.

**Mayor Janway** said he hears nothing but compliments about the soccer league.

0:32:41 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Routine and Regular Business

0:32:46 **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doporto; The motion carried.

0:32:57 **3. PRESENTATION BY JEFF DIAMOND REGARDING THE AVALON RANCH**

**Mr. Jeff Diamond** thanked Mr. McCutcheon for his diligent work with the task force to restore community mental health services in Carlsbad. He also recognized State Representative Catherine Brown who fought for Carlsbad to receive \$485K in capital outlay money to resurrect the Crossroads Program. He said the Crossroads Program was previously located on Church Street and was closed in 2014 by Dr. Wayne Lindstrom with Behavior Health Services. He explained the building was obsolete with no heating or cooling. He added Representative Brown and Senator Kernan were big supporters of the program. **Mr. Diamond** said Crossroads was a program for women 19 years and over and children 12 and under, for long term substance addiction rehabilitation. He explained the program is designed to keep women out of jail and to keep them from losing custody of their children. He said he does not know where the program will be located at this time. He said he is hoping the City will contract with Avalon Ranch, who is a nonprofit New Mexico Corporation. He explained the board is working on the project and have received great help from the City. He explained the board is looking for the appropriate facility and would like to start with housing 20

women and their children. He said they will take as many residents as the facility can accommodate. He added this is a major under taking for the State of New Mexico.

0:46:38 **Mr. McCutcheon** said on receiving the grant, DFA has informed the City that a contract must be in place. He explained Ms. Riordan has researched regarding the City's ability to contract with the group. He said she has also started a draft of a potential contract that will potentially be placed on the agenda for Council's consideration.

**Ms. Riordan** explained one of the complexities of the draft is not having a facility. She said she has to address a lot of variables. She said the contract will be very complex because it will be a service that is very complex to provide. She explained the City will only provide the facility in which the service will occur.

**Mayor Janway** thanked Representative Brown, Senator Kernan, and Mr. Diamond for all the hard work.

0:50:33 **4. CONSIDER APPROVAL OF RESOLUTION 2016-40, A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)**

**Mr. Patterson** said this is the Infrastructure Capital Improvements Plan. He said the City submits this plan to the State. He said each plan covers a five year block; this plan will cover 2018 through 2022. He explained this is a tool that the City uses to identify potential projects for the short term future. He said one of the requirements for this plan being submitted is that the City identify five projects and provide detail of the projects. He said with Council's permission and approval the Planning Department will submit the ICIP to the State on September 1, 2016.

0:52:11 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve Resolution 2016-40, a Resolution adopting an Infrastructure Capital Improvements Plan (ICIP)

0:52:17 **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doport; The motion carried.

0:52:30 **5. CONSIDER APPROVAL OF RESOLUTION 2016-41, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2017-2018, FOR THE SECTION 5311, FOR PUBLIC TRANSPORTATION**

**Mr. McCutcheon** explained this is a standard grant for funding assistance. He said staff appreciates JoAnn Moore's work on the application. He explained the City's portion

has been budgeted, which is 300 thousand. He said the total project will be 800 thousand and these are the funds used to operate the transit.

0:53:24      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doss to approve Resolution 2016-41, a Resolution authorizing the filing of an application to the New Mexico Department of Transportation for Funding Assistance for FY 2017-2018, for the Section 5311, for public transportation

0:53:33      **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doport; The motion carried.

0:53:45      **6. CONSIDER APPROVAL OF 2016 ANNUAL NMML CONFERENCE VOTING DELEGATE-JANELL WHITLOCK, AND ALTERNATE DELEGATE, COUNCILOR LISA ANAYA FLORES**

**Councilor Doss** said the meeting will be held August 31 - September 2, 2016 in Hobbs, NM. He said Councilor Whitlock has agreed to attend and vote as needed.

0:55:01      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve the 2016 Annual NMML Conference Voting Delegate - Janell Whitlock, and Alternate Delegate, Councilor Lisa Anaya Flores

0:55:07      **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doport; The motion carried.

0:55:26      **7. COUNCIL COMMITTEE REPORTS**

**Mr. Carlson** said staff spent a portion of last week cleaning up underneath the Canal Street Bridge over Dark Canyon. He said 20 loads were taken out with a total of 161 tons of debris. He said it looks good and no trespassing signs will be posted.

**Councilor Doss** asked about the other bridges in town and if they are providing shelter for anyone. **Mr. Carlson** said he is not sure but does not think they are currently being used.

**Mr. McCutcheon** explained the railroad bridge is the responsibility of the railroad and they typically clean up under the bridge. **Chief Waller** added the railroad cleaned up the weeds about a month ago and at this time there is no activity there.

**Councilor Rodriguez** asked if anything has been done about Tent City, the homeless community that has been living in tents. **Ms. Riordan** said the property being used is in

the County or on private property and that it is up to the property owner to decide whether they want to allow the use.

1:00:26      **8. ADJOURN**

1:00:29      **Motion**

The motion was made by Councilor Whitlock and seconded by Councilor Rodriguez to Adjourn

1:00:35      **Vote**

The vote was as follows: Yes - Whitlock, Anaya Flores, Doss, Estrada, Rodriguez, Shirley, Carter; No - None; Absent- Doporto; The motion carried.

1:00:59      **Adjourn**

There being no further business, the meeting was adjourned at 7:05 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF CARLSBAD  
**PERSONNEL REPORT**  
September 14, 2016

**APPOINTMENTS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Anna Alvarez	09/08/16	Police	School Crossing Guard
Michael D. Graham	09/08/16	Police	School Crossing Guard

**TERMINATIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Jill Ballard	08/26/16	Street	Heavy Equipment Op.	Medical Term.
Kyle DeAvila	08/15/16	Water Park	Lifeguard	Resigned
Debra Edwards	08/31/16	Finance	Account Supervisor	Retired
Robert England	08/25/16	Water	Heavy Equipment Op.	Resigned
Sienna Fierro	08/14/16	Water Park	Rec. Attendant	Resigned
Cody McGonagill	09/05/16	Fire	Engineer/EMT-I	Resigned
Chloe Runner	08/15/16	Water Park	Lifeguard	Resigned
Kayla Schwertner	08/10/16	Water Park	Head Rec. Attendant	Resigned

**INTERNAL TRANSFERS AND PROMOTIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
None			

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

TO: The Honorable Mayor Dale Janway & Members of the City Council

FROM: D. Kent Waller *DKW*  
*08/25/16*

SUBJECT: Recommendation for Employment

DATE: August 25, 2016

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

**General Information:**

Name: Anna Alvarez Classification/Position: Crossing Guard  
Department: Police

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Regular             | <input type="checkbox"/> Full-time            | <input checked="" type="checkbox"/> Hourly \$ <u>11.95</u> per hour |
| <input checked="" type="checkbox"/> Seasonal | <input checked="" type="checkbox"/> Part-time | <input type="checkbox"/> Salary \$ _____ per annum                  |
| <input type="checkbox"/> Temporary           | <input type="checkbox"/> On call              |   |

**Education Level:**

- High School Diploma  GED or equivalent
- Associates Degree \_\_\_\_\_
- Bachelors Degree \_\_\_\_\_
- Masters Degree \_\_\_\_\_
- Other \_\_\_\_\_

**Employment:**

Present or last Employer: Dari Lee  
From 10/2015 to Current Classification: Cashier  
Duties: Mrs. Alvarez receives payments and closes up the Diner at the end of the day.

Related Experience: None

Comments: \_\_\_\_\_  
\_\_\_\_\_  
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CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

TO: The Honorable Mayor Dale Janway & Members of the City Council

FROM: D. Kent Waller *DKW*  
*08/18/16*

SUBJECT: Recommendation for Employment

DATE: August 18, 2016

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

**General Information:**

Name: Michael Dewayne Graham Classification/Position: Crossing Guard  
Department: Police

- Regular
- Seasonal
- Temporary
- Full-time
- Part-time
- On call
- Hourly \$ 11.95 per hour
- Salary \$ \_\_\_\_\_ per annum

**Education Level:**

- High School Diploma
- GED or equivalent
- Associates Degree \_\_\_\_\_
- Bachelors Degree \_\_\_\_\_
- Masters Degree \_\_\_\_\_
- Other \_\_\_\_\_

**Employment:**

Present or last Employer: Boys and Girls Club  
From 06/2015 to Present Classification: Youth Specialist  
Duties: Waitress for Restaurant - took orders and served food for customers

Related Experience: Works with Youth at Boys and Girls Club

Comments: \_\_\_\_\_

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
3017 ORLANDO GARZA	269306	07/05/2016			47199.74
162240 MAINTENANCE AND MANAGEMENT SERVICES FOR			01	2500.00	
162240 WILL MERCHANT SOFTBALL COMPLEX FOR JUNE			01		
162240 2016			01		
162241 MAINTENANCE SERVICES FOR CHIEF IRA J			01	1550.00	
162241 STOCKWELL PARK FOR JUNE 2016			01		
162568 Unit/Asset: NA			01	10734.74	
162568 ANNUAL MAINTENANCE CONTRACT FOR ROADWAYS			01		
162568 AND MEDIANS LANDSCAPING - JUNE 2016			01		
162399 GROUNDS MAINTENANCE & OPENING & CLOSING			26	32415.00	
162399 GRAVES FOR SUNSET GARDEN AND			26		
162399 CARLSBAD CEMETERY FOR JUNE 2016			26		
9382 CHARLES H. JURVA	269307	07/05/2016			1000.00
162242 TENNIS PROFESSIONAL SERVICES FOR THE			01	1000.00	
162242 LAKE CARLSBAD MUNICIPAL TENNIS COURTS,			01		
162242 AND TENNIS PRO SHOP.			01		
64 ADMIN OFFICE OF THE COURT	269308	07/07/2016			4295.00
FEEES COLLECTED IN JUNE 2016			01	4295.00	
69 ADVENTURE SIGNS	269309	07/07/2016			503.12
169715 INFORMATION SIGNS FOR THE CARLSBAD			01	503.12	
169715 WATER PARK			01		
108 AMERIPRIDE, INC.	269310	07/07/2016			44.27
169924 WEEKLY PFA SHOP TOWEL CLEANING SERVICE			01	44.27	
616 BRININSTOOL EQUIPMENT	269311	07/07/2016			89.29
170077 INTAKE HOSE TO CLEAN POOL AREAS AT WATER			01	89.29	
170077 PARK			01		
881 CAPROCK WATER COMPANY INC	269312	07/07/2016			25.73
169903 WATER SERVICE TO THE SHOP IN LOCO HILLS			36	25.73	
902 CARLSBAD RADIO INC.	269313	07/07/2016			268.91
165805 RADIO MARKETING FOR SOLID WASTE CAMPAIGN			24	268.91	
915 CARLSBAD AUTO SUPPLY	269314	07/07/2016			140.00
169827 Unit/Asset: SW,10759			24	119.00	
169827 REPLACE BAD BATTERY			24		
170017 Unit/Asset: SW,17			24	21.00	
170017 PLUG MISSING FOR FRONT HUB CAN ON ARC			24		
170017 TRUCK			24		
1233 THE CIMA COMPANIES, INC.	269315	07/07/2016			1111.95
169966 INSUANCE FOR VOLUNTEERS FOR THE CCVN			01	1111.95	
169966 PROGRAM			01		
1290 CONSTRUCTOR'S INC.	269316	07/07/2016			748.99
169041 MATERIAL FOR PATCHING CITY STREETS			01	748.99	
1364 CROUCH PLUMBING/HTNG CORP	269317	07/07/2016			2115.21
168614 REPLACE 2 SINGLE DRINKING FOUNTAINS AT			23	2115.21	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
168614	PRV CONFERENCE CENTER		23		
1635	EC LINK INC.	269318	07/07/2016		7307.00
170010	EC LINK WEB HOSTING ANNUAL RENEWAL		01	7307.00	
170010	FROM JULY 2016 TO JUNE 2017		01		
1924	ENERGY COMMUNITIES ALLIANC	269319	07/07/2016		2800.00
169986	YEARLY MEMBERSHIP RENEWAL DUES FOR		01	2800.00	
169986	JULY 16-JUNE 17		01		
2480	FORREST TIRE CO., INC.	269320	07/07/2016		803.93
165664	FLAT REPAIR FOR POLICE UNIT		01	37.64	
169750	Unit/Asset: 37		15	766.29	
169750	REPAIR FRONT AND BACK BRAKES		15		
2976	GUEST SERVICES INC.	269321	07/07/2016		300.48
167520	JURCZAK TO ATTEND NATIONAL FIRE ACCADEMY		01	300.48	
167520	RESPONSE TO HAZMAT INCIDENTS TRAINING		01		
167520	PO WILL PAY FOR 2 WEEK MEAL TICKET		01		
167520	7/11/16-07/22/16		01		
3174	HINKLE SHANOR LLP	269322	07/07/2016		2897.62
128127	LEGAL FEES RE: SAMCON MEDIATION		01	2897.62	
128127	THRU MAY 31,2016		01		
3495	INTERSTATE BATTERY SYS	269323	07/07/2016		335.85
169685	Unit/Asset: 43, 36, 39		15	335.85	
169685	REPLACE BATTERIES		15		
3519	JACK HENRY AND ASSOC. INC	269324	07/07/2016		2617.61
170011	ANNUAL MAINTENANCE RENEWAL FROM JULY		01	2617.61	
170011	2016 TO JUNE 2017		01		
3622	DEERE CREDIT INC.	269325	07/07/2016		16128.16
169766	LEASE FOR ATTACHMENTS FOR 2500 MOWER		01	124.67	
169767	1445 WITH COLLECTION SYSTEM LEASE		01	671.10	
169921	LEASE FOR SPREADER AND AERCORE AT GOLF		01	716.51	
169921	COURSE		01		
169942	AIRPORT LEASES JD MOWER HX15 TO MAINTAIN		01	341.69	
169942	AIRFIELD.		01		
170138	LEASE FOR 8700, (2)8800, (2)2500E, 2653B		01	5351.51	
170138	MOWERS FOR GOLF COURSE		01		
170140	MOWER LEASE		01	2850.99	
170140	MOWERS # 1600-1,1600-2,1445		01		
170141	JD TRACTOR 5055E IS USE FOR MAINTENANCE		01	834.94	
170141	ON AIRFIELD MAINLY TO PULL MOWER JDHX15.		01		
170139	JOHN DEERE MONTHLY LEASE FOR SPORTS		29	4424.54	
170139	COMPLEX EQUIPMENT.		29		
169765	MONTHLY LEASE FOR GATORS & MOWER @ WWTP		36	812.21	
3781	KAREN VENI	269326	07/07/2016		430.25
167772	INSTRUCTIONAL FEE FOR ART ACADEMY		01	430.25	
4359	LIFE ASSIST INC	269327	07/07/2016		474.00
169558	Unit/Asset: STATION 1		01	474.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169558	PURCHASE EMS SUPPLIES		01		
4902	MODERN COMPANY	269328	07/07/2016		37.34
162400	MONTHLY ALARM MONITORING SERVICES		26	37.34	
5329	JOHN ZUMBRUM	269329	07/07/2016		1015.00
169553	GENERAL WORK AGREEMENT FOR SUMMER REC.		01	1015.00	
169553	PROGRAM FOR GIRLS BASKETBALL SUPERVISOR		01		
169553	CONTRACT DATES 06/13/16-06/30/16		01		
5459	NM DEPT OF WORKFORCE SOL	269330	07/07/2016		2365.33
	UNEMPLOYMENT PREPAYMENT FOR 3RD QUARTER		28	2365.33	
	2016		28		
5775	COOPERATIVE EDUCATIONAL	269331	07/07/2016		20216.37
169511	TO PROVIDE ELECTRIC POWER TO THE		01	20216.37	
169511	INSTALLED EARLY WARNING SYSTEM.		01		
5848	PATS PARTS & SVC, INC.	269332	07/07/2016		150.59
169759	LABOR TO MACHINE END CAPS FOR THE GRIT		36	150.59	
169759	CLASSIFIER AUGER.		36		
5889	PETERSON'S WATER	269333	07/07/2016		65.38
169984	WATER TOWER TREATMENT SERVICES		01	65.38	
5950	PLAINS WELDING SUPPLY, INC	269334	07/07/2016		120.00
169624	REPLACEMENT FOR DAMAGED SHADE FOR LIFE		01	120.00	
169624	GUARD STAND 2 AT BEACH		01		
5972	POSTAL PROS, INC	269335	07/07/2016		1339.88
162597	PRINTING AND MAILING OF UTILITY BILLS		01	359.32	
162597	AND DISCONNECT NOTICES		01		
162597	PRINTING AND MAILING OF UTILITY BILLS		24	326.86	
162597	AND DISCONNECT NOTICES		24		
162597	PRINTING AND MAILING OF UTILITY BILLS		36	653.70	
162597	AND DISCONNECT NOTICES		36		
6097	PVT	269336	07/07/2016		408.89
169963	PUBLIC INTERNET SERVICE - LIBRARY		01	268.80	
169968	INTERNET SERVICE FOR THE CARLSBAD		01	96.80	
169968	VETERANS MEMORIAL PARK SECURITY CAMERAS		01		
169964	PHONE SERVICE FOR LOCO HILLS SHOP		36	43.29	
6318	REAL VISION SOFTWARE INC	269337	07/07/2016		3000.00
170009	ANNUAL SOFTWARE MAINTENANCE RENEWAL		01	3000.00	
170009	SUPPORT FROM 08/2016 THRU 07/2017		01		
6327	GINO RODRIGUEZ	269338	07/07/2016		605.00
169551	GENERAL WORK AGREEMENT, SUMMER REC.		01	605.00	
169551	PROGRAM.BASEBALL SUPERVISOR		01		
169551	CONTRACT DATES 06/13/16-06/30/16		01		
6362	RMCI INC.	269339	07/07/2016		147567.10
168117	CONSTRUCTION OF THE EFFLUENT REUSE		36	147567.10	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
168117	PROJECT PHASE 5-A.		36		
6948	AIMEE ZUMBRUM	269340	07/07/2016		400.00
169547	GENERAL WORK AGREEMENT SUMMER REC.		01	400.00	
169547	PROGRAM.GIRLS BASKETBALL SUPERVISOR.		01		
169547	CONTRACT DATES 06/13/16-06/30/16.		01		
6990	SOUTHEAST READY MIX, INC.	269341	07/07/2016		311.93
169730	CONCRETE FOR CONEX FOOTING PADS AT		01	311.93	
169730	PUBLIC WORKS GARAGE		01		
7311	TORO NATIONAL SUPPORT	269342	07/07/2016		192.00
169794	TORO NSN SUPPORT FOR GOLF COURSE		01	192.00	
169794	SPORTS COMPLEX AND PARKS.		01		
7610	ULTRA CLEAN CARPET &	269343	07/07/2016		1709.33
165902	JANITORIAL SERVICE FOR BFYSC		29	1709.33	
7615	UNM-JUDICIAL EDUC. CENTER	269344	07/07/2016		1984.00
	JUDICIAL EDUCATION FEES FOR JUNE 2016		01	1984.00	
7928	VERIZON	269345	07/07/2016		108.01
169915	CELL PHONE SERVICE		15	34.85	
169909	CELL PHONE SERVICE		36	73.16	
8076	WATER INVENTORY	269346	07/07/2016		2609.73
169764	MATERIAL TO REPAIR SERVICE LINE LEAKS.		36	46.06	
169764	(202, & 308 S. GUADALUPE)		36		
169870	MATERIAL TO REPAIR MAIN/SERVICE LINE		36	329.80	
169870	LEAKS NEAR CR-13 & FRONTIER 1 WATER		36		
169870	WELLS.		36		
170038	MATERIAL TO INSTALL NEW SERVICES.		36	1338.98	
170038	(805 "A",& "B" W. PIERCE)		36		
170039	MATERIAL TO INSTALL NEW SERVICES.		36	447.28	
170039	(1900 EMERALD, & 1918 DIAMOND)		36		
170050	MATERIAL TO INSTALL A NEW SERVICE AT		36	362.44	
170050	316 WHO WHO.		36		
170051	MATERIAL TO REPAIR SERVICE LINE LEAKS.		36	85.17	
170051	(906 & 910 ALAMOS)		36		
8928	GENERAL OPERATING FUND	269347	07/07/2016		2660.38
	5.0% & 5.125% COMENSATING TAX DUE FOR		01	2660.38	
	THE MONTH OF JUNE 2016		01		
9226	STEVEN M. GARZA	269348	07/07/2016		605.00
169549	GENERAL WORK AGREEMENT FOR SUMMER REC.		01	605.00	
169549	PROGRAM. BOYS BASEBALL SUPERVISOR.		01		
169549	CONTRACT DATES 06/13/16-06/30/16		01		
9320	JOHN A HEATON JR	269349	07/07/2016		6000.00
162265	GOLF PROFESSIONALS SERVICES FOR JUNE		01	6000.00	
162265	2016		01		
9427	SCOTT MAXWELL	269350	07/07/2016		12.00
169219	PER DIEM-GUEST SPEAKER AT NMAC HOBBS		01	12.00	

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169219	6/23/16		01		
9450	MOLZEN-CORBIN & ASSOC, INC	269351	07/07/2016		4635.94
162194	FINAL DESIGN FOR LIGON ROAD PROJECT.		02	4635.94	
162194	THRU 5/31/16		02		
9799	JOHN E. TIGERT	269352	07/07/2016		1140.00
169552	GENERAL WORK AGREEMENT SUMMER REC.		01	1140.00	
169552	PROGRAM FOR SOFTBALL SUPERVISOR		01		
169552	CONTRACT DATES 06/13/16-06/30/16		01		
10052	AMERICAN MEDICAL GROUP	269353	07/07/2016		1885.03
169099	PRE-EMP PHYSICALS		01	389.92	
169100	PRE-EMP PHYSICAL		01	77.98	
169127	PRE-EMP PHYSICALS		01	389.92	
169127	B.BALLARD,Z.PUTMAN		01		
169128	PRE-EMP PHYSICALS		01	467.90	
169128	J.SERRANO,B.THOMPSON,S.WAGNER,T.PLANT		01		
169469	PRE-EMP PHYSICALS		01	467.88	
169063	POST ACCIDENT DRUG SCREEN		36	91.43	
10061	METAL SHOP LIVE	269354	07/07/2016		5600.00
170030	MANAGEMENT OF WALTER GERRELLS CIVIC CTR		18	5600.00	
170030	FOR MONTH OF JUNE 2016		18		
10118	INSITE WIRELESS GROUP, LLC	269355	07/07/2016		378.27
170080	LEASE FOR RADIO TOWER FOR POLICE		01	318.27	
170080	COMMUNICATIONS		01		
169934	TOWER SPACE RADIO MALJMAR 2		36	60.00	
169934	LOCO HILLS TO CARLSBAD		36		
10225	JOHN M ELLSWORTH CO INC	269356	07/07/2016		74.55
169740	Unit/Asset: SPC,14356		29	74.55	
169740	SWITCH FOR BATTERY DICONNECT ON GAS		29		
169740	TRAILER		29		
10451	CANACE A SCHREIBER	269357	07/07/2016		430.25
167780	INSTRUCTOR FEES FOR ART ACADEMY		01	430.25	
10726	HUB INTL INS SVCS INC	269358	07/07/2016		4500.00
169906	PROVIDE LIABILITY INSURANCE FOR AIRPORT.		28	4500.00	
169906	JULY 1, 2016 TO JUNE 30 2017		28		
10913	AMERICAN CONSTRUCTIVE	269359	07/07/2016		2293.23
168503	CONSTRUCTION OBSERVATION FOR THE		02	2293.23	
168503	NORTH CANAL ROAD PROJECT.		02		
11013	ANGELA OLIVER	269360	07/07/2016		400.00
169548	GENERAL WORK AGREEMENT SUMMER REC.		01	400.00	
169548	PROGRAM.GIRLS BASKETBALL SUPERVISOR.		01		
169548	CONTRACT DATES 06/13/16-06/30/16		01		
11015	JERZY DUARTE	269361	07/07/2016		300.00
169546	GENERAL WORK AGREEMENT,SUMMER REC.		01	300.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169546	PROGRAM. BOYS BASKETBALL SUPERVISOR		01		
169546	CONTRACT DATES, 06/13/16-06/30/16		01		
11036	GILLIE HYDE FORD LINCOLN	269362	07/07/2016		37.67
169676	Unit/Asset: 13833		01	28.51	
169676	FILTERS FOR LICENSED VEHICLE SERVICE		01		
169676	FILTERS FOR EQUIPMENT SERVICE		01		
169676	Unit/Asset: 13833		36	9.16	
169676	FILTERS FOR LICENSED VEHICLE SERVICE		36		
169676	FILTERS FOR EQUIPMENT SERVICE		36		
11057	ANTHONY D LANDRETH	269363	07/07/2016		605.00
169550	GENERAL WORK AGREEMENT SUMMER REC.		01	605.00	
169550	PROGRAM.BASEBALL SUPERVISOR.		01		
169550	CONTRACT DATES 06/13/16-06/30/16		01		
11205	X-TREME SECURITY	269364	07/07/2016		225.88
169533	TO PROVIDE STATIONED SECURITY GUARD		01	225.88	
169533	AT CARLSBAD WATER PARK.		01		
11427	TIMOTHY BRIGHTON	269365	07/07/2016		44.00
	EMT/PARAMEDIC FINGERPRINT SUBMISSION		01	44.00	
11607	APRIL BROWN	269366	07/07/2016		375.00
169566	SUMMER REC. PROGRAM - BOYS BASKETBALL		01	375.00	
169566	6/13/16 TO 6/30/16		01		
11629	AVENGA WATER WELL SVC LLC	269367	07/07/2016		2362.76
169905	FOR WELL REPAIRS AT SUNSET GARDENS		26	2362.76	
169905	CEMETERY		26		
11636	EKS ENTERPRISES, INC.	269368	07/07/2016		3154.00
169969	ROBERT TRAUTNER TRAINING ON JULY 7-17 IN		01	3154.00	
169969	NACOGDOCHES, TEXAS		01		
11645	KRYSTAL FREDWAY	269369	07/07/2016		25.00
	REFUND FOR PAVILION #2 DEPOSIT FOR		01	25.00	
	JUNE 26, 2016		01		
108	AMERIPRIDE, INC.	269370	07/14/2016		120.09
169922	LAUNDRY RED RAGS SERVICE		01	34.51	
169924	WEEKLY PFA SHOP TOWEL CLEANING		01	44.27	
169935	MONTHLY CARPET CLEANING FOR CITY HALL		01	41.31	
251	APSCO INC	269371	07/14/2016		400.00
170267	Unit/Asset: SP/COMPLEX,12766		29	400.00	
170267	ALTERNATOR FOR CLUB CAR		29		
360	ARTESIA FIRE EQUIPMT, INC	269372	07/14/2016		7586.50
168947	Unit/Asset: ALL FIRE ENGINES		20	7586.50	
168947	NOZZLES AND APPLIANCES FOR EXISTING AND		20		
168947	NEW FIRE APPARATUS		20		
396	AUSTIN TURF & TRACTOR INC	269373	07/14/2016		103.04
170100	Unit/Asset: PARKS,L582		01	103.04	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170100	REPLACE V-BELT ON JD MOWER BLOWER DRIVE		01		
458	BENMARK SUPPLY CO., INC.	269374	07/14/2016		1993.12
169763	INVENTORY LEVELS LOW.		36	1993.12	
169763	(COUPLINGS TO REPAIR MAIN LINE LEAKS)		36		
616	BRININSTOOL EQUIPMENT	269375	07/14/2016		3160.94
170025	GAUGE FOR VARIOUS JOBS,EAR PLUGS FOR PPE		01	65.17	
170025	RAGS FOR VARIOUS JOBS,SPRAY BOTTLES FOR		01		
170025	VARIOUS JOBS,GLOVES FOR PPE		01		
170373	HITCH ASSEMBLY FOR HAULING TRAILERS FOR		01	76.28	
170373	UNIT # 14742		01		
170123	VACUUM CLEANER FOR THE WAREHOUSE. ICE		26	19.78	
170123	CHEST FOR THE METER READERS. TAPE TO		26		
170123	WRAP WIRE ON WATER WELL EQUIPMENT AT THE		26		
170123	SUNSEST GARDENS CEMETARY.		26		
170025	GAUGE FOR VARIOUS JOBS,EAR PLUGS FOR PPE		29	28.79	
170025	RAGS FOR VARIOUS JOBS,SPRAY BOTTLES FOR		29		
170025	VARIOUS JOBS,GLOVES FOR PPE		29		
170025	GAUGE FOR VARIOUS JOBS,EAR PLUGS FOR PPE		36	57.81	
170025	RAGS FOR VARIOUS JOBS,SPRAY BOTTLES FOR		36		
170025	VARIOUS JOBS,GLOVES FOR PPE		36		
170033	PORTABLE EVAPORATIVE COOLERS TO COOL		36	2544.15	
170033	WATER WELL MOTORS, TO KEEP THEM FROM		36		
170033	OVER HEATING.		36		
170123	VACUUM CLEANER FOR THE WAREHOUSE. ICE		36	368.96	
170123	CHEST FOR THE METER READERS. TAPE TO		36		
170123	WRAP WIRE ON WATER WELL EQUIPMENT AT THE		36		
170123	SUNSEST GARDENS CEMETARY.		36		
652	BROWNING GARAGE DOORS LLC	269376	07/14/2016		188.10
161674	GARAGE DOOR REPAIR FOR FIRE STATION		01	86.05	
169957	GARAGE DOOR REPAIR FOR ALL FIRE STATION		01	102.05	
890	C.A.R.C. FARM, INC.	269377	07/14/2016		8191.67
161729	PLANT, BARRELL AND MAINTENANCE RENTAL		01	100.00	
161729	FOR CITY HALL		01		
162596	PLANTERS ON RIVERVIEW SIDE OF		01	100.00	
162596	BUILDING AND FRONT FOR APPEARANCE AND		01		
162596	BEAUTY		01		
164797	Three plants located at C-hill parking		01	75.00	
164797	area JUNE 2016		01		
162672	RECYCLING AGREEMENT		24	7916.67	
915	CARLSBAD AUTO SUPPLY	269378	07/14/2016		1082.60
169798	Unit/Asset: 11403		01	17.60	
169798	FILTERS FOR LICENSED VEHICLE SERVICE		01		
169798	HOSE CLAMPS FOR VARIOUS JOBS		01		
170026	Unit/Asset: 12468		01	13.74	
170026	FILTERS TO SERVICE LICENSED VEHICLES		01		
170263	Unit/Asset: SEE PRORATION		01	38.20	
170263	W/BLADES FOR WATER,13960,11374 PER,14017		01		
170263	HUB CAB FOR SW,SCORPIN,17		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170266	Unit/Asset: SEE PRORATION		01	218.00	
170266	BATTERY FOR SP/COMPLEX CLUB CAR AND R134		01		
170266	FOR A/C RECHARGE VECH'S		01		
170431	Unit/Asset: SEE PRORATION		01	239.80	
170431	RELAY FOR FLASHERS ON ARC TRUCK SW,10781		01		
170431	GLOVES FOR GARAGE EMPLOYEES		01		
170026	Unit/Asset: 12468		24	193.59	
170026	FILTERS TO SERVICE LICENSED VEHICLES		24		
170263	Unit/Asset: SEE PRORATION		24	108.72	
170263	W/BLADES FOR WATER,13960,11374 PER,14017		24		
170263	HUB CAB FOR SW,SCORPIN,17		24		
170431	Unit/Asset: SEE PRORATION		24	12.06	
170431	RELAY FOR FLASHERS ON ARC TRUCK SW,10781		24		
170431	GLOVES FOR GARAGE EMPLOYEES		24		
170266	Unit/Asset: SEE PRORATION		29	124.00	
170266	BATTERY FOR SP/COMPLEX CLUB CAR AND R134		29		
170266	FOR A/C RECHARGE VECH'S		29		
169798	Unit/Asset: 11403		36	80.00	
169798	FILTERS FOR LICENSED VEHICLE SERVICE		36		
169798	HOSE CLAMPS FOR VARIOUS JOBS		36		
170026	Unit/Asset: 12468		36	17.79	
170026	FILTERS TO SERVICE LICENSED VEHICLES		36		
170263	Unit/Asset: SEE PRORATION		36	19.10	
170263	W/BLADES FOR WATER,13960,11374 PER,14017		36		
170263	HUB CAB FOR SW,SCORPIN,17		36		
930	CARLSBAD CURRENT ARGUS	269379	07/14/2016		761.68
162005	LEGAL NOTICE PUBLICATIONS FOR		01	168.25	
162005	CITY CLERKS OFFICE		01		
162386	LEGAL NOTICES BIDS/RFPS		01	414.08	
164394	NIGHT OF LIGHTS ADVERTISING IN CURRENT		23	1000.33	
164394	ARGUS EDITION OCTOBER 25, NOVEMBER 28 &		23		
164394	PECOS VALLEY SHOPPER		23		
165695	DEC 27, 2015-JUNE 30,2016 PRINT/MARKETIN		24	1074.73-	
165695	FOR SW CONVERSION CAMPAIGN.		24		
169519	TO ADVERTISE NOTICE FOR THE DRILLING OF		36	253.75	
169519	THE REPLACEMENT WELL FOR SHEEP DRAW WELL		36		
169519	6. COST INCLUDING NMGR		36		
944	CARLSBAD COMMUNITY ANTI-	269380	07/14/2016		9970.00
161739	FUNDING FOR TEEN COURT		01	9970.00	
992	CED	269381	07/14/2016		220.75
170015	SWITCH & WIRE FOR ELECTRICAL JOBS		01	91.15	
170015	LAMP FOR TENNIS COURT LIGHTS,REPLACE/		01		
170015	UPGRADE LIGHT FIXTURE IN WAREHOUSE BATH		01		
170015	ROOM HALLWAY		01		
170015	SWITCH & WIRE FOR VARIOUS ELECTRICAL JOB		36	129.60	
170015	S,LAMP FOR TENNIS COURT LIGHTS,REPLACE/		36		
170015	UPGRADE LIGHT FIXTURE IN WAREHOUSE BATH		36		
170015	ROOM HALLWAY		36		
1270	CONNELLS OFFICE SUPPLY	269382	07/14/2016		291.95
170096	OFFICE SUPPLIES-PERD		01	93.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170313	OFFICE SUPPLIES FOR RECEIVING RENTALS		01	51.50	
170317	PENS FOR WHSE OFFICE USE,BATTERIES FOR		01	38.50	
170317	VARIOUS JOBS @ WATERPARK, BANDAGES FOR		01		
170317	WATERPARK FIRST AID KIT,PRINT CARTRIDGES		01		
170317	FOR PRINTERS IN WES & JOSH/RICK OFFICES		01		
170317	PENS FOR WHSE OFFICE USE,BATTERIES FOR		36	108.95	
170317	VARIOUS JOBS @ WATERPARK, BANDAGES FOR		36		
170317	WATERPARK FIRST AID KIT,PRINT CARTRIDGES		36		
170317	FOR PRINTERS IN WES & JOSH/RICK OFFICES		36		
1367	CREWS GLASS & MIRROR INC. 269383	07/14/2016			215.13
170043	Unit/Asset: LATTER 1 F/D		01	215.13	
170043	LABOR TO REPLACE WINDSHIELD THAT IS		01		
170043	BROKEN		01		
1408	DANA KEPNER CO. 269384	07/14/2016			98.00
170014	INVENTORY LEVEL 0.		36	98.00	
170014	(SADDLE FOR NEW SERVICES & REPAIRS)		36		
1488	DITCH WITCH OF EL PASO 269385	07/14/2016			63.69
170327	Unit/Asset: PARKS,13830		01	63.69	
170327	REPLACE ALTERNATOR BELT ON DITCH WITCH		01		
170327	TRENCHER		01		
1801	E-Z RENTALS & SALES, INC. 269386	07/14/2016			550.44
170233	SUPPLIES FOR CUTTING GRASS AND WEEDS		01	550.44	
1837	EDDY COUNTY 269387	07/14/2016			7500.00
163894	AGREEMENT WITH EDDY CO. FOR LOBBYING		01	7500.00	
163894	SERVICES TO PROVIDED BY FTI CONSULTING		01		
1900	ELECTRIC SUPPLY CO., INC. 269388	07/14/2016			3760.00
169317	CHANGE OUT FLUORESCENT LIGHTS TO L.E.D		01	3760.00	
169317	ENERGY SAVER .VEN# 2 CANT GET THE 6 FT		01		
169317	LIGHTS. VEN # 3 CANT GET 8 FT OR 6 FT		01		
169317	LIGHTS FOR CITY HALL		01		
2265	FIERRO & FIERRO PA CORP. 269389	07/14/2016			19835.70
166999	PROVIDE FINANCIAL MANAGMENT AND		01	19835.70	
166999	CONSULTING SERVICES UNTIL A NEW FINANCE		01		
166999	DIRECTOR CAN BE HIRED AND TRAINED. SOME		01		
166999	ADDITIONAL ON-GOING SERVICES POSSIBLE		01		
2284	FEDERAL EXPRESS CORP. 269390	07/14/2016			153.48
166489	FOR OVERNIGHT SHIPPING OF VARIOUS URGENT		01	118.65	
166489	DOCUMENTS FROM THE PROJECTS DEPARTMENT.		01		
169744	OVERNIGHT CHECK TO STEPHENVILLE GOLF		01	34.83	
169744	CARTS ONCE GOLF CARTS ARE INSPECTED AND		01		
169744	RECEIVED BY CARLSBAD POLICE DEPT.		01		
2289	FEDERAL SIGNAL CORP 269391	07/14/2016			203.95
169632	Unit/Asset: N		01	203.95	
169632	PROGRAMMING SOFTWARE FOR STATION 7		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169632	ALERTING SYSTEM		01		
2384	FLEETPRIDE	269392	07/14/2016		268.83
170334	Unit/Asset: SW,1796		24	268.83	
170334	PARTS FOR AIR BRAKE SYSTEM ON ARC TRUCK		24		
2480	FORREST TIRE CO., INC.	269393	07/14/2016		1586.08
170255	Unit/Asset: F-25		01	1105.24	
170255	REPLACE WORN TIRES ON UNIT		01		
170262	FLAT REPAIR / MOUNT & DISMOUNT FOR		01	67.21	
170262	PD FLEET		01		
170346	FRONT BRAKE & FRONT ROTORS ON		01	413.63	
170346	VEHICLE FOR MIKE ABELL-ENGINEERING		01		
170346	SERVICES		01		
2925	GOSERCO, INC.	269394	07/14/2016		6758.95
170399	MAINTENANCE EXTENDED WARRANTY FOR VOICE		01	6758.95	
170399	LOGGING RECORDER LEVEL-GOLD		01		
2933	GRAINGER	269395	07/14/2016		202.40
170013	WATER HOSES FOR VARIOUS JOBS FOR THE		36	80.96	
170013	WATER DEPARTMENT.		36		
170052	WATER HOSES TO HOOK UP TO PORT-A-COOL		36	121.44	
170052	EVAPORATIVE COOLING UNITS TO COOL WATER		36		
170052	WELL MOTORS.		36		
3030	HACH COMPANY	269396	07/14/2016		757.67
169761	REPLACEMENT SENSOR CAPS FOR DO MONITORS		36	757.67	
169761	ON THE AERATION BASIN		36		
3050	HALL MACHINE	269397	07/14/2016		354.01
170242	PIPE AND REDUCERS FOR MAG METER PLUMBING		36	268.63	
170242	CITY 1		36		
170335	2 INCH STEEL PIPE TO BUILD SHADE		36	85.38	
170335	STRUCTURE FOR SCADA CABINET AT DE 3MG		36		
170335	RESERVOIR		36		
3140	HELENA CHEMICAL CO.	269398	07/14/2016		826.00
170054	FERTILIZER FOR BFYSC ATHLETIC FIELDS		29	826.00	
3159	HI LINE CO	269399	07/14/2016		395.18
170264	TO REFILL BULK BINS FOR VARIOUS JOBS		01	395.18	
3410	I B M CORPORATION	269400	07/14/2016		1399.82
170261	AS400 EQUIPMENT LEASE		01	499.49	
170270	ANNUAL RENEWAL FOR 5 FUJITSU SCANNERS		01	185.00	
170271	ANNUAL RENEWAL OF 6 FUJITSU SCANNERS		01	226.56	
170273	IBM PRINTERS FOR FINANCE		01	488.77	
170273	PRINTER/WLRQ PS MAILERS 300		01		
3622	DEERE CREDIT INC.	269401	07/14/2016		230.37
170187	MONTHLY EQUIPMENT LEASE		01	230.37	
3641	LOWE'S	269402	07/14/2016		254.32
170232	ENDURA COOL RAPS KEEP YOUR HEAD AND FACE		01	254.32	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170232	COOL IN THE HEAT EMPLOYEES NEED FOR		01		
170232	THEIR HEADS		01		
3780	KANN MANUFACTURING CORP	269403	07/14/2016		732.99
169826	Unit/Asset: SW,12782		24	732.99	
169826	PARTS FOR GRAB ARM ON ARC TRUCK		24		
3801	KCCC RADIO INC.	269404	07/14/2016		376.47
163353	ADVERTISING FOR TRANSIT		15	215.13	
165227	6 MONTHS OF MARKETING/RADIO ADS FOR		24	161.34	
165227	SOLID WASTER CONVERSION CAMPAIGN		24		
3946	CREATIVE BUS SALES INC.	269405	07/14/2016		73.00
170333	Unit/Asset: TRANSIT,12196		15	73.00	
170333	FILTER FOR REAR A/C SYSTEM CARRIER		15		
4872	MINE SUPPLY	269406	07/14/2016		997.71
169702	SUPPLIES FOR THE CARLSBAD WATER PARK		01	597.56	
170023	Unit/Asset: PARKS,L571		01	57.55	
170023	REPAIR HYD HOSE FOR JD 1600		01		
169769	Unit/Asset: 1796		24	97.22	
169769	TO REPLACE FITTINGS AND HOSE ON ARC		24		
169769	TRUCK		24		
169929	REPLACEMENT HOSES FOR THE SOLID WASTE		24	245.38	
169929	TRASH TRUCKS. TO INCLUDE HOSES, "O"RING		24		
169929	FITTINGS, ADAPTERS, ETC.		24		
4902	MODERN COMPANY	269407	07/14/2016		177.48
161418	MONTHLY ALARM MONITORING SERVICES FOR		01	21.51	
161418	CARLSBAD TENNIS PRO- SHOP.		01		
162237	MONTHLY ALARM MONITORING FOR FINANCE		01	21.52	
162401	MONTHLY ALARM SERVICES FOR MUSEUM		01	43.03	
162401	JUNE 2016		01		
162403	MONTHLY ALARM MONITORING SERVICE FOR		01	21.51	
162403	GOLF - JUNE 2016		01		
162404	MONTHLY ALARM MONITORING SERVICE FOR		01	21.51	
162404	LIBRARY - JUNE 2016		01		
162405	MONTHLY ALARM MONITORING SERVICES FOR		01	26.89	
162405	SAN JOSE CTR. - JUNE 2016		01		
161688	MONTHLY ALARM MONITORING FOR TRANSIT		15	21.51	
161688	JUNE 2016		15		
4935	MORRISON SUPPLY	269408	07/14/2016		808.04
169496	REPLACE CONTROLLER CIRCUIT BOARD FOR		01	200.15-	
169496	MUSEUM A/C		01		
169756	PARTS TO REPAIR A/C AT SAN JOSE SENIOR		01	941.95	
169756	CENTER		01		
169760	REPLACE OLD SEWER DRAIN LINES IN THE		36	66.24	
169760	DIGESTER COMPLEX.		36		
5331	ASHTON JAMAAL BROWN	269409	07/14/2016		1140.00
169554	GENERAL WORK AGREEMENT SUMMER REC.		01	1140.00	
169554	PROGRAM. BOYS BASKETBALL SUPERVISOR		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169554	CONTRACT DATES JUNE 13, 2016 - JULY 7,		01		
169554	2016		01		
5377	NEVES UNIFORMS, INC.	269410	07/14/2016		127.50
169296	MOURNING BANDS AND CLIP-ON TIES FOR		01	127.50	
169296	OFFICERS CLASS A UNIFORMS		01		
5482	NM LEAGUE / ZONING OFFIC.	269411	07/14/2016		35.00
170107	ANNUAL DUES FOR ZONING OFFICIALS		01	35.00	
170107	MEMBERSHIP FOR STEPHANIE SHUMSKY		01		
5485	NM MUNI ENVIRONMENTAL	269412	07/14/2016		300.00
170058	Unit/Asset: N/A		36	100.00	
170058	ANNUAL MEMBERSHIP DUES FOR RICHARD		36		
170058	AGUILAR #5613 FOR JULY 2016 TO JUNE 2017		36		
170089	Unit/Asset: NA		36	100.00	
170089	ANNUAL MEMBERSHIP DUES FOR JOE HARVEY		36		
170089	JUL 2016-JUN 2017		36		
170097	ANNUAL DUES FOR MICHAEL HERNANDEZ		36	100.00	
170097	JULY 1, 2016 THUR JUNE 30, 2017		36		
5492	NM CITY MANAGEMENT ASSN.	269413	07/14/2016		812.00
170119	2016-2017 ANNUAL MEMBERSHIP-CITY		01	812.00	
170119	MANAGEMENT ASSOC.FOR STEVE MCCUTCHEON		01		
170119	& STEPHANIE SHUMSKY FOR 7-1-16 TO		01		
170119	6/30/17		01		
5497	NMML	269414	07/14/2016		74200.00
170206	2016-2017 DUES AND SUBSCRIPTIONS FOR NM		01	74200.00	
170206	ML MEMBERSHIP FOR THE CITY OF CARLSBAD		01		
5551	NICHOLS PRINTING, INC.	269415	07/14/2016		499.00
170047	PLUMBING/MECHANICAL INSPECTION FORMS		01	454.00	
170047	PERD		01		
170094	BUSINESS CARDS FOR K.C. CASS		01	45.00	
170094	CERTIFIED BUILDING OFFICIAL-PERD		01		
5775	COOPERATIVE EDUCATIONAL	269416	07/14/2016		45506.63
167463	TO PROVIDE NEW ELECTRICAL SERVICE TO THE		18	45506.63	
167463	CIVIC CENTER ANNEX.		18		
5808	PAC-N-MAIL/T&S ENTEPRISES	269417	07/14/2016		145.78
170321	PACKAGE AND SHIPPING FOR PRESIDENT OBAMA		01	130.43	
170321	PACKAGE		01		
170101	Unit/Asset: SW,9091		24	15.35	
170101	SHIP TO WEAR CHECK FOR OIL ANALYSIS		24		
170101	SAMPLES		24		
5810	NEW MEXICO GAS CO. INC.	269418	07/14/2016		962.36
169772	GAS SERVICE FOR JUNE 2016		01	23.26	
169773	NATURAL GAS FOR GOLF COURSE		01	103.11	
169775	GAS SERVICE - LIBRARY		01	87.88	
169777	PROVIDE NATURAL GAS TO TERMINAL FOR JUNE		01	45.33	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169777	2016		01		
169778	NATURAL GAS SERVICE FOR JUNE 2016		01	66.24	
169779	GAS USAGE FOR STREET DEPT. BUILDING		01	76.78	
169779	JUNE 2016		01		
170046	YEARLY GAS USAGE JUNE 2016		01	22.29	
170055	GAS SERVICE FOR ALL FIRE STATIONS		01	190.01	
170055	JUNE 2016		01		
170170	ANNUAL GAS USAGE FY JUNE 2016		01	20.72	
170170	JUNE 2016		01		
170180	GAS SERVICE		01	23.22	
170180	JUNE 2016		01		
170258	GAS SERVICE FOR POLICE DEPT FOR JUNE		01	84.97	
170258	2016		01		
170314	GAS USAGE FOR JUNE 2016		01	101.85	
170314	AT SAN JOSE SENIOR CENTER		01		
170340	MONTHLY GAS SERVICE FOR REC		01	22.54	
170340	JUNE 2016		01		
169948	GAS SERVICE JUNE 2016		15	24.06	
169774	GAS SERVICES FOR CIVIC CENTER FOR		18	22.29	
169774	JUNE 2016		18		
169770	COST OF GAS SERVICE FOR LOCO HILLS SHOP		36	20.31	
169770	6/16		36		
169771	GAS SERVICE FOR WATER DEPARTMENT		36	27.50	
169771	JUNE 2016		36		
5862	PECOS VALLEY EQUIPMENT CO 269419	07/14/2016			692.66
169709	Unit/Asset: ST,13736		01	692.66	
169709	TO DIAGNOSE PTO ON JD TRACTOR		01		
5950	PLAINS WELDING SUPPLY,INC 269420	07/14/2016			64.85
169959	Unit/Asset: STATION 1		01	64.85	
169959	MEDICAL OXYGEN DELIVERY		01		
6079	PROFESSIONAL AMBULANCE 269421	07/14/2016			430.72
169753	Unit/Asset: M 1		01	430.72	
169753	PURCHASE REPLACEMENT BATTERIES		01		
6097	PVT 269422	07/14/2016			213.08
170274	ANNUAL RENEWAL FOR CITY HALL HOTSPOT		01	73.30	
170279	MONTHLY COMMUNICATION FOR CANAL ST.		01	139.78	
170279	SIGNAL INTERLINK.		01		
6164	QUEST DIAGNOSTICS 269423	07/14/2016			1498.73
169129	PRE-EMP DRUG SCREENS		01	104.13	
169574	DRUG SCREENS		01	383.05	
169596	PRE-EMP DRUG SCREENS FOR FF AND		01	560.32	
169596	LIFEGUARDS		01		
169951	DRUG SCREENS		01	69.42	
169574	DRUG SCREENS		24	104.13	
169574	7436990)		24		
169951	DRUG SCREENS		24	34.71	
169574	DRUG SCREENS		27	104.13	
169574	7634975,7634993)		27		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169951	DRUG SCREENS		27	34.71	
169574	DRUG SCREENS		36	34.71	
169951	DRUG SCREENS		36	69.42	
6286	RIO GRANDE PUMP & SUPPLY	269424	07/14/2016		774.43
167788	INVENTORY LEVELS LOW.		36	774.43	
167788	(BOX/LID FOR NEW SERVICES, & REPLACE-		36		
167788	MENT)		36		
6510	RUSH TRUCK CENTERS	269425	07/14/2016		2816.31
170024	Unit/Asset: SW,9090		24	47.04	
170024	PARTS TO REPAIR HEATOR CORE ON GRAPPLE		24		
170099	Unit/Asset: SW,12332		24	2769.27	
170099	PARTS FOR AIR BRAKE SYSTEM ON ARC TRUCK		24		
6741	SHARP ELECTRONICS CORP	269426	07/14/2016		4452.58
169804	Unit/Asset: N/A		01	29.25	
169804	COPIER LEASE FOR CONSTRUCTION		01		
169805	MONTHLY COPIER LEASE PAYMENT		01	218.45	
169807	XEROX COPIER LEASE - LIBRARY		01	218.45	
169808	COPIER LEASE		01	340.01	
169809	COPIER LEASE FOR GOLF COURSE		01	29.25	
169810	ANNUAL LEASE ON COPIER		01	29.25	
169811	COPIER LEASE FOR FACILITY MAINT		01	10.92	
169812	COPIER LEASE		01	10.92	
169812	FOR ARTS & CULTURE DEPARTMENT		01		
169814	COPIER LEASE FOR THE PARKS DEPARTMENT		01	29.25	
169815	COPIER LEASE FOR COMMUNITY SERVICE DEPT.		01	29.25	
169817	ANNUAL COPIER LEASE		01	218.45	
169818	COPIER LEASE FOR MUSEUM		01	218.45	
169819	COPIER LEASE		01	34.12	
169945	LEASE FOR COPIER AT SAN JOSE CENTER		01	243.75	
170083	COPIER LEASE FOR PERD		01	218.45	
170090	Unit/Asset: N/A		01	29.25	
170090	COPIER LEASE		01		
170181	COPIER LEASE		01	218.45	
170191	COPIER LEASE		01	655.34	
170275	ANNUAL RENEWAL FOR COPIERS FOR EXEC AND		01	633.54	
170275	FINANCE		01		
169943	COPIER LEASE		15	218.45	
169813	COPIER LEASE FOR SOLID WASTE DEPT.		24	34.12	
169816	COPIER LEASE FOR SPORTS COMPLEX OFFICE		29	129.87	
169802	COST FOR COPIER LEASE FOR		36	436.89	
169802	WATER, DE AND WWC		36		
169806	Unit/Asset: NA		36	218.45	
169806	COPIER MONTHLY LEASE FOR 361 & 363		36		
6919	BRADY INDUSTRIES OF NM	269427	07/14/2016		536.78
170283	SUPPLIES FOR THE PW DEPARTMENTS		01	536.78	
6932	AMEC FOSTER WHEELER	269428	07/14/2016		833.65
165808	Unit/Asset: N/A		36	833.65	
165808	OCD INFORMATION LETTER FOR KEY ENERGY		36		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
165808	SWD WELL IN CITY LIMITS		36		
6941	CROWN POINT TECHNOLOGIES	269429	07/14/2016		4533.00
170260	ANNUAL SUBSCRIPTION FOR FTO SKILLS MGR		01	4533.00	
170260	SOFTWARE PROGRAM FY 7/16-6/17		01		
6953	NM MUNICIPAL ATTORNEYS	269430	07/14/2016		50.00
170044	MEMBERSHIP DUES FOR 7-1-16 THRU 6-30-17		01	50.00	
170044	FOR CITY ATTORNEY		01		
7093	SOUTHWEST PHARMACY	269431	07/14/2016		55.80
170110	Unit/Asset: STATION 1		01	55.80	
170110	PURCHASE EMS DRUGS		01		
7135	TATE BRANCH AUTO PLEX	269432	07/14/2016		1346.16
170081	Unit/Asset: UNIT 1006 P/D		01	581.99	
170081	A/C UNIT IS B/O NEED TO REPLACE IT		01		
170256	Unit/Asset: M 7		01	517.44	
170256	PURCHASE REPLACEMENT PART NOT COVERED BY		01		
170256	WARRANTY		01		
170332	Unit/Asset: WATER,14818		36	246.73	
170332	TO REPLACE OUTSIDE MIRROR ON VEHICLE		36		
7216	STATE OF NM COMMISSIONER	269433	07/14/2016		700.00
170207	ANNUAL BILLBOARD PERMIT BB-0274 WELCOME		01	700.00	
170207	TO CARLSBAD		01		
7500	THYSSENKRUPP ELEVATOR CRP	269434	07/14/2016		5616.96
169936	MAINTENANCE ON CITY HALL ELEVATOR		01	1906.96	
170087	MAINTENANCE & REPAIR CONTRACT FOR		01	1803.04	
170087	THE ELEVATOR AT POLICE DEPT		01		
170421	SERVICE CONTRACT FOR ELEVATOR		01	1906.96	
7558	4 RIVERS EQUIPMENT	269435	07/14/2016		1491.61
170103	Unit/Asset: ST,11378		01	1506.61	
170103	PARTS FOR CUTTING BLADE ON JD GRADDER		01		
162189	Unit/Asset: SEE PRORATION		36	5.00-	
162189	STARTER MOTOR FOR JD LOADER FOR WWTP1677		36		
162189	AND SOLENOID FOR JD AUX ENGINE ON ST9128		36		
162189	SWEEPER		36		
162985	Unit/Asset: WWC,1416		36	10.00-	
162985	PARTS FOR STEERING CYL TO REPAIR ON JD		36		
162985	BACKHOE		36		
7610	ULTRA CLEAN CARPET &	269436	07/14/2016		5610.59
165909	LOCKING AND UNLOCKING PARK RESTROOMS		01	1866.39	
165909	SERVICES		01		
165910	JANITORIAL SERVICES FOR THE PARK		01	3744.20	
165910	RESTROOMS		01		
7650	UNICRAFT PRODUCTS	269437	07/14/2016		75.00
169557	Unit/Asset: A-6		01	75.00	
169557	ICOM REPLACEMENT BATTERY FOR AIRPORT		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169557	RADIO.		01		
7860	WINDSTREAM COMMUNICATIONS	269438	07/14/2016		8071.03
169860	PHONE & INTERNET SERVICE FOR NMSRC		01	177.57	
169862	LOCAL TELEPHONE SERVICE - LIBRARY		01	146.37	
169863	PHONE SERVICE FOR GOLF COURSE		01	45.65	
169864	TELEPHONE SERVICE		01	345.40	
169877	LOCAL PHONE SERVICE FOR ALL FIRE		01	781.65	
169877	STATIONS AND PFA FAX LINE		01		
169880	LOCAL TELEPHONE SERVICE FOR MUSEUM		01	47.09	
169891	Unit/Asset: N/A		01	98.07	
169891	TELEPHONE SERVICE		01		
169892	MONTHLY TELEPHONE FOR RIVERWALK REC CTR		01	157.32	
169894	TELEPHONE SERVICE FOR AIRPORT OFFICE		01	112.51	
169900	MONTHLY TELEPHONE SERVICE		01	43.30	
169944	TELEPHONE SERVICE AT SAN JOSE CENTER		01	142.21	
170076	TELEPHONE SERVICE		01	101.01	
170183	TELEPHONE SERVICE		01	298.98	
170189	PHONE SERVICE FOR PERD		01	1067.81	
170190	PHONE SERVICE FOR POLICE DEPT		01	955.31	
170204	TELEPHONE SERVICES		01	1996.31	
169947	PHONE SERVICE		15	225.81	
170042	TELEPHONE SERVICES FOR THE CEMETERY		26	395.70	
170042	OFFICES		26		
169858	PHONE SERVICE FOR WATER DEPT.		36	618.11	
169861	Unit/Asset: NA		36	314.85	
169861	MONTHLY TELEPHONE SERVICE FOR 361		36		
7928	VERIZON	269439	07/14/2016		3102.69
169916	CELL PHONE SERVICE		01	1000.13	
170160	CELL/DATA SERVICE FOR POLICE DEPT		01	2102.56	
8065	WASTE SYSTEMS	269440	07/14/2016		1233.21
169721	Unit/Asset: SW,10789,10823,1796		24	1233.21	
169721	PARTS FOR UPPER & LOWER STRUCTURE ASSY		24		
169721	ON ARC TRUCKS		24		
8070	WATER DEPARTMENT	269441	07/14/2016		52907.67
169783	MONTHLY WATER SERVICE FOR NMSRC		01	142.64	
169786	WATER SERVICE - LIBRARY		01	1156.75	
169787	WATER USAGE AT GOLF COURSE		01	169.28	
169789	PROVIDE WATER TO AIRPORT		01	379.41	
169790	WATER UTILITY		01	526.79	
169856	WATER USAGE		01	394.04	
169932	WATER SERVICE FOR CARLSBAD WATER PARK		01	317.98	
169962	WATER USAGE FOR THE CAVERN THEATER		01	127.96	
170045	WATER USAGE FOR PERD		01	502.18	
170172	WATER SERVICE FOR ALL FIRE STATIONS		01	2306.89	
170172	JUNE 2016		01		
170173	WATER USAGE FOR THE PARKS DEPARTMENT		01	29441.30	
170173	FOR JUNE 2016		01		
170175	MONTHLY WATER USAGE FOR COMMUNITY SERV		01	38.80	
170179	WATER SERVICE		01	122.35	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170179	JUNE 2016		01		
170316	WATER USAGE AT SAN JOSE SENIOR CENTER		01	260.97	
170338	WATER SERVICE FOR THE POLICE DEPT		01	801.74	
170341	MONTHLY WATER SERVICE FOR RIVERWALK REC		01	2088.28	
170341	JUNE 2016		01		
169785	CITY WATER JUNE 2016		15	26.14	
169788	WATER SERVICE FOR CIVIC CENTER FOR JUNE		18	1481.79	
169788	2016		18		
170322	Unit/Asset: CONVENIENCE STATION WATER		24	42.51	
170322	ANNUAL WATER BILL FOR SW CONVENIENCE		24		
170322	STATION LOCATED AT 303 A. PLAZA ST		24		
170169	WATER SERVICES FOR JUNE,2016		26	9615.92	
170171	WATER USAGE FOR JUNE 2016		29	2207.11	
169781	WATER SERVICE AT COLLECTIONS SHOP JUNE		36	358.65	
169781	2016		36		
169782	WATER SERVICE FOR WATER DEPT.		36	131.15	
169782	JUNE 2016		36		
169784	Unit/Asset: NA		36	267.04	
169784	MONTHLY WATER SERVICE FOR 361		36		
8076	WATER INVENTORY	269442 07/14/2016			1186.61
170223	MATERIAL TO REPLACE METER BOX AT 308 S.		36	96.45	
170223	GUADALUPE.		36		
170291	MATERIAL TO INSTALL A NEW SERVICE AT		36	473.90	
170291	1004 CAVINESS.		36		
170355	MATERIAL TO REPAIR MAIN LINE LEAKS.		36	514.78	
170355	(2107 SANDY LANE, & SANDPOINT BOOSTER		36		
170355	LINE)		36		
170356	MATERIAL TO REPAIR MAIN LINE LEAK EAST		36	101.48	
170356	OF HIGHLONESOME IN LOCO HILLS.		36		
8081	WATER ENVIRONMENT	269443 07/14/2016			168.00
170404	Unit/Asset: NA		36	168.00	
170404	ANNUAL MEMBERSHIP DUES FOR JOE HARVEY		36		
170404	AUG 2016-JUL 2017		36		
8218	JIM WITT & ASSOCIATES	269444 07/14/2016			400.00
169673	PROVIDE EST.SALE PRICE FOR ADULT		01	400.00	
169673	LITERACY BUILDING AND ADULT RESPITE CARE		01		
169673	FACILITY		01		
8364	WEX BANK	269445 07/14/2016			64303.37
161727	MONTHLY VEHICLE FUEL FOR ARTS & CULTURE		01	37.30	
161727	JUNE 2016		01		
161773	MONTHLY VEHICLE FUEL FOR FACILITY MAINT		01	186.05	
161773	JUNE 2016		01		
162101	MONTHLY VEHICLE FUEL FOR PARKS DEPT		01	1813.62	
162101	JUNE 2016		01		
162123	MONTHLY VEHICLE FUEL FOR PERD		01	983.67	
162123	JUNE 2016		01		
162146	MONTHLY VEHICLE FUEL FOR ELECTRIC DEPT		01	1083.47	
162146	JUNE 2016		01		
162147	MONTHLY VEHICLE FUEL FOR CONSTRUCTION DE		01	894.08	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
162147	JUNE 2016		01		
162148	MONTHLY VEHICLE FUEL FOR GARAGE		01	719.86	
162148	JUNE 2016		01		
162158	MONTHLY VEHICLE FUEL FOR AIRPORT		01	635.76	
162160	MONTHLY VEHICLE FUEL FOR FIRE DEPT		01	4301.56	
162160	JUNE 2016		01		
162236	MONTHLY VEHICLE FUEL FOR FINANCE DEPT		01	29.61	
162236	JUNE 2016		01		
162257	MONTHLY VEHICLE FUEL FOR LIBRARY		01	45.11	
162257	JUNE 2016		01		
162258	MONTHLY VEHICLE FUEL FOR N MESA SR CTR		01	11.15	
162258	JUNE 2016		01		
162260	MONTHLY VEHICLE FUEL FOR BEAUTIFICATION		01	83.20	
162260	JUNE 2016		01		
162261	MONTHLY VEHICLE FUEL FOR SAN JOSE CENTER		01	46.51	
162261	JUNE 2016		01		
162263	MONTHLY VEHICLE FUEL FOR STREET DEPT		01	3430.36	
162263	JUNE 2016		01		
162264	MONTHLY VEHICLE FUEL FOR COMMUNITY SERV		01	621.84	
162264	JUNE 2016		01		
162280	MONTHLY VEHICLE FUEL FOR GOLF		01	484.01	
162280	JUNE 2016		01		
162342	MONTHLY VEHICLE FUEL FOR EXEC/SATETY MAN		01	85.26	
162342	JUNE 2016		01		
162357	MONTHLY VEHICLE FUEL FOR IT DEPT		01	4.00	
162357	JUNE 2016		01		
162579	MONTHLY VEHICLE FUEL FOR POLICE DEPT		01	11446.99	
162579	JUNE 2016		01		
162587	MONTHLY VEHICLE FUEL FOR RIVERWALK REC		01	98.93	
162587	JUNE 2016		01		
162088	MONTHLY VEHICLE FUEL FOR TRANSIT		15	5260.36	
162088	JUNE 2016		15		
162591	MONTHLY VEHICLE FUEL FOR SOLID WASTE		24	20287.02	
162591	JUNE 2016		24		
162281	MONTHLY VEHICLE FUEL FOR CEMETERY		26	164.00	
162281	JUNE 2016		26		
162279	MONTHLY VEHICLE FUEL FOR SPORTS COMPLEX		29	1042.56	
162279	JUNE 2016		29		
161679	MONTHLY VEHICLE FUEL FOR WWTP		36	243.11	
161679	JUNE 2016		36		
162114	MONTHLY VEHICLE FUEL FOR DOUBLE EAGLE		36	3830.31	
162114	JUNE 2016		36		
162116	MONTHLY VEHICLE FUEL FOR WATER DEPT		36	4062.62	
162116	JUNE 2016		36		
162119	MONTHLY VEHICLE FUEL FOR COLLECTIONS		36	2241.98	
162119	JUNE 2016		36		
162259	MONTHLY VEHICLE FUEL FOR LAB/ENVIRONMENT		36	129.07	
162259	JUNE 2016		36		
8375	XCEL ENERGY SERVICES, INC	269446	07/14/2016		28332.61
170344	STREET LIGHTING & SIGNAL ACCRUE.			01	28332.61
8818	WATCHGUARD VIDEO	269447	07/14/2016		225.00
169085	SERVER BATTERY			01	225.00

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
9274 MIKE L FULKERSON	269448	07/14/2016			1000.00
169568 GENERAL WORK AGREEMENT FOR SUMMER REC.			01	1000.00	
169568 PROGRAM. SUMMER REC. PROG. SUPERVISOR			01		
169568 CONTRACT DATES 06/14/16-07/06/16			01		
10017 HARVEY FUELS INC.	269449	07/14/2016			1062.70
169987 Unit/Asset: ALL P/D UNITS			01	903.65	
169987 OIL FOR SERVICE AND RESTOCK FOR ALL P/D			01		
169987 UNITS.WINDSHILD WASHER FOR ALL PFA			01		
169987 UNITS			01		
170265 Unit/Asset: ST,15298			01	159.05	
170265 GEAR OIL FOR NEW ST SWEEPER {AXLE}			01		
10018 NEW MEXICO LEAGUE OF	269450	07/14/2016			70.00
170092 NEW MEXICO LEAGUE OF ZONING OFFICIALS			01	35.00	
170092 MEMEBERSHIP DUES JULY 2016 THRU JUNE			01		
170092 2017 REF#:16949 JAMES KNOTT			01		
170093 NEW MEXICO LEAGUE OF ZONING OFFICIALS			01	35.00	
170093 MEMBERSHIP JULY 2016 THRU JUNE 2017			01		
170093 PERD REF#: TYSON FRINTZ			01		
10034 CARLSBAD QUALITY	269451	07/14/2016			492.00
170284 JANITORIAL SUPPLIES FOR PW BUILDINGS			01	276.00	
170312 LINERS FOR TRASH, TOP CLEAN FOR CLEANING			01	216.00	
10159 MEDLEY MATERIAL HANDLING	269452	07/14/2016			699.16
170005 MONTHLY COST TO RENT FORKLIFT FOR THE			01	699.16	
170005 PW/DPT GARAGE MONTHLY CHARGES CONSIST OF			01		
170005 A 28 DAY BILLING CYCLE			01		
10163 THE HON COMPANY LLC	269453	07/14/2016			238.58
169387 CHAIRS PERD			01	238.58	
10176 TRIPLE T PIPE & SUPPLY	269454	07/14/2016			388.50
170053 EZ FLANGE TO ATTACH WATER FITTINGS TO			36	388.50	
170053 MAIN LINE PIPE WHERE THERE IS LIMITED			36		
170053 SPACE.			36		
10184 STELLAR INC	269455	07/14/2016			106.61
170019 MOVE PHONE LINES IN PERD			01	106.61	
10230 TRANSUNION RISK &	269456	07/14/2016			111.00
162784 Unit/Asset: N			01	111.00	
162784 ONLINE INVESTIGATIVE TOOL FOR PD			01		
162784 INVESTIGATIONS JULY 2015-JUNE 2016			01		
10380 REBECCA THOMPSON	269457	07/14/2016			6159.43
162499 REVENUE PAYMENTS FOR CONCESSION SERVICES			29	6159.43	
162499 BFYSC PROVIDED BY REBECCA THOMPSON.			29		
10481 CUSTOMINK LLC	269458	07/14/2016			164.72
169562 UNIFORMS FOR NEW HIRES			01	164.72	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
10663 LMC SERVICES INC	269459	07/14/2016			1247.73
169758 PORTA-POTTIE RENTALS FOR THE PUBLIC			01	1247.73	
169758 USE DURING THE 4TH. OF JULY CELEBRATION			01		
169758 AT THE LAKE CARLSBAD REC. AREA.			01		
10770 LEADS ONLINE LLC	269460	07/14/2016			2848.00
170235 ANNUAL CONTRACT FOR ONLINE INVESTIGATIVE			01	2848.00	
170235 PROGRAM			01		
10981 TDS BROADBAND LLC	269461	07/14/2016			362.43
170403 TDS BROADBAND FOR 100MB INTERNET SERVICE			01	362.43	
11038 EDDY COMM &CONSULTING LLC	269462	07/14/2016			3303.51
162097 PROFESSIONAL WRITING SERVICES			01	3303.51	
11144 CAVERN CITY CHILD	269463	07/14/2016			4500.00
163648 VICTIM & WITNESS INTERVIEWS			01	4500.00	
11317 ADVANCE AUTO PARTS	269464	07/14/2016			638.39
170035 Unit/Asset: ALL CHARGER UNITS P/D			01	629.20	
170035 FILTERS FOR SERVICE AND RESTOCK ON ALL			01		
170035 P/D UNITS			01		
170387 Unit/Asset: TIRE SHOP TOOLS			01	9.19	
170387 TOOLS TO REPAIR FLATS IN SHOP			01		
11475 EMSRX	269465	07/14/2016			1600.00
168105 Unit/Asset: STATION 1/CPD			01	1600.00	
168105 PAYMENT FOR MEDICAL DIRECTION SERVICES			01		
168105 PAYMENT FOR CPD AND CFD CONTRACTED			01		
168105 MEDICAL DIRECTION SERVICES JUNE 2016			01		
11597 KGM SPORTS SUPPLY	269466	07/14/2016			180.00
169516 UNIFORM SHIRTS FOR CARLSBAD WATER PARK			01	180.00	
169516 ATTENDANTS			01		
11620 AES INC.	269467	07/14/2016			2213.05
169703 SUPPLIES FOR THE CARLSBAD WATER PARK			01	2213.05	
11640 GORDON E INGRAHAM	269468	07/14/2016			500.00
170022 CONSULTANT FOR THE CARLSBAD WATER PARK			01	500.00	
11650 NM ASSOC OF CHIEFS OF	269469	07/14/2016			250.00
170240 MEMBERSHIP DUES FOR CHIEF WALLER			01	250.00	
170240 FY 7/16-6/17			01		
24 ACE LOCK & KEY LLC	269470	07/22/2016			175.16
170277 LOCKS AND KEYS FOR PARTS GARAGE CONNEX			01	38.00	
170442 PADDLE HANDLE NEEDS TO BE REPLACED IN			01	137.16	
170442 THE DOOR OF THE MUNICIPAL ANNEX - PERD			01		
108 AMERIPRIDE, INC.	269471	07/22/2016			44.27
169924 WEEKLY PFA SHOP TOWEL CLEANING			01	44.27	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
580	BRANDON INDUSTRIES, INC.	269472	07/22/2016		260.00
170254	REPLACEMENT GLOBES FOR THE LIGHTS ALONG			01	260.00
170254	THE RIVER. NORTH OF THE BEACH PARKING			01	
170254	LOT.			01	
616	BRININSTOOL EQUIPMENT	269473	07/22/2016		592.41
170231	NEED ELECTROLYTE PACKS TO MIX WITH OUR			01	53.31
170231	WATER TO HELP US FROM GETTING TO			01	
170231	DEHYDRATED WORKING OUT SIDE IN THIS HEAT			01	
170496	Unit/Asset: 9128			01	270.28
170496	SHIELD FOR PPE, TOOL FOR ELECTRICAL DEPT			01	
170496	CLEANERS & GREASE FOR EQUIPMENT SERVICE,			01	
170496	LUBRICANT FOR VARIOUS JOBS, TAPE MEASURE			01	
170496	Unit/Asset: 9128			24	156.00
170496	SHIELD FOR PPE, TOOL FOR ELECTRICAL DEPT			24	
170496	CLEANERS & GREASE FOR EQUIPMENT SERVICE,			24	
170496	LUBRICANT FOR VARIOUS JOBS, TAPE MEASURE			24	
170496	Unit/Asset: 9128			29	81.16
170496	SHIELD FOR PPE, TOOL FOR ELECTRICAL DEPT			29	
170496	CLEANERS & GREASE FOR EQUIPMENT SERVICE,			29	
170496	LUBRICANT FOR VARIOUS JOBS, TAPE MEASURE			29	
170496	Unit/Asset: 9128			36	31.66
170496	SHIELD FOR PPE, TOOL FOR ELECTRICAL DEPT			36	
170496	CLEANERS & GREASE FOR EQUIPMENT SERVICE,			36	
170496	LUBRICANT FOR VARIOUS JOBS, TAPE MEASURE			36	
662	BSN SPORTS LLC	269474	07/22/2016		870.73
169265	MOUND CLAY FOR ATHLETIC FIELDS.			29	870.73
693	ASKART INC.	269475	07/22/2016		234.00
169996	ANNUAL ASKART SUBSCRIPTION AUGUST 2016			01	234.00
169996	TO AUGUST 2017			01	
706	CATALYST	269476	07/22/2016		711.00
169526	RADIO TO COMPLETE NEW SIMULCAST SYSTEM			01	711.00
169526	FOR POLICE AND FIRE DEPT.			01	
894	AT&T MOBILITY LLC	269477	07/22/2016		52.32
169830	COST 5GB DATA			36	52.32
915	CARLSBAD AUTO SUPPLY	269478	07/22/2016		769.03
170395	Unit/Asset: 14732,13230			01	46.64
170395	FILTERS FOR LICENSED VEHICLE SERVICE			01	
170395	FILTERS FOR EQUIPMENT SERVICE			01	
170517	TOOLS FOR LUBE SHOP FOR VARIOUS JOBS			01	58.75
170395	Unit/Asset: 14732,13230			24	19.59
170395	FILTERS FOR LICENSED VEHICLE SERVICE			24	
170395	FILTERS FOR EQUIPMENT SERVICE			24	
170455	Unit/Asset: SW,11592			24	28.68
170455	TO REPLACE HOSE CLAMPS FOR INTER COOLER			24	
170455	ON ARC TRUCK			24	
170482	Unit/Asset: SEE PRORATION			24	25.32

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170482	REPLACE LAMPS,LENS,BRACKETS,BATTERY ON		24		
170482	VEHICLES		24		
170395	Unit/Asset: 14732,13230		36	53.37	
170395	FILTERS FOR LICENSED VEHICLE SERVICE		36		
170395	FILTERS FOR EQUIPMENT SERVICE		36		
170482	Unit/Asset: SEE PRORATION		36	536.68	
170482	REPLACE LAMPS,LENS,BRACKETS,BATTERY ON		36		
170482	VEHICLES		36		
934	CARLSBAD DOWNTOWN LIONS	269479	07/22/2016		40.00
170062	ANNUAL FLAG SERVICE		01	40.00	
992	CED	269480	07/22/2016		2.60
170015	SWITCH & WIRE FOR ELECTRICAL JOBS		01	2.60	
170015	LAMP FOR TENNIS COURT LIGHTS,REPLACE/		01		
170015	UPGRADE LIGHT FIXTURE IN WAREHOUSE BATH		01		
170015	ROOM HALLWAY		01		
1120	CENTRAL VALLEY ELECTRIC	269481	07/22/2016		120.10
169902	COST FOR ELECTRIC SERVICE TO SHOP AT		36	120.10	
169902	LOCO HILLS		36		
1206	CHAMBER OF COMMERCE CORP.	269482	07/22/2016		175.00
170409	MEMBERSHIP DUES FOR JULY 1, 2016		01	175.00	
170409	THROUGH JUNE 30,2017		01		
1240	CIRCLE S FEED STORE	269483	07/22/2016		30.19
169633	Unit/Asset: N/A		01	30.19	
169633	REPAIR HVAC AT CITY HALL		01		
1270	CONNELLS OFFICE SUPPLY	269484	07/22/2016		1143.75
170329	SUPPLIES FOR CPD DEPTS		01	343.15	
170350	CD'S FOR PD RECORDINGS		01	140.80	
170407	OFFICE SUPPLIES		01	55.50	
170439	MATERIALS AND SUPPLIES		01	384.00	
170447	OFFICE SUPPLIES-PERD		01	220.30	
1290	CONSTRUCTOR'S INC.	269485	07/22/2016		176700.36
168501	CONSTRUCTION FOR NORTH CANAL PHASE 2		02	176700.36	
168501	FROM ORCHARD TO CHERRY.		02		
1396	CREATIVE COMPUTER RESPONS	269486	07/22/2016		2082.84
170238	MAINTENANCE CONTRACT FY 7/16-6/17		01	2082.84	
170238	FOR CAD RMS SYSTEM		01		
1402	DARDANELLE TIMBER CO INC	269487	07/22/2016		32.43
169390	PLASTIC TOTES TO STORE SUPPLIES IN		01		
169390	STORAGE BUILDING		01		
170544	SUPPLIES FOR STRIPPING PARKINIG LOT.		01	32.43	
1408	DANA KEPNER CO.	269488	07/22/2016		300.00
170112	GASKETS TO INSTALL METERS & VALVES AT		26	30.00	
170112	THE SUNSET GARDENS CEMETARY, & VARIOUS		26		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170112	LOCATIONS FOR THE WATER/D.E. DEPARTMENTS		26		
170112	(RESTOCK WAREHOUSE)		26		
170112	GASKETS TO INSTALL METERS & VALVES AT		36	270.00	
170112	THE SUNSET GARDENS CEMETARY, & VARIOUS		36		
170112	LOCATIONS FOR THE WATER/D.E. DEPARTMENTS		36		
170112	(RESTOCK WAREHOUSE)		36		
1560	DURHAM MACKAY ARCHITECTS	269489	07/22/2016		10368.41
169142	PROVIDE PROFESSIONAL ARCHITECT SERVICES		18	3764.69	
169142	FOR THE DAMAGE TO THE CIVIC CENTER		18		
169142	THAT OCCURED DURING THE 2015 BLIZZARD.		18		
157175	ARCHITECTURAL SERVICES FOR THE CAVERN		23	6603.72	
157175	THEATER ADDITIONS & ALTERATIONS		23		
157175	DURHAM AND ASSOCIATES		23		
1768	DESERT HILLS ELECTRIC	269490	07/22/2016		88.20
170059	18/8 AWG THERMOSTAT WIRE FOR SHOP		36	88.20	
170059	HEATERS		36		
1801	E-Z RENTALS & SALES, INC.	269491	07/22/2016		2128.89
166484	WE NEED OUR GRASS TRIMMERS SERVICED		01	20.17	
166484	SO THEY CAN BE READY FOR CUTTING		01		
166484	SEASON		01		
170381	TRIMMING EQUIPMENT FOR THE PARKS DEPT.		01	1664.84	
170423	NEED WEED EATER STRING FOR CUTTING WEEDS		01	443.88	
170423	AND GRASS		01		
1809	EDDY COUNTY	269492	07/22/2016		12300.00
164420	HOUSING OF PRISONERS		32	12300.00	
1941	CISCO EQUIPMENT	269493	07/22/2016		2991.68
169700	NEED TOOLS FOR COMMUNITY SERVICE DEPT.		01	2991.68	
2019	EXERPLAY, INC.	269494	07/22/2016		2689.06
168510	PROVIDE POOL SIDE FURNITURE FOR THE NEW		02	2689.06	
168510	CARLSBAD WATER PARK.		02		
2480	FORREST TIRE CO., INC.	269495	07/22/2016		1033.24
170257	Unit/Asset: FIRE DEPARTMENT VEHICLES		01	86.05	
170257	PERFORM FRONT END ALINGMENTS ON FIRE		01		
170257	DEPARTMENT VEHICLES		01		
170262	FLAT REPAIR / MOUNT & DISMOUNT FOR		01	18.82	
170262	PD FLEET		01		
170415	Unit/Asset: 35		15	708.37	
170415	REPAIR FRONT AND REAR BRAKES		15		
170386	Unit/Asset: D.E 13219-DUMP TRUCK		36	220.00	
170386	ORDER SPARE WHEELS FOR DUMP TRUCK		36		
2489	FLOW PRODUCTS	269496	07/22/2016		76.36
170075	REPAIR BROKEN JET HOSE ON SEWER VACTOR		36	76.36	
170075	TRUCK		36		
2836	SCOTT GOODALE	269497	07/22/2016		2706.36
	DAMAGE TO PROPERTY- HARDTOP OF PARKED		28	2706.36	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
	JEEP @ 1838 TROY		28		
2883	GERALDINE A. MATTSON DAMAGE TO PROPERTY- CINDERBLOCK FENCE @ 1105 W RIVERSIDE DR	269498 07/22/2016	28	6847.39	6847.39
2933	GRAINGER	269499 07/22/2016			153.84
170402	TOGGLE SWITCH FOR PARTS CONEX		01	153.84	
3030	HACH COMPANY	269500 07/22/2016			1495.65
170293	Unit/Asset: N/A		36	1495.65	
170293	REAGENTS USE FOR NMED/EPA COMPLIANCE		36		
170293	TESTING		36		
3541	CARLSBAD FORD	269501 07/22/2016			1956.13
170289	Unit/Asset: 42		15	1956.13	
170289	REPAIR A/C		15		
3601	J & J PIPE & SUPPLY	269502 07/22/2016			31.62
170457	NEED KEY TO TURN WATER ON TO CLEAN		01	31.62	
170457	AROUND AROUND AREAS AT THE WATER PARK		01		
3622	DEERE CREDIT INC.	269503 07/22/2016			801.24
169768	LEASE AGREEMENT FOR		01	500.55	
169768	JOHN DEERE 1550 MOWER USED BY		01		
169768	FACILITY MAINTENANCE DEPARTMENT		01		
170139	JOHN DEERE MONTHLY LEASE FOR SPORTS		29	300.69	
170139	COMPLEX EQUIPMENT.		29		
3641	LOWE'S	269504 07/22/2016			1034.08
169245	COFFEE MAKER AND MICROWAVE OVEN FOR		01	619.13	
169245	POLICE DEPT BREAK ROOM		01		
170037	NEEDED TOOLS/ITEMS FOR POLICE DEPT.		01	63.39	
170037	MAINTENANCE PROJECTS		01		
170232	ENDURA COOL RAPS KEEP YOUR HEAD AND FACE		01	1.90-	
170232	COOL IN THE HEAT EMPLOYEES NEED FOR		01		
170232	THEIR HEADS		01		
170326	FOR USE WHEN SECURING VEHICLES AS		01	140.36	
170326	EVIDENCE		01		
170393	SPRINKLER FOR STATION #3		01	83.52	
170480	BRUSHES AND WOOD SEALER FOR BENCHES AT		01	73.69	
170480	THE BEACH AREA		01		
170224	MATERIAL TO REPAIR ICE MACHINE ATTACHED		36	55.89	
170224	TO THE WAREHOUSE BUILDING AT 209 N.		36		
170224	CYPRESS. (PER GREG)		36		
3800	JUSTICE SYSTEMS, INC.	269505 07/22/2016			1540.00
170499	REGISTRATION FOR ANNUALUSER CONFERENCE		01	1540.00	
170499	FOR JUSTICE SYSTEMS ON 8/30/16-9/1/16		01		
170499	REGISTRATION MUST BE RECEIVED BY 8/2/16		01		
4260	LASCO CONSTRUCTION	269506 07/22/2016			253558.12
166707	CONSTRUCTION OF THE NEW FIRE STATION 7.		02	253558.12	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
166707	W/TAX PERIOD 6/30/16		02		
4759	MCCOYS LUMBER	269507	07/22/2016		302.91
170465	REPLACING STOLEN GAS CANS		01	128.97	
170522	TO REPAIR FENCING AT CARLSBAD CEMETERY		26	173.94	
4779	MASTER LUBE INC	269508	07/22/2016		114.42
161864	OIL CHANGES FOR TRAMSOT UNITS		15	68.46	
170414	Unit/Asset: ALL UNITS		15	45.96	
170414	OIL CHANGES FOR TRANSIT UNITS		15		
4935	MORRISON SUPPLY	269509	07/22/2016		49.26
170487	FOR VARIOUS CLEANING JOBS GARAGE SHOP		01	49.26	
5218	MILLER ENGINEERS INC	269510	07/22/2016		6147.93
166369	PROFESSIONAL SERVICES AGREEMENT		01	5502.55	
166369	ASSET MANAGEMENT FEES-PERD		01		
168703	ENGINEERING DESIGN FOR THE CAT WALK ON		36	645.38	
168703	DRYING BED WALLS.		36		
5327	MAIL FINANCE	269511	07/22/2016		708.00
170391	POSTAGE MACHINE LEASE		01	708.00	
5377	NEVES UNIFORMS, INC.	269512	07/22/2016		955.50
169027	SPRING UNIFORMS FOR CPD OFFICERS		01	955.50	
5400	NEWMAN TRAFFIC SIGNS INC	269513	07/22/2016		2986.90
168972	SUPPLIES FOR SIGNS DEPARTMENT		01	2986.90	
5458	NM BOARD OF PHARMACY	269514	07/22/2016		60.00
170460	Unit/Asset: STATION 1		01	60.00	
170460	RENEW CONTROLLED SUBSTANCE LICENSE		01		
5488	NM MUNICIPAL LEAGUE	269515	07/22/2016		280.00
170448	2016 NMML CONFERENCE REGISTRATION FOR		01	280.00	
170448	LIBRARY DIRECTOR (AUG 31 - SEPT 2, 2016)		01		
5489	NM MUNICIPAL CLERKS AND	269516	07/22/2016		60.00
170091	2016-2017 ANNUAL MEMBERSHIP DUES FOR		01	60.00	
170091	ANNETTE BARRICK # 16256		01		
5491	NEW MEXICO FIRE CHIEFS	269517	07/22/2016		100.00
170377	ANNUAL DUES JULY 2016 - JUNE 2017 FOR		01	100.00	
170377	CHIEF RICK LOPEZ		01		
5499	NM MUNICIPAL LIBRARIANS	269518	07/22/2016		35.00
170429	NM MUNICIPAL LEAGUE LIBRARIANS ASSOC.		01	35.00	
170429	ANNUAL DUES FOR CARLSBAD PUBLIC LIBRARY		01		
170429	DIRECTOR (JULY 1,2016-JUNE 30,2017)		01		
5546	NOAH'S ARK, INC.	269519	07/22/2016		19449.83
162142	SHELTER MAINTENANCE & MANAGEMENT		01	19449.83	
5551	NICHOLS PRINTING, INC.	269520	07/22/2016		148.00
170034	WATER PARK TICKETS FROM MAYOR'S OFFICE		01	148.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
5668	OREILLY AUTO/FIRST CALL	269521	07/22/2016		38.36
170545	REPLACE WINDSHIELD WIPERS ON UNIT#11957			01	38.36
170545	AND UNIT#14841.			01	
5775	COOPERATIVE EDUCATIONAL	269522	07/22/2016		20092.08
168889	Unit/Asset: E-6, L-2			20	592.56
168889	EQUIPMENT FOR NEW LADDER TRUCK AND			20	
168889	RESCUE PUMPER			20	
169458	FOR IRRIGATION INSTALLATION SERVICES			26	19499.52
169458	IN DIVISION "Q" AND "R" OF CARLSBAD			26	
169458	CEMETERY			26	
5882	PETES EQUIPMENT REPAIR,	269523	07/22/2016		61.78
167559	Unit/Asset: ST,10923			01	61.78
167559	PARTS FOR FRONT WINDOW ASSY ON SWEEPER			01	
5950	PLAINS WELDING SUPPLY,INC	269524	07/22/2016		44.90
169959	Unit/Asset: STATION 1			01	44.90
169959	MEDICAL OXYGEN DELIVERY FOR FIRE DEPT.			01	
5972	POSTAL PROS, INC	269525	07/22/2016		1538.40
169791	NOTICES FOR UTILITY BILLS			01	477.20
169792	NOTICES IN UTILITY BILLS			01	1061.20
6447	ROCKY MT. INFORMATION NET	269526	07/22/2016		200.00
170126	YEARLY MEMBERSHIP FEES FOR CPD FOR			01	200.00
170126	FY 7/2016-6/2017			01	
6510	RUSH TRUCK CENTERS	269527	07/22/2016		90.00
170102	Unit/Asset: SW,10789			24	90.00
170102	TO REPLACE DOOR AND KEYS ON ARC TRUCK			24	
6620	SAFETY KLEEN CORP.	269528	07/22/2016		715.82
169923	SERVICE PARTS & SHOP CLEANER			01	715.82
6720	SEARS	269529	07/22/2016		1599.98
170227	Unit/Asset: STATION 7			01	1599.98
170227	REFRIGERATORS FOR NEW STATION			01	
6739	SHARNET CORP.	269530	07/22/2016		4515.52
162053	FINANCIAL SYSTEM PROGRAMMING UPGRADES			01	1116.20
170249	TROUBLESHOOT COMPUTER PROBLEMS			01	101.47
170250	FINANCIAL SYSTEM PROGRAMMING UPGRADES			01	3297.85
6760	SHERWIN-WILLIAMS	269531	07/22/2016		905.81
170416	Unit/Asset: N/A			01	76.40
170416	TOOLS FOR CONSTRUCTION PAINT PROJECT			01	
170417	PAINT FOR THE SPRING PARK CANOPY,AND			01	829.41
170417	BEACH BATH HOUSE			01	
6873	SMITH ENGINEERING INC.	269532	07/22/2016		2015.63
166706	DESIGN OF SOCCER EXPANSION AT THE CYSC.			29	2015.63

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
166706	THRU 5/28-6/30/16		29		
6919	BRADY INDUSTRIES OF NM	269533	07/22/2016		274.85
169433	CLEANING SUPPLIES		01	243.91	
170444	SUPPLIES FOR WATER PARK		01	30.94	
6932	AMEC FOSTER WHEELER	269534	07/22/2016		1237.58
165808	Unit/Asset: N/A		36	1237.58	
165808	OCD INFORMATION LETTER FOR KEY ENERGY		36		
165808	SWD WELL IN CITY LIMITS		36		
7082	SOUTHWESTERN EQUIPMENT CO	269535	07/22/2016		1694.78
170357	Unit/Asset: SW,11592		24	1546.48	
170357	REPLACE TIPPER AND RELAY FOR HYD SYSTEM		24		
170357	ON ARC TRUCK		24		
170433	Unit/Asset: SW,10823		24	148.30	
170433	HYD TUBE FOR COMPACTOR CYLINDER LEAKING		24		
170433	ON ARC TRUCK QUOTE EMAILED		24		
7145	SPARKS OFFICE SUPPLY, INC	269536	07/22/2016		782.84
170382	NEED INK FOR PRINTERS		01	527.95	
170382	NEED INK FOR PRINTERS		24	254.89	
7221	STEEL DEPOT	269537	07/22/2016		82.10
170488	MATERIAL FOR SHOOTING RANGE BENCHES		01	82.10	
170488	PER LOUIE RENTERIA QUOTE EMAILED		01		
7340	TAXATION & REVENUE DEPT.	269538	07/22/2016		9010.74
162676	WATER CONSERVATION FEE FOR JULY 2015		36	9010.74	
162676	THROUGH JUNE 2016		36		
7430	TEXAS STREET LUMBER CO IN	269539	07/22/2016		353.89
170435	REPLACEMENT LUMBER FOR THE CANOPY FLOOR		01	333.98	
170435	AT SPRING PARK		01		
170479	MATERIALS FOR REPAIRING CANOPY AT SPRING		01	19.91	
170479	PARK		01		
7860	WINDSTREAM COMMUNICATIONS	269540	07/22/2016		223.47
170115	PHONE SERVICE FOR WATER PARK		01	223.47	
8020	WADE CONSTRUCTION LLC	269541	07/22/2016		66742.53
164173	CONSTRUCTION OF ADDITION TO WATER DEPT		36	66742.53	
164173	BUILDING PROJECT		36		
8076	WATER INVENTORY	269542	07/22/2016		4424.30
170494	MATERIAL TO REPLACE METER BOXES,& REPAIR		36	529.50	
170494	SERVICE LINE LEAKS.		36		
170494	(106 S. OLIVE, 2512 SAN JOSE, & LINE		36		
170494	NEAR GOLF COURSE ON MUSCATEL)		36		
170495	MATERIAL TO REDUCE WATER SERVICE, &		36	495.02	
170495	REPAIR SERVICE/MAIN LINE LEAKS.		36		
170495	(OLD BRUCE RIGGS TAP, MAIN LINE BETWEEN		36		
170495	CR-21 & HUDSON 1 WELLS & DEVON LINE)		36		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170525	MATERIAL TO REPLACE FIRE HYDRANT, METER		36	1992.01	
170525	BOX, REPAIR SERVICE LINE LEAKS, & RE-		36		
170525	STOCK SERVICE TRUCK #13232. (306 & 308		36		
170525	S. GUADALUPE, & 3500 BLOCK W. LEA)		36		
170553	MATERIAL TO REPLACE METERS, METER BOX,		36	1407.77	
170553	REPAIR MAIN LINE LEAKS, & RESTOCK		36		
170553	TRUCK #12105. (401 E. CHURCH, 208		36		
170553	S. ASH, & SANDPOINT LINE TO LANDFILL)		36		
8089	THE WATER WORKS INC	269543	07/22/2016		321.74
161664	WATER & COOLER RENTAL		01	9.13	
161664	COOLER RENTAL JUNE 2016		01		
161832	DRINKING WATER FOR PUBLIC WORKS OFFICE.		01	18.00	
161832	DRINKING WATER 6/8/16 38758		01		
161844	DRINKING WATER-PERD		01	10.21	
161889	DRINKING WATER FOR EMPLOYEES		01	17.61	
161889	COOLER RENTAL JUNE 2016		01		
162032	Unit/Asset: N/A		01	9.13	
162032	DRINKING WATER & COOLER RENTAL		01		
162033	Unit/Asset: N/A		01	11.23	
162033	DRINKING WATER & COOLER RENTAL		01		
162354	DELIVERED BOTTLED WATER SERVICE & RENTAL		01	186.26	
162354	FOR CPD		01		
163199	Unit/Asset: N/A		01	10.21	
163199	DRINKING WATER FOR STREET DEPT.		01		
161690	WATER COOLER/DISPENCER RENTAL		15	9.13	
161690	COOLER RENTAL JUNE 2016		15		
162256	DRINKING WATER FOR CEMETERY OFFICE AT 15		26	10.21	
162256	BOYD DRIVE		26		
161371	WATER COOLER RENTAL AND WATER		36	9.13	
161625	Unit/Asset: NA		36	12.36	
161625	MONTHLY WATER COOLER RENTAL & REFILL FOR		36		
161625	WWTP & ENV. LAB-		36		
162640	WATER FOR EMPLOYEES		36	9.13	
162640	COOLER RENTAL JUNE 2016		36		
8375	XCEL ENERGY SERVICES, INC	269544	07/22/2016		99955.70
169793	ANNUAL ELECTRIC SERVICE FOR		01	850.52	
169961	ELECTRICITY FOR CAVERN THEATER		01	53.73	
170114	ELECTRICITY SERVICE FOR CARLSBAD WATER		01	201.47	
170114	PARK		01		
170158	ELECTRICAL SERVICE FOR NMSRC		01	1102.96	
170162	ELECTRICITY FOR ALL FIRE STATIONS		01	2049.13	
170164	ELECTRIC USAGE FOR THE PARKS DEPT.		01	3921.99	
170165	ELECTRIC SERVICE FOR PERD		01	661.91	
170166	ELECTRICITY FOR GOLF COURSE		01	3183.12	
170167	ELECTRICAL USAGE		01	1470.42	
170168	ELECTRICITY SERVICE TO AIRPORT		01	2153.66	
170174	ELECTRIC SERVICES		01	3044.12	
170315	ELECTRIC SERVICE		01	1198.16	
170339	ELECTRIC POWER SERVICE FOR POLICE DEPT		01	3236.62	
170342	ELECTRICITY SERVICE		01	1569.74	
170344	STREET LIGHTING & SIGNAL ACCRUE.		01	1956.49	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170470	ELECTRIC SERVICE - LIBRARY		01	2814.75	
169949	ELECTRICAL SERVICES		15	368.46	
170163	ELECTRICITY SERVICE FOR CIVIC CENTER		18	596.24	
169913	ELECTRIC UTILITY SERVICE		26	560.51	
170161	ELECTRICAL USAGE FOR BFYSC		29	4646.53	
170156	ELECTRIC SERVICE FOR WWC		36	4667.40	
170157	ELECTRIC SERVICE FOR WATER DEPT.		36	49404.59	
170159	Unit/Asset: NA		36	10243.18	
170159	ELECTRIC SERVICE FOR 361		36		
8928	GENERAL OPERATING FUND	269545 07/22/2016			20.58
	COMPENSATING TAX DUE FOR THE MONTH OF		01	20.58	
	JULY 2016		01		
9262	KEVIN J. FLOREZ	269546 07/22/2016			378.85
170137	PER DIEM-PICK UP GOLF CARTS		01	378.85	
170137	STEPHENVILLE TX 6/28-30/16		01		
9285	COLLIS G. JOHNSON	269547 07/22/2016			350.00
	SERVICES RENDERED AS ALTERNATE JUDGE ON		01	350.00	
	THE 5TH-14TH OF JULY 2016		01		
9450	MOLZEN-CORBIN & ASSOC, INC	269548 07/22/2016			77237.71
165421	PROFESSIONAL DESIGN FOR GAME FENCE		25	12910.19	
165421	AT CAVERN CITY AIR TERMINAL.		25		
166499	AIRPORT MAINTENANCE DESIGN INCLUDING		25	5617.18	
166499	PAVEMENT SURFACE SEAL, CRACK SEAL, AND		25		
166499	PAVEMENT MARKINGS.		25		
134111	DOUBLE EAGLE WATERLINE ENGINEERING		36	33050.05	
134111	THRU 6/30/16		36		
150903	ENGINEERING SERVICES TO DRILL & EQUIP A		36	13671.38	
150903	REPLACEMENT FOR SHEEP DRAW WELL #6		36		
165405	TO PROVIDE DESIGN SERVICES PURSUANT TO		36	6740.94	
165405	ATTACHMENT II OF ENGINEERING AGREEMENT		36		
165405	FOR D.E. WATERLINE PHASE 3		36		
165406	TO PROVIDE PLANNING SERVICES PURSUANT TO		36	5247.97	
165406	ATTACHMENT I OF THE AGREEMENT FOR		36		
165406	ENGINEERING SERVICES FOR D.E. WATERLINE		36		
165406	PHASE 3		36		
10017	HARVEY FUELS INC.	269549 07/22/2016			616.00
170492	OIL FOR WELLFIELD PUMP DRIP LINE		36	616.00	
170492	TROCO ROYAL CROWN TECH PLUS		36		
10027	J&H SERVICES INC	269550 07/22/2016			62492.85
164175	CONSTRUCTION OF SAN JOSE 3B ROAD PROJECT		02	62492.85	
164175	PERIOD 5/3/16-6/24/16		02		
10034	CARLSBAD QUALITY	269551 07/22/2016			368.00
170226	TOWELS TO REFILL DISPENSERS, CLEANER FOR		01	68.00	
170226	CLEANING BATHROOMS & COUNTER TOPS, LINERS		01		
170226	FOR TRASH RECEPTACLES @ WATERPARK, TOWELS		01		
170226	TO REFILL DISPENSERS, SCRUBS FOR CLEANUP		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170419	TRASH BAGS FOR THE BUILDING-PERD		01	130.00	
170425	NEED SCRUB BRUSH FOR CLEANING SODA AND		01	89.00	
170425	FOOD PRODUCTS OFF THE CEMENT AT THE		01		
170425	WATER PARK		01		
170226	TOWELS TO REFILL DISPENSERS,CLEANER FOR		36	81.00	
170226	CLEANING BATHROOMS & COUNTER TOPS,LINERS		36		
170226	FOR TRASH RECEPTACLES @ WATERPARK,TOWELS		36		
170226	TO REFILL DISPENSERS,SCRUBS FOR CLEANUP		36		
10042	THE BERRY COMPANY LLC	269552	07/22/2016		365.67
167425	MONTHLY ADVERTISING FOR WINDSTREAM		01	365.67	
167425	PHONE BOOK MARCH 1, 2016-JUNE 30, 2016		01		
10159	MEDLEY MATERIAL HANDLING	269553	07/22/2016		699.16
169928	MONTHLY COST TO RENT FORKLIIFT FOR THE		36	699.16	
169928	WATER DEPARTMENT/WAREHOUSE.		36		
10184	STELLAR INC	269554	07/22/2016		317.14
170018	NEW PHONE AND INSTALL FOR 7916 EXTENSION		01	317.14	
170018	LABOR AND MATERIAL COSTS		01		
10240	DESIREE L MORGAN	269555	07/22/2016		430.25
169799	INSTRUCTIONAL FEE FOR SUMMER ART ACADEMY		01	430.25	
10248	ALCON LIGHTING & WHLESALE	269556	07/22/2016		4673.20
169360	EXHIBIT LIGHTING		01	4673.20	
10380	REBECCA THOMPSON	269557	07/22/2016		6981.86
162499	REVENUE PAYMENTS FOR CONCESSION SERVICES		29	6981.86	
162499	BFYSC PROVIDED BY REBECCA THOMPSON.		29		
10399	JUANA ONGAGA	269558	07/22/2016		50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM ON		01	50.00	
	JULY 2, 2016		01		
10451	CANACE A SCHREIBER	269559	07/22/2016		430.25
169800	INSTRUCTION FEE FOR SUMMER ART ACADEMY		01	430.25	
10466	PRO CLAIM ADJUSTMENT SRVC	269560	07/22/2016		6872.77
162679	CLAIMS ADMINISTRATION & ADJUSTMENT		28	6872.77	
162679	SERVICES		28		
10498	JK AUTO & DIESEL LLC	269561	07/22/2016		275.28
169871	AFTER HOURS TOWING SERVICE		01	275.28	
10534	KT HOMES	269562	07/22/2016		192.38
	WATER TAP FEE REFUND FOR 1900 EMERALD		36	192.38	
10578	LEE WILSON & ASSOCIATES	269563	07/22/2016		6414.76
165165	TO PREPARE WATER CONSERVATION PLAN		36	6414.76	
165165	CONFORMING TO CURRENT NMOSE REGULATIONS		36		
10667	CARLSBAD PRINTING &DESIGN	269564	07/22/2016		152.00
170432	CITY EMBLEMS FOR NEW SOLID WASTE TRUCKS		24	152.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170432	15394,15395,15396,15397,13258		24		
10828	CORRALES CONSTRUCTION	269565	07/22/2016		265.14
	WATER TAP FEE REFUND AT 1221 MIEHLS		36	265.14	
10865	BRUCKNER TRUCK SALES INC	269566	07/22/2016		382.32
170436	Unit/Asset: SW,14732		24	382.32	
170436	TO REPLACE AIR ,OIL FUEL FILTERS ON ROLL		24		
170436	OFF TRUCK		24		
10877	JASON BURNS	269567	07/22/2016		69.92
170074	MILEAGE-SERPTO MTG ROSWELL 6/30/16		01	69.92	
10913	AMERICAN CONSTRUCTIVE	269568	07/22/2016		4428.89
168503	CONSTRUCTION OBSERVATION FOR THE		02	4428.89	
168503	NORTH CANAL ROAD PROJECT.		02		
10927	SIAS PLUMBING	269569	07/22/2016		454.80
169564	NEED TO FIX BROKEN WATER FAUCET AT THE		01	454.80	
169564	ADULT RESPITE CENTER TO WATER PLANTS		01		
169564	OUTSIDE OF PATIO		01		
10933	LEGACY MARK LLC	269570	07/22/2016		3613.92
170427	FOR MAPPING OVERAGES OF CEMETERY		26	3613.92	
170427	SOFTWARE		26		
11294	CANNON COCHRAN MANAGEMENT	269571	07/22/2016		1291.61
165417	MANAGEMENT, ADJUSTING, STRATACARE		27	1291.61	
165417	FEE FOR		27		
165417	THIRD PARTY ADMINISTRATOR FOR WORKS COMP		27		
11317	ADVANCE AUTO PARTS	269572	07/22/2016		16.98
170464	NEED BELT FOR PORTABLE COOLER AT THE		01	16.98	
170464	RIVER WALK REC CENTER		01		
11531	ROADRUNNER SEWER & DRAIN	269573	07/22/2016		90.00
170220	CLEAN OUT DRAINS AT LIBRARY/MUSEUM		01	90.00	
11577	BELSON OUTDOORS, LLC	269574	07/22/2016		4823.64
169132	POOL DECK CHAIRS FOR THE NEW		02	4823.64	
169132	CARLSBAD WATER PARK.		02		
11632	ALLAN HENRIKSEN	269575	07/22/2016		508.71
170073	PER DIEM-CONFIGURING & ADMINISTERING		01	508.71	
170073	HYPER V SERVER TRNG EL PASO TX 7/5-8/16		01		
11642	SHI GUY PRODUCTION,LLC	269576	07/22/2016		3500.00
170352	LIVE BAND FOR 4TH OF JULY AT THE		23	3500.00	
170352	BEACH BANDSHELL JULY 4, 2016		23		
11643	JOE JC AGUILAR	269577	07/22/2016		1500.00
170354	LIVE BAND FOR 4TH OF JULY 2016 AT THE		23	1500.00	
170354	BEACH BANDSHELL		23		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
11653	ESTER T. ROJAS 269578	07/22/2016			50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM USED ON JULY 9, 2016		01 01	50.00	
11654	LEO VALDEZ 269579	07/22/2016			50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM ON JULY 2, 2016		01 01	50.00	
11655	BERNADETTE LARA 269580	07/22/2016			50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM ON JULY 10, 2016		01 01	50.00	
11656	GLASISSELA AVINA 269581	07/22/2016			50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM ON JULY 3, 2016		01 01	50.00	
12244	SAM DORADO 269582	07/22/2016			105.00
170298	PER DIEM-CRASH REPORTING CLASS		01	105.00	
170298	LAS CRUCES 7/6-7/16		01		
14037	CHRISTOPHER AUSTIN 269583	07/22/2016			105.00
170297	PER DIEM-CRASH REPORTING CLASS		01	105.00	
170297	LAS CRUCES 7/6-7/16		01		
9	AMERICAN LIBRARY ASSOC. 269584	07/28/2016			166.50
170451	ONLINE COURSE FOR TRAINING IN ARCHIVAL		01	166.50	
170451	DIGITIZATION FOR CASSANDRA ARNOLD		01		
170451	JULY 15-AUGUST 15, 2016		01		
88	ALANS AUTO SUPPLY 269585	07/28/2016			823.40
170405	TOWING EQUIPMENT FOR VEHICLES		01	823.40	
170405	RESPONSIBLE FOR TOWING GOLF CART		01		
170405	TRAILERS		01		
108	AMERIPRIDE, INC. 269586	07/28/2016			120.09
169922	LAUNDRY RED RAGS SERVICE		01	34.51	
169924	WEEKLY PFA SHOP TOWEL CLEANING SERIVCE		01	44.27	
169935	MONTHLY CARPET CLEANING FOR CITY HALL		01	41.31	
391	AT&T CORPORATION 269587	07/28/2016			1479.30
169828	LONG DISTANCE SERVICE		01	14.50	
169841	LONG DISTANCE PHONE SERVICE FOR NMSRC		01	13.75	
169849	LONG DISTANCE SERVICE - LIBRARY		01	21.07	
169854	LOND DISTANT PHONE SERVICE FOR GOLF		01	6.63	
169854	COURSE		01		
169857	ANNUAL LONG DISTANCE SERVICES		01	88.73	
169866	LONG DISTANCE PHONE SERVICE FOR ALL FIRE		01	89.86	
169866	STATIONS		01		
169868	LONG DISTANCE TELEPHONE SERVICE FOR		01	10.86	
169868	MUSEUM		01		
169884	Unit/Asset: N/A		01	12.29	
169884	LONG DISTANCE SERVICE FOR ELECTRICAL		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169884	DEPT.		01		
169890	LONG DISTANCE SERVICE FOR THE PARKS		01	1.22	
169890	DEPARTMENT		01		
169893	LONG-DISTANCE TELEPHONE SERVICE		01	22.41	
169898	MONTHLY LONG DISTANCE SERVICE		01	18.16	
169899	LONG DISTANCE SERVICE COMMUNTY SERVICE		01	2.52	
169901	ANNUAL LONG DISTANCE SERVICE		01	13.63	
170118	LONG DISTANCE SERVICES		01	426.23	
170184	LONG DISTANCE SERVICE		01	62.40	
170401	LONG DISTANCE PHONE SERVICE FOR CPD		01	477.70	
169848	LONG DISTANCE TELEPHONE SERVICE		15	22.80	
169888	LONG DISTANCE FOR SOLID WASTE DEPT.		24	4.79	
169839	LONG DISTANCE TELEPHONE SERVICES FOR		26	15.22	
169839	THE CEMETERY OFFICES		26		
169832	LONG DISTANCE SERIVCE		36	101.16	
169845	Unit/Asset: NA		36	53.37	
169845	MONTHLY LONG DISTANCE PHONE SERVICE FOR		36		
169845	361 & 363		36		
396	AUSTIN TURF & TRACTOR INC	269588	07/28/2016		22409.77
168622	JOHN DEERE PROGATOR FOR EVERYDAY TASKS		01	22366.50	
168622	AT THE GOLF COURSE		01		
170513	Unit/Asset: SP,COMPLEX,L585		29	43.27	
170513	REPLACE AIR FILTER BOWL ON JD MOWER		29		
616	BRININSTOOL EQUIPMENT	269589	07/28/2016		1491.97
170527	TAPE MEASURE&FLASHLIGHT TO REPLACE TOOLS		01	28.43	
170527	SPRAY BOTTLE FOR VARIOUS JOBS, FLAGS TO		01		
170527	MARK WATERLINES,FACE SHIELD FOR PPE,SAWZ		01		
170527	ALL TO REPLACE TOOL		01		
170468	SAFETY EQUIPMENT FOR SOLID WASTE DRIVERS		24	451.81	
170468	PPE EQUIPMENT.		24		
170527	TAPE MEASURE&FLASHLIGHT TO REPLACE TOOLS		36	690.86	
170527	SPRAY BOTTLE FOR VARIOUS JOBS, FLAGS TO		36		
170527	MARK WATERLINES,FACE SHIELD FOR PPE,SAWZ		36		
170527	ALL TO REPLACE TOOL		36		
170648	REPLACE STOCK OF VARIOUS TOOLS NEEDED		36	125.08	
170648	FOR COLLECTIONS DEPARTMENT.		36		
170686	REPLACEMENT GRINDER TOOL FOR THE WATER		36	195.79	
170686	DEPARTMENT.		36		
635	BRODART CO.	269590	07/28/2016		7148.40
170463	ANNUAL BOOK LEASE FOR ADULT FICTION AND		01	7148.40	
170463	NONFICTION TITLES FOR COLLECTION		01		
170463	MCNAUGHTON PRINT STANDING ORDER FOR		01		
170463	PUBLIC		01		
736	BEAR PAW EMBROIDERY CORP.	269591	07/28/2016		304.40
169995	SEW PATCHES ON FIRE DEPT DRESS SHIRTS		01	48.40	
169995	AND UNIFORMS		01		
170422	SUMMER HATS THAT PROTECT FACE EARS AND		01	256.00	
170422	NECK		01		
772	RICHARD K BURKE	269592	07/28/2016		377.00
169727	GENERAL WORK AGREEMENT SUMMER REC.		01	377.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169727	PROGRAM.WEIGHT TRAINING SUPERVISOR,		01		
169727	CONTRACT DATES 06/27/16-07/21/16		01		
915	CARLSBAD AUTO SUPPLY	269593	07/28/2016		369.72
170554	Unit/Asset: 12465		01	203.74	
170554	FILTERS FOR LICENSED VEHICLES		01		
170690	Unit/Asset: SEE PRORATION		01	83.69	
170690	A/C ACCUMULATOR FOR COM SERVICE,9838		01		
170690	PAG 46 FOR GARAGE SHOP A/C MACHINE		01		
170554	Unit/Asset: 12465		36	22.53	
170554	FILTERS FOR LICENSED VEHICLES		36		
170563	CHARGER FOR ELECTRIC GREASE GUN		36	59.76	
941	CARLSBAD MAINSTREET CORP	269594	07/28/2016		2999.70
170215	PROMOTIONAL EXPENSE FOR CARLSBAD		23	2999.70	
170215	MAINSTEET DOWNTOWN TOURISM CAMPAIGN		23		
992	CED	269595	07/28/2016		1227.02
170543	CHANGING OUT TWO RAMP LIGHTS WITH LED.		01	1138.00	
170580	MATERIAL TO INSTALL POWER LINE TO A/C		01	89.02	
170580	UNITS IN P-W CONEXES,FUSES TO REPAIR		01		
170580	ELECTRIC DEPT GENERATOR,REPLACE CORD END		01		
170580	ON AC UNIT		01		
1039	CITY OF ROSWELL	269596	07/28/2016		33345.17
170615	MINUMUM REVENUE GUARANTEE FOR AMERICAN		01	33345.17	
170615	AIRLINE FLIGHT FROM ROSWELL TO PHOENIX -		01		
170615	CITY OF CARLSBAD SHARE PER RES.2016-05		01		
1085	CARROT TOP INDUSTRIES	269597	07/28/2016		272.15
170056	FLAGS FOR SPORTS COMPLEX AND EXTRA FLAGS		01	93.20	
170056	FOR VARIOUS CITY BUILDINGS		01		
170056	FLAGS FOR SPORTS COMPLEX AND EXTRA FLAGS		29	178.95	
170056	FOR VARIOUS CITY BUILDINGS		29		
1240	CIRCLE S FEED STORE	269598	07/28/2016		48.00
170740	REPELL INSECTS		01	48.00	
1270	CONNELLS OFFICE SUPPLY	269599	07/28/2016		571.00
170471	OFFICE SUPPLIES		01	224.00	
170491	SUPPLIES FOR PD PERSONNEL		01	186.00	
170631	SUPPLIES FOR CSA		01	21.00	
170631	OXF-52538		01		
170687	TAPE FOR WAREHOUSE OFFICE USE,PENS FOR		01	63.00	
170687	WHSE OFFICE USE,BATTERIES FOR FLASHLIGHT		01		
170687	IN GARAGE,PENS & MARKERS FOR GARAGE		01		
170687	OFFICE USE		01		
170687	TAPE FOR WAREHOUSE OFFICE USE,PENS FOR		29	20.00	
170687	WHSE OFFICE USE,BATTERIES FOR FLASHLIGHT		29		
170687	IN GARAGE,PENS & MARKERS FOR GARAGE OFFI		29		
170687	OFFICE USE		29		
170687	TAPE FOR WAREHOUSE OFFICE USE,PENS FOR		36	57.00	
170687	WHSE OFFICE USE,BATTERIES FOR FLASHLIGHT		36		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170687	IN GARAGE,PENS & MARKERS FOR GARAGE		36		
170687	OFFICE USE		36		
1375	CUMMINS ROCKY MOUNTAIN	269600	07/28/2016		123.97
170541	SHOP TOOL FOR DIAGNOSE CUMMINS ENGINE		01	123.97	
170541	CODES LAB TOP		01		
1402	DARDANELLE TIMBER CO INC	269601	07/28/2016		139.72
170602	REPAIR FLOOR AND REPAINT		01	139.72	
1408	DANA KEPNER CO.	269602	07/28/2016		240.00
170359	GASKETS TO INSTALL & REPLACE WATER		36	240.00	
170359	METERS.		36		
170359	(RESTOCK WAREHOUSE)		36		
1488	DITCH WITCH OF EL PASO	269603	07/28/2016		49.88
170539	Unit/Asset: PARKS,13830		01	49.88	
170539	LOCKING ASSY FOR BATTERY DOOR ON DITCH		01		
170539	WITCH TRENCHER		01		
1714	BARRETT ROBINSON	269604	07/28/2016		463.00
169565	GENERAL WORK AGREEMENT,SUMMER REC.		01	463.00	
169565	PROGRAM.WEIGHT PROGRAM SUPERVISOR		01		
169565	CONTRACT DATES 06/14/16-07/21/16		01		
1801	E-Z RENTALS & SALES, INC.	269605	07/28/2016		2613.54
170331	Unit/Asset: PARKS		01	1529.32	
170331	PARTS TO REPAIR OUTBOARD MOTOR PER LUIS		01		
170331	RENTERIA		01		
170384	REPAIR CARBURETOR AND CHANGE SPARK PLUG		01	12.55	
170512	REPLACE NEW ENGINE ON CONST MILLING		01	1060.72	
170512	MACHINE		01		
170637	PARTS & REPAIR FOR DE WEEDEATER		36	10.95	
1978	ESRI, INC.	269606	07/28/2016		1500.00
170269	ALL OF OUR PROGRAMS ARE ESRI - PERD		01	1500.00	
2359	FERGUSON WATERWORKS #3083	269607	07/28/2016		967.36
170664	INVENTORY LEVEL 0.		36	967.36	
170664	(REPLACEMENT METERS FOR LOCO HILLS)		36		
2384	FLEETPRIDE	269608	07/28/2016		305.69
170701	Unit/Asset: SW,9092		24	305.69	
170701	PARTS FOR AIR BRAKE SYSTEM ON GRAPPLE		24		
170701	TRUCK		24		
2480	FORREST TIRE CO., INC.	269609	07/28/2016		10918.05
170262	FLAT REPAIR / MOUNT & DISMOUNT FOR		01	18.82	
170262	PD FLEET		01		
170534	Unit/Asset: DITCH WITCH#13830		01	125.05	
170534	REPLACE DAMAGED TIRE		01		
169950	Unit/Asset: ALL UNITS		15	48.40	
169950	EMERGENCY FLAT TIRE REPAIR		15		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170108	Unit/Asset: ALL SW VEHICAL TIRES FOR ARC		24	9623.20	
170108	TRUCKS		24		
170438	Unit/Asset: WATER,12465		36	791.51	
170438	TO DIAGNOSE FRONT BRAKE SYSTEM		36		
170542	Unit/Asset: WATER,13232		36	311.07	
170542	DIAGNOSE FRONT BRAKE PROBLEMS		36		
2616	GCSAA	269610	07/28/2016		375.00
170641	ANNUAL MEMBERSHIP DUES FOR GOLF COURSE		01	375.00	
170641	SUPERINTENDENTS ASSOCIATION OF AMERICA.		01		
170641	PLEASE ATTACH CHECK TO MEMBERSHIP FORM		01		
170641	AND RETURN TO GCSAA		01		
2933	GRAINGER	269611	07/28/2016		299.37
170628	REPLACEMENT BATTERIES FOR DEWALT TOOLS		01	299.37	
170628	FOR THE PARKS DEPARTMENT. MATERIAL TO		01		
170628	REPAIR WATER WELL EQUIPMENT FOR THE		01		
170628	PARKS AT THE SHOOTING RANGE.		01		
3050	HALL MACHINE	269612	07/28/2016		82.93
170671	PIPE TO REPLACE LIGHT POLE AT LITERACY		01	26.57	
170671	BLDG		01		
170638	ANGLE IRON FOR SHADE STRUCTURE AT 3MG		36	56.36	
170638	AND 1MG METER VAULT LADDER		36		
3159	HI LINE CO	269613	07/28/2016		828.10
170385	RESTOCK BOLTS FOR ALL UNITS ALL PFA SHOP		01	828.10	
3174	HINKLE SHANOR LLP	269614	07/28/2016		5741.58
128127	LEGAL FEES RE: SAMCON MEDIATION		01	87.08	
128127	THRU 6/30/16		01		
140032	GENERAL LEGAL SERVICES		01	5654.50	
3601	J & J PIPE & SUPPLY	269615	07/28/2016		599.04
170735	NEED TO FIX SPRINKLERS AT THE CIVIC		18	20.98	
170735	CENTER		18		
170509	MATERIAL TO REPAIR #4 MONITORING WELL		36	471.06	
170509	EQUIPMENT.		36		
170552	AIR RELEASE VALVES TO RELEASE AIR ON 3"		36	107.00	
170552	WATER MAIN ON THE HOBBS HWY. THAT FEEDS		36		
170552	THE SANDPOINT LANDFILL.		36		
3641	LOWE'S	269616	07/28/2016		574.75
170505	1/8" WIRE CABLE, SPRING CLIPS, CLAMPS		01	195.70	
170505	FOR FOUNTAINS IN PONDS. DRILL BIT SET		01		
170505	RECIPROCATING SAW FOR CUTTING PIPE		01		
170675	TO HELP COOL SERVER ROOM AT CITY HALL		01	379.05	
3706	DEERE CREDIT INC.	269617	07/28/2016		212.85
170634	ADVANCE LEASE PAYMENT FOR AUGUST 2016		01	212.85	
170634	FOR GATOR. CONTRACT # 020-0052819-046		01		
170634	CONTRACT DATES 08/01/2016-08/01/2020		01		
3729	JO ANN'S TROPHIES	269618	07/28/2016		45.45
170537	COUNCILOR ESTRADA CARD HOLDER, CITY NAME		01	45.45	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170537	TAG		01		
3942	MARC KNEELAND	269619	07/28/2016		463.00
169572	GENERAL WORK AGREEMENT FOR SUMMER REC.		01	463.00	
169572	PROGRAM FOR WEIGHT TRAINING SUPERVISOR		01		
169572	CONTRACT DATES 06/14/16-07/21/16		01		
3945	KRISTINA'S CUSTOM FRAMING	269620	07/28/2016		85.62
169985	CUSTOM FRAMING SERVICES		01	85.62	
4340	LEA COUNTY ELEC COOP. INC	269621	07/28/2016		4062.87
170178	ELECTRIC SERVICE FOR THE DE WELLFIELD		36	4062.87	
170178	IN LOCO HILLS		36		
4359	LIFE ASSIST INC	269622	07/28/2016		4264.10
170396	Unit/Asset: STATION 1		01	4264.10	
170396	PURCHASE EMS SUPPLIES		01		
4731	MAIL SERVICE CENTER	269623	07/28/2016		60.13
169933	DOCUMENT NEEDS TO BE OVERNIGHTED TO		01	33.33	
169933	DAVID BARBOZA, NMDOT SANTA FE		01		
170394	POSTAGE FOR ITEMS THAT NEED TO BE MAILED		01	26.80	
170394	IN AN EXPRESSED AND TRACKABLE MANNER		01		
4759	MCCOYS LUMBER	269624	07/28/2016		50.53
170584	REPLACEMENT IRRIGATION SYSTEM PARTS FOR		01	17.56	
170584	LAKE CARLSBAD REC. AREA		01		
170566	TO REPAIR VASES ON HEADSTONES		26	32.97	
4779	MASTER LUBE INC	269625	07/28/2016		189.16
170414	Unit/Asset: ALL UNITS		15	189.16	
170414	OIL CHANGES FOR TRANSIT UNITS		15		
4872	MINE SUPPLY	269626	07/28/2016		382.45
169929	REPLACEMENT HOSES FOR THE SOLID WASTE		24	260.99	
169929	TRASH TRUCKS. TO INCLUDE HOSES, "O"RING		24		
169929	FITTINGS, ADAPTERS, ETC.,		24		
170330	Unit/Asset: SP/COMPLEX L584		29	121.46	
170330	TO REPAIR HYD HOSES ON JD MOWER		29		
4905	MODRALL SPERLING, ROEHL	269627	07/28/2016		1429.73
158434	LEGAL REPRESENTATION FEES AGAINST		36	237.49	
158434	LEA COUNTY FOR FILING APPLICATION TO TAP		36		
158434	INTO CARLSBAD'S WATER SUPPLY		36		
166108	1 LEGAL SERVICES FOR WATER RIGHTS & LOBO		36	1192.24	
166108	WATER RESOURCE		36		
4935	MORRISON SUPPLY	269628	07/28/2016		2496.80
170680	PARTS TO REPAIR SERVER AT CITY HALL		01	2496.80	
5551	NICHOLS PRINTING, INC.	269629	07/28/2016		664.00
170469	BUSINESS CARDS FOR SIMON RUBIO & JASON		01	90.00	
170469	BURNS-PERD & ENG.		01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170516	BUSINESS CARDS FOR APPT COUNCILOR,		01	90.00	
170516	REORDER FOR MAYOR		01		
170578	SUPPLIES FOR CASHIERS		01	484.00	
5555	NMWWA	269630	07/28/2016		801.00
169972	MEMBERSHIP TO NMWWA JSANCHEZ		36	301.00	
169972	H GONZALEZ, H NAVA, J LAWSON, G FOX,		36		
169972	S NAJAR, J FLOREZ, W NICHOLS		36		
170659	2016 CENTRAL SCHOOL PRE REGISTRATION		36	500.00	
170659	FORM FOR GERALD FOX AND JOSEPH FLOREZ		36		
170659	TRAINING IS MANDATORY FOR WWC LEVEL 1		36		
170659	CERTIFICATION.		36		
5639	OFFICE DEPOT, INC	269631	07/28/2016		319.98
170095	CAMERAS FOR CODE ENFORCEMENT-PERD		01	319.98	
5668	OREILLY AUTO/FIRST CALL	269632	07/28/2016		85.13
170636	CLEANING SUPPLIES FOR THE PARKS DEPT.		01	60.45	
170636	VEHICLES		01		
170222	Unit/Asset: 34 & 35		15	24.68	
170222	REPLACE ELECTRONIC FLASHERS		15		
5775	COOPERATIVE EDUCATIONAL	269633	07/28/2016		75984.20
168889	Unit/Asset: E-6, L-2		20	1224.00	
168889	EQUIPMENT FOR NEW LADDER TRUCK AND		20		
168889	RESCUE PUMPER		20		
169507	CONSTRUCTION OF THE SOCCER PHASE		29	74760.20	
169507	OF THE CYSC 2016 EXPANSION.		29		
5882	PETES EQUIPMENT REPAIR,	269634	07/28/2016		3782.75
170478	Unit/Asset: WWC,10084		36	2147.55	
170478	PARTS FOR VACTOR TRUCK		36		
170652	Unit/Asset: SEE PRORATION 3034,10923		36	1635.20	
170652	PARTS FOR WWC VACTOR TRUCK HOSE REEL		36		
170652	AND ST SWEEPER FOR A/C SYSTEM		36		
5972	POSTAL PROS, INC	269635	07/28/2016		5567.91
170245	PRINTING AND MAILING OF UTILITY BILLS		01	1497.97	
170245	AND DISCONNECT NOTICES		01		
170245	PRINTING AND MAILING OF UTILITY BILLS		24	1356.65	
170245	AND DISCONNECT NOTICES		24		
170245	PRINTING AND MAILING OF UTILITY BILLS		36	2713.29	
170245	AND DISCONNECT NOTICES		36		
6114	PROQUEST INFORMATION	269636	07/28/2016		1630.00
170493	GENEALOGY DATABASE FOR PUBLIC USE		01	1630.00	
6327	GINO RODRIGUEZ	269637	07/28/2016		215.00
169938	GENERAL WORK AGREEMENT FOR SUMMER REC.		01	215.00	
169938	PROGRAM FOR WEIGHT TRAINING SUPERVISOR		01		
169938	CONTRACT DATES 07/05/16-07/21/16		01		
6358	RGB, LLC	269638	07/28/2016		151.21
170383	ANTENNA IS BROKEN NEED REPLACED		01	151.21	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
6510 RUSH TRUCK CENTERS	269639	07/28/2016			1281.96
170358 Unit/Asset: SW,1796			24	759.89	
170358 PARTS FOR AIR BRAKE SYSTEM ON ARC TRUCK			24		
170486 Unit/Asset: SW,10781,10823			24	522.07	
170486 REPLACE PARTS ON ARC TRUCKS			24		
6760 SHERWIN-WILLIAMS	269640	07/28/2016			247.39
170698 PAINT FOR THE PARK RESTROOMS			01	247.39	
6919 BRADY INDUSTRIES OF NM	269641	07/28/2016			45.26
170375 SUPPLIES FOR WATER PARK			01	45.26	
7058 SOUTHWEST BINGO SUPPLIES	269642	07/28/2016			170.00
170533 DABBERS FOR BINGO HELD AT SAN JOSE			01	170.00	
170533 CENTER			01		
7135 TATE BRANCH AUTO PLEX	269643	07/28/2016			113.34
170445 Unit/Asset: UNIT M-7 F/D			01	113.34	
170445 TEMPERATURE SENSOR IS BROKEN NEED TO			01		
170445 REPLACE IT			01		
7533 THOMSON-WEST	269644	07/28/2016			698.00
170111 MCQUILLIN LAW OF MUNICIPAL CORPORATIONS,			01	698.00	
170111 3D VOL 9 FOR CITY ATTORNEY			01		
7607 ULINE INC.	269645	07/28/2016			381.88
170536 SUPPLIES FOR EVIDENCE TECHS			01	381.88	
8065 WASTE SYSTEMS	269646	07/28/2016			352.31
170581 Unit/Asset: 11592			24	352.31	
170581 PARTS FOR LICENSED VEHICLE SERVICE			24		
8070 WATER DEPARTMENT	269647	07/28/2016			513.29
170173 WATER USAGE FOR THE PARKS DEPARTMENT			01	513.29	
8072 WATSON TRUCK & SUPPLY	269648	07/28/2016			734.39
170437 Unit/Asset: ST,13076			01	734.39	
170437 PARTS TO REPAIR FAN SHROUD AND BELTS			01		
170437 NEED FUEL			01		
8076 WATER INVENTORY	269649	07/28/2016			4538.31
170676 MATERIAL TO REPAIR SEWER PUMPING EQUIP-			36	200.76	
170676 MENT AT THE COMFORT SUITES LIFT STATION			36		
170676 ON W. PIERCE STREET.			36		
170677 MATERIAL TO REPAIR MAIN LINE LEAK ON THE			36	199.30	
170677 OLD COUNTY LINE MAIN IN LOCO HILLS.			36		
170678 MATERIAL TO INSTALL A SAMPLE PORT ON			36	100.39	
170678 THE DIGESTER STATION AT THE WASTE WATER			36		
170678 TREATMENT PLANT.			36		
170679 MATERIAL TO REPLACE METER, REPAIR SER-			36	711.73	
170679 VICE LINE LEAKS, & RESTOCK TRUCK #14197.			36		
170679 (604 W. CHURCH, 1919 HAYES, & THE CORNER			36		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
170679	OF HAYES/LIGON)		36		
170710	MATERIAL TO INSTALL A NEW SERVICE AT		36	1528.59	
170710	803 W. CHURCH.		36		
170711	MATERIAL TO INSTALL NEW SERVICES AT		36	670.92	
170711	1936 DIAMOND, 1848 EMERALD, & 1907 TROY.		36		
170712	MATERIAL TO REPAIR MAIN LINE LEAK NEAR		36	101.48	
170712	CR-21 WATER WELL IN LOCO HILLS.		36		
170713	MATERIAL TO REPLACE METERS, & RESTOCK		36	1025.14	
170713	SERVICE TRUCK #12105.		36		
170713	(1501 W. THOMAS, 2514 W. LEA, & 3316		36		
170713	JOSHUA CIRCLE)		36		
8089	THE WATER WORKS INC	269650	07/28/2016		42.36
162245	WATER SERVICE AND COOLER RENTAL		01	12.36	
162354	DELIVERED BOTTLED WATER SERVICE & RENTAL		01	30.00	
162354	FOR CPD		01		
8375	XCEL ENERGY SERVICES, INC	269651	07/28/2016		559.59
170344	STREET LIGHTING & SIGNAL ACCRUE.		01	559.59	
9183	CHRISTOPHER M CERNY	269652	07/28/2016		463.00
169570	GENERAL WORK AGREEMENT FOR SUMMER REC.		01	463.00	
169570	PROGRAM FOR WEIGHT TRAINING SUPERVISOR		01		
169570	CONTRACT DATES 06/14/16-07/21/16		01		
9450	MOLZEN-CORBIN & ASSOC, INC	269653	07/28/2016		24676.84
134111	DOUBLE EAGLE WATERLINE ENGINEERING		36	24676.84	
134111	THRU 5/31/16		36		
9590	JONATHON MOYERS	269654	07/28/2016		12.00
170130	PER DIEM-ADDRESS POLICE UNITS		01	12.00	
9796	SANDY GONZALEZ	269655	07/28/2016		416.00
170306	PER DIEM-GOVT ACCOUNTING & REPORTING		01	416.00	
170306	SEMINAR SANTA FE 7/31-8/3/16		01		
9864	ERNESTO MENDOZA	269656	07/28/2016		12.00
170129	PER DIEM-ADDRESS POLICE UNITS		01	12.00	
170129	6/28/16		01		
10017	HARVEY FUELS INC.	269657	07/28/2016		448.50
170643	DEF FOR NEW ARC TRUCKS FOR FUEL SYSTEM		24	448.50	
10034	CARLSBAD QUALITY	269658	07/28/2016		400.40
170284	JANITORIAL SUPPLIES FOR PW BUILDINGS		01	42.00	
170425	NEED SCRUB BRUSH FOR CLEANING SODA AND		01	9.50	
170425	FOOD PRODUCTS OFF THE CEMENT AT THE		01		
170425	WATER PARK		01		
170519	JANITORIAL SUPPLIES FOR PW BUILDINGS		01	204.00	
170483	CHLORINE & SUPPLIES FOR BFYSC SPLASH		29	144.90	
170483	PAD.		29		
10184	STELLAR INC	269659	07/28/2016		137.14
170597	PHONE LINE NOT WORKING-PERD		01	137.14	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
10449	ANGEL RAMIREZ	269660	07/28/2016		463.00
169573	GENERAL WORK AGREEMENT FOR SUMMER REC.			01	463.00
169573	PROGRAM FOR WEIGHT TRAINING SUPERVISOR			01	
169573	CONTRACT DATES 06/14/16-07/21/16			01	
10512	ANTHONY ALANZO	269661	07/28/2016		500.00
170353	DJ FOR 4TH OF JULY 2016 CARLSBAD BEACH			23	500.00
10534	KT HOMES	269662	07/28/2016		192.38
	TAP FEE REFUND FOR 1918 DIAMOND			36	192.38
10546	ANNETTE HARDIN	269663	07/28/2016		50.00
	DEPOSIT REFUND FOR POWER HOUSE ROOM USED			01	50.00
	07/23/16			01	
10614	EDWARD VANSCOTTER	269664	07/28/2016		12.00
	E. VANSCOTTER TRAVEL TO LUBBOCK TX ON			01	12.00
	07/15/16			01	
10624	ARROW INTERNATIONAL	269665	07/28/2016		3013.57
170282	Unit/Asset: STATION 1			01	3013.57
170282	PURCHASE EZ IO NEEDLES			01	
10667	CARLSBAD PRINTING & DESIGN	269666	07/28/2016		299.00
170049	UNIFORM CAPS FOR CITY EMPLOYEES.			01	138.00
170049	(RESTOCK WAREHOUSE)			01	
170049	UNIFORM CAPS FOR CITY EMPLOYEES.			24	69.00
170049	(RESTOCK WAREHOUSE)			24	
170049	UNIFORM CAPS FOR CITY EMPLOYEES.			36	92.00
170049	(RESTOCK WAREHOUSE)			36	
10882	EDDY COUNTY	269667	07/28/2016		226796.27
162681	1/2 CITY SHARE OF SANDPOINT LANDFILL			24	226796.27
162681	OPERATIONS			24	
10981	TDS BROADBAND LLC	269668	07/28/2016		235.30
169954	PHONE, FAX, & DATA SERVICES FOR SPORTS			29	235.30
169954	COMPLEX OFFICE.			29	
11018	GARY C BRADLEY	269669	07/28/2016		462.00
169569	GENERAL WORK AGREEMENT FOR SUMMER REC.			01	462.00
169569	PROGRAM FOR WEIGHT TRAINING SUPERVISOR			01	
169569	CONTRACT DATES 06/14/16-07/21/16			01	
11019	BRAD BREWER	269670	07/28/2016		377.00
169571	GENERAL WORK AGREEMENT FOR SUMMER REC.			01	377.00
169571	PROGRAM FOR WEIGHT TRAINING SUPERVISOR			01	
169571	CONTRACT DATES 06/14/16-07/21/16			01	
11040	TODD P FLOREZ	269671	07/28/2016		215.00
169724	GENERAL WORK AGREEMENT SUMMER REC.			01	215.00
169724	PROGRAM.WEIGHT TRAINING SUPERVISOR,			01	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
169724	CONTRACT DATES 06/27/16-07/21/16		01		
11041	BOBBY BRUCE BATES	269672	07/28/2016		1140.00
169635	GENERAL WORK AGREEMENT SUMMER REC.		01	1140.00	
169635	PROGRAM.VOLLEYBALL SUPERVISOR, CONTRACT		01		
169635	DATES.06/27/16-07/21/16		01		
11042	MATTHEW ENLOE	269673	07/28/2016		215.00
169723	GENERAL WORK AGREEMENT SUMMER REC.		01	215.00	
169723	PROGRAM.WEIGHT TRAINING SUPERVISOR,		01		
169723	CONTRACT DATES 06/27/16-07/21/16		01		
11230	SNAP ON TOOLS	269674	07/28/2016		69.00
170376	Unit/Asset: ALL P F A UNITS		01	69.00	
170376	BATTERY LOAD TESTER FOR ALL PFA UNITS		01		
11251	C & R DISTRIBUTING, LLC	269675	07/28/2016		337.80
169762	OIL FOR THE FINE SCREEN		36	337.80	
11318	QUALITY TOWING	269676	07/28/2016		139.83
169625	WRECKER WAS CALLED OUT TO FATAL CRASH		01	139.83	
169625	LOCATION TO REMOVE VEHICLE THAT WOULD		01		
169625	BE PROCESSED AT PD		01		
11422	NEW MEXICO RUSH FOOTBALL	269677	07/28/2016		1421.86
168221	PROMOTIONAL ADVERTISING FOR NM RUSH		23	1421.86	
168221	FOOTBALL		23		
11423	TRITECH SOFTWARE SYSTEMS	269678	07/28/2016		1200.00
170397	CUSTOMER SUPPORT CRIME MAPPING FOR PD		01	1200.00	
170397	FY 7/16-6/17		01		
11483	LAVELTA JENKINS	269679	07/28/2016		456.00
170592	PER DIEM-GOVT ACCOUTNING & REPORTING		01	456.00	
170592	SEMINAR SANTA FE 7/31-8/4/16		01		
11484	MELISSA SALCIDO	269680	07/28/2016		441.42
170305	PER DIEM-GOVT ACCOUNTING & REPORTING		01	441.42	
170305	SEMINAR SANTA FE 7/31-8/3/16		01		
11531	ROADRUNNER SEWER & DRAIN	269681	07/28/2016		180.00
170220	CLEAN OUT DRAINS AT LIBRARY/MUSEUM		01	180.00	
11598	DADEE MFG, LLC	269682	07/28/2016		362.99
170538	Unit/Asset: SW,15395,15396		24	362.99	
170538	REPLACE SENSOR AND COVER ON ARC TRUCKS		24		
170538	AND NEW CRANE CARRIER		24		
11601	SIGLER WHOLESALE DIST	269683	07/28/2016		61.55
170476	REPLACE FAN MOTOR AT CAVE KARST		01	61.55	
11604	FOREST PLYWOOD SALES INC	269684	07/28/2016		1194.00
169520	SHORING PANELS FOR TRENCH RESCUE		20	1194.00	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
11618 MALOY MOBILE STORAGE INC	269685	07/28/2016			7301.70
169667 Unit/Asset: BUILDING IMPROVEMENTS			01	7301.70	
169667 CONEX WILL BE USED TO STORE AUTOMOTIVE			01		
169667 PARTS			01		
11620 AES INC.	269686	07/28/2016			1034.07
169840 SUPPLIES FOR THE CARLSBAD WATER PARK			01	717.40	
170230 SUPPLIES FOR THE CARLSBAD WATER PARK			01	316.67	
11630 CARLTON GILLETTE	269687	07/28/2016			215.00
169939 GENERAL WORK AGREEMENT SUMMER REC.			01	215.00	
169939 PROGRAM.WEIGHT TRAINING SUPERVISOR,			01		
169939 CONTRACT DATES 07/05/16-07/21/16			01		
11631 BRYAN JONES	269688	07/28/2016			377.00
169728 GENERAL WORK AGREEMENT SUMMER REC.			01	377.00	
169728 PROGRAM.WEIGHT TRAINING SUPERVISOR.			01		
169728 CONTRACT DATES.06/27/16-07/21/16			01		
11657 AMERICA SUPPLY LLC	269689	07/28/2016			53.28
170639 FLAGS FOR THE PW BUILDING			01	53.28	
11672 DIANE LEWIS	269690	07/28/2016			50.00
DEPOSIT REFUND FOR POWER HOUSE ROOM USE			01	50.00	
07/17/16			01		
11673 GLORIA POPE	269691	07/28/2016			50.00
DEPOSIT REFUND FOR POWER HOUSE ROOM USE			01	50.00	
07/15-16/16			01		
14090 STEPHANIE E SHUMSKY	269692	07/28/2016			139.84
170135 MILEAGE-SNMEDD/COG MTG ROSWELL 7/8/16			01	69.92	
170136 PER DIEM-SERTPO MTG ROSWELL 6/30/16			01	69.92	
14611 PATSY JACKSON-CHRISTOPHER	269693	07/28/2016			12.00
P. JACKSON-CHRISTOPHER TRAVEL TO LUBBOCK			01	12.00	
TX ON 07/15/16			01		
15764 DAVID DESANTIAGO	269694	07/28/2016			20.00
170308 PER DIEM-TRANSPORT JUVENILE TO DETENTION			01	20.00	
170308 CENTER CLOVIS 7/6/16			01		
15961 ELIZABETH FERRALES	269695	07/28/2016			12.00
170134 PER DIEM-SANE EXAMINATION DETECTIVE			01	12.00	
170134 CASE ROSWELL 6/29/16			01		
16080 OTIS WATER USERS CO-OP	269696	07/28/2016			92.58
169914 WATER SERVICES FOR SUNSET GARDENS			26	92.58	
2265 FIERRO & FIERRO PA CORP.	269697	07/29/2016			19505.73
166999 PROVIDE FINANCIAL MANAGMENT AND			01	19505.73	
166999 CONSULTING SERVICES UNTIL A NEW FINANCE			01		

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
166999	DIRECTOR CAN BE HIRED AND TRAINED. SOME		01		
166999	ADDITIONAL ON-GOING SERVICES POSSIBLE		01		
10380	REBECCA THOMPSON	269698	07/29/2016		7607.14
162499	REVENUE PAYMENTS FOR CONCESSION SERVICES		29	7607.14	
162499	BFYSC PROVIDED BY REBECCA THOMPSON.		29		
11505	CCH INCORPORATED	269699	07/29/2016		7337.74
167958	ENGAGEMENT SOFTWARE TO ASSIST IN		01	7337.74	
167958	PREPARING FINANCIAL STATEMENTS FOR		01		
167958	THE ANNUAL AUDIT		01		
11541	RAYMOND ROMERO	269700	07/29/2016		689.31
	DAMAGE TO PROPERTY - PICKET FENCE AT 912		28	689.31	
	N PATE		28		
	Report Totals:			2187451.69	2187451.69

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
1290	CONSTRUCTOR'S INC.	27911	07/07/2016		237646.06
168124	Unit/Asset: N/A			44 237646.06	
168124	STREET IMPROVEMENT ON 9TH ST.			44	
2947	GREER CONSTRUCTION, INC.	27912	07/07/2016		74590.41
166709	RENOVATION/CONSTRUCTION OF THE			49 74590.41	
166709	MUNICIPAL ANNEX PHASE 2.			49	
5009	MORROW, REARDON, MILLER,	27913	07/07/2016		14255.94
168840	PROFESSIONAL ARCHITECTURE SERVICES FOR			49 14255.94	
168840	HALAGUENO ART PARK PHASE 3.			49	
5614	OCCAM CONSULTING	27914	07/07/2016		5792.38
167257	PROFESSIONAL ENGINEERING SERVICE FOR			44 5792.38	
167257	TEXAS STREET RECONSTRUCTION PROJECT.			44	
6362	RMCI INC.	27915	07/07/2016		303189.85
168117	CONSTRUCTION OF THE EFFLUENT REUSE			41 303189.85	
168117	PROJECT PHASE 5-A.			41	
1290	CONSTRUCTOR'S INC.	27916	07/14/2016		96238.54
164174	CONSTRUCTION OF NEW RESTROOMS AND			49 96238.54	
164174	PARKING LOT AT LAKE CARLSBAD TENNIS			49	
164174	COURTS.			49	
1560	DURHAM MACKAY ARCHITECTS	27917	07/14/2016		6195.39
167428	ARCHITECTURE SERVICES FOR THE INSURANCE			49 6195.39	
167428	RE-ROOFS PROJECT.			49	
4902	MODERN COMPANY	27918	07/14/2016		19830.88
169499	TO INSTALL PHONES/INTERNET AND SECURITY			49 19830.88	
169499	SYSTEM AT THE CARLSBAD WATER PARK.			49	
1290	CONSTRUCTOR'S INC.	27919	07/22/2016		144234.85
168501	CONSTRUCTION FOR NORTH CANAL PHASE 2			60 144234.85	
168501	FROM ORCHARD TO CHERRY.			60	
3005	HDR ENGINEERING INC.	27920	07/22/2016		12380.16
167007	TO PROVIDE ENGINEERING SERVICES FOR WW			41 12380.16	
167007	EFFLUENT REUSE PHASE 5-B PROJECT			41	
5775	COOPERATIVE EDUCATIONAL	27921	07/22/2016		33124.67
169013	REPAIRS AND PUNCH LIST ITEMS AT			49 8497.67	
169013	NCKRI.			49	
169458	FOR IRRIGATION INSTALLATION SERVICES			49 24627.00	
169458	IN DIVISION "Q" AND "R" OF CARLSBAD			49	
169458	CEMETERY			49	
6873	SMITH ENGINEERING INC.	27922	07/22/2016		1478.13
160459	Unit/Asset: NA			44 1478.13	
160459	ENGINEERING SERVICE FOR ROADWAY PROJECT			44	
160459	FOR NORTH CANAL FROM ORCHARD TO CHERRY			44	

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
9450	MOLZEN-CORBIN & ASSOC, INC	27923	07/22/2016		13742.26
160931	DESIGN AND ENGINEERING SERVICES FOR			44	13742.26
160931	CALLAWAY DRIVE RECONSTRUCTION PROJECT.			44	
1290	CONSTRUCTOR'S INC.	27924	07/28/2016		3594.22
168245	Unit/Asset: N/A			44	3594.22
168245	STREET IMP. ON BOYD DR.			44	
5775	COOPERATIVE EDUCATIONAL	27925	07/28/2016		262560.06
165652	GENERAL CONSTRUCTION FOR THE NEW			49	262560.06
165652	AQUATIC COMPLEX.			49	
	Report Totals:			1228853.80	1228853.80

Vendor/PO	CHECK NUMBER	CHECK DATE	FUND	FUND AMOUNT	CHECK AMOUNT
11010	US DEPARTMENT OF ENERGY CETANE REIMBURSEMENT MARCH 2016	4658	07/07/2016	88 49725.00	49725.00
3005	HDR ENGINEERING INC.	4659	07/22/2016		9668.31
160994	ENGINEERING SERVICES FOR WASTEWATER			81 9668.31	
160994	EFFLUENT REUSE PROJECT			81	
	Report Totals:			59393.31	59393.31

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION

Council Meeting Date: 9-13-16

<b>Department:</b> Street	<b>BY:</b> Pat Cass, Deputy Director of Public Works	<b>Date:</b> 8-29-16
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**SUBJECT:** Infrastructure  
**Description:**  
Annual Street Improvement for F.Y. 2016-17

<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost	<u>\$ 1,000,000.00</u>	Total Actual Cost	<u>\$ 1,000,000.00</u>
	Budgeted Yes	Est. City Share	<u>\$ 1,000,000.00</u>	Actual City Share	<u>\$ 1,000,000.00</u>
	Account # <u>44-0440-84030</u>		<u>\$ 1,000,000.00</u>		
	Account # _____		_____		
	Account # _____		_____		
	Account # _____		_____		
		<b>TOTAL</b>	<u>\$ 1,000,000.00</u>		

**BACKGROUND, JUSTIFICATION AND IMPACT:** (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

Annual Street Imp. to the following streets:  
Nevada from 6th to McArthur  
Center from 2nd to N.E. 1st  
14th from Washington to North End  
Hagerman from Main to R.R. Track  
Fox from Halagueno to Mesa  
Bronson from Main to R.R. Track  
N. Howard from Edward to Richard  
Ortega from Alameda to Cypress  
Primrose from Montgomery to North

<b>Requested action to be taken by Council:</b> Other:	<b>Council Action Taken:</b> Select one	<b>Date:</b> 9-13-2016
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**Reviewed by City Administrator:** /s/ Stephanie Shumsky 9-7-2016

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>
<b>Requested action to be taken by Council:</b> Select one	<b>Council Action Taken:</b> Select one
<b>ADDITIONAL INFORMATION:</b>	
<b>Reviewed by City Administrator:</b>	

ATTACHMENT(S):  Specifications  Bid/RFP Summary  Other: \_\_\_\_\_

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 09-13-16**

<b>DEPARTMENT:</b> Engineering	<b>BY:</b> Jason Burns – Projects Administrator	<b>DATE:</b> 09-07-16												
<b>SUBJECT:</b> Resurfacing Runway 8-26 at Cavern City Air Terminal Grant Offer														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): <b>BACKGROUND:</b>  <b>Project Background:</b> The Runway 8-26 at Cavern City Air Terminal is in need of resurfacing. The City has received and reviewed an engineered design and specifications for resurfacing of Runway 8-26, and has also received a grant from the Federal Aviation Administration (FAA). The FAA will cover 93.75% percent of the construction cost, leaving the remaining 6.25% to be split evenly between the NMDOT and the City.  Council consideration is requested to accept the grant offer from the FAA for the Resurfacing of Runway 8-26 at Cavern City Air Terminal.														
<b>DEPARTMENT RECOMMENDATION:</b> Accept/Approve Offer														
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>  <table style="width: 100%; border: none;"><tr><td><input type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td></td></tr></table>			<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee												
Reviewed by City Administrator /s/ Stephanie Shumsky _____ Date: <u>Sept. 7</u> , 2016														

ATTACHMENTS: Resurfacing of Runway 8-26 at Cavern City Air Terminal Grant Agreement



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## GRANT AGREEMENT

### PART I – OFFER

Date of Offer	<u>September 2, 2016</u>
Airport/Planning Area	<u>Cavern City Air Terminal</u>
AIP Grant Number	<u>3-35-0007-025-2016</u>
DUNS Number	<u>084475854</u>
TO:	<u>City of Carlsbad</u> (herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated August 29, 2016, for a grant of Federal funds for a project at or associated with the Cavern City Air Terminal Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Cavern City Air Terminal Airport (herein called the "Project") consisting of the following:

#### Rehabilitate Runway 8/26

which is more fully described in the Project Application.

**NOW THEREFORE**, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay 93.75 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

## CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is **\$228,914.00**.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0 for planning

**\$228,914.00** for airport development or noise program implementation

\$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the project period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application and as accepted by the FAA to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **September 12, 2016**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by

settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

**10. United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

**11. System for Award Management (SAM) Registration And Universal Identifier.**

A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).

**12. Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

**13. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

**14. Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality

standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

- 15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
- 16. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
- 17. Maximum Obligation Increase For Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
  - B. May be increased by not more than 15 percent for development projects;
  - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
- 18. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
- 19. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
    1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if non-federal entity is excluded or disqualified; or
    2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
    3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
  - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
  - C. Immediately disclose to the FAA whenever the Sponsor: (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.
- 20. Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
    1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.

2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
  - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
  - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**21. Trafficking in Persons.**

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity). Prohibitions include:
  1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
  2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
  3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
  1. Is determined to have violated the Prohibitions; or
  2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
    - a. Associated with performance under this agreement; or
    - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by the FAA at 2 CFR part 1200.

**22. AIP Funded Work Included in a PFC Application:**

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

- 23. Exhibit “A” Property Map.** The Exhibit “A” Property Map dated June 2016, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

- 24. Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Grant Assurance Pavement Preventive Management. The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. The Sponsor further agrees that the program will

- A. Follow FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
- B. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
- C. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
  - 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
    - a. Location of all runways, taxiways, and aprons;
    - b. Dimensions;
    - c. Type of pavement, and;
    - d. Year of construction or most recent major rehabilitation.
  - 2. Inspection Schedule.
    - a. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
    - b. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
  - 3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
    - a. Inspection date;
    - b. Location;
    - c. Distress types; and
    - d. Maintenance scheduled or performed.
  - 4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.

**25. Maintenance Project Life.** The Sponsor agrees that pavement maintenance is limited to those aircraft pavements that are in sufficiently sound condition that they do not warrant more extensive work, such as reconstruction or overlays in the immediate or near future. The Sponsor further agrees that AIP funding for the pavements maintained under this project will not be requested for more substantial type rehabilitation (more substantial than periodic maintenance) for a 5-year period following the completion of this project unless the FAA determines that the rehabilitation or reconstruction is required for safety reasons.

**26. Plans and Specifications Prior to Bidding.** The Sponsor agrees that it will submit plans and specifications for FAA review and approval prior to advertising for bids.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

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*(Signature)*

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Lacey D. Spriggs

*(Typed Name)*

Manager, Louisiana / New Mexico  
Airports District Office

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*(Title of FAA Official)*

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Carlsbad

*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of New Mexico. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_.

**By:**

\_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

\_\_\_\_\_

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

## **ASSURANCES**

### **AIRPORT SPONSORS**

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#### **A. General.**

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

#### **B. Duration and Applicability.**

##### **1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

##### **2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

##### **3. Airport Planning Undertaken by a Sponsor.**

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

#### **C. Sponsor Certification.**

The sponsor hereby assures and certifies, with respect to this grant that:

##### **1. General Federal Requirements.**

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

## FEDERAL LEGISLATION

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- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.<sup>1</sup>
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.<sup>1,2</sup>
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).<sup>1</sup>
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.<sup>1</sup>
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.<sup>1</sup>
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.<sup>1</sup>
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.<sup>1</sup>
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.<sup>1</sup>
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.<sup>1</sup>
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.<sup>2</sup>
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

## EXECUTIVE ORDERS

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- a. Executive Order 11246 - Equal Employment Opportunity<sup>1</sup>
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction<sup>1</sup>
- f. Executive Order 12898 - Environmental Justice

## **FEDERAL REGULATIONS**

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- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].<sup>4, 5, 6</sup>
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.<sup>1</sup>
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.<sup>1, 2</sup>
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.<sup>1</sup>

- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

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## **SPECIFIC ASSURANCES**

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

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## **FOOTNOTES TO ASSURANCE C.1.**

- <sup>1</sup> These laws do not apply to airport planning sponsors.
- <sup>2</sup> These laws do not apply to private sponsors.
- <sup>3</sup> 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- <sup>4</sup> On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- <sup>5</sup> Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- <sup>6</sup> Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

### **2. Responsibility and Authority of the Sponsor.**

#### a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

#### b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

**3. Sponsor Fund Availability.**

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

**4. Good Title.**

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

**5. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

**6. Consistency with Local Plans.**

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

**7. Consideration of Local Interest.**

It has given fair consideration to the interest of communities in or near where the project may be located.

**8. Consultation with Users.**

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

**9. Public Hearings.**

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

**10. Metropolitan Planning Organization.**

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

**11. Pavement Preventive Maintenance.**

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

**12. Terminal Development Prerequisites.**

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

**13. Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**14. Minimum Wage Rates.**

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**15. Veteran's Preference.**

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

**16. Conformity to Plans and Specifications.**

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

**17. Construction Inspection and Approval.**

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

**18. Planning Projects.**

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

**19. Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
- 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

#### **20. Hazard Removal and Mitigation.**

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

#### **21. Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

#### **22. Economic Nondiscrimination.**

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
  - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
  - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

### **23. Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft

rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

#### **24. Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

#### **25. Airport Revenues.**

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
  - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
  - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
  - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
    - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

## **26. Reports and Inspections.**

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

## **27. Use by Government Aircraft.**

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied).

## **28. Land for Federal Facilities.**

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

## 29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
  - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
  - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
  - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
  - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
    - a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

## 30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
  - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
  - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

### **31. Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

**32. Engineering and Design Services.**

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

**33. Foreign Market Restrictions.**

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

**34. Policies, Standards, and Specifications.**

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated December 31, 2015 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

**35. Relocation and Real Property Acquisition.**

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

**36. Access By Intercity Buses.**

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

**37. Disadvantaged Business Enterprises.**

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

**38. Hangar Construction.**

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

**39. Competitive Access.**

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
  - 1) Describes the requests;
  - 2) Provides an explanation as to why the requests could not be accommodated; and
  - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA  
Airports**

## **Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects**

Updated: 12/31/2015

View the most current versions of these ACs and any associated changes at:  
<http://www.faa.gov/airports/resources/advisorycirculars>

<b>NUMBER</b>	<b>TITLE</b>
70/7460-1L	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28E	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C Change 1	Airport Winter Safety And Operations
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVS) Ground Vehicle Operations on Airports
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16D	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Change 1	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements of Changes
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18C	Survey and Data Standards for Submission of Aeronautical Data Using Airports GIS
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation

NUMBER	TITLE
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30H	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43G	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures

NUMBER	TITLE
150/5345-46D	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49C	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

**THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY**

Updated: 12/31/2015

<b>NUMBER</b>	<b>TITLE</b>
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 6	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

CITY OF CARLSBAD

**AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION**

Council Meeting Date: **8-9-16**

<b>Department:</b> Engineering	<b>BY:</b> Jason Burns - Projects	<b>Date:</b> 8-3-16
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**SUBJECT:** Infrastructure  
**Description:**  
Advertise Invitation for Bid for Resurfacing of Runway 8-26

<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost _____	Total Actual Cost _____	\$ 205,858.49
	Budgeted No _____	Est. City Share _____	Actual City Share _____	\$ 6,433.08
	Account # _____	_____		
	Account # _____	_____		
	Account # _____	_____		
	Account # _____	_____		
		TOTAL _____		\$ 0.00

**BACKGROUND, JUSTIFICATION AND IMPACT:** (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

The Runway 8-26 at Cavern City Air Terminal is in need of resurfacing. The City has received and reviewed an engineered design and specifications for resurfacing of Runway 8-26, and has also received a grant from the Federal Aviation Administration (FAA). The FAA will cover 93.75% percent of the construction cost, leaving the remaining 6.25% to be split evenly between the NMDOT and the City.

Council consideration is requested to advertise an invitation for bids from qualified firms to provide sealed bids for the Resurfacing of Runway 8-26 at Cavern City Air Terminal.

<b>Requested action to be taken by Council:</b> Advertise Invitation for Bid	<b>Council Action Taken:</b> Select one	<b>Date:</b>
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**Reviewed by City Administrator:**

**POST BID/RFP RECOMMENDATION** **Council Meeting Date:** 09/13/2016

<b>Requested action to be taken by Council:</b> Award Bid Number	<b>Council Action Taken:</b> Select one	<b>Date:</b> 09/07/2016
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**ADDITIONAL INFORMATION:**  
Bids were opened and reviewed by the City. Council consideration is requested to award the bid to Maxwell Asphalt Sealing Specialists, contingent upon DFA review and approval of the City's Budget Adjustment.

**Reviewed by City Administrator:** /s/ Stephanie Shumsky 9-7-2016

ATTACHMENT(S):  Specifications  Bid/RFP Summary  Other: \_\_\_\_\_



CITY OF CARLSBAD

**AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION**

Council Meeting Date: **9-13-16**

<b>Department:</b> Engineering	<b>BY:</b> Jason Burns - Projects Administrator	<b>Date:</b> 9-7-16
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**SUBJECT:** Services  
**Description:**  
Advertise Invitation for Request for Proposals from qualified firms to provide Professional Design Services, for Dark Canyon Bridge Project.

<b>SYNOPSIS:</b>	Qty _____	Total Est. Cost	\$ 400,000.00	Total Actual Cost	_____
	Budgeted Yes	Est. City Share	_____	Actual City Share	_____
	Account #	_____	_____		
	Account #	_____	_____		
	Account #	_____	_____		
	Account #	_____	_____		
	<b>TOTAL</b>		<b>\$ 0.00</b>		

**BACKGROUND, JUSTIFICATION AND IMPACT:** (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

Currently there is a low water crossing located at Boyd Dr, and Radio Blvd. This has presented a potential safety risk to citizens during heavy rains, due to the potential flash flooding that occurs in Dark Canyon. The City has completed a preliminary engineering study for a bridge crossing that will eliminate the current low water crossing. This bridge will improve traffic flow through Radio Blvd. and Boyd, as this is quickly becoming the southern truck bypass route for the City of Carlsbad. The City is also pursuing several grant and alternate funding opportunities to fund this project. The City stands an increased chance of being awarded funds for this project if it is considered "shovel ready," which would include a set of Engineered Designs at least in progress. The City currently has a \$287,500.00 NMDOT Legislative Grant, that has been executed and will be expended on the engineering services that will be required for this project.

Council consideration is requested to advertise a call for proposals from qualified firms to provide Professional Design Services for the Dark Canyon Bridge Project.

<b>Requested action to be taken by Council:</b> Advertise Invitation for Request for Proposal	<b>Council Action Taken:</b> Select one	<b>Date:</b>
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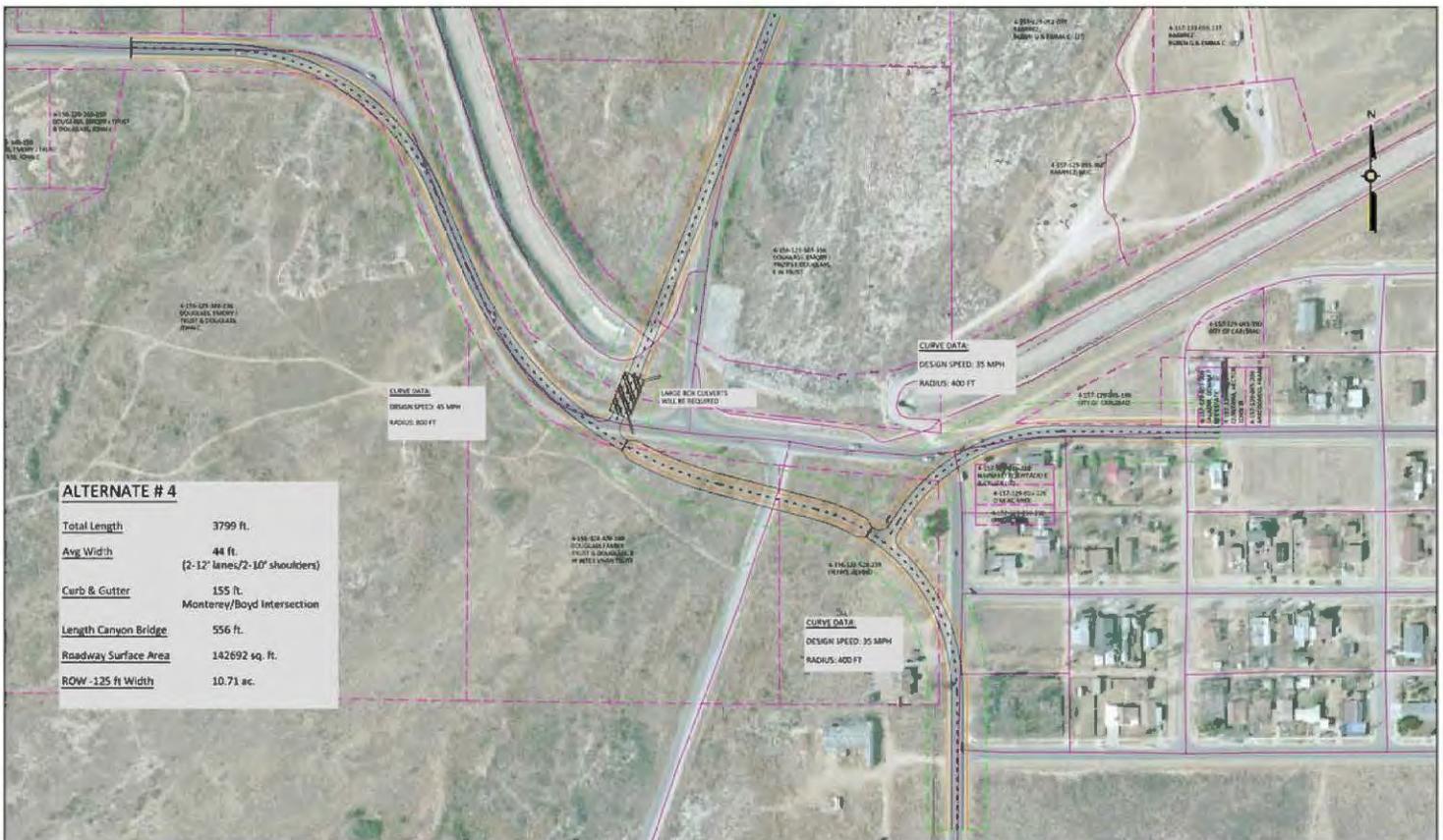
**Reviewed by City Administrator:**

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>
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<b>Requested action to be taken by Council:</b> Select one	<b>Council Action Taken:</b> Select one	<b>Date:</b>
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**ADDITIONAL INFORMATION:**

**Reviewed by City Administrator:** /s/ Stephanie Shumsky 9-7-2016



**ALTERNATE # 4**

Total Length	3799 ft.
Avg. Width	44 ft. (2-12' lanes/2-10' shoulders)
Curb & Gutter	155 ft. Monterey/Boyd Intersection
Length Canyon Bridge	556 ft.
Roadway Surface Area	142692 sq. ft.
ROW -125 ft Width	10.71 ac.



**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 09/13/2016**

<b>DEPARTMENT:</b> Solid Waste	<b>BY:</b> Michael Hernandez, Director of Utilities <i>MH</i>	<b>DATE:</b> 09/06/2016												
<b>SUBJECT:</b> Old Landfill Monitoring Contract														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):  Whereas the City of Carlsbad issued RFP (2015-44) For the Old Landfill Monitoring Contract. Whereas the City Council approved the award of RFP (2015-44) to Stoller Newport (SN3) on January 6, 2016, the Solid Waste Department has reached an agreement on services and is requesting council's approval authorizing the Mayor to approve/sign contract between (SN3) Stoller Newport News Nuclear, Inc. and the City of Carlsbad														
<b>DEPARTMENT RECOMMENDATION:</b>  														
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>  <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> P &amp; Z</td> <td><input type="checkbox"/> Lodgers Tax Board</td> <td><input type="checkbox"/> Cemetery Board</td> <td><input type="checkbox"/> APPROVED</td> </tr> <tr> <td><input type="checkbox"/> Museum</td> <td><input type="checkbox"/> San Jose Board</td> <td><input type="checkbox"/> Water Board</td> <td><input type="checkbox"/> DISAPPROVED</td> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> N. Mesa Board</td> <td><input type="checkbox"/> _____ Committee</td> <td></td> </tr> </table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee												
<b>Reviewed by</b> <b>City Administrator:</b> <u> /s/ Stephanie Shumsky</u>														
<b>Date:</b> <u> 9-7-2016</u>														

ATTACHMENTS:

**AGREEMENT BETWEEN THE CITY OF CARLSBAD  
AND THE STOLLER NEWPORT NEWS NUCLEAR, INC.  
FOR LANDFILL ENGINEERING SERVICES**

1           THIS AGREEMENT, is entered into, this \_\_\_ day of \_\_\_\_\_, 2016, between  
2 the **CITY OF CARLSBAD**, New Mexico, a municipal corporation (hereinafter referred to as  
3 "City"), and **STOLLER NEWPORT NEWS NUCLEAR, INC.**, a Delaware Corporation,  
4 (hereinafter referred to as "SN3").

5  
6           WHEREAS, the City of Carlsbad requested proposals for Landfill Engineering Services  
7 pursuant to RFP. No. 2015-44; and

8  
9           WHEREAS, after a review of proposals received, the Carlsbad City Council awarded RFP  
10 No. 2015-44 to Stoller Newport News Nuclear, Inc., subject to negotiation of a satisfactory contract.

11  
12           NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements  
13 herein contained, agree as follows:

14  
15       1.     **Landfill Engineering Services.** SN3 shall provide engineering services including but not  
16 limited to services to provide groundwater and air quality monitoring and compliance, and closure  
17 and post-closure compliance for the Old Carlsbad Landfill, which is no longer in operation. In  
18 addition, engineering services are required for the construction of new monitoring wells and to  
19 address any additional requirements associated with the City's regulatory requirements. Most of the  
20 required services will be technical in nature. These services will consist of measurements, sample  
21 collection, laboratory analysis, data compilation, data interpretation, and preparation and submittal  
22 of periodic reports to the state, county, and city.

23  
24       2.     **Task Orders.** The City shall issue a written Task Order to SN3 relative to each project for  
25 which the City requires Landfill Engineering Services described above. SN3 shall provide no  
26 services and no cost shall be incurred prior to the receipt of the project specific Task Order. Such  
27 Task Order shall be in a form mutually agreed to by the parties and shall contain at a minimum,  
28 project name, project location, scope of services, duration of services, and contact names and  
29 telephone numbers.

30  
31       3.     **Compensation.**

32           A.     In consideration for the services provided here and under, the City shall pay SN3 as  
33 follows:

34	35	36
	Position / Title	Rate (\$/hr)
36	Technical Specialist IV	\$112.37
37	Project Manager / Subject Matter Expert	\$158.92

38 All rates enumerated above shall be exclusive of New Mexico Gross Receipts. Annual  
39 escalation rates will be negotiated between the City and SN3, with such new rates to become  
40 effective July 1<sup>st</sup> of each year.

1 B. SN3 shall submit an invoice to the City by the 5<sup>th</sup> day of each month for the services  
2 rendered during the previous month. Separate invoices shall be submitted for each project  
3 and shall identify with specificity the date services were performed, the nature of such  
4 services, and a break down of the fees and taxes due for the services performed.

5  
6 4. **Term.** The term of this Agreement shall be for four years beginning the \_\_\_ day of  
7 \_\_\_\_\_, 2016 and terminating on the 30<sup>th</sup> day of June, 2020.

8  
9 5. **Assignment of Agreement.** SN3 shall not sublease, assign or transfer any interest in or right  
10 to this Agreement without the prior written approval of the City.

11  
12 6. **Insurance.** At all times material to this Agreement, SN3 shall obtain and maintain  
13 professional liability insurance (errors and omissions) in the sum of one million dollars  
14 (\$1,000,000.00). Such insurance shall name the City as an additional insured. SN3 shall provide the  
15 City with a current Certificate of Insurance. The insurance shall be with a company or companies  
16 licensed and authorized to do business in the State of New Mexico. SN3 shall annually furnish the  
17 City a Certificate of Insurance for the above required insurances. SN3 shall provide the City with  
18 notice of any change thereof, and furnish to the City evidence of acquirement of a substitute  
19 therefore, and payment of the premium thereof.

20  
21 7. **Release.** SN3, upon final payment of amounts due under this Agreement, releases the City,  
22 its officers, agents, and employees from all liabilities, claims, and obligations whatsoever arising  
23 from or under this Agreement.

24  
25 8. **Default or Breach.** Each of the following events shall constitute a default or breach of this  
26 Agreement:

27 A. If SN3, during the term of this Agreement, shall file a petition in bankruptcy or  
28 insolvency or for reorganization under any bankruptcy act, or shall voluntarily take  
29 advantage of any such act by answer or otherwise, or shall make an assignment for the  
30 benefit of creditors.

31 B. If involuntary proceedings under any bankruptcy law or insolvency act shall be  
32 instituted against SN3, or if a receiver or trustee shall be appointed for all or  
33 substantially all of the property of SN3 and such proceedings shall not be dismissed  
34 or the receivership or trusteeship vacated within sixty (60) days after the institution or  
35 appointment.

36 C. If SN3 fails to perform or comply with any of the conditions of this Agreement,  
37 and if the nonperformance shall continue for a period of fifteen (15) days after notice  
38 thereof by the City to SN3, or, if the performance cannot be reasonably had within the  
39 fifteen (15) day period, and SN3 shall not in good faith have commenced performance  
40 within the fifteen (15) day period and then diligently proceeded to completion of  
41 performance.

42 D. If this Agreement shall be transferred to or shall pass to or devolve to any other  
43 person or party, except in the manner specified herein.

1 9. **Effect of Default.** In the event of default hereunder as set forth in this Agreement:

2 A. The City shall have the right to cancel and terminate this Agreement. On  
3 expiration of the time fixed in the notice, this Agreement and all rights, title, and  
4 interest of the defaulting party hereunder shall terminate in the same manner and with  
5 the same force and effect, except as to SN3's liability, as if the date fixed in the notice  
6 of cancellation and termination were the end of the term herein originally determined.

7 B. The City may elect, but shall not be obligated, to make any payment required  
8 of the defaulting party herein or comply with any agreement, term, or condition  
9 required hereby to be performed by the defaulting party, but any expenditure for  
10 correction by the City shall not be deemed to waive or release the default of SN3 or the  
11 right of the City to take any action as may be otherwise permissible or to seek other  
12 remedy under the law.

13  
14 10. **Non-Waiver.** Waiver by the City of any default in performance by SN3 of any of the  
15 terms or conditions contained in this Agreement shall not be deemed a continuing waiver of  
16 that default or any subsequent default.

17  
18 11. **Termination.** Either party may terminate this Agreement without cause by providing  
19 the other party with written notice of its intention to terminate this Agreement at least ninety  
20 (90) days prior to the termination date. By such termination, neither party may nullify  
21 obligations already incurred prior to the date of termination of the Agreement. However,  
22 neither party shall have any obligation to perform services or make payment for such services  
23 rendered after such date of termination.

24  
25 12. **Entirety of Agreement; Modifications.** This Agreement incorporates all the  
26 agreements, covenants, and understandings between the parties hereto concerning the subject  
27 matter hereof, and all such covenants, agreements, and understandings have been merged into  
28 this written Agreement. No prior or contemporaneous agreement or understanding, verbal or  
29 otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this  
30 Agreement. The parties expressly waive any other or further representations, warranties, or  
31 agreements not set forth in this document. Neither this Agreement nor any provisions hereof  
32 may be waived, modified, amended, discharged or terminated except by an instrument in  
33 writing executed with the same formality as with this Agreement and then only to the extent  
34 set forth in such instrument.

35  
36 13. **Independent Contractor.** SN3, its officers, employees, and agents are independent  
37 contractors performing professional services for the City and are not employees of the City.  
38 SN3 and its officers, employees, and agents shall not accrue leave, retirement, insurance,  
39 bonding, use of city vehicles, or any other benefits afforded to the employees of the City of  
40 Carlsbad as a result of this Agreement.

41  
42 14. **Limitation of Authority.** SN3 agrees not to purport to bind the City of Carlsbad,  
43 unless SN3 has express written authority to do so, and then only within the strict limits of that  
44 authority.

1 **15. Workers' Compensation.** SN3 agrees to comply with state laws and rules applicable  
2 to workers compensation benefits for its employees. If SN3 fails to comply with the Workers'  
3 Compensation Act and applicable rules when required to do so, this agreement may be  
4 terminated by the City.

5  
6 **16. Procurement Code Penalties.** The Procurement Code, NMSA 1978, Sections 13-128  
7 through 13-1-199, imposes civil and criminal penalties for its violation. In addition, the New  
8 Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

9  
10 **17. Notices.** All notices permitted or required by the terms of this Agreement shall be in  
11 writing and be deemed to have been duly given and delivered, if mailed, certified postage  
12 prepaid:

13	If to City:	If to Stoller Newport News Nuclear, Inc.:
14	City of Carlsbad	Stoller Newport News Nuclear, Inc.
15	c/o City Administrator	c/o Donald L. George
16	P.O. Box 1569	400-2 Cascade Ave., Suite 202
17	Carlsbad, NM 88221-1569	Carlsbad, NM 88220

18  
19 The parties shall notify each other in writing of any change in the above information.

20  
21 **18. New Mexico Law and Venue.** This Agreement shall be construed and controlled by  
22 the laws of the state of New Mexico. The parties agree that litigation, if any, arising out of  
23 this Agreement shall be brought in the District Court of Eddy County, New Mexico for the fifth  
24 Judicial District. The parties expressly consent to both in personam and subject matter  
25 jurisdiction of the Eddy County District Court and agree that venue shall properly lie in the  
26 Eddy County, New Mexico District Court.

27  
28 **19. Arbitration.** Should any dispute arise between the parties in connection with the  
29 Agreement and if such dispute cannot be resolved by discussion between the parties, the  
30 parties agree to submit the unresolved dispute to binding arbitration in lieu of litigation.

31  
32 **20. Captions.** The captions of any articles, paragraphs, or sections hereof are made for  
33 convenience only and shall not control or affect the meaning or construction of any of the  
34 provisions thereof.

35  
36 CITY OF CARLSBAD:

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40 \_\_\_\_\_  
41 DALE JANWAY, MAYOR

42 ATTEST:  
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CITY CLERK

STOLLER NEWPORT NEWS NUCLEAR, INC.:

\_\_\_\_\_  
DONALD L. GEORGE,  
VICE PRESIDENT

STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF EDDY            )

The foregoing instrument was signed and acknowledged before me the \_\_\_\_ day of \_\_\_\_\_, 2016, by DONALD L. GEORGE, as VICE PRESIDENT of STOLLER NEWPORT NEWS NUCLEAR, INC.

My commission expires: \_\_\_\_\_        \_\_\_\_\_  
NOTARY PUBLIC

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**Council Meeting Date: September 13, 2016**

<b>DEPARTMENT:</b> Executive	<b>BY:</b> Steve McCutcheon	<b>DATE:</b> Sept. 7, 2016
------------------------------	-----------------------------	----------------------------

**SUBJECT:** Curtis McKinney, Metal Shop Live, LLC Contract

**BACKGROUND, ANALYSIS AND IMPACT:** (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  
 Mr. McKinney is requesting an increase in his monthly payment. Presently we have been paying 70% of the total monthly Contract rate because the Walter Gerrells Performing Arts Center is not operable due to damage sustained in January's snow storm.

Mr. McKinney has expanded the use of the Annex which is fully operable and has increased its utility by expansion of the Stage Area. He is reportedly offering a wide variety of shows which were not previously possible.

Mayor Janway and Councilor Shirley along with the president of the Board have requested that Mr. McKinney receive 85% of the monthly contract fee to compensate him for services rendered.

**DEPARTMENT RECOMMENDATION:** Consider request from Curtis McKinney, Metal Shop Live, LLC.

**BOARD/COMMISSION/COMMITTEE ACTION:**

<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	}
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _Committee	} <input type="checkbox"/> DISAPPROVED

**Reviewed by:** \_\_\_\_\_  
**City Administrator** /s/ Stephanie Shumsky **Date:** 9-7-2016  
**ATTACHMENT(S):** \_\_\_\_\_

**ORDINANCE NO. 2016-\_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 2-290.53 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO REGARDING THE CITY OF CARLSBAD CITY TREE ADVISORY BOARD TO CHANGE THE MEMBERSHIP REQUIREMENTS TO ALLOW ONE MEMBER TO BE A RESIDENT OF EDDY COUNTY.

**WHEREAS**, in Ordinance No. 2010-17, the City created the City of Carlsbad City Tree Advisory Board (the “Advisory Board”); and

**WHEREAS**, under the terms of that ordinance, the Advisory Board was to consist of seven (7) members who were residents of the City; and

**WHEREAS**, City Council wishes to allow one member of the Advisory Board to live outside the City but within Eddy County.

**NOW THEREFORE**, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, as follows:

Section 2-290.53 of the Code of Ordinances, City of Carlsbad, New Mexico shall be amended to state:

2. **Appointment of Members.** The Board shall consist of seven (7) members. The members shall be appointed by the mayor, with the consent and approval of the city council, from the residents of the city, provided that one member of the board is not required to reside within the city, but must reside within the county. The Board may submit to the mayor a list of recommended appointees for the Board, which list shall be only advisory in nature. The Board shall serve without compensation. The Board shall annually elect one of its members as Chairperson and one as Vice-Chairperson. The mayor may appoint, with the consent and approval of the city council, one member of city council as an ex-officio member of the Board, who shall have no vote in any of the proceedings.

INTRODUCED, PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK

**CARLSBAD MUNICIPAL COURT  
CITY OF CARLSBAD  
MONTHLY REPORT**

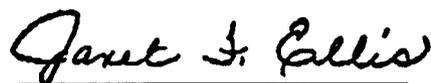
**August 2016**

Number of Cases	1,323
Warrants Outstanding	3,409
Amount of Fines	\$55,067.50
Cases on Appeal	0

**FINES**

Summary for the Month of	August 2016
Total Fines	\$34,724.50
Total Prevention Fees	\$ 150.00
Total Lab Fees	\$ 234.00
Total Correction Fees	\$14,082.00
Total Automation Fees	\$ 3,911.00
Judicial Fees	\$ 1,957.00
Notary Fees	\$ 9.00
Victim Restitution	\$ -0-
<b>TOTAL</b>	<b>\$55,067.50</b>
<b>TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE - \$2,530.00</b>	

cc: Chief  
City Administrator  
Finance Department

  
Municipal Judge

**City of Carlsbad  
Personnel Department**

**Action Report  
Month of August 2016**

**Submitted by  
Scot D. Bendixsen, HR Director**

City of Carlsbad  
 Personnel Department Action Report  
 Month of August 2016

<b>EMPLOYEE REPORT</b>	Beginning of Month	New Hires	Terminations	Transfers In	Transfers Out	End of Month
Full-Time Employees	435	2	7	2		432
Part-Time/Temp Employees	100	1	13		2	86
<b>Total Employees</b>	<b>535</b>	<b>3</b>	<b>20</b>	<b>2</b>	<b>2</b>	<b>518</b>
Administrative	19					19
Judicial	7					7
Finance	21	1	1			21
Police	108		1			107
Fire	64	1				65
Arts & Culture	57					57
Sports & Recreation	86	1	13			74
Planning & Regulation	18					18
Utilities	81		3	2		80
Transportation & Facilities	74		2		2	70
<b>TOTAL</b>	<b>535</b>	<b>3</b>	<b>20</b>	<b>2</b>	<b>2</b>	<b>518</b>

<b>WEEKLY INDEMNITY</b>	Beginning of Month	New Claims	Released To Work	Terminated	End of Month
Employees on WI	7	1		1	7

<b>UNEMPLOYMENT CLAIMS</b>	Claims Received	Claims Returned	Claims Denied	Claims Approved	Claims Pending	Claims Appealed
Current Month	0	0	0	1	1	1

<b>DRUG TESTS</b>	Number Given
Pre-employment	3
Probationary	0
Post Accident	11
Random	4
Periodic	0
Probable Cause	0

<b>VACANCIES BID</b>	Department
HVAC Technician	Electrical
ARC Driver	Solid Waste

<b>PHYSICAL EXAMINATIONS</b>	Number Given
Pre-employment	3
Return to Work Evaluation	0
Functional Capacity Evaluation	0

<b>VACANCIES ADVERTISED</b>	Applications Received
ARC Driver	23
Library Page	16
Patrolman	5
Telecommunicator	Pending
HVAC Technician	Pending

<b>TESTING</b>	Number Given
Typing	11

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 09/13/2016**

<b>DEPARTMENT:</b> Wastewater	<b>BY:</b> L. Camero, Director of Engineering Services	<b>DATE:</b> 09/02/2016
<b>SUBJECT:</b> 2017 New Mexico Water Trust Board Application		
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): (see attached) The notice of intent to submit the subject application for the 2017 WTB funding cycle has been filed with NMFA pending the governing body's adoption of the enclosed Resolution authorizing the submission of the application. Because engineering plans and specifications are practically ready for the Wastewater Effluent Reuse Phase 5-B project, the decision was made to recommend this project to the City Council, as the project to seek funds for. Phase 5-B calls for the construction of two (2) storage ponds with a capacity of 1.0 million gallons, and a pumping station at the Carlsbad Municipal Golf Course. Also included is a new pipeline to deliver reuse water to city parks located along both banks of the Pecos River north of Greene St. and south of the Railroad Bridge. The estimated construction cost of this project is \$3,010,000 including NMGR. It is recommended to apply for Water Trust Board funding in the amount of \$2,000,000 and to provide city funds in the amount of \$1,010,000 to fully fund the construction of the project.  Engineering services for the project were funded by the remaining funds from the CWSRF loan the City obtained for improvements to the WWTP. Use of these funds was approved by Council at the November 24, 2015 meeting.  As with previous applications, if funding is approved, it will be in the form of a 60% grant/40% loan, so based on the \$2 million request, the City could receive a \$1.2 million grant and a \$0.8 million loan payable in 20 years at 0% interest and an administrative fee equivalent to 0.25%.  The resolution authorizing the filing of the application and the proposed funding mechanism, is included herewith for your consideration.		
<b>DEPARTMENT RECOMMENDATION:</b> To adopt the resolution and funding matrix for the project selected.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>  <input type="checkbox"/> P&Z <input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> Cemetery Board <input type="checkbox"/> APPROVED <input type="checkbox"/> Museum Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> Water Board <input type="checkbox"/> DISSAPPROVED <input type="checkbox"/> Library Board <input type="checkbox"/> N. Mesa Board <input type="checkbox"/> _____ Committee		
<b>Reviewed by</b> City Administrator: /s/ Stephanie Shumsky		<b>Date:</b> 9-7-2016

ATTACHMENTS:

**RESOLUTION NO. 2016-\_\_\_\_**

**RESOLUTION AUTHORIZING FILING OF AN  
APPLICATION TO THE NEW MEXICO WATER TRUST BOARD**

WHEREAS, the City of Carlsbad's primary source of water, the Capitan Reef Aquifer, continues to be in danger due to persistent drought conditions and increasing demand for residential, agricultural and industrial water users; and

WHEREAS the City of Carlsbad owns and operates a Wastewater Treatment facility which produces excellent quality wastewater effluent the majority of which is now discharged into the Pecos River, and

WHEREAS the available wastewater effluent can be used to irrigate other City parks as it is now done at the Carlsbad Municipal Golf Course and Riverview Park to help conserve more Capitan Reef water; and

WHEREAS the City of Carlsbad has made provisions to apply for financial assistance from the New Mexico Water Trust Board for Wastewater Effluent Reuse System improvements; and

WHEREAS the City of Carlsbad has funded engineering services in the amount of \$446,384.38 including NMGRT, to provide "shovel ready" plans, specifications and bid documents for the project.

BE IT THEREFORE RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, New Mexico, that the filing of an application to the New Mexico Water Trust Board is hereby authorized. The project type falls under Water Conservation, Treatment, Recycling or Reuse and proposes to design and construct storage, pumping and delivery facilities to extend the Effluent Reuse System to City parks located along both banks of the Pecos River as part of Phase 5-B of the project. The financial assistance requested is in the amount of \$2,000,000.

BE IT FURTHER RESOLVED that the City of Carlsbad will provide a \$1,010,000 match to fully fund the total estimated construction cost of the project of \$3,010,000 including NMGRT @ 7.5625%.

BE IT FURTHER RESOLVED that the City of Carlsbad will also provide in-kind full time construction observation services in the amount of \$66,000.

BE IT FURTHER RESOLVED that the Mayor is hereby designated as the City of Carlsbad's representative to act in connection with this application.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 13<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
Dale Janway, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION NO. 2016-\_\_\_\_

WHEREAS, the attached lists of materials, equipment, and supplies are considered surplus and nonessential for municipal purposes; and

WHEREAS, it is to the City's advantage to dispose of those things listed; and

WHEREAS, the State regulations allow for such disposal of public property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO that the items listed on the attached pages and incorporated herein are declared unusable and obsolete and that said items be disposed of by public sale or as otherwise provided by law.

APPROVED, PASSED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor

ATTEST:

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City Clerk

FIRST VERIFICATION (Prior to Actual Disposal)

Each of the below-signed officials of the City of Carlsbad, New Mexico do hereby verify that, upon information and belief, the attached document is a list of tangible personal property belonging to the City of Carlsbad, such property has a value of five thousand dollars (\$5,000.00) or less, such property is worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use by the City of Carlsbad, and each official approves of the disposition of such property as provided by law.

Tom Carlson  
Tom Carlson, Director of Public Works

Michael A. Hernandez 9/6/16  
Michael A. Hernandez, Director of Utilities

Richard D. Lopez  
Richard D. Lopez, Fire Chief

D. Kent Waller 9/6/16  
D. Kent Waller, Police Chief

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF EDDY )

Signed and sworn to me this 2<sup>nd</sup> day of September, 2016, by Tom Carlson, Director of Public Works.

My commission expires: 9/24/19 [Signature]  
Notary Public

 OFFICIAL SEAL  
MELINDA A. ROUNTREE  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 9/24/19

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF EDDY )

Signed and sworn to me this 6<sup>th</sup> day of September, 2016, by Michael A. Hernandez, Director of Utilities.

My commission expires: 9/24/19 [Signature]  
Notary Public

 OFFICIAL SEAL  
MELINDA A. ROUNTREE  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 9/24/19

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF EDDY )

Signed and sworn to me this 6<sup>th</sup> day of September, 2016, by Richard D. Lopez, Fire Chief.

My commission expires: 9-4-19 Amanda McDougall  
Notary Public

 OFFICIAL SEAL  
Amanda J. McDougall  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires 9-4-19

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF EDDY )

Signed and sworn to me this 6<sup>th</sup> day of September, 2016, by Kent Waller, Chief of Police.

My commission expires: 7/17/17 Ellen Bonney  
Notary Public





CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 9/13/16

<b>Department:</b> Planning, Engineering and Regulation	<b>By:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 8/31/16
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**SUBJECT:** Consider adoption of certain text amendments to the City’s Zoning Ordinance, Chapter 56, pursuant to Section 56-150, Carlsbad Code of Ordinances.

**SYNOPSIS/HISTORY/IMPACT** (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):

The City’s Executive Department and the City’s Planning Department have worked collectively to propose certain amendments to the City’s Zoning Ordinance. These amendments are being proposed with the intention of addressing newly seen concerns within the City as well as adding clarification to the existing regulations.

Outside of the addition of new definitions, reorganizations, and clarifications within these amendments, there are four primary changes being proposed. They are as follows:

1. The Planning Department has proposed that property owners be allowed to place carports within the required front setback at their residence. The placing of a carport in the required front setback is currently prohibited. Property owners must seek the approval of a Variance request from the Planning and Zoning Commission to place or build a carport structure within the front setback. The proposed amendment would allow property owners to place or build a carport within the front setback of their property without obtaining a Variance from the Planning and Zoning Commission. The property owners would still be required to obtain a Variance approval from the Planning and Zoning Commission to place or build a carport in the *side* or *rear* setbacks at the property. Building or placing the carport into the public right of way is prohibited. The property owners would still be required to obtain a building permit from the Building Department. The Planning and Zoning Commission recommended denial of this proposed amendment. **(Sec. 56-31 Definitions, Sec. 56-42(i), Sec. 56-70(d)(4), and Sec. 56-90(2)(b)).**
2. In light of the New Mexico Environment Department adopting new regulations in their Food Program, the New Mexico Food Code 2016, City staff proposes an amendment that defines the mobile food trailers as Mobile Food Establishments, which matches the definition in the New Mexico Food Code. Also, City staff have further clarified the requirements for these Mobile Food Establishments and makes it clear that these Mobile Food Establishments shall meet all local and State regulations. **(Sec. 56-31 Definitions, and Sec. 56-80(a)(9)).**
3. City staff have proposed amendments to the definition of “R-R’ Rural Residential Zoning District and “R-1” Residential Zoning District making it clear that there shall be one primary residence per lot in these zoning districts. **(Sec. 56-40(a) & (b)).**
4. For “R-1” Residential Zoning District, there is an amendment that would allow property owners to keep a maximum of 3 chickens (hens only, no roosters) for egg laying but not for butchering. Three (3) rabbits may be kept as pets but not for butchering. Chickens and rabbits shall be housed in proper coops or cages and shall not be allowed to roam freely outside of the property. Excrement shall be cleaned up and properly disposed of daily so as not to create a nuisance. A Conditional Use Permit shall be obtained by the property owner before any chickens or rabbits are brought to the property. **(Sec. 56-42(b)).**

At the Planning and Zoning Commission meeting held on 5/2/2016, there was discussion on the pros and cons of these amendments and the Commission voted 5-0 to recommend approval of these amendments as presented to the City Council.

At the City Council meeting held on July 26, 2016, the Council heard these proposed amendments in a public hearing. The Council voted to Table the amendments until a later date. This decision was made so that City staff could continue to work on the proposed amendments and provide further clarification to the Council.

Pursuant to Chapter 56 Section 150 - Amendments:

“An amendment to the text of this Zoning Ordinance may be proposed by the City Council, the Planning and Zoning Commission, the Planning Director, or a resident by application. An amendment shall be introduced in the form of an ordinance ”

**PLANNING STAFF RECOMMENDATION:** Based on review of comments from city departments and input from the Planning and Zoning Commission, planning staff recommends approval and adoption of these proposed amendments.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			X	Plng., Eng. & Reg. Dept:			
Fire Department			X	Code Enforcement Division	X		
Legal Department			X	Engineering Division			
Police Department			X	Planning Division	X		
Utilities Department			X	Building & Regulation Division	X		
Culture & Rec. Dept.			X	City Administration	X		

**DEPARTMENT COMMENTS:**

Public Works: n/a

Utilities Department: n/a

Building Department: recommend approval

Fire Department: n/a

Code Enforcement: recommend approval

Legal Department: n/a

Planning Department: recommend approval

Police Department: n/a

Culture & Rec. Dept: n/a

City Administration: recommend approval

**BOARD/COMMISSION/COMMITTEE ACTION: recommendation of approval**

- |   |  |   |   |
|---|--|---|---|
| <input checked="" type="checkbox"/> P & Z | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board | } <input checked="" type="checkbox"/> <b>APPROVED</b> |
| <input type="checkbox"/> Museum Board     | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board    |   |
| <input type="checkbox"/> Library Board    | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> Committee      |   |

**Reviewed by** \_\_\_\_\_ **City Administrator** /s/ Stephanie Shumsky **Date:** 9-7-2016

ATTACHMENT(S): ordinance, p&z minutes, Chapter 56 with text amendments.

**ORDINANCE NO. 2016-**

**AN ORDINANCE ADOPTING AMENDMENTS  
TO THE CARLSBAD CODE OF ORDINANCES,  
CHAPTER 56 – ZONING ORDINANCE  
PURSUANT TO CODE OF ORDINANCES  
SECTION 56-150 AND SECTION 3-17-1 AND 3-  
18-1 NMSA 1978.**

WHEREAS, in Section 3, Article 17 NMSA 1978, the State of New Mexico enables municipalities to adopt ordinances and resolutions not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants. Section 3, Article 18 NMSA 1978 states that a municipality may protect generally the property of its municipality and its inhabitants; and

WHEREAS, in 2011, the City of Carlsbad adopted Ordinance No. 2011-15, known as the Zoning Ordinance, and incorporated into the Code of Ordinances as Chapter 56, to govern the zoning of land within the City limits and use regulations regarding residential and commercial activity; and

WHEREAS, Chapter 56, Section 150 of the Zoning Ordinance, provides a process for amending the text of this Zoning Ordinance; and

WHEREAS, the Planning Department, along with City Staff and with input from the public, had compiled suggested changes and prepared a revised version of Chapter 56, the Zoning Ordinance, containing proposed amendments to the text of this Ordinance; and

WHEREAS, on May 2, 2016, the Planning and Zoning Commission considered the proposed amendments and after discussion and listening to public comments, voted to recommend approval of the proposed amendments to Chapter 56, the Zoning Ordinance, as presented, to the City Council by a vote of five (5) in favor and none (0) opposed; and

WHEREAS, on July 26, 2016, the Carlsbad City Council considered the proposed amendments during a public hearing; and

WHEREAS, during the public hearing, the City Council voted to Table the proposed amendments; and

WHEREAS, after voting to bring the proposed amendments off the Table, the Council voted to approve and adopt the proposed amendments to Section 56 of the Carlsbad Code of Ordinances, the Zoning Ordinance; and

WHEREAS, legal notification of the adoption of this ordinance has been provided in accordance with Code of Ordinances Section 56-150(b)(1)(c);

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that Code of Ordinances Chapter 56, Zoning Ordinance, is hereby amended as stated above.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13th day of September, 2016.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**May 2, 2016, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, May 2, 2016, at 5:00 PM  
Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held April 4, 2016.
4. Consider final plat approval for Copperstone Estates Subdivision.
5. Consider approval of a Conditional Use Permit at 1005 Production Ln. to allow employee housing, legally described as BEG E4 COR N 60 DEG 03'32"W 1187.60' TO POB, N 44 DEG 47'38"W 222.82', N 27 DEG 03'16"E 399.59', S 44 DEG 34'25"E 225.66', S 27 DEG 24'11"W 397.89' TO POB STC 1.95 AC M/L.
6. Consider approval of a Conditional Use Permit at 5204 Brooks Dr. to allow employee housing, legally described as Tract D1, Danny/James Stafford Tracts Replat of Tract D.
7. Consider approval of a Conditional Use Permit at 5210 Brooks Dr. to allow employee housing, legally described as Tract D1, Danny/James Stafford Tracts Replat of Tract D.
8. Private road naming for Hackberry View Estates Subdivision.
9. Discussion and Consideration of a recommendation regarding the City of Carlsbad Long Range Transportation Plan.
10. Discussion and Consideration of a recommendation regarding proposed Amendments to Chapter 56 of the Carlsbad Code of Ordinances (Zoning Ordinance).
11. Report regarding Summary Review Subdivisions.
12. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, MAY 5, 2016, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
BRIGIDO GARCIA  
WANDA DURHAM  
LASON BARNEY**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT: NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**DALE BALLARD  
TREY HUGHES  
ZACHARY THEUS  
SHANNON SUMMERS  
MIKE VEILLEUX  
PAT VEILLEUX  
JOE BRININSTOOL  
DON OWEN**

**CID  
4311 MONICA LN  
CRESTLINE, LAS CRUCES  
CDOD  
1804 MANZANA ROAD  
1804 MANZANA ROADD  
415 VINEYARD LANE  
408 N. CANYON**

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 Start Recording [5:02:19 PM]

0:00:07 **1. Roll call of voting members and determination of quorum.**

Roll was called, confirming the presence of a quorum of commission members. Present – **Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; Absent –None.

0:00:29 **2. Approval of Agenda.**

**Ms. Durham** made a motion to approve the Agenda, and **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:01:56 **3. Approval of Minutes from the Meeting held April 4, 2016.**

It was discovered that a draft version of the Minutes was included in the packet, rather than the final version, so the item was tabled until the next meeting.

0:03:52 **4. Consider final plat approval for Copperstone Estates Subdivision.**

During public comment, **Mr. Ballard** from CID came forward. He was concerned about part of the subdivision that sits on the CID easement. He wants to have an agreement with the City, so that they can have access to do maintenance. **Mr. Patterson** explained that he can't speak for the other City departments, but he is not happy with having debris piled up for an indeterminate length of time. He is fine with a letter saying the CID can access it, but not language saying they can pile debris and weeds for a year. **Mr. Ballard** said that with limited man-power they can't say how long it would be. They usually have to wait until the weeds are dry, then they burn them.

**Mr. Barney** made a motion to approve the Final Plat. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:34:27 **5. Consider approval of a Conditional Use Permit at 1005 Production Ln. to allow employee housing, legally described as BEG E4 COR N 60 DEG 03'32"W 1187.60' TO POB, N 44 DEG 47'38"W 222.82', N 27 DEG 03'16"E 399.59', S 44 DEG 34'25"E 225.66', S 27 DEG 24'11"W 397.89' TO POB STC 1.95 AC M/L.**

**Mr. Hughes**, with Hughes Commercial Properties, spoke on behalf of the application. He said this item and the next two are the same issue. This is for employee housing for Original Services Company, and will expire in one year if not used. There is City water and a private sewer line. Everything will be up to code, and building permit applications will be submitted. Placement permits will also be needed. There was no public comment.

**Mr. Barney** made a motion to approve the Conditional Use with conditions: no more than five total units on the lot, units no larger than 16'x85', and compliance with all City and State regulations (including placement regulations for setbacks and spacing). **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

1:20:21 **6. Consider approval of a Conditional Use Permit at 5204 Brooks Dr. to allow employee housing, legally described as Tract D1, Danny/James Stafford Tracts Replat of Tract D.**

There was no public comment. **Mr. Barney** made a motion to approve the Conditional Use with conditions: no more than five total units on the lot, units no larger than 16'x85', and compliance with all City and State regulations (including placement regulations for setbacks and spacing). **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

1:21:05 **7. Consider approval of a Conditional Use Permit at 5210 Brooks Dr. to allow employee housing, legally described as Tract D1, Danny/James Stafford Tracts Replat of Tract D..**

There was no public comment. **Mr. Barney** made a motion to approve the Conditional Use with conditions: no more than five total units on the lot, units no larger than 16'x85', and compliance with all City and State regulations (including placement regulations for setbacks and spacing). **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

1:21:40      **8. Private road naming for Hackberry View Estates Subdivision.**

There was no public comment. **Mr. McCormick** made a motion to name the road “Doporto Court.” **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

1:26:49      **9. Discussion and Consideration of a recommendation regarding the City of Carlsbad Long Range Transportation Plan.**

**Mr. Patterson** explained that the project was in process for two years, when we could have used it sooner. The data is for records from 2010-2012, which misses the boom from 2013-2014. It will be helpful for general transportation, including pedestrian and bike traffic around the city. **Ms. Goad** added that in order for the City to qualify for a grant in the future, we need to follow our comprehensive plan. Having this plan in place will be helpful with that, as well.

**Ms. Durham** made a motion to accept the report and pass it on to the City Council. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

1:36:00      **10. Discussion and Consideration of a recommendation regarding proposed Amendments to Chapter 56 of the Carlsbad Code of Ordinances (Zoning Ordinance).**

Public comment was offered before discussion of the Amendments. **Mr. & Mrs. Veilleux** expressed their concern about putting up carports/canopies in the setbacks. They disagree with the change. Their neighbor has already told them that if the change is allowed, he will erect a structure that will completely block their view. They said they appreciated **Mr. Patterson** talking to them about this matter and even coming to their home so they could show him what they were worried about.

There was lengthy discussion regarding the amendments, and several changes were suggested.

**Mr. McCormick** made a motion to approve the amendments, with notes discussed. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

2:51:23      **11. Report regarding Summary Review Subdivisions.**

There was brief discussion of the plats signed by the commission designees during the previous month.

2:52:57      **12. Adjourn.**

There being no further business, the meeting was adjourned.

2:53:04

Stop Recording 7:56:20 PM]

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Chairman

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Date

DRAFT

AMENDMENT I

(PAGE NUMBERS AND FORMATTING WILL BE CORRECTED AFTER FINAL APPROVAL/PRIOR TO CODIFICATION)

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**ARTICLE I: GENERAL PROVISIONS**

**SEC. 56-1. SHORT TITLE.**

The regulations of this Zoning Ordinance shall be officially known and cited as the "Zoning Ordinance of the City of Carlsbad, New Mexico," although it may also be referred to as the "Zoning Ordinance," or "this Code."

**SEC. 56-2. AUTHORITY.**

**(a) Enabling Authority**

This Code is adopted pursuant to the enabling authority contained in New Mexico Statutes Annotated, 1978, including, but not limited to NMSA 1978, §3-17-1, et seq.; NMSA 1978, §3-18-7; NMSA 1978, §3-19-1, et seq.; NMSA 1978, § 3-20-1, et seq.; NMSA 1978, §3-21-1, et seq.; NMSA 1978, §3-21A-1, et seq.; NMSA 1978, §3-22-1, et seq.; and NMSA 1978, §3-41-1, et seq. In enacting this Code, the City intends to follow the provisions of existing state law on the same subject so far as possible for the convenience of the public and for the better administration of the law.

**(b) Changes to Enabling Authority**

Whenever any provision of this Code refers to or cites a section of the New Mexico Statutes Annotated and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

**SEC. 56-3. PURPOSE.**

The Zoning Ordinance of the City of Carlsbad, New Mexico is a comprehensive, unified set of regulations which govern the development of land and the use of land. Its purpose is to create orderly, harmonious, and economically sound development and to promote and protect the public health, safety, peace, comfort, convenience and the general welfare. The Zoning Ordinance of the City of Carlsbad, New Mexico is also, adopted for the following particular purposes:

**(a) Implement Comprehensive Plan**

To implement the goals and policies of the Comprehensive Plan of the City of Carlsbad, as amended from time to time, as well as other goals and policies adopted by the City Council related to growth and development.

**(b) Community Enhancement**

To protect and improve the established community character of the City of Carlsbad and the social and economic stability of the existing residential, commercial and other land uses within the City.

**(c) Community Development**

To promote good planning practice and to provide a regulatory mechanism that includes appropriate performance standards for development within the City.

**(d) Mitigate Adverse Impacts**

To prevent the adverse impacts of development on the availability of water, water quality, waste water disposal, infrastructure, roads and transportation, erosion, floodplains and steep slopes in critical areas of the City.

**(e) Improve Efficiency**

To encourage a more efficient use of land, infrastructure and public services and to reflect changes in technology of land development.

**(f) Community Welfare**

To promote land development practices that will otherwise promote the public health, safety, peace, comfort, convenience and the general welfare and to restrict development that is injurious or detrimental.

**(g) Reduce Sprawl**

To reduce sprawling development that results in the inefficient use of existing infrastructure and irreplaceable natural resources.

**(h) Encourage Infill**

To encourage the development or redevelopment of lots within the City and to support the efficient use of land, existing infrastructure, city services and other resources.

**SEC. 56-4. RELATIONSHIP TO THE COMPREHENSIVE PLAN.**

It is the intention of the City Council that this Code implements the planning policies as reflected in the Comprehensive Plan and other planning documents. While the Council reaffirms its commitment that this Code and any amendments should be in conformity with adopted planning policies, the Council also, expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning documents.

**SEC. 56-5. JURISDICTION.**

This Code applies to all land, structures and buildings within the incorporated limits of the City of Carlsbad ~~[-and within the extraterritorial zoning jurisdiction as provided in NMSA 1978, §3-21-1, et. Seq.].~~ This Code may not be applicable to federal activities on federally owned lands, where either the federal government has retained from the time of statehood or subsequently obtained the right to legislate in relation to such lands or the State of New Mexico has ceded such jurisdiction to legislate back to the United States on such lands. This Code also, may not be applicable to state activities or development on state-owned lands. However, private activities or development for private purposes on such lands shall be subject to this Code.

**SEC. 56-6. OFFICIAL ZONING MAP.**

**(a) Location of Zoning Districts**

The Official Zoning Map designates the location and boundaries of the various zoning districts within the City of Carlsbad and is incorporated herein by reference. The Official Zoning Map shall be kept on file in the office of the City Clerk and available for public inspection during normal business hours.

**(b) Delineation of Changes**

The City Administrator or his or her designee shall delineate all amendments and changes to the Official Zoning Map on the Official Zoning Map.

**(c) Availability of Copies**

Copies of the Official Zoning Map and this Code shall be available for purchase for a reasonable copying fee established by the City Council.

**SEC. 56-7. INTERPRETATION AND CONFLICT.**

The regulations of this Code are held to include the minimum standards necessary to carry out the purposes of this Code. More stringent provisions may be required if it is demonstrated that different standards are necessary to protect the public health, safety and general welfare. This Code is not intended to interfere with, abrogate or annul any valid ordinance or covenant, easement or other agreement. All structures and uses shall comply with all applicable ordinances, laws, rules, regulations, codes, and policies. Where the provisions of this Code impose greater restrictions, the provisions of this Code shall control.

**SEC. 56-8. COMPLIANCE WITH THE ZONING ORDINANCE OF THE CITY OF CARLSBAD, NEW MEXICO.**

**(a) Conformance**

Except as described in Article VI (Non-conformities), no person may use or occupy any land or structures, or authorize or permit the use or occupancy of land or structures under his or her control except in conformance with all of the applicable provisions of this Code. The burden of proof shall rest with the applicant in all proceedings required by this Code. For purposes of this Section, the "use" or "occupancy" of a structure or land relates to anything and everything that is done to, on, or in a structure and/or land.

**(b) Prior Approval**

No structure shall be erected, reconstructed, structurally altered, enlarged, moved, used, or designated to be used, in a zone district for any use other than those permitted in the zone district in which such structure is located, without securing all permits and licenses required by applicable ordinances, laws, rules, regulations, codes, and policies.

**(c) Grandfather Provision**

Uses, structures, or lots, existing at the time of the adoption of this Code, but which are non-conforming with this Code, may continue as permitted in Article VI, below.

**SEC. 56-9. COMPUTATION OF TIME.**

Unless otherwise specifically provided, in computing any period of time prescribed or allowed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a City holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or City holiday.

**SEC. 56-10. SAVING PROVISION.**

This Code shall not be construed as abating any action now pending under prior regulations. This Code shall not be construed as abating, altering, discontinuing or modifying any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the municipality under any section or provision existing at the time of adoption of this Code. This Code shall not be construed as vacating or annulling any rights obtained by any person by lawful action of the municipality except as shall be expressly provided for in this Code.

**SEC. 56-11. RESERVATIONS AND REPEALS.**

Upon the adoption of this Code according to law, Chapter 56, Zoning, of the Code of Ordinances of the City of Carlsbad, is repealed, except as to those sections expressly retained in this Code.

**SEC. 56-12. SEVERABILITY.**

It is the legislative intent of the City Council in adopting this Code that all provisions shall be liberally construed to protect and preserve the public peace, health, safety, comfort, convenience and the general welfare of the inhabitants of the City. If any section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code.

**SEC. 56-13. EFFECTIVE DATE.**

The provisions of this Code were originally passed, adopted and approved by the City Council on October 11, 2011 (Ord. 2011-15) and became effective on October 21, 2011, 5 days after it was published as required by law [+and as amended from time to time+].

**SECS. 56-14 – 56-29. RESERVED.**

**ARTICLE II: DEFINITIONS**

**SEC. 56-30. WORD CONSTRUCTION.**

Unless a contrary intention clearly applies, for the purposes of this Code:

- (a) Words used in the present tense include the future, and words used in the future tense include the present tense.
- (b) Words used in the masculine include the feminine and the neuter.
- (c) Words used in the singular include the plural, and the plural includes the singular.
- (d) The word “may” is permissive; the words “shall” and “will” are mandatory, subject to specific exceptions allowed by this Code.
- (e) Words not defined herein but which are defined in the Building Code or other codes adopted by the City are to be construed as defined therein.
- (f) Where words, terms or phrases are not defined through the methods authorized above, the City Administrator shall have the authority to interpret such words, terms or phrases.
- (g) Whenever the City Administrator or any other City official is named, the reference to such official shall include his or her designee, and the named official shall not be required to take the specified action personally if the action has been delegated to another individual within the City administration.

**SEC. 56-31. DEFINITIONS.**

Unless a contrary intention clearly applies, the following terms, phrases, words, and their derivations, when used in this Code, shall be interpreted as follows:

***Abut/Abutting/Adjacent/Adjoining/Contiguous.*** Lots or parcels separated by common property lines, lot lines, or an alley, street or other public right-of-way.

***Accessory building or structure.*** A building or structure detached from and ancillary to the main structure on the same lot. The use of an accessory building or structure shall be appropriate, subordinate, and customarily incidental to the main use of the lot.

***Accessory living quarters.*** Living quarters within an accessory building or structure having no kitchen facilities and not being rented or otherwise used as a separate residence.

***Accessory structure.*** A structure on a lot which is appropriate, subordinate, and customarily incidental to the main structure on the lot.

***Adult amusement establishment.*** A commercial establishment including, but not limited to, an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment that supports legal activity only and provides amusement or entertainment featuring one or more of the following:

- (a) Amusement, entertainment, live performance, act or escort service that is distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities;
- (b) Audio or video displays, computer displays, DVD’s, films, motion pictures, slides, videos, or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities; or
- (c) Exotic dancers, topless dancers, strippers, or similar entertainment.

***Adult business.*** Any adult amusement establishment or adult store.

***Adult day care center.*** A facility licensed by the state as an adult day care center or as an adult respite facility which provides care, services and supervision for less than twenty-four hours (24 hr.) a day to three (3) or more adults, who because of diminished mental or physical capacity find it difficult to care for themselves in their own residence during the day. Adult day care does not include public or private school facilities or senior recreation centers.

**Adult day care home.** A private dwelling in which a resident of the dwelling has been licensed by the state to provide and provides adult day care home services or adult respite home services and who provides care, services and supervision for less than twenty-four (24) hours a day to a least three (3) adults but not more than five (5) adults who because of diminished mental or physical capacity find it difficult to care for themselves in their own residence during the day. The use as an adult day care home or adult respite home shall be an accessory use. The primary use shall be as a private residence.

**Adult material.** Items consisting of one or more of the following:

- (a) Digital, electronic, or printed books, magazines, periodicals, audio or video displays, computer displays, DVD's, films, motion pictures, slides, videos, or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities, as defined herein; or
- (b) Devices, instruments, novelties or paraphernalia designed for use in connection with specified sexual activities or which depict or describe specified anatomical areas, as defined herein.

**Adult store.** An establishment having twenty percent (20%) or more of its shelf space or floor space devoted to the display, rental, sale, or viewing of adult material for any form or consideration.

**Agriculture.** Farm, ranch, dairy, pasturage, apiaries, horticulture, floriculture, viticulture and animal or poultry husbandry, but not including slaughterhouses, processing facilities, or commercial stockyards or feed lots.

**Airport.** Any area of land or water that is used or intended for the use of the landing and taking off of aircraft and any appurtenant areas which are used or intended for airport structures or other airport facilities or rights-of-way, together with all airport structures and facilities located thereon.

**Amateur radio facilities.** A facility with one or more antennas connected to radio equipment operated by a federally licensed amateur radio operator in accordance with applicable Federal Communications Commission laws and regulations. This term shall not include citizens band or commercial facilities.

**Ambulatory surgical center.** Outpatient surgery center.

**Americans with Disabilities Act (ADA).** A civil rights bill passed in 1990 which gives people with disabilities the same protection from discrimination as other minority groups. Title I of the Act prohibits discrimination against qualified applicants and employees on the basis of disability and Title II of the Act prohibits local and state governments from discriminating based on an individual with disabilities.

**Amusement park.** A permanent group or aggregation of rides, shows, games, concessions, animal exhibits, or any combination thereof.

**Animal, domestic fowl.** Domesticated birds commonly associated with farms and used for eggs and/or meat.

**Animal care/boarding/sales.** The use of any property or structure or portion thereof for animal boarding, breeding, care, grooming, medical services, sales or training for commercial gain, but not including animal confinement, dairy, feedlot, livestock, or pasturing uses.

**Appellant.** A person requesting that a decision be appealed.

**Appliance/small engine repair.** A use consisting of the indoor storage of household appliances such as washing machines, dryers, lawn mowers, television sets, air conditioners, etc. for sale or repair. Does not include vehicle repair, storage or automotive uses.

**Applicant.** A person submitting an application in accordance with the procedures established in this Code.

**Arroyo.** A dry wash or draw which flows only occasionally and in response to rainfall or other water runoff from higher elevations.

**Artisan/craftsman shop.** A use and the associated buildings and structures utilized for the production and/or sale of decorative or custom products or artwork (e.g., jewelry, leather, pottery, tile, wood products)

involving only the use of light trade equipment (e.g., clay pugs, kilns, rotary saws, routers, table saws, tile saws) and not meeting the definition of a manufacturing and production use.

**Attached.** Buildings or other structures located on a single property which are joined by a common sidewall.

**Bar.** A commercial establishment, where the primary use is the sale of alcohol for on-premise consumption. Food service, live music, disk jockey, or other entertainment may be provided incidental to the primary use. Includes lounge, microbrewery, night club, tavern or wine bar.

**Batch or asphalt plant.** A facility in which asphalt or its ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to another site.

**Bathroom, full.** A room containing a wash basin, toilet, and a tub or shower or both.

**Bathroom, half.** A room containing a wash basin and a toilet, also called a powder room.

**Bed and breakfast.** The subordinate use of a dwelling unit, for which the main use is the owner's or operator's permanent residence, for short-term guest lodging with a morning meal provided only to overnight guests.

**Beneficial use determination.** A form of appeal whereby a property owner who believes all beneficial use of his property has been denied or "taken" by the application of this Code.

**Birth center.** A facility, other than a hospital's maternity facilities or a physician's office, which provides a setting for labor, delivery, and immediate post-partum care as well as immediate care of newborn infants.

**Boarding school.** A school where students are lodged overnight and fed as well as taught.

**[+Brewery, large.** A duly licensed industrial business use for the manufacture of beer in quantities greater than two hundred thousand barrels of beer per year. Does not include sale of beer for on premises consumption.+]

**[+Brewery, small** (also called microbrewery or craft brewery). A duly licensed business for the manufacture of beer, but not more than two hundred thousand barrels of beer per year. May also include a bar for on-premises consumption of beer and/or food.+]

**Buffer.** A strip of land established to protect one type of land use from another. Normally, buffering is landscaped and kept as open space.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building height.** The vertical distance from grade plane to (1) the top of the roof for flat roofs, (2) the deck line for mansard roofs, or (3) the average height between eaves and ridge for gable, hip, and gambrel roofs.

**Building line.** The line beyond which a structure shall not extend unless specifically permitted. An overhang of up to twenty-four inches (24") is permitted.

**Building official.** The person designated by the City Administrator, certified by the State, and charged with the administration and enforcement of the building code, as adopted, and other codes as applicable.

**Building permit.** A permit issued by the Building Official preceding the construction, renovation, repair, or expansion of a structure or building pursuant to the terms of this Code.

**Business residence.** A single-dwelling unit on the site of a non-residential use intended to house an employee or caretaker of the non-residential use.

**Campground** ~~[-(or camp)-].~~ A lot upon which two or more campsites are located, established, or maintained for occupancy by tents, **[+up to three (3)+]** recreational vehicles, and/or camping units as temporary living quarters for transient **[+and/or recreational+]** dwelling purposes.

**Carport.** A permanent**[+ly attached+]**, roofed accessory structure, open on at least two sides, and designed to shelter a vehicle or vehicles. ~~[-May be attached on one side to a garage, dwelling unit, or commercial~~

~~building but shall not encroach into required front, side and rear yard building setbacks. ] see carport regulations for additional info.~~

**Care facility, inpatient.** A facility, duly licensed by the state as a health facility, which provides inpatient medical services, including but not limited to, hospitals, nursing homes, and overnight treatment centers.

**Care facility, outpatient.** A facility, duly licensed by the state as a health facility, which provides outpatient medical services including, but not limited to, ambulatory surgical centers, diagnostic and treatment centers, renal dialysis facilities, rural health clinics, and infirmaries, as defined by the state.

**Carnival.** A traveling or transportable group or aggregation of rides, shows, games, concessions, or any combination thereof, not including animal exhibits.

**[+Casitas.** A small, detached additional structure to a residence, commonly referred to as a “mother-in-law suite”, which serves as an additional living quarters for guests or family members. These living quarters shall not be intended as a residence to be rented separately from the primary residential structure on the property.+]

**Catering.** A business which provides or prepares food for consumption at parties or similar events, which events occur at a location other than where the food is prepared.

**Cemetery.** Land used for the burial of the dead, whether human or animal, including a mausoleum or columbarium. “Cemetery” shall not include the interment or inurnment of human cremated remains at a church or place of religious assembly unless that use of interring or inurning is limited to an accessory use.

**Channel.** Any arroyo, stream, wash, swale, gully, ditch, diversion, or watercourse, including man-made facilities, that convey storm runoff.

**Child care center.** A type of child day care that is duly licensed by the state and is any place other than an occupied residence which receives one (1) or more children for child day care or an occupied residence which receives twelve (12) or more children for child day care.

**Child day care.** A use of property, duly licensed by the state, in which child care, protection, and supervision is provided on a regular basis away from the children’s primary residence for less than twenty-four hours per day (24 hrs./day). Child day care includes “child care center” and “family child care home”. Child day care does not include public or private schools, or facilities operated in connection with an employment use, shopping center, or other principal use where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

**Circus.** A traveling or transportable group or aggregation of rides, shows, games, concessions, or any combination thereof and including animal exhibits.

**Cistern.** An above-ground or under-ground reservoir or tank for catching, holding and storing rainwater.

**City Administrator.** The chief administrative officer of the City or his or her designee.

**City Engineer.** A person designated by the City Administrator and certified in the State of New Mexico as a Professional Engineer.

**[+Clear Sight Triangle.** The triangular area formed by a diagonal line, set 30’ back from the intersection of the abutting right-of-way lines, where nothing maybe erected, planted or placed, which obstructs the vision of motorists at the intersection.+]

**Club.** An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, and/or athletic purposes which are not conducted for profit. Includes “lodge”.

**Code Enforcement.** The person, office or department designated by the City Administrator to enforce the provisions of this code.

**Columbarium.** A structure with recessed niches used or intended to be used for the permanent containment of human cremated remains in urns or other approved containers. It may be part of a mausoleum.

**Common area.** Any portion of land or building area designed for the common usage of the development.

**Communication facilities.** Communication facilities involving all devices, equipment, machinery, structures, or supporting elements necessary to provide communication or transmission of information. Specific use types in this Code include, but are not limited to: amateur radio facilities, attached telecommunication facilities, radio and television transmission towers, and free-standing telecommunication towers.

**Communication facilities, attached.** Any equipment used to provide communication services, including but not limited to, telephone, cable, cellular, wifi, wireless television, or fiber optic services, which is not affixed to or contained within a communication tower, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose.

**Communication facilities, concealed.** Any equipment used to provide communication services, including but not limited to, telephone, cable, cellular, wifi, wireless television, or fiber optic services, which is affixed to, contained within, or camouflaged by an existing building or structure and is architecturally integrated into such building or structure so as not to be readily identifiable as a communications facility.

**Communication facilities, free-standing.** Any equipment used to provide communication services, including but not limited to, telephone, cable, cellular, wifi, wireless television, or fiber optic services, which is affixed to or contained within a communication tower that is not affixed to or mounted on a building or structure.

**Communication tower.** Any freestanding, concealed or attached facility, building, pole, tower, or structure used to provide communication services, including but not limited to, telephone, cable, cellular, wifi, wireless television, fiber optic services and which may consist of antennae, equipment, and storage, and other accessory structures used to provide communication services.

**Community home.** A facility, duly licensed as required by the state, which operates twenty-four (24) hours a day providing full time care, supervision and support needed to not more than sixteen (16) resident children in a single residential building and which provides parenting, activities and experiences needed by a child to develop and realize their full potential.

**Community living setting.** A residence, duly licensed as required by the state, which is a community living situation supervised by a community agency, which: 1) provides living arrangements for persons with a developmental disability; and 2) is located in the community. Such facilities may include licensed group homes, foster homes, family living situations, supported living situations, companion homes, semi-independent living and assisted living residences and/or similar residences or innovative residential settings.

**Community mental health center.** A facility certified and licensed by the state as a Community Mental Health Center which provides and manages a comprehensive array of mental health services, including at a minimum the following core services: community-based crisis intervention, medication services, professional consultation, psychosocial interventions, and therapeutic interventions.

**Community services.** Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community on a continuing basis, not just for special events, and generally providing on-site services or involving regular employee activity at the site. Examples include detention facilities, libraries, museums, senior, community, and youth centers, social service facilities and temporary shelters.

**Compatible.** Capable of integrating into the community in a harmonious, orderly and mutually-supportive fashion.

**Comprehensive plan.** That document or documents adopted by the City Council as the City of Carlsbad's Comprehensive Plan or portions thereof.

**Conditional use.** A use which, by the terms of this Code, requires special review and for which a conditional use permit is issued.

**Conditional use permit.** A permit which authorizes a conditional use and which may include conditions attached to the approval of such use. A conditional use permit is issued to a specific individual and for a specified location.

**Congregate residence.** Any building or portion thereof which contains facilities for living, sleeping and sanitation as required by all applicable ordinances, laws, rules, regulations, codes, and policies, and which may include facilities for eating and cooking for occupancy by other than a family. A congregate residence may include, but not be limited to, a convent, monastery, dormitory, shelter, sorority or fraternity house, but shall not include hospitals, hotels, jails, lodging houses, or nursing homes.

**Convenience store.** A retail establishment, generally less than 2,500 square feet of gross floor area, offering for sale a limited line of groceries, automotive, and household items. A convenience store may be self-supporting or ancillary to a fuel service facility. May include retail/package alcohol sales for off-premise consumption.

**Counseling center.** A facility in which non-resident human clients are provided behavioral and/or mental health therapy.

**Court/court yard.** An open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.

**Dairy.** An area of land on which no more than 20 cows or goats are kept for the purposes of producing dairy products, such as milk or cheese, in commercial quantities, as well as the ancillary buildings, structures, equipment and processes.

**[+Depot, bus.** The premises at which the parking and storage of busses, and the loading and unloading of passengers, takes place. Also called a Bus Terminal or Bus Station.+]

**[+Depot, train.** The premises at which the parking, storage or transfer of train cars, or the loading and unloading of passengers, takes place. Also called a Train Terminal or Train Station.+]

**Design standards.** Specific criteria and limitations placed on development, which are intended to protect the public health, safety, and welfare of the community and to enhance the aesthetic value of a development. Design standards may specify criteria for architectural, engineering, landscape and other features of a proposed development.

**Detached.** Buildings or other structures located on a single property which are separated from each other.

**Developer.** The legal or beneficial owner of a lot or of any land included in a proposed development, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

**Development.** A planning or construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or interactive purposes.

**Deviation, minor.** A deviation from this Zoning Ordinance is minor if it has no discernible impact on the neighboring properties, the general public, or those intended to occupy or use the proposed development. Minor deviations may be approved by the Planning Director.

**Deviation, substantial.** A deviation from this Zoning Ordinance is substantial if it has a discernible impact on the neighboring properties, the general public, or those intended to occupy or use the proposed development. Substantial deviations may only be approved by the Planning and Zoning Commission or the City Council. Also called a variance.

**Discharge.** Allowing, causing or maintaining the abandonment, depositing, dumping, emitting, emptying, injecting, leaching, leaking, migrating, pouring, pumping or spilling of wastes, leachate, oil or any other water contaminant.

**[+Distillery, large.** A duly licensed industrial business for the manufacture of spirituous liquors in quantities of greater than one hundred fifty “proof gallons” per license year (a “proof gallon” is a gallon of liquid at sixty degrees Fahrenheit that contains fifty percent ethyl alcohol by volume or its equivalent, according to Chapter 60-6A-22, NMSA 1978)+]

**[+Distillery, small (also called craft distillery).** A duly licensed business for the manufacture of spirituous liquors that does not manufacture more than one hundred fifty “proof gallons” per license year (a “proof gallon” is a gallon of liquid at sixty degrees Fahrenheit that contains fifty percent ethyl alcohol by volume or its equivalent, according to Chapter 60-6A-22, NMSA 1978).+]

**Downstream capacity.** The ability of downstream drainage facilities to accept and safely convey runoff generated upstream.

**Drainage and grading permit.** A permit issued jointly by the City of Carlsbad floodplain manager and the City Engineer in accordance with federal, state, and local regulations, which allows excavating, filling, grubbing, grading or other such earth removal or relocation activity at a specified location and for a specified period of time.

**Drainage way.** Any path of concentrated flow or any depression, natural or man-made, into which surface water flows along a defined course. “Watercourse” is typically used for larger drainage ways. “Channel” is a more general term.

**Drive-through facility.** Any establishment that, by design or use, encourages or permits customers to receive a service or to obtain a product while the customer remains in an automobile.

**Driveway.** An area that is unobstructed and paved with an approved asphalt, concrete or gravel surface and that provides access to vehicle parking, loading, or circulation areas.

**Driving range.** A facility or area designed solely for practicing golf drives, which may or may not be located on a golf course.

~~**[Duplex.**—A residential building containing two (2) single family dwelling units totally separated from each other by a non-pierced wall extending from basement to ceiling or roof.—]~~

**Dwelling.** A building or portion of a building designed exclusively for [+residential+] use as a dwelling unit [(DU)].

~~**[Dwelling unit (du).**—One (1) or more connected rooms and a single kitchen designed for and occupied by no more than one (1) family for living and sleeping purposes.—]~~

~~**[+Dwelling Unit, multiple-family.** A building or buildings designed for residential occupancy, primarily permanent in nature, by more than two families, each family constituting a single housekeeping unit. The dwelling unit for each family shall have its own kitchen. A multiple-family dwelling unit shall not include a bed and breakfast, congregate residence, hotel, motel, rooming or boarding house, or similar facility.—]~~

~~**[+Dwelling Unit, multi-generational.** A building designed for residential occupancy, primarily permanent in nature, with up to two kitchens for use by any number of persons related by blood, common ancestry, marriage, guardianship or adoption. A multi-generational dwelling unit shall not include a bed and breakfast, congregate residence, hotel, motel, rooming or boarding house or similar facility, [+or a separate structure from the principal dwelling for the purpose of renting.—]~~

~~**[+Dwelling Unit, single-family attached.** Two single-family dwelling units, located on individual lots but sharing a lot line, and joined by a shared, unpierced wall from basement to roof (also called a duplex, row house or double).—]~~

~~**[+Dwelling Unit, single-family detached.** A building designed for residential occupancy by one family constituting a single housekeeping unit but not including a bed and breakfast, congregate residence, hotel, motel, rooming or boarding house, or similar facility and located on an individual lot, which is not attached to any other dwelling unit in any way.—]~~

**Dwelling units/acre (du/acre).** Maximum residential density may be measured as the number of dwelling units per gross acre of land, measured by dividing the number of dwelling units on a lot or parcel by the parcel’s gross area (in acres).

**Easement.** A right of use over the property of another.

**Effective date.** The date this Code becomes effective.

**Employee housing.** Any dwelling unit or group of dwelling units designated or restricted only for occupancy by the employees of a specific company or facility, and their families and guests. [+All employee housing must comply with any restrictions present for the zoning of the subject property unless otherwise approved by the Planning and Zoning Commission. All structures placed for employee housing must comply with all State and City regulations as it relates to the specific types of structures being placed.—]

**Encroachment permit.** A permit issued by the City of Carlsbad Director of Public Works, which allows the encroachment of a building, structure or use into the public right-of-way for a specified period of time and for a specified purpose related to the construction, expansion, relocation or other movement of adjacent buildings, structures or uses.

**Entrance, primary.** The entranceway to a structure closest to the public street or sidewalk or one that would be reasonably perceived by the public to be the entrance to the structure.

**Erosion.** The movement of soil due to wind or water.

**Erosion control.** Those best management practices utilized to prevent or reduce erosion or sedimentation and which are typically necessary when ground disturbances occur.

**Excavation.** Digging and removal of earth by mechanical means.

**Extra-territorial zoning jurisdiction.** An area within two miles of the city limits where extraterritorial zoning applies.

**Family.** Persons related by blood or marriage, or a group of persons who need not be related by blood or marriage, but who are living together as a single housekeeping unit in a dwelling unit.

**Family child care home.** A private dwelling in which a resident of the dwelling has been licensed by the state to provide and provides care for at least four (4) but not more than eleven (11) children on a regular basis for less than 24 hours per day (24 hrs/day). The children residing in the dwelling who are age six or older shall not be counted as part of the four (4) to eleven (11) children set forth in this definition. The use as a family child care home shall be an accessory use. The primary use shall be as a private residence.

**Fence permit.** A permit issued by the Building Inspector and required prior to construction or alteration of a fence or wall.

**Farmers market.** A congregation of seasonal outdoor sales of fresh produce and other items associated with the local farming and artisan industries.

**Feed lot.** A facility where livestock is raised and/or stored for commercial purposes prior to resale or slaughter.

**Fence.** A barrier constructed of chain link, wrought iron or similar material that closes, marks or borders a field, yard or lot and that does not limit visibility. Does not include chicken wire, barbed or razor wire.

**Fill.** The placement of material such as soil or rock to replace existing material, or to create an elevated embankment. Fill also refers to the material which is placed.

**Fire Chief.** The chief fire department official of the City or his or her designee

**Flag lot.** A lot meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

**Flea market.** An open-air market in which spaces are offered for rent or lease for the retail sale of crafts and/or other items. "Flea market" also includes "swap meet".

**Floodplain Administrator.** The Building Inspector or other person designated by the City Administrator to interpret and implement the City's Flood Damage Prevention Ordinance.

**Floodplain development permit.** A permit issued by the Floodplain Administrator and required prior to any manmade change in improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or construction within the regulatory floodplain.

**Floor area, gross.** The floor area within the inside perimeter of the exterior walls of a building exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or a portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

**Floor area, net.** The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

**Floor area ratio (FAR).** The numerical value obtained by dividing the gross floor area of a building or structure by the area of the lot on which the building or structure is constructed.

**French drain.** A ditch filled with gravel or rock that redirects surface and ground water away from an area. French drains are commonly used to prevent ground and surface water from penetrating or damaging building foundations. Alternatively, the French drain technique may be used to distribute water, such as that which flows from the outlet of a typical septic tank sewage treatment system. French drains are also used behind retaining walls to relieve ground water pressure. Also called Drain Tile, Land Drain, or Dry Well.

**Frontage.** The distance measured along a right-of-way, property line, or access easement.

**Frontage, street.** The distance between the side property lines of a lot as measured along the street property line or the street right-of-way line.

**Fuel service facility.** Any structure or premises or portion thereof used principally for the storage and retail sale of automotive fuels, accessories and lubricants.

**Geothermal energy system.** A geothermal energy collection and conversion device that produces electricity or other form of energy primarily used for heating/cooling.

**Golf course.** An area or tract of land designed or used for playing at least nine holes of golf. Such use may also include accessory uses such as a parking lot, clubhouse, dining facilities, practice facilities, pro shop and snack bar.

**Grade plane.** A reference plane representing the average of finished ground level adjoining a building at its exterior walls or adjoining a structure at its exterior. Where the finished ground level slopes away from the exterior, the reference plane shall be established by the lowest points within the area between the building or structure and the lot line or, where the lot line is more than 6 feet from the building or structure, between the building or structure and a point six feet (6 ft.) from the building or structure.

**Grading.** Any movement of rock, soil or vegetation by artificial means to include any or all of the following acts: clearing, excavating, leveling of land, grubbing, or placement of fill material.

**Greywater.** Non-industrial wastewater generated from domestic processes such as dish washing, laundry, bathing, and other household use except for the toilets.

**Grocery store.** A retail establishment offering for sale a complete line of food products and a limited line of household items for off-premise consumption and use. May include retail/package alcohol sales for off-premise consumption.

**Group home.** A residential facility, duly licensed by the state as a health facility, that provides room and board, personal care, habilitation services, for physically disabled persons or persons requiring supervision on an on-going basis.

**Guest.** Any person who rents or occupies a room on a temporary basis for sleeping purposes.

**Guest house.** An accessory building used as sleeping quarters for guests of the occupants of the main dwelling and having no cooking facilities.

**Guest room.** Any room occupied, or intended, arranged or designed for occupancy by one or more guests.

**Guest room, rented.** A guest room for which remuneration is charged or received.

**Health facility.** As defined in the Public Health Act, Chapter 24, Article 1, Section 2, NMSA 1978, as amended from time to time. Health facility means a public hospital, profit or nonprofit private hospital, general or special hospital, outpatient facility, maternity home or shelter, adult daycare facility, nursing home, intermediate care facility, boarding home not under the control of an institution of higher learning, child care center, shelter care home, diagnostic and treatment center, rehabilitation center, infirmary, community mental health center that serves both children and adults or adults only, residential treatment center that serves persons up to twenty-one years of age, community mental health center that serves only

persons up to twenty-one years of age and day treatment center that serves persons up to twenty-one years of age or a health service organization operating as a freestanding hospice or a home health agency. The designation of these entities as health facilities is only for the purposes of definition in the Public Health Act and does not imply that a free-standing hospice or a home health agency is considered a health facility for the purposes of other provisions of state or federal laws. "Health facility" also includes those facilities that, by federal regulation, must be licensed by the state to obtain or maintain full or partial, permanent or temporary federal funding. It does not include the offices and treatment rooms of licensed private practitioners.

**Heliport.** An area that is used or intended to be used for the landing or takeoff of helicopters and any related structures and facilities thereon. "Heliport" includes the term "Helipad".

**Holding tank.** A watertight tank designed to receive and retain liquid waste for periodic pumping and disposal off-site.

**Home occupation.** A specific, permitted use for a specified duration and individual and incidental to a property's primary residential use.

**Home occupation, office.** A use permitted as a home occupation where limited consulting, record keeping, or the work of a professional person such as an accountant, engineer, or lawyer is done. Does not include headquarters of an enterprise or organization or the construction, manufacture or sale of on-premises goods.

**Home occupation, sales and service.** A use permitted as a home occupation where limited assembly or construction of items for sale off site is done or limited services such as a beauty shop, massage therapy, or photography, are provided.

**Hospice facility.** A facility, duly licensed as required by the state, equipped and staffed to provide hospice services to patients and their families on a twenty-four (24) hours a day basis. The term "hospice services" means a program of palliative and supportive services which provides physical, psychological, social and spiritual care for terminally ill patients and their family members.

**Hospital.** A facility, duly licensed as required by the state, offering in-patient services, nursing, overnight care on a 24-hour basis for diagnosing, treating, and providing medical, psychological or surgical care for three or more separate individuals who have a physical or mental illness, disease, injury, a rehabilitative condition or are pregnant; and which may include as accessory uses or buildings, pharmacies, clinical laboratories, radiology, dialysis, staff offices, and dietary services. The term "hospital" includes facilities properly licensed as acute-care hospitals, critical access hospitals, limited services hospitals, long term acute-care hospitals, psychiatric hospitals, rehabilitation hospitals, and special hospitals as defined by the state. Heliports may be included as an accessory use.

**Hotel/Motel.** An establishment providing, for a fee, sleeping accommodations and lodging services, including, but not limited to, maid service, furnishing and upkeep of furniture and bed linens, telephone and desk/concierge service. Related ancillary uses including, but not limited to, recreational facilities, bar, restaurant, meeting rooms, and convention center may also be available.

**Intermediate Care Facility for the Mentally Retarded ("ICF/MR").** An intermediate care facility, duly licensed as required by the state, that provides food, shelter, health or rehabilitative and active treatment in the least restrictive setting including all needed services for the mentally retarded or persons with related conditions.

**Interpretation.** Determination or explanation regarding the meaning of a provision or provisions contained in this Code.

**Junk.** Any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, secondhand, unusable, worn-out or wrecked material, object, or thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plaster, plaster of paris, terra cotta, sand, wood, plastic or other synthetic substance, glass, paper, rubber, metal, wire, canvas, cloth, cotton, wool, or other fiber, organic matter or other substance.

**Junkyard.** Any premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

**Laboratory, medical.** A facility for medical testing, including a medical facility certified to perform diagnostic and/or clinical tests independent of an institution or physicians office.

**Laboratory, scientific/research.** A facility for scientific research and testing that does not include living human subjects. Uses may include biotechnology, pharmaceuticals, genetics, plastics, resins, coatings, fibers/optics.

**Landfill.** An area of land or an excavation in which solid wastes are located or placed for disposal.

**Landscaping material sales/nursery.** Any facility primarily engaged in retail sale or wholesale of materials used for landscaping purposes, such as plants, trees, chemicals and fertilizer, soil, decorative items and lawn furniture.

**Livestock.** Animals including, but not limited to, horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, rabbits, ratitae, camelids, members of the lama genus, or farmed cervidae.

**Loading space.** An off-set space or berth on the same lot with a structure, or contiguous to a group of structures, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which abuts upon a street, alley or other appropriate means of access.

**Lodge.** See, "Club".

**Lot.** A portion of a legally platted subdivision that is shown on the records of the County Clerk as a lot, tract, or parcel of land and held in separate ownership. A portion of land that was subdivided from other land in accordance with the then existing zoning and subdivision requirements.

**Lot area, gross.** A measurement of the total area contained within the boundaries of a lot, expressed in square feet, acres or other appropriate units, prior to the deduction of area for streets, alleys, easements, or other public spaces.

**Lot area, net.** A measurement of the total area contained within the boundaries of a lot, expressed in square feet, acres or other appropriate units, after the deduction of area for streets, alley, easements or other public spaces.

**Majority, simple.** More than fifty percent (50%) of the voting members seated for the vote.

**Majority, super.** More than fifty percent (50%) of the designated voting members of the decision making body.

**Manufactured home.** Shall be as defined in the Manufactured Housing Act, Chapter 60, Article 14, Section 2, NMSA 1978, as amended from time to time. "Manufactured home" means a movable or portable housing structure over thirty-two feet in length or over eight feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. "Manufactured home" does not include recreational vehicles or modular or pre-manufactured homes, built to Uniform Building Code standards, designed to be permanently affixed to real property. "Manufactured home" includes any movable or portable housing structure over twelve feet in width and forty feet in length which is used for nonresidential purposes."

**Manufactured home, multi-section.** Shall be defined in the Manufactured Housing and Zoning Act, Article 3, Section 21A-2, NMSA 1978, as amended from time to time. "Multi-section manufactured home" means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

**Manufacturing.** The mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the creation of products, and the blending of materials such

as liquors, lubricating oils, plastics, resins, [+or commercial and industrial scale welding+]. Also called “production”.

**Mausoleum.** An above-ground building used or intended to be used to permanently contain the remains of deceased humans, sealed in crypts.

**Miniature golf course.** An area designed or used for the playing of a novelty version of golf played with a putter and golf ball on a miniature course and often featuring obstacles.

**Mining operation.** The process of obtaining useful minerals from the earth’s crust or from previously disposed or abandoned mining wastes including, without limitation exploration, open-cut mining, and surface operation, the disposal of refuse from underground and *in situ* mining, concentration, evaporation, leaching, milling, mineral transportation and other processing.

**[+Mobile Food Establishment.** A vehicle-mounted, commercial food service establishment designed to be readily moveable and which may serve multiple locations on a daily basis. Mobile Food Establishments shall conform to all State and Local requirements for operation of a Mobile Food Business. Licensing by a State Department of Motor Vehicles and the NM Environment Department is required in addition to a City Temporary Use Permit and City Business Registration. Also called Food Truck.+]

**Mobile home.** Shall be defined in the Manufactured Housing and Zoning Act, Article 3, Section 21A-2, NMSA 1978, as amended from time to time. "Mobile home" means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

**Mobile home park.** A parcel or lot designed and developed for long-term residential use and intended for rent or lease where the residents live in mobile homes or manufactured homes exclusively.

**Mobile home subdivision.** A subdivision designed and developed with individual lots for long-term residential use and intended for sale where residents are in mobile homes or manufactured homes exclusively.

**Motor vehicle salvage or wrecking yard.** A type of junkyard at which there is the open storage of three (3) or more inoperable vehicles or on which salvaged motor vehicle bodies, motor vehicle parts, scrap or waste materials of any kind are displayed, exchanged, handled, processed, sold or stored.

~~**[Multiple family dwelling.**—A building or buildings designed for residential occupancy, primarily permanent in nature, by more than two families each family constituting a single housekeeping unit. The dwelling unit for each family shall have its own kitchen. A multiple family dwelling shall not include a boarding house, congregate residence, hotel or motel.—]~~

**Nominal or remote.** Trifling or distant.

**Nursing facility.** A facility, duly licensed as required by the state, which primarily provides skilled nursing care and related services to residents for the rehabilitation of disabled, injured, or sick persons, or on a regular basis, health-related care services above the level of custodial care to other than mentally retarded individuals. The term “nursing facility” includes intermediate care facilities, nursing homes, and skilled nursing facilities as defined by the state.

**Office.** A place where consulting, record keeping, or the work of a professional person such as an accountant, engineer, lawyer, or physician is done, or a headquarters of an enterprise or organization; but the construction, manufacture or sale of on-premises goods is not included.

**Office, business.** A type of office which is the headquarters of a business or organization where activities such as record keeping, billing or other administrative functions are performed.

**Office, professional.** A type of office which is the headquarters of a business or organization where activities such as legal services, advertising, surveying, planning, consulting, chiropractic services,

[+physician/medical doctor services,+] engineering or architectural services are performed. [+Does not include “Health Facilities” as defined herein.+]

**Official Zoning Map.** The City of Carlsbad land use designation map or maps corresponding to uses specified in this Code.

**Outdoor commercial amusements.** Various activities and structures that draw large numbers of people to specific events or shows including, but not limited to, amusement parks, arenas, outdoor concert areas, racetracks, shooting ranges, stadiums, or similar facilities intended to attract large crowds.

**Outdoor sales, repairs, and activities.** The sale, repair, display, or provision of products or services primarily outside of a building or structure.

**Owner.** Any person who has legal control of, or title to real property or a structure.

**Parcel.** An abutting area of land containing one (1) or more lots in the possession of, owned by, or recorded as the property of a person.

**Parking lot.** An area paved with an asphalt or cement surface and containing parking spaces reserved for the temporary parking of motor vehicles. Does not include overnight parking.

**Parking lot, commercial.** An area or structure used for the temporary parking of passenger vehicles including automobiles, light and medium trucks, sport utility vehicles, and motorcycles, (but not including large or commercial vehicles such as, but not limited to, busses, heavy equipment, or freight vehicles) at which a fee is charged for the use of individual parking spaces.

**Parking lot sales.** The sale of goods in the parking lot of a permitted structure or use.

**Parking space.** An area for the parking of one automobile, having a minimum width of 8 feet and a minimum length of 20 feet.

**Person.** Any individual, association, club, company, cooperative, corporation, estate, firm, joint venture, partnership, receiver, syndicate, trust or other entity.

**Personal services.** Services provided for personal or home use that do not principally support business activities. Examples include: photographic studio, hair, tanning, tattoo, and personal care services, martial arts, dance or music classes.

**Planned unit development (PUD).** A development and zoning district designed to accommodate varied types of residential and/or non-residential development including single, duplex and multiple-family housing, commercial or industrial uses, and related accessory uses and special uses commonly found in similar developments, in patterns or layouts not otherwise permissible in other zone districts of this Zoning Ordinance. Planned unit developments are designed and intended to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development.

**Planning Director.** The City Administrator or his or her designee.

**Police and/or fire facility, full station.** Central station containing offices of the chief and administrative employees, where business is conducted for police, fire, ambulance and/or other emergency service provided by a governmental agency.

**Police and/or fire facility, substation.** Any stations in addition to the full station located throughout the City to provide police, fire, ambulance and/or other emergency service to the surrounding community by a governmental agency.

[+Premises. A lot, together with all buildings and structures thereon.+]

**Property lines.** The lines bounding a lot.

**Public hearing.** A duly advertised hearing open to the public and conducted in accordance with the requirements of this Code and applicable state law which provides an opportunity for interested parties to present their opinions and/or evidence.

**Public meeting.** An informal meeting or other public gathering to discuss a topic or set of topics not requiring formal decision making.

**[+Pushcart.** A human propelled, self-contained food service cart, operating at approved locations for no more than two hours at a time, as defined and licensed by the State Environment Department.+]

**Recreational vehicle (RV).** A vehicle, ~~{five hundred square feet (500 sq. ft.) or less in size when measured at the largest horizontal projections,}~~ which is built on a single chassis designed to be self-propelled or to be mounted or drawn by an automotive vehicle; and not designed for use as a permanent dwelling, but primarily as temporary living quarters for camping, recreational, travel, or seasonal use. It includes, but is not necessarily limited to motor homes, travel trailer [+ , pop-up campers/tents+] and truck campers. ~~{May include tents.}~~

**Recreational vehicle park (RV park).** A use and any lot or parcel of land where space is rented to owners or users of recreational vehicles, tent campers or tents and those areas containing permitted accessory uses.

**Residential care facility.** Any residence for adults, duly licensed as required by the state, which provides and which has as its primary purpose to provide to the residents, either directly or through contract services, programmatic services, room, board, assistance with the activities of daily living, in accordance with the program narrative, and/or general supervision to two (2) or more adults who have difficulty living independently or managing their own affairs.

**Residential facility.** A facility, duly licensed as required by the state, in which twenty-four hour (24 hr.) continuous therapeutic care is provided to a group of children/adolescents.

**Residential treatment center, accredited.** A facility, duly licensed and accredited as required by the state, with sixteen (16) beds or less that may be attached to, or housed within, a hospital or other institution; that provides residential treatment services. The term “residential treatment services” means a program that provides twenty-four hour (24 hr.) therapeutic care to children/adolescents with severe behavioral, psychological, neurobiological, or emotional problems, who are in need of psychosocial rehabilitation in a residential facility.

**Residential treatment facility.** A facility, duly licensed as required by the state, that provides twenty-four hour (24 hr.) therapeutic care to children and adolescents and is licensed for no more than sixteen (16) children/adolescents. This includes residential treatment centers, group homes, residential substance abuse facilities and other similar facilities.

**Restaurant[+, fixed+].** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute the primary revenue source. May include a bar as an accessory use.

**Retail sales establishment, community scale.** An establishment with 5,000-30,000 square feet of gross floor area, where the sale or rental of goods for consumer or household use is the primary purpose. May include grocery sales.

**Retail sales establishment, neighborhood scale.** An establishment with less than 5,000 square feet of gross floor area, where the sale or rental of goods for consumer or household use is the primary purpose. May include grocery sales.

**Retail sales establishment, regional scale.** An establishment with greater than 30,000 square feet of gross floor area, where the sale or rental of goods for consumer or household use is the primary purpose. May include grocery sales.

**Right-of-way.** Land across which there is an easement or which is reserved and dedicated for use as an alley, crosswalk, street, for utilities or for other public use or access.

**Roadway.** That portion of a street right-of-way developed for vehicular traffic.

**Rooming or boarding house.** The subordinate use of a dwelling unit, for which the main use is the owner or operator’s permanent residence, containing not more than five guest rooms where lodging is provided with or without meals, for compensation.

**Septic tank.** A water-tight tank which meets all applicable codes, is properly permitted, and is designed and constructed to separate solids from liquid and digest organic matter through a period of detention together with a leach field.

**Setbacks.** Unobstructed, unoccupied, open areas, measured at its shortest distance as follows:

- (a) Street or front setback. The street or front setback shall be the distance between the front building line and the front property line or street right-of-way line, or street easement whichever is closer. If there is no street right-of-way line, then it shall be the shortest distance between the front building line and the nearest edge of the street or curb, whichever is closer.
- (b) Side setback. The side setback is the distance between the side building line and the side property line.
- (c) Rear setback. The rear setback is the distance between the rear building line and the rear property line.
- (d) City's discretion. The City may, in its sole discretion, designate which side of the property is the front, side, and rear.
- (e) No yard, setback, or other open space provided around any structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback, or open space for any structure on any other lot.

**Sidewalk.** A pedestrian walkway with permanent asphalt, brick, concrete or stone surfacing, a minimum of four-feet (4 ft.) in width and providing for Americans with Disabilities Act (ADA) compliance.

**Sign.** Any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.

**Sign permit.** A permit issued by the City Administrator that authorizes the recipient to erect, move, enlarge, or alter a sign.

**[-Single-family dwelling.** A building designed for residential occupancy by one family constituting a single housekeeping unit having only one kitchen, but not including a bed and breakfast, congregate residence, hotel, motel, rooming or boarding house, or similar facility.-]

**Shared access.** Joint use of a curb cut or drive aisle utilized by more than one use, building, or property.

**Shared parking.** Joint use of a parking area by more than one building or property.

**[+Shelter, emergency.** A facility for the temporary shelter and feeding of disaster victims, operated by a public or nonprofit agency and where immediate support services may be provided.+]

**[+Shelter, homeless.** A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency and where immediate support services may be provided.+]

**Shopping center.** Multiple retail sales establishments of various sizes, planned, constructed, and managed as an entity with off-street parking meant to be shared by tenants. The inclusion of an anchor such as a community scale retail sales establishment or a grocery store is common.

**Skirting.** A material designed and utilized to enclose a space between the lowest floor of a manufactured home, mobile home or modular home and the ground and utilized to completely conceal the undercarriage portion of such homes.

**Slope.** The ratio of vertical distance to horizontal distance (rise over run).

**Solar Energy Conversion System/Solar Panels.** A solar energy collection and conversion device that produces electricity or other form of energy primarily used for heating/cooling.

**Solid waste.** Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid or contained gaseous material resulting from agricultural, commercial, industrial and mining operations and from community and residential activities, but does not include those items specifically excluded from the definition of solid waste in the Solid Waste Management Regulations of the New Mexico Environmental Department, as such definition may be amended from time to time.

**Specified anatomical areas.** Includes:

- (a) Less than completely and opaquely covered human:
  - (1) Genitals, pubic region;
  - (2) Buttock or anus;
  - (3) Female breast below a point immediately above the top of the areola to and including the bottom of the breast; covering of only the nipple and areola of the breast shall not constitute such covering.
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- (c) A covering or device that, when worn, gives the appearance of or simulates the above-listed specified anatomical areas.

**Specified sexual activities.** Includes:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Actual or simulated sex acts of human masturbation, sexual intercourse, sodomy, or similar acts; and
- (c) Fondling or other erotic touching of human genitals, public region, buttock, anus, or female breast.

**[+Spot zone.** An arbitrary zoning or rezoning of a small tract of land, which is surrounded by other zoning categories that are of a different intensity, and which is not consistent with the land use goals of the city’s comprehensive plan.+]

**[+Stormwater, detention.** The collection and storage of surface water for subsequent, gradual discharge.-]

**[+Stormwater, retention.** The collection and permanent storage of surface water.+]

**Street, arterial.** Those streets so designated and designed to carry high traffic volumes or function as major thoroughfares.

**Street, collector.** Those streets so designated and designed to carry moderate traffic volumes and function as connections between residential streets and arterial streets.

**Street, residential.** Those streets so designated and designed to carry low traffic volumes primarily through residential areas and neighborhoods.

**Structure.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground. “Structure” includes “building” but does not include a tent, camper or recreational vehicle, vegetation, vehicle, or public utility pole or line.

**Structure height.** The vertical distance from grade plane to the highest point on the structure.

**Temporary use.** A specific, permitted use established for a specified period of time. Temporary uses do not involve the construction or alteration of any permanent structure. ~~[May include real estate sales office ancillary to model home sales.-]~~

**[+Tent.** Any structure, enclosure or shelter constructed of fabric or other pliable material, supported by any manner except air or the contents protected by the material.+]

**Theater/Dance Hall.** A building or part of a building used to show motion pictures or for drama, dance, musical, or other live performances.

**Traffic Impact Analysis (TIA).** A technical study performed by a qualified engineer, which assesses the impact of a proposed facility or development on existing and proposed rights-of-way. It may analyze the impact on safety, intersections, circulation patterns, ingress/egress, traffic loads, parking and loading areas, on-site circulation and vehicles per day and may set forth mitigation measures to eliminate or substantially reduce such impacts. Also referred to as a “traffic study.”

**[+Trailer.** A vehicle without motive power, designed to be towed by an automobile or truck but not designed for human occupancy and which may include a utility trailer, boat or watercraft trailer, horse trailer, or equipment trailer.+]

**Transfer station.** Any facility, including containers, vehicles, structures or buildings constructed, used and managed for the intermediate storage and/or processing and placement of solid waste for a limited period of time prior to transfer to a sanitary landfill, incinerator, or other solid waste disposal facility.

**Travel trailer.** Any vehicular or similar portable structure designed as a temporary dwelling for travel, recreational and vacation uses, including, but not necessarily limited to recreational travel trailers and camping trailers. A form of recreational vehicle that may operate under its own power or be towed by a vehicle.

**[+Truck.** A commercial vehicle such as, but not limited to, freight vehicles, solid or liquid hauling vehicles, tractors, busses or heavy equipment.+]

**[+Trucking business.** Any business with the primary function of freight movement, water hauling, oil/gas hauling or providing or storing service vehicles.+]

**Truck stop/travel plaza.** An area or structure designed or used for the temporary parking of large or commercial vehicles such as, but not limited to, freight vehicles, busses, or heavy equipment. In addition to parking, the area or structure may include ancillary services, such as, but not limited to, fuel, food, vehicle repair, and overnight rest facilities.

**Use.** The activity or function that actually takes place or is intended to take place on a parcel.

**Utility, basic.** Infrastructure services that need to be located in or near the area where the service is provided. Examples include individual customer service lines, storm water retention and detention facilities, telephone exchanges and water and sewage pump stations, but shall not include telecommunication towers. Service may be public or privately provided. Accessory uses may include control, monitoring, support and transmission or data equipment.

**Utility corridor.** Public or private passageways, including easements, for the express purpose of transmitting or transporting communication signals, electricity, gas, oil, sewage, water, or other similar services on a regional level.

**Utility, intermediate.** Infrastructure services that need to be located in or near the area where the service is provided, but which provide services on a larger scale than basic utility services. Examples include electrical substations, park and ride facilities for mass transit, public and private water treatment facilities, recycling drop-off stations and water towers and reservoirs, but shall not include telecommunication towers. Service may be public or privately provided. Accessory uses may include control, monitoring, support and transmission or data equipment.

**Variance.** Any substantial deviation from the requirements of this Code.

**Vehicle repair.** The servicing or cleaning of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as boats, motorcycles and recreational vehicles. Generally, the consumer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, sales of parts, and vehicle storage. Specific vehicle repair use types in this Code include: auto mechanical repair, body shop, light and medium truck repair, and tire recapping and storage.

**Vehicle repair, trucks.** The servicing and repair of semi-trucks. Generally, the consumer does not wait at the site while the service or repair is being performed.

**Vehicle service, limited.** Limited vehicle service uses provide direct services to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as boats, motorcycles and recreational vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Accessory uses may include minor auto repair, offices, sales of parts and tires. Specific limited vehicle service use types in this Code include: car wash, fuel service facility, and quick lubrication facilities.

**Veterinary clinic/office.** Buildings and accessory structures or uses, where animals receive medical treatment and may be boarded during convalescence, operated by a veterinarian licensed in the State of New Mexico.

**Vocational/technical/trade school.** A school that offers specialized training in skilled trades or occupations, such as building trades, mechanics or office skills.

**Wall.** A solid barrier constructed of concrete, stone, brick, tile, wood or similar material that closes, marks, or borders a field, yard, or lot and that limits visibility.

[+**Warehouse/warehousing.** The use and/or facility for the indoor or outdoor storage and/or distribution of manufactured products, raw materials, liquids or solids.+]

**Waste, hazardous.** Waste, which, because of its quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality, serious incapacitation, or illness; or pose a substantial presence of potential hazard to human health or the environment when improperly disposed of, stored, transported or treated, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation Recovery Act of 1976; P.L. 94-580.

**Waste, medical.** Hospital and laboratory waste, including pathological specimens (i.e., all tissues, specimens, excreta and secretions obtained from patients and laboratory animals) and disposal fomites (any substance which may harbor or transmit pathological organisms) attendant thereto. Also, surgical operating room pathogenic specimens and disposal fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms. Also, equipment, fomites, instruments and utensils of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease.

**Watercourse.** Any arroyo, channel, creek, lake, river, stream or other body of water having banks and bed through which water flows at least periodically.

**Water harvesting.** The gathering, or accumulating and storing, of rainwater. Traditionally practiced in arid and semi-arid areas to provide drinking water, domestic water, water for livestock and irrigation. Also used as a way to replenish ground water levels.

**Water supply system.** A system to provide water for domestic use or human consumption.

**Wholesale establishment.** An establishment or place of business primarily engaged in selling merchandise to other businesses or other wholesalers, or acting as an agent or broker by buying merchandise for, or selling merchandise to, such businesses or wholesalers.

**Wind Energy Conversion System/Wind Turbine.** A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis.

**Windmill.** A wind energy device with rotating blades and with a maximum height of thirty-five feet (35'), that is decorative or pumps groundwater for agricultural use.

[+**Wine.** Means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar, or any such alcoholic beverage to which is added grape brandy, fruit brandy or spirits of wine that is distilled from the particular agricultural products of which the wine is made, and other rectified wine products by whatever name that do not contain more than fifteen percent added flavoring, coloring and blending material and that contain not more than twenty-four percent alcohol by volume, and includes vermouth; .+]

[+**Winery.** A facility in which a winegrower manufactures and stores wine..+]

[+**Wine Blender.** A person authorized to operate a bonded wine cellar pursuant to a permit issued for that purpose under the internal revenue laws of the United States but who does not have facilities or equipment for the conversion of grapes, berries or other fruit into wine and does not engage in the production of wine in commercial quantities; provided that any person who produces or blends not to exceed three hundred gallons of wine per year shall not, because of such production or blending, be considered a wine blender;

[+**Wine Bottler.** A New Mexico wholesaler who is licensed to sell wine at wholesale for resale only and who buys wine in bulk and bottles it for wholesale resale.+]

[+**Wine grower.** A person who owns or operates a business for the manufacture of wine. Also referred to as "Winer"+]

**Xeriscaping.** Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

**Yard.** An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by structures. No yard, setback, or other open space provided around any structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback, or open space for any structure on any other lot.

**Yard, front.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

**Yard, rear.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building line.

**Yard, side.** An open, unoccupied space on the same lot as the building and between the side building line and the side lot line.

**Zoning permit.** A permit issued by the Planning Director that authorizes the recipient to make use of property in accordance with the requirements of this Zoning Ordinance.

**SEC. 56-32- 56-39. RESERVED.**

**ARTICLE III: DISTRICT REGULATIONS**

**SEC. 56-40. INTENT AND PURPOSE OF ZONING DISTRICTS.**

**(a) Rural Residential (R-R) District.**

The Rural Residential District is intended to provide for areas that will accommodate agricultural, ranching, and natural resource uses and very low-density residential uses, until such time as other development is appropriate. **There shall be a maximum of one primary residence per lot for R-R Rural Residential District Zoning**

**(b) Residential 1 (R-1) District.**

The Residential 1 District is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner. **There shall be a maximum of one primary residence per lot for R-1 Residential District Zoning**

**(c) Residential 2 (R-2) District.**

The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple-family, and mobile home parks and subdivisions and to provide land-use protection for areas that develop in such a manner.

**(d) Commercial 1 (C-1) District.**

The Commercial 1 District is intended to accommodate neighborhood-scale retail, office, and customer service uses. Such uses are regulated in order to reduce adverse impacts on surrounding residential development.

**(e) Commercial 2 (C-2) District.**

The Commercial 2 District is intended to accommodate community and regional-scale retail and commercial uses. Such uses are regulated in order to be compatible with surrounding uses and existing infrastructure.

**(f) Industrial (I) District.**

The Industrial District is intended to accommodate heavy and/or concentrated fabrication, production, research, manufacturing, and industrial uses.

**(g) Planned Unit Development (PUD) District.**

The Planned Unit Development District is intended to accommodate only uses that are allowed in other zoning districts, but to allow more innovative design, massing, orientation, and clustering in development

patterns. The district is not intended to reduce design and quality standards below those required by this Code and other regulations of the City.

**SEC. 56-41. USE TABLE.**

**(a) Use Categories and Specific Uses.**

If a specific use is listed in the table, that use is allowed only within the districts indicated, not within the districts that allow the broader Use Category. Most of the Specific Uses listed in Use Table 56-41(g) are defined in Article II.

**(b) Allowed Uses.**

An "A" indicates that the listed use is allowed by right within that zoning district. Allowed uses must comply with all applicable standards of this Zoning Ordinance and require a Zoning Permit.

**(c) Conditional Uses.**

A "C" indicates that the listed use is allowed within that zoning district only after review and approval of a Conditional Use Permit, pursuant to the review procedures of Section 56-150(f). Conditional Uses are subject to all applicable standards of this Zoning Ordinance.

**(d) PUD Uses.**

A "P" indicates that the use may be included in a PUD zoning district only after review and approval pursuant to the review procedures of Section 56-150(k). PUD uses are subject to all applicable standards of this Zoning Ordinance, unless these standards are modified by the terms of the approved PUD.

**(e) Prohibited Uses.**

A blank cell, one without an "A", "C" or "P", indicates that the listed use type is not allowed within that zoning district.

**(f) Uses Subject to Specific Regulation.**

Many uses are subject to use-specific regulations, in addition to general regulations that apply to all development. [+Uses followed by an asterisk (\*) are allowed by right but additional regulations apply. See Section 56-42 for regulations.+]

**(g) Use Tables**

**FOR FURTHER ASSISTANCE USING TABLES 1 - 6, SEE ALSO:  
DEFINITIONS, ARTICLE II  
USE REGULATIONS, SECTION 56-42**

**TABLE 1 – PERMITTED RESIDENTIAL USES**

<b>RESIDENTIAL USES</b>											
<b>GENERAL USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>PUD</b>	
1.	Household Living	a.	Business Residence	A			A	A	C	P	
		b.	Employee Housing	A	A	A	A	C	<del>F</del> C	P	
		c.	Manufactured Home/Multi-Section*	A	A	A	A				
		d.	Mobile Home <del>[(1/lot)*+]</del>	A							P
		e.	Mobile Home Park*	<del>[C]</del> [A+]		<del>F</del> C [A+]	C	C			P
		f.	Mobile Home Subdivision [(1/lot)*+]	<del>[C]</del> [A+]		C	[C+]	C			P
		<del>[+g</del> .	Multi-Generational Dwelling	A	A	A	A+]				
		<del>[</del> <del>g-</del> <del>h+</del> <del>h.+</del> ]	Multiple-Family Dwelling	<del>[C]</del> [C+]		A	A	C			P
		<del>[</del> <del>h-</del> <del>h+i</del> <del>h.+</del> ]	Rooming/Boarding House	A	C	A	A	<del>F</del> C			P
		<del>[i-</del> <del>h+j</del> <del>h.+</del> ]	Single-Family Attached Dwelling, including Condominiums and Duplexes	[C+]	A	A	A				P
		<del>[j-</del> <del>h+k</del> <del>h.+</del> ]	Single-Family Detached Dwelling	A	A	A	A				P
<del>[</del> <del>k-</del> <del>h+l</del> <del>h.+</del> ]	All Other Household Living	C	C	C	C	C	C		P		
2.	Group Living	a.	Community Home	A	A	A	A	A		P	
		b.	Community Living Setting	A	A	A	A	C		P	
		c.	Congregate Residence	C	C	A	A	A		P	
		d.	Residential Care Facility	A	C	A	A	A		P	
		e.	All Other Group Living	C	C	C	C	C	C	P	
3.	Other	a.	Carport	A	A	A	A	A	C	P	

**TABLE 2 – PERMITTED INSTITUTIONAL AND CIVIC USES**

<b>INSTITUTIONAL AND CIVIC USES</b>										
<b>GENERAL USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>PUD</b>
1.	Care Facility, Inpatient	a.	Hospice Facility	C			A	A		P
		b.	Hospital	C			C	A		P
		c.	ICF/MR	A			A	A		P
		d.	Physical and Mental Rehabilitation Facility	C			A	A		P
		e.	Nursing Facility	C			A	A		P
		f.	Residential Facility	C		C	A	A		P
		g.	Residential Treatment Center, Accredited	C		C	A	A		P
		h.	Residential Treatment Facility	C		C	A	A		P
		i.	All Other Inpatient Care Facilities	C		C	C	C	C	P
2.	Care Facility, Outpatient	a.	Adult Day Care Center	C	C	C	A	A		P
		b.	Adult Day Care Home	A	A	A	A	C		P
		c.	Ambulatory Surgical Center	C			A	A		P
		d.	Birthing Center	C	C	C	A	A		P
		e.	Child Day Care*	A	A	A	A	A		P
		f.	Community Living Setting	A	A	A	A	C		P
		g.	Community Mental Health Center	C			A	A		P
		h.	Counseling Center	C			A	A		P
		i.	Family Child Care Home	A	A	A	A	C		P
		j.	Health [-Clinic-][+Facility+]	C			A	A	C	P
		k.	Renal Dialysis Facility	C			A	A		P
l.	All Other Outpatient Care Facilities	C			C	C	C	P		
3.	Church / Religious Assembly	a.	Church / Religious Assembly	A	A	A	A	A	C	P

4.	Community Services	a.	Detention Facility / Temporary Shelter	C			C	C	C	P
		[+b.	Shelter, Emergency	A	A	A	A	A	A	A+
		[+c.	Shelter, Homeless	A			A	A		P+
		f- b- j[+ d.+]	All Other Community Services	C	C	C	C	C		P
5.	Park and Open Space	a.	Cemetery*	C			C	C		P
		b.	Golf Course/Golf Driving Range	A	A	A	A	A		P
		c.	Miniature Golf Course	C			A	A		P
		d.	Park/Lake/ Reservoir/Open Space	A	A	A	A	A	A	P
		e.	Playing Field or Court	A	A	A	A	A		P
		f.	Shooting Range, Indoor	C			C	C	C	P
		g.	Shooting Range, Outdoor	C				C	C	P
		h.	Swimming Pool	A	A	A	A	A		P
		i.	All Other Parks and Open Spaces	C	C	C	C	C	C	P
6.	Police, Ambulance, & Fire Services	a.	Police, Ambulance, & Fire Services	A	A	A	A	A	A	P
7.	Private Recreation and Entertainment	a.	Club / Lodge	A			A	A		P
		b.	All Other Private Recreation and Entertainment	C			C	C		P
8.	School*	a.	Boarding School	A	C	C	A	A		P
		b.	Elementary / Secondary School	A	A	A	A	A		P
		c.	University / College	A	C	C	A	A		P
		d.	Vocational / Technical / Trade School	C	C	C	A	A	A	P
		e.	All Other Schools	C	C	C	C	C	C	P
9.	Utility	a.	Basic Utility	A	A	A	A	A	A	P
		b.	Intermediate Utility	C	C	C	A	A	A	P
		c.	Utility Corridor	C	C	C	C	C	C	P
		d.	All Other Utilities	C	C	C	C	C	C	P

***TABLE 3 – PERMITTED COMMERCIAL USES***

**COMMERCIAL USES**

USE CATEGORY		SPECIFIC USE TYPE		R-R	R-1	R-2	C-1	C-2	I	PUD
1.	Office	a.	Business Office	A		A	A	A	A	P
		b.	Professional Office	C		A	A	A	C	P
		c.	Home Occupation, Office	C	C	C	C			P
		d.	All Other Offices	C		C	C	C	C	P
2.	Parking, Commercial	a.	Parking Structure or Lot	C			A	A	A	P
3.	Recreation [-and Entertainment-] [+ , Private Golf Courses and Commercial Amusements* +]	a.	Amusement Park	C				C		P
		b.	Campground [ <del>or Camp</del> ]*	A				A		P
		c.	Golf Course/ Golf Driving Range	A	A	A	A	A		P
		d.	Miniature Golf Course	C			A	A		P
		e.	Playing Field or Court	A	C	C	A	A		P
		f.	Pool Hall / Bowling Alley					A		P
		g.	Recreational Vehicle [+ (RV)+] Park*	A				A		P
		h.	Swimming Pool/Water Park	A			A	A		P
		i.	Shooting Range, Indoor	C			C	C	C	P
		j.	Shooting Range, Outdoor	C				C	C	P
		k.	Theater / Dance Hall	C			A	A	C	P
l.	All Other Recreation and Entertainment	C	C	C	C	C	C	C	P	
4.	Retail Sales and Service	a.	Adult Business Uses*					C	A	P
		b.	Animal Care / Boarding / Sales*	A			C	A	C	P
		c.	Appliance and/or Small Engine Repair and Service				A	A	A	P
		d.	Artisan/Craftsman Shop*	A	C	C	A	A	A	P
		e.	Bar*	A			A	A	<del>f</del> <del>A</del>	P
		<del>f.</del> [+f.]	Brewery, Small/Craft/Micro*	A			A	A		P+
		<del>f.</del> [+g.]	Catering	C	C	C	A	A		P
		<del>f.</del> [+g.] [+h.]	Convenience Store	A			A	A	A	P
		<del>f.</del> [+h.] [+i.]	Delivery and Dispatch Service					A	A	P
		<del>f.</del> [+j.]	Distillery, Small/Craft/Micro*	A			A	A		P+
		<del>f.</del> [+k.]	Drive-Through Facility*				C	A	A	P
		<del>f.</del> [+k.] [+l.]	Farmers' Market / Flea Market	A			A	A	C	P
		<del>f.</del> [+k.] [+m.]	Feed Store	A			A	A	C	P
		<del>f.</del> [+n.]	Financial Services	C			A	A		P
		<del>f.</del> [+n.] [+o.]	Grocery Store	A			C	A	C	P
<del>f.</del> [+n.]	Home Occupation, Bed and	C	C	C	C	<del>f</del>		P		

**TABLE 3 – PERMITTED COMMERCIAL USES (Continued)**

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>PUD</b>	
5.	Retail Sales and Service (Continued)	<del>f</del> <del>g</del> h[+ q. +]	Home Occupation, Sales and Service	C	C	C	C		P	
		<del>f</del> <del>p</del> r[+ r. +]	Hotel / Motel*	C			C	A		P
		<del>f</del> <del>q</del> s[+ s. +]	Industrial Equipment and Supplies					A	A	P
		<del>f</del> <del>r</del> t[+ t. +]	Laboratory, Medical				A	A	A	P
		<del>f</del> <del>s</del> u[+ u. +]	Laboratory, Scientific/Research					A	A	P
		<del>f</del> <del>t</del> v[+ v. +]	Landscaping Material Sales / Nursery	A				A	A	P
		<del>f</del> <del>u</del> w[+ w. +]	Manufactured Homes and Buildings / Mobile Homes, Sales and Service	A				A	A	P
		<del>f</del> <del>v</del> x[+ x. +]	Outdoor Sales, Repairs and Activities*				A	A	A	P

		<del>f</del> <del>w</del> - } [+ y. +]	Personal Service	C	C	C	A	A	C	P
		<del>f</del> <del>x</del> } [+ z. + ]	Rentals and Sales of Farm Implements, Equipment and Vehicles	A				A	A	P
		<del>f</del> <del>y</del> } [+ aa. +]	Restaurant [+ ,Fixed+]	<del>{C}</del> [+A+]	<del>f</del> C	<del>f</del> C	A	A		P
		<del>f</del> <del>z</del> } [+ bb. +]	Retail Sales Establishment, Community Scale*					A	A	P
		<del>f</del> <del>aa</del> + [+ cc. +]	Retail Sales Establishment, Neighborhood Scale*	C			A	A	C	P
		[+ dd. +]	[+Retail Sales Establishment, Regional Scale*+]					[+A +]		
		<del>f</del> <del>bb</del> - } [+ ee. +]	Shopping Center					A		P
		<del>f</del> <del>ee</del> - } [+ ff. +]	Self Service Storage / RV Storage	[+A+]		[+C +]	[+A +]	A	A	P
		<del>f</del> <del>ed</del> - } [+ gg. +]	Veterinary Clinic / Office	A			A	A	C	P
		[+ hh. +]	Winery	A				A	C	
		[+i i. + ]	Wine Blender	A				A	C	

		[+j j.+ ]	Wine Grower	A				A	C		
		<del>f</del> ee. - }[+ kk. +]	All Other Retail Sales and Services	C			C	C	C	P	
6.	Temporary Uses* (Temporary Use Permit is Required, [+ (see Section 56-80)+]	a.	Carnivals, Fairs and Other Public Gatherings	A	A	A	A	A	A	P	
		b.	Garage, Estate and Yard Sales	A	A	A	A	A	A	A	
		<del>f</del> e.	<del>Natural Disaster and Emergency Personal Assistance Locations</del>	<del>A</del>	<del>P</del>						
		d.	Parking Lot Sales				A	A	A		
		[+ e.	Pushcart	A			A	A	A	P+	
		<del>f</del> e] [+ f. +]	Real Estate Sales Office	A	A	A	A	A	A	A	
		<del>f</del> f. [+ g. +]	Recreational Vehicle for Dwelling	A	A	A	A				
		<del>f</del> g. }[+ h. +]	Recreational Vehicle for Office				A	A	A	P	
		<del>f</del> h. }[+ i. +]	Recreational Vehicle for Night Watchmen [+or On-Site Security Dwelling+]	A				A	A	P	
		[+ j. ]	Restaurant, Mobile	A			A	A	A	P+	
		[+ k.]	Temporary Housing, RV Park	A				A			
<del>f</del> i. }[+ k. +] [l.]	All Other Temporary uses	C	C	C	C	C	C	P			
7.	Vehicle [+Uses+] Repairs [+ , Sales, Service*+]	a.	Auto Mechanical Repair	C				A	A	P	
		b.	Body Shop	C				A	A	P	
		[+ c.	Car Wash					A	A	P+	
		[+ d.	Fuel Service Facility					A	A	P+	

		[+ e.]	Oil Change/Quick Lubrication					A	A	P+]
		[ e- ] [+ f.+ ]	Tire Recapping and Storage					A	A	P
		[ d- ] [+ f.+ ]	Truck Repair	C				A	A	P
		[+ g.]	Truck Stop/Travel Plaza	C				A	A	P+]
		[ e- ] [+ h.+ ]	<del>[All Other Vehicle Repairs]</del> [+ Vehicle Sales, New and Used+]					<del>C</del> [+A +]	A	P
		[+ i.]	All Other Vehicle Repairs, Sales and Service	C				C	A	P+]
[ 8.- ]	[ Vehicle Service, Limited ] <b>Combined with section above</b>	a.	Car Wash					A	A	P
		b.	Fuel Service Facility*					A	A	P
		e.	Oil Change/Quick Lubrication					A	A	P
		d.	All Other Vehicle Services, Limited					C	A	P
		e.	Truck Stop/Travel Plaza*					A	A-]	
[ 9- ] [+ 8.+ ]	Wholesale Sales Establishment	a.	Wholesale Sales Establishment					A	A	P

**TABLE 4 – PERMITTED INDUSTRIAL USES**

INDUSTRIAL USES											
USE CATEGORY		SPECIFIC USE TYPE		R-R	R-1	R-2	C-1	C-2	I	PUD	
1.	Manufacturing, Production, Warehousing, [+Trucking,+] and Freight Movement	[+a.	Brewery, Large*						A	+	
		[+b	Distillery, Large*						A	+	
		f a- }{+ c.+]	Indoor Operations with Indoor Storage [+and+] Loading Only					A	A	P	
		f b- }{+ d.+ ]	Indoor [+and+] Outdoor Operations with Indoor/Outdoor Storage/Loading					C	A	P	
		f e- }{+ e.+]	Trucking [+Business+] and Truck Storage [+and/or Parking+]					[ - C- ][ +A +]	A		
		[+f. +]	Wine Bottler	C				C	A		
		f d- }{+ g.+ ]	All Other						C	P	
2.	Natural Resource Production and Storage [+and Mining and Extractive Uses*+]	a.	Batch or Asphalt Plant*						C		
		b.	Oil/Gas Extraction	A					A		
		c.	Petroleum Products Refining or Wholesale Storage	C					A	P	
		d.	Refining or Smelting						C		
		e.	Sand, Gravel and Caliche Mining and Storage	C					C	P	
		f.	Solar Energy Conversion System/Solar Panels	A	A	A	A	A	A	A	P
		g.	Wind Energy Conversion System/Wind Turbine	C				C	C	P	
		h.	Windmill	A	A	A	A	A	A	A	P
		i.	All Other	C					C	P	
3.	Waste-Related Storage or Use	a.	Junkyard or Motor Vehicle Salvage/Wrecking Yard						C		
		b.	Hazardous Materials treatment, storage, or disposal facility						C		
		c.	Transfer Station	C					A		
		d.	Solid Waste Disposal Site	C					C		
		e.	All Other	C				C	C		

**TABLE 5 – PERMITTED OTHER USES**

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>P U D</b>	
1.	Agriculture and Livestock *	a.	Dairy	C							
		b.	Feed Lot								
		c.	Livestock/Poultry/Fowl /Rabbits*	A	A						P
		d.	Pasture	A							P
		e.	All Other	C							P
2.	Aviation or Surface Passenger Terminal	a.	Airport/Heliport					C	A	P	
		b.	Bus/Commuter Stop	A	A	A	A	A	A	P	
		c.	Bus/Railroad Depot	A				A	A	P	
			Carpool Lot	A			A	A	A	P	
		e.	All Other	C				C	C	P	
3.	Communication Facilities*	a.	Amateur Radio Facilities	C	C	C	C	C	C	P	
		b.	Communications Facilities, Attached	C		C	C	C	C	P	
		c.	Communications Facilities, Free-standing	C			C	C	C	P	
		d.	Communications Facilities, Concealed	C	C	C	C	C	C	P	
		e.	All Other	C			C	C	C	P	

**SEC. 56-42. USE REGULATIONS.**

**(a) Adult Business Uses.**

1. Adult business uses shall not be established, operated, or maintained within one thousand feet (1,000 ft.) of any boundary of any residentially zoned district, structure used for residential purposes, outdoor recreation facility, place of worship, public or private school, child day care, or another adult business use.
2. Any adult business use lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of any use listed in subsection (a)(1) above.
3. Advertisements, displays, or other promotional materials displaying or depicting adult material shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks, or walkways, or from other areas outside the establishment.
4. All building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent the interior of such premises from being viewed from outside the establishment.

**(b) Agriculture and Livestock Uses.**

1. ~~[+In the R-1 Residential District, a maximum of 3 chickens (hens only, no roosters) shall be permitted for egg laying but not for butchering. Three (3) rabbits may be kept as pets but not for butchering. Chickens and rabbits shall be housed in proper coops or cages and shall not be allowed to roam freely outside of the property. Excrement shall be cleaned up and properly disposed of daily so as not to create a nuisance. A Conditional Use Permit shall be obtained by the property owner before any chickens or rabbits are brought to the property. All other+]~~ Livestock uses shall be limited to the Rural Residence District on lots that contain a minimum of three-quarters of an acre (3/4 ac.)~~[+or as otherwise regulated below+]~~. Livestock shall include, but not be limited to, horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, rabbits, ratitae, camelids, members of the lama genus, or farmed cervidae.
2. For a property containing ~~[at least]~~~~[+a minimum of+]~~ three-quarters of an acre (3/4 ac), horses, asses, mules, cattle, sheep, goats, bison, ratitae, camelids, members of the lama genus, or farmed cervidae, may be raised or kept, but not to exceed:
  - a. One (1) sheep, goat, ratitae, or member of the lama genus but not to exceed one (1) animal for each four thousand square feet (4,000 sq ft.) of land on which the animal will be maintained; or
  - b. One (1) horse, ass, mule, cow, bull, steer, bison, camelid, or farmed cervidae, but not to exceed one (1) animal for each ten thousand square feet (10,000 sq ft.) of land on which the animal will be maintained.
  - c. Swine may not be raised or kept.
3. For property containing an area of one acre (1 ac.) or more:
  - a. Sheep, goats, ratitae, or members of the lama genus may be raised or kept, but not to exceed one (1) animal for each four thousand square feet (4,000 sq. ft.) of land on which the animals will be maintained.
  - b. Horses, asses, mules, cattle, bison, camelids, or farmed cervidae may be raised or kept, or trained, but not to exceed one (1) animal for each ten thousand square feet (10,000 sq. ft.) of land on which the animals will be maintained.
  - c. Poultry and rabbits may be raised or kept, but not to exceed a total of twenty-four (24) animals on any property.

- (i) Poultry or rabbits produced or raised on the property may be sold, but retail stands or structures are not permitted.
  - (ii) The killing or dressing of livestock for commercial purposes is not permitted.
  - (iii) A maximum of 1 crowing fowl may be kept per acre of land.
- d. Swine may be raised or kept, but not to exceed one (1) swine for each twenty thousand square feet (20,000 sq. ft.) of land on which the animals will be maintained.
- e. Stands for display or sale of agricultural products, including poultry or rabbits, raised or grown on the premises are permitted, provided that:
- (i) The number of stands is limited to one for each property; and
  - (ii) The size of the stand does not exceed four hundred square feet (400 sq. ft.) of floor space.
- f. All livestock shall be maintained in permanently fenced fields, corrals or other permanent enclosures of sufficient durability and rigidity to prevent release. A supply of potable water in reasonable quantity shall be readily available for all animals at all times. Sufficient shade shall be provided for all livestock animals maintained within each enclosure. Animal waste shall not be permitted to accumulate and shall be properly disposed of every 24 hours. A minimum of forty square feet (40 sq. ft.) of shade shall be provided for each animal.

**(c) Animal Care, Boarding, Sales.**

No outdoor overnight boarding of animals is allowed in a C-1 zone.

**(d) Artisan/Craftsman Shop.**

Building size in the R zone is limited to one thousand five hundred square feet (1,500 sq. ft.). Building size is unlimited in the C-1, C-2, and I zones.

**(e) Bar[+]/Brewery (large and small)/Distillery (large and small)+].**

All facilities selling or serving alcohol must comply with state and local licensing requirements and all other applicable ordinances, laws, rules, regulations, codes, and policies

**(f) Batch or Asphalt Plants.**

A site and rehabilitation plan shall be submitted to the Planning Director, and shall contain the following information.

1. The locations of all structures, the location of processing equipment, and adequate fencing and buffering of the site to prevent adverse impacts on neighboring properties, as required by the provisions of this Section.
2. The hours of the day and the number of months or years that the plant will be operating.
3. How the project site will be rehabilitated upon conclusion of the excavation or upon lapse of any required Conditional Use Permit, whichever occurs first, including finish contours, grading, sloping, and the location and amounts of vegetation.
4. An access road plan and a traffic impact analysis.
5. Additional information requested by the Planning Director and related to the impacts of the project on the surrounding area or the certainty that the site will be rehabilitated.
6. Where the operation is adjacent to subdivided residential or developed residential or commercial property, fencing or buffering may be required by the Planning Director to minimize dust, noise and other impacts to neighboring properties.
7. Where the access road plan or traffic impact analysis indicates potential health or safety concerns on the project site or in the surrounding vicinity, the Planning Director may place reasonable

restrictions on the use of public rights-of-way, or may require the use of alternative access roads to minimize those impacts.

8. Batching or loading operations shall not be permitted within one thousand feet (1,000 ft.) of a dwelling unit unless the owner and occupant of the residence have consented in writing to such operation.
9. Batching and asphalt equipment shall be set back at least one hundred feet (100 ft.) from all road rights-of-way and watercourses. Existing trees and ground cover along street frontage and watercourses shall be preserved, maintained, and supplemented, if necessary, to reduce dust, erosion and noise impacts to neighboring properties.
10. Operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m. unless longer or shorter hours of operation are approved as part of the Conditional Use Permit.
11. The operation shall comply with the plan, as modified by the Planning Director pursuant to this Section, and the provisions of the plan and all other conditions set forth in this Section become part of the Conditional Use Permit for the operation.
12. If either the use is not operated within one year of obtaining the Conditional Use Permit or if the use ceases for a period of one year and a request for extension has not been received and approved by the Planning and Zoning Commission, the Conditional Use Permit will expire. Extension requests shall explain the reasons for the delay in operations and why those reasons will not apply during the extension period.
13. The City shall have all rights of access to the project site for purposes of verifying compliance with the provisions of this Code.

**(g) Bed and Breakfast.**

1. Guests shall not be permitted to stay in a recreational vehicle.
2. Guests shall not be permitted to stay longer than two consecutive weeks.
3. The residential character of the structure shall be maintained.
4. Permanent, full-time staff shall be limited to permanent residents; occasional staff, generally associated with large residences are permitted.
5. All required food preparation and handling permits shall be obtained and remain current.
6. Business shall be registered with the City as a Bed and Breakfast.

**[+Campground/Camp.**

1. Drainage, ground water level, soil and topography shall not create hazards to the property or the health and safety of the occupants or be injurious or detrimental to properties and persons near the proposed location of the activity.
2. **Each campground shall contain space for a minimum of 3 tent spaces and a maximum of 3 Recreational Vehicle (RV) spaces, as defined below, and contain no less than 1 acre/s (1 ac.). Tents shall be located in a space designated for such use.**
3. The primary entrance shall be from a platted street and from a designated driveway. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the campground. Internal drive aisles shall be a minimum of 12' in width and shall be adequately marked with appropriate directional signage. Paving is not required.
4. Adherence to the setbacks in the underlying zoning district is required. Tents and RVs are not allowed within the required setbacks. A six-foot (6 ft.), solid wall or fence shall be required along the side and rear property lines and a three-foot (3 ft.) solid wall or fence shall be required along the front property line where the campground abuts a residential zone or public right-of-way. The

wall or fence shall be located so as not to interfere with the clear sight triangle at intersections or obstruct the view of traffic. Chain link fencing with slats shall not be considered a solid fence.

5. In order to encourage connectivity and pedestrian activity, gates may be provided where necessary and convenient for pedestrian access to internal and external sidewalks, walkways and public rights-of-way. A perimeter wall or fence is not required where the campground abuts the river or other natural amenity but is required otherwise.
6. Fresh water shall be provided on-site and all garbage, sewage, trash or waste water shall be disposed of in approved facilities provided by the management for that purpose. A public sanitation station for RVs is located at 302 Plaza Street.
7. Not less than five percent (5%) of the gross site area shall be devoted to open space for recreational purposes, and at least fifty percent (50%) of the required open space shall be located in one contiguous area.
8. Bathroom facilities shall be provided for both male and female campground patrons according to the following table:

Number of Tent and RV Spaces	Toilet	Sink	Shower
24-30	4	3	3
30-40	5	4	4
40-50	6	5	5

9. Barbeque grills, cooking shelters and fire pits shall be constructed, located, maintained and used so as to minimize fire hazards and smoke nuisance both on site and on abutting property. No open fire shall be permitted except in designated barbeque grills, cooking shelters or fire pits.
10. Management headquarters, recreational facilities, laundry facilities, bathrooms and other uses and structures customarily incidental to operation of a campground are permitted as accessory uses.
11. Tent camping is prohibited on public property, unless otherwise posted.
12. Tent spaces shall be a minimum of twenty-seven feet (27 ft.) in width by twenty feet (20 ft.) in length.
13. No more than three (3) RVs are allowed in a campground and shall be parked in a space designed for occupancy by such vehicle.
  - (b) The wheels of an RV shall not be removed except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the RV to prevent movement of the springs while the RV is parked and occupied.
  - (d) The minimum spacing between an RV [+with all slide outs fully extended+] and another RV [+with all slide outs fully extended+] shall not be less than ten feet (10 ft.). The distance between an RV and any building or structure shall not be less than fifteen feet (15 ft.).
  - (e) The minimum width for an RV space shall be twenty-seven feet (27 ft.) and the minimum length shall be enough to accommodate both the RV and the vehicle towing it.+]

**(h) Care Facility, Group Living.**

1. No kitchen facilities shall be located in any bedroom.

2. If located in an existing structure and designed to house more than five (5) clients, such use shall meet the requirements of all applicable ordinances, laws, rules, regulations, codes, and policies.
3. Adequate provisions shall be made for access by emergency medical and fire vehicles.

**(i) Carport.**

Carports shall be open on at least two sides and designed to shelter no more than two vehicles. A carport may be attached on one side to a garage, dwelling unit, or commercial building. [+A carport may be placed or built within the required front setback but shall not encroach into the public right-of-way or the required side and rear-yard setbacks. A Building Permit shall be required in addition to engineered plans from the manufacturer for all prefabricated or metal structures.+] *(The Planning and Zoning Commission recommend denial on allowing carports to be placed within the required front setbacks.)*

**(j) Cemeteries.**

1. A cemetery for the burial of human remains shall contain no less than fifteen acres (15 ac). A cemetery for the burial of animal remains shall contain no less than five acres (5 ac).
2. Gravesites shall be set back at least twenty feet (20 ft.) from exterior property lines and/or public rights-of-way.
3. Outside storage areas shall be screened from public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectionable items.
4. Perimeter fencing consisting of wrought iron, chain link or a solid wall, not less than six feet (6 ft.) high, and not more than ten feet (10 ft.) high, shall be required.
5. Cemeteries shall not be located in a designated flood hazard area.
6. Cemeteries shall be kept mowed and maintained at all times.

**(k) Communication Facilities.**

1. General
  - (a) Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles, or structures. Facilities may also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission systems.
  - (b) All attached telecommunication facilities, communication facilities, and telecommunication towers shall comply with the standards of this Zoning Ordinance, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Communications Commission (FCC) and the Federal Aviation Administration, as such may be amended from time to time. Copies of any applicable FCC approvals shall be provided to the City.
  - (c) No such facility or tower shall exceed a height of fifty feet (50 ft.) above grade plane, unless the applicant provides a report by a New Mexico registered professional engineer certifying that adequate service to the Carlsbad area cannot be provided from a facility or tower of such height, in which case the facility or tower shall not exceed the minimum height deemed necessary by such engineer, or one hundred feet (100 ft.), whichever is less.
  - (d) Every such facility or tower shall be constructed and installed according to the manufacturer's specifications. The designs and plans for every tower twenty feet (20 ft.) or more in height shall bear the seal of a structural engineer registered with the State of New Mexico.

- (e) Every such facility or tower shall be constructed with a setback of the fall radius as shown on the site plan, plus a five percent (5%) safety factor. This requirement shall apply to property lines and all public and private roads.
  - (f) All facilities and towers shall be enclosed with a chain link fence, six feet high, properly built and thereafter maintained so as to ordinarily keep persons and animals out of the enclosure. The City Administrator may, in appropriate circumstances, designate a different type or height of fence to be erected and maintained. All gates thereto are to be kept locked when the operator or its employees or agents are not within the enclosure.
  - (g) The site shall be kept at all times in a clean and sanitary condition. Such maintenance shall include, but not be limited to, removal of all debris, high grass, trash and weeds. All waste shall be disposed of properly.
  - (h) All owners and/or operators of telecommunication facilities or towers shall place and maintain a sign at each entrance to each telecommunication facility, tower or site stating the:
    - (i) Names and addresses of the owner and operator; and
    - (ii) Emergency contact information.
  - (i) Should the facility or tower cease to be used for its permitted use for a period of twelve (12) consecutive months, then the facility or tower shall be dismantled and properly removed, by the tower facility owner, from the site and the site shall be restored to its original condition. Such dismantling, removal and restoration shall be completed no more than sixty (60) days after such determination. The site shall be cleaned, leveled and left in a safe condition.
2. Amateur Radio Facilities. Any amateur radio attached facility or tower shall not be placed in the front or side setback. The design and plan for every tower over twenty feet (20') in height shall bear the seal of a structural engineer registered with the State of New Mexico.
  3. Attached Telecommunication Facilities. Attached telecommunication facilities shall be allowed by right in the districts referenced in the Use Table provided that they comply with all applicable standards of the underlying zoned district, including any maximum height standards.
  4. Disputes. If an applicant for a communication facility claims that one or more standards of this Zoning Ordinance are inconsistent with the Federal Telecommunications Act of 1996 or would prohibit the effective provision of wireless communications within the Carlsbad area, the City Administrator may require that the application be reviewed by a qualified engineer, selected by the City, for a determination of whether compliance with one or more standards of this Code would prohibit effective service. If the consultant finds that a standard prohibits effective service, the applicant shall be granted the minimum variance necessary to allow such service. Any costs of such review shall be borne by the applicant.

**(l) Congregate Residence.**

1. If active and continuous operations are begun, and later discontinued for a period of twelve (12) consecutive months, in a facility that was approved pursuant to this Code, the congregate residence shall be considered to be abandoned. The use may be reinstated only after obtaining a new Conditional Use or Zoning Permit.
2. No kitchen facilities shall be located in any bedroom.
3. Adequate provisions shall be made for access by emergency medical and fire vehicles.

**(m) Child Day Care Facility.**

1. The applicant shall submit evidence of a valid application for a certificate or license from the appropriate New Mexico State agency, including, but not limited to the New Mexico Department of Children, Youth, and Families, or its successor agency. After agency approval, a copy of the

continuing certification or licensing shall be submitted to the City Administrator in January of each year.

2. Adequate provisions shall be made for access by emergency medical and fire vehicles.
3. Any outdoor play area shall be enclosed with a fence at least four feet (4 ft.) high and with at least one latched gate available for an emergency exit.
4. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets.

**(n) Drive-Through Facilities.**

1. Adequate stacking area for at least eight (8) cars or 144' (each space shall be calculated at eighteen-feet (18') in length) shall be provided before the first pull-up window and six (6) stacking spaces for each additional window. The window space shall count as one (1) stacking space. Such stacking area shall not interfere with vehicle or pedestrian circulation in any parking lot or the free flow of traffic on any public right-of-way.
2. The stacking area shall be at least twenty-five feet (25 ft.) away from adjacent properties used for residential purposes.
3. The amplified ordering or signaling device shall not be audible beyond the property lines of the drive-through facility.

**(o) Fuel Service Facilities.**

1. Automotive fuel dispensers shall be located at least thirty feet (30 ft.) from the property line.
2. Fuel, grease, oil, waste oils or similar substances shall be fully enclosed in containers and stored and disposed of in compliance with all applicable ordinances, laws, rules, regulations, and policies. All such storage shall be at least twenty-five feet (25 ft.) from any property line.
3. All discarded materials including, but not limited to, cans, drums, and tires shall be stored in an enclosed area and under cover so as not to accumulate water, mosquitoes, or other insects.
4. A canopy over the fuel dispensers that is detached from the principal structure may be erected provided that such structure is located at least ten feet (10 ft.) from the property line.
5. All fuel service facilities that have public bathrooms shall contain separate bathrooms for men and women.
6. Adequate provisions shall be made for access by emergency medical and fire vehicles.

**(p) Golf Courses and Outdoor Commercial Amusements.**

1. Based on the size or level of anticipated use, a traffic impact analysis may be required.
2. For facilities containing a minimum of ten acres (10 ac.), one (1) dwelling unit may be maintained on the property to accommodate a manager or a caretaker of the facility and his or her immediate family.
3. Golf courses and other outdoor commercial amusements shall utilize water conservation methods, including, but not limited to using non-potable water instead of potable or fresh water for all watering.
4. Adequate provisions shall be made for access by emergency medical and fire vehicles.
5. Operation of outdoor activities shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

**(q) Hotel and Motel Facilities.**

1. Based on the size or anticipated extent of the use, a traffic impact analysis may be required.
2. If the use requires a Conditional Use Permit, and if active and continuous operations are discontinued for a period of at least twelve (12) consecutive months, the use shall be considered to have been abandoned. The use may be reinstated only after obtaining a new Conditional Use

Permit. Requests for reinstatement shall provide information concerning the factors and reasons for the request. The Planning and Zoning Commission will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting reinstatement.

3. Adequate provisions shall be made for access by emergency medical and fire vehicles.

**(r) Mining and Extractive Uses.**

1. Mining and extractive uses within the City shall be limited to obtaining caliche, gravel, sand, oil and gas.
2. Where a Conditional Use Permit is required, approval of the permit is subject to the following regulations and information being submitted by the applicant to the Planning Director prior to approval:
  - (a) A detailed description of the method of operation of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, asphalt plants, batch plants, crushers and other processing plants.
  - (b) A traffic impact analysis. In addition, the operator shall submit a haul road plan and receive permission to use for haulage any public right-of-way not designated for such haulage by reason of dust, load limit, right-of-way or pavement width or other relevant factors. Reasonable restrictions may be placed on such right-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.
  - (c) Copies of all state and federal permitting application forms, supplementary materials and approvals shall be provided to the Planning Director.
  - (d) A development schedule describing the life span of the mine in years or a range of years and, if applicable, the years included in each phase. Diligence in meeting this schedule is required.
3. Excavation or deposit of overburden shall not be permitted within thirty feet (30 ft.) of a boundary of adjacent property, easement, irrigation ditch or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or right-of-way.
4. Excavation within one hundred twenty-five feet (125 ft.) of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence, and no excavation involving the use of asphalt plants, batch plants, crushers and other similar equipment shall take place within two hundred fifty feet (250 ft.) of a dwelling unit.
5. All excavation activities shall be set back at least one hundred feet (100 ft.) from all rights-of-way and watercourses. The watercourse setback may be varied, based on New Mexico Department of Game and Fish and New Mexico Environment Department comments concerning site-specific factors. Existing trees and ground cover along street frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce dust, erosion and noise. The Planning Director shall be authorized to require the installation of Landscaping and Buffering (see Section 56-110) along rights-of-way and watercourses when necessary to control dust and mitigate other adverse impacts.
6. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit after excavation allows to the maximum extent feasible. The maintenance may include, depending on local conditions, paving or watering.
7. Operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m. for caliche, gravel and sand excavation and mining unless longer or shorter hours of operation are approved as part of the Conditional Use Permit.
8. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing, buffering and screening may be required if deemed necessary by the Planning Director. None of these shall be removed until rehabilitation has been completed.

9. Once mining has been completed, the site shall not to be used as an area to stockpile caliche, gravel and sand resources or pipes, equipment and items no longer used in the mining operation.
10. If the use has not operated or if no material has been extracted within two years of obtaining the Conditional Use Permit and a request for extension has not been received and approved by the Planning and Zoning Commission, the Conditional Use Permit will expire. If active and continuous operations are begun, and later discontinued for a period of at least twelve (12) consecutive months, the use shall be considered to have been abandoned. The use may be reinstated only after obtaining a new Conditional Use Permit.
11. Extension requests shall provide information concerning the factors and reasons for the request. The Planning and Zoning Commission will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.
12. Extensions and Appeal.
  - (a) Up to a two year (2 yr.) extension may be granted by the Planning Director if a written request is submitted outlining the factors and reasons for the extension. New conditions, if any, will be considered.
  - (b) Requests for extensions up to five years (5 yrs.) and appeals of the Planning Director's decision will be submitted to the Planning and Zoning Commission at a public hearing.
  - (c) The application and all relevant materials shall be considered and the proposed excavation and rehabilitation plan shall be approved, approved with conditions, or disapproved.
  - (d) Any change in the approved excavation and rehabilitation plans shall be prohibited unless approved by the Planning and Zoning Commission.

**(s) Manufactured Homes, Mobile Homes and ~~RV's~~ ~~RV's~~.**

1. Skirting. Skirting is considered integral to the manufactured home and mobile home. All manufactured homes and mobile homes shall be fully skirted. Skirting shall be completed within thirty (30) days from the date of installation or relocation of the manufactured home or mobile home. Skirting, shall comply with the standards of the Manufactured Housing Act and Regulations as may be amended from time to time. ~~[-All Materials used for skirting must be fire-resistant and-]~~ may include cinderblock, masonite, rock, vinyl or sheet metals such as corrugated tin and aluminum. Skirting shall enclose the space between the lowest floor and the ground, and shall completely conceal the undercarriage portion of such homes.
2. Use for Storage Prohibited. A manufactured home, mobile home, or RV may not be used for the storage of goods, equipment or materials other than those items considered to be a part of the manufactured home, mobile home, or RV or essential for its immediate use.
3. Placement or Use of Mobile Homes. It shall be unlawful for any person to occupy, place or use any mobile home on any alley, highway, street or other public place or on any land within the city, except within a properly zoned district, mobile home park or mobile home subdivision and except as provided in Subsection 4, below. ~~[+A Placement Permit is required prior to moving a mobile home into, or relocated within, the City.+]~~
4. Use as a Retail Sales Office. A manufactured home or a mobile home may be used at a business engaged in the retail sales of automobiles, manufactured homes, mobile homes or RV's. The manufactured home or mobile home may be used solely as the retail sales office for products sold at that property.
5. Use of an RV. It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows:
  - (a) Temporary Dwelling. One (1) RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only.

The RV may be served only [+with+]~~[-by-]~~ electricity and water [+from the on-site residential dwelling unit+], and no other utility connection is permitted. Such occupation or use is limited to no more than fourteen (14) days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. *A Temporary Use Permit is required.*

- (b) On-Site Temporary Residence. One (1) RV may be used or occupied as a temporary residence [+for the property owner+] at a construction site for which a building permit has been issued and is in effect. In a residential zone, the RV may be used as a temporary residence for no longer than six (6) months. An RV may not be placed in the required front, side or rear yard setback. *A Temporary Use Permit is required.*
- (c) On-Site Temporary Construction Office. In a commercial or industrial zone, one (1) RV may be used as a temporary construction office at a construction site for which a building permit has been issued and is in effect. No such RV shall be used for residential purposes. *A Temporary Use Permit is required.*
- (d) Night Watchman. In an industrial zone, one (1) RV may be used to serve as quarters for a night watchman or caretaker. No such RV shall be used for residential purposes.
- (e) Outside Storage. RV's may be stored in an enclosed building. Outside storage of an RV is permitted provided the RV is not placed in the required front or side yard setback.

**(t) Mobile Home Parks.**

1. [+In Zoning Districts C-1 and C-2, +] a Conditional Use Permit is required. [+In Zoning Districts R-R and R-2, a Conditional Use Permit is not required but compliance with the following regulations is required.+] Approval of the ~~[-permit-]~~ [+mobile home park+] is subject to the following regulations and information submitted by the applicant to the Planning Director prior to approval:
  - (a) Mobile Home Parks shall only be developed on a single parcel of land no less than three (3) acres in size.
  - (b) Site conditions. Condition of drainage, ground water level, soil and topography shall not create hazards to the property, health and safety of the occupants or be injurious or detrimental to properties and persons near the proposed location.
  - (c) Site Plan. The following information shall be provided on a scaled site plan and in supporting documentation prior to Conditional Use Permit approval:
    - (i) Minimum Spaces. Each mobile home park shall contain at least twenty-four (24) mobile home spaces.
    - (ii) Refuse Collection. The refuse collection location and type must be approved by the Director of Public Works prior to conditional use permit approval.
    - (iii) Access to the site. Direct vehicular access shall be provided by means of an abutting public street or improved and permanently maintained private street or easement. Access shall not be from an alley.
    - (iv) Design of entrances and exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize conflicts with the free movement of traffic on adjacent streets. Radii of curbs and pavement at intersections shall be indicated on the site plan and designed to facilitate easy turning movements for vehicles with mobile homes attached. All traffic into and out of the park shall be through such entrances and exits.
    - (v) Access locations by emergency medical and fire vehicles shall be approved by the Fire Chief prior to conditional use approval.
    - (vi) Internal streets, sidewalks, parking, and driveways.

(a) Streets.

1. Internal streets shall be constructed to provide safe and convenient access to all spaces and to facilities for common use by park occupants. Such streets shall be privately owned, constructed and maintained, and shall meet all of the following requirements.
2. Street width. Two-way streets shall be a minimum of twenty-two feet (22 ft.) in width. One-way streets shall be a minimum of sixteen-feet (16 ft.) in width. If on-street parking is provided, a minimum of eight-feet (8 ft.) shall be provided in each direction in addition to the driving width.
3. Street alignment and gradient. Street alignment and gradient shall be designed to accommodate the movement and placement of mobile homes and shall be approved by the Director of Public Works prior to conditional use permit approval.
4. Street surfacing and maintenance. ~~[- Street surfacing shall be in accordance with City standards.]~~ [+Street surfacing may be chip seal, asphalt, or concrete but shall not be dirt, caliche or chat.+] Street surfacing and proposed maintenance shall be approved by the Director of Public Works prior to conditional use approval.
5. Sidewalks. [+ADA compliant+] internal sidewalks shall be ~~[- ADA compliant and shall be -]~~ provided from the entrance of each [+Handicap Accessible+] mobile home space to each of the service facilities and communal areas.
6. Parking. A minimum of two (2) off-street parking spaces shall be provided for each mobile home space.
7. Driveways. Driveways shall be provided for convenient access to service and refuse collection facilities and for individual mobile home spaces. Driveways shall accommodate a minimum off-street parking area for two vehicles. Off-street parking spaces shall be a minimum of eight-feet (8 ft.) in width and eighteen-feet (18 ft.) in length per space. In no instance shall there be less than eight feet (8 ft.) in width, where the driveway does not serve as a walkway, or ten feet (10 ft.) where the driveway is also used as a walkway, and 18 feet in length.

[+8. Handicap Accessible Mobile Home Spaces. A minimum of one (1) Handicap Accessible Space shall be provided for every 23 spaces. If possible, this space should be located in close proximity to facilities, amenities and service areas.+] [+This addition doesn't require that this space be reserved for or filled by a handicap occupant.+]

(vii) Mobile home space and setback requirements.

- (a) No more than one mobile home shall be placed in any single space. In addition, the space shall meet the following minimum standards:
  1. Size. The area established for each mobile home space shall be in conformance with the dimensions of the mobile home

- placed therein, including its appurtenant structures and appendages.
2. Location. The location of each mobile home space shall be at such angle, distance and elevation in relation to the access street and the mobile home access way that placement and removal of the mobile home is practical.
  3. Gradient. Each space shall have a zero percent (0%) to five percent (5%) slope and adequate crown or cross-gradient for surface drainage.
  4. Construction. The space shall be properly compacted and graded in order to support of the maximum anticipated loads during all seasons.
  5. Mobile home space setbacks. The minimum spacing between a mobile home and another mobile home or any other building or structure shall be at least twenty feet (20 ft.). No mobile home shall be closer than ten feet (10 ft.) from the park's property lines. No mobile home shall be closer than twenty feet (20 ft.) to the public right-of-way, unless separated from the right-of-way by a six-foot solid fence or wall.
  6. Special external setback requirement. Where a mobile home park abuts a differently zoned district, without an intervening public alley or street, the setback requirement of the mobile home park shall be in accordance with the setback requirements of the more restrictive zone or twenty feet (20 ft.), whichever is greater.
- (b) Walls and fences. A six-foot (6 ft.) solid perimeter wall or fence shall be required along the front, side and rear property lines but located so as not to interfere with the clear sight triangle at intersections or obstruct the view of traffic. Chain link fencing with slats shall not be considered a solid fence. In order to encourage connectivity and pedestrian activity, gates shall be provided where necessary and convenient for pedestrian access to internal and external sidewalks, walkways and public rights-of-way.
  - (c) Skirting. All mobile homes shall be fully skirted within thirty (30) days from the date of installation or relocation in accordance with Subsection S(1), above.
  - (d) Construction and tie-downs. All mobile home units in a mobile home park shall meet the requirements of the State standards for mobile homes as to construction and tie-down requirements.
  - (e) Recreation area. Not less than five percent (5%) of the gross lot area shall be devoted to open space for recreational purposes, and at least fifty percent (50%) of the required open space shall be located in one contiguous area.
  - (f) Pedestrian circulation. The pedestrian circulation system shall be ADA compliant and designed, constructed and maintained by the owner for safe and convenient movement from each mobile home space to principal destinations within the park and, if appropriate, shall provide access to sidewalks or other pedestrian ways leading to destinations outside the park.
  - (g) Exterior lighting. All exterior lights shall comply with Section 56-120.

- (h) Landscaping and Buffering. All mobile home parks must comply with Section 56-110.
- (i) Residential occupancy. No space shall be rented for any use other than residential use of a mobile home.

**(u) Mobile Home Subdivisions.**

1. Codes and requirements. Mobile home subdivisions shall comply with the regulations, requirements and restrictions of all applicable building, health, and safety codes of the City and the State of New Mexico. Alleys, sidewalks, streets and all other public rights-of-way shall be designed and constructed to meet the City’s standards for subdivisions.
2. Minimum area of subdivision. The subdivision shall contain at least five (5) contiguous acres of land. The lot shall be used for residential use only.
3. Lot area. The minimum lot area for each mobile home shall not be less than five thousand square feet (5,000 sq ft.) [+or should comply with the minimum square footage requirements of the subject site zoning+] with a minimum width of fifty feet (50 ft.) along the front yard setback line. Front, rear and side setbacks shall be the same as those for the R-1 Zoning District.
4. Lot use. No more than one mobile home shall be placed on a single lot in a mobile home subdivision. No detached accessory building shall be used for human occupancy.
5. Subdivision procedure. Mobile home subdivisions shall be approved in accordance with the subdivision process set forth in the Subdivision Ordinance of the City of Carlsbad, except that in the event of any conflict between dimensional standards applicable to subdivisions in general and those applicable to mobile home parks, the latter shall govern.
6. Adequate provisions shall be made for access by emergency medical and fire vehicles.
7. Skirting. All mobile homes shall be fully skirted within thirty (30) days from the date of installation or relocation in accordance with Subsection S(1) above.

**(v) Outdoor Sales, Repairs, and Activities.**

1. Outdoor sales, repairs, and activities shall not include the outside accumulation or storage of debris, trash or waste products, including, but not limited to, grease, oils, tires, or other flammable, hazardous, toxic or unsightly materials.
2. Outdoor sales, repairs, and activities which abut a residential zone shall be set back from the property line adjacent to the residential zone a minimum distance of ten feet (10 ft.).
3. Outdoor sales, repairs, and activities shall be screened from any residential zone and the public right-of-way by a six-foot (6 ft.) solid wall or fence but located so as not to interfere with the clear sight triangle at intersections or obstruct the view of traffic. Chain link fencing with slats shall not be considered a solid fence.

**(w) moved to (bb)...[~~Public and Private Schools.~~**

- ~~1. Any outdoor play area shall be enclosed by a chain link fence that is six feet (6 ft.) in height or an opaque fence of four feet (4 ft.) in height, unless otherwise dictated by the nature of the activity.~~
- ~~2. Safe areas for pick up and discharge of students shall be provided that do not interfere with the free flow of traffic on adjacent streets.~~
- ~~3. Adequate provisions shall be made for access by emergency medical and fire vehicles. ]~~

**(x) Retail Sales Establishment, Community Scale.**

1. Building has a maximum of 30,000 square feet of gross floor area.
2. Compliance with the Lighting, Landscaping and Parking sections of this Code is required.
3. Cross-access for vehicles and pedestrians as well as shared-parking is recommended.



- (g) If a designated overflow parking area is provided, a sanitary station shall be included in such area.
- (h) Special external setback requirements.
  - (i) Where an RV park adjoins a differently zoned district, without an intervening public alley or street, the setback requirement of the RV park will be in accordance with the setback requirements of the more restrictive zone or twenty feet (20 ft.), whichever is greater.
  - (ii) A six-foot (6 ft.), solid wall or fence shall be required along the side and rear property lines and a three-foot (3 ft.) solid wall or fence shall be required along the front property line where the RV park abuts a residential zone or public right-of-way. The wall or fence shall be located so as not to interfere with the clear sight triangle at intersections or obstruct the view of traffic. Chain link fencing with slats shall not be considered a solid fence.
- 7. **[+Pedestrian Connectivity.+]** In order to encourage connectivity and pedestrian activity, gates shall be provided where necessary and convenient for pedestrian access to internal and external sidewalks, walkways and public rights-of-way. A perimeter wall or fence is not required where the RV park abuts a non-residential zone, the river, or other natural amenity.
- 8. Disposal of garbage, sewage, trash and waste water. No RV shall dispose of garbage, sewage, trash or waste water except in approved facilities provided by the park’s management for that purpose.
- 9. Recreation area. Not less than five percent (5%) of the gross site area shall be devoted to open space for recreational purposes, and at least fifty percent (50%) of the required open space shall be located in one contiguous area.
- 10. Total bathroom facilities. Bathroom facilities shall be for the sole use of residents or other paid-use patrons. The bathroom building shall be of permanent construction. No RV space shall be located more than three hundred feet (300 ft.) from a building containing the required bath and toilet facilities. Bathroom facilities shall be required for each gender according to the table below. **[+In the men’s bathroom facility,+]** one urinal may be substituted for one toilet. For RV parks with more than thirty (30) spaces, the facilities shall be increased by one for each additional ten (10) spaces, rounding down. **[+(for both genders+)].**

<del>{</del> Number Of Spaces	Toilet	Sink	Shower
<del>24-30</del>	4	3	3
<del>30-40</del>	5	4	4
<del>40-50</del>	6	5	<del>5</del>

Because most RV are now self contained...

[+Number Of Spaces	Toilet	Sink	Shower
24-30	3	2	2
30-40	4	3	3
40-50	5	4	4+]

**11. Sanitary Stations.**

- (i) Facilities shall be provided for removing and disposing of wastes from all holding tanks in a clean, convenient and efficient manner.
- (ii) Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related working facilities.
- (iii) Sanitary stations shall be located not less than thirty feet (30 ft.) from any space or other residential area. Such facilities shall be screened from other activities by visual barriers such as fences, natural growth or walls.
- (iv) The disposal hatch of a sanitary station unit shall be connected to the park sewage disposal system. A washdown hose shall be provided at all sanitary stations to wash holding tanks and the general area of the sanitary station and shall be connected to the park water supply system with a backflow prevention valve.

**12. Pedestrian circulation.** The pedestrian circulation system shall be designed, constructed and maintained by the owner for safe and convenient movement from all spaces to principal destinations within the park and, if appropriate, shall provide access to pedestrian ways leading to destinations outside the park.

**13. Barbeque grills, cooking shelters and fire pits.** Barbeque grills, cooking shelters and fire pits shall be constructed, located, maintained and used so as to minimize fire hazards and smoke nuisance both on site and on abutting property. No open fire shall be permitted except in designated barbeque grills, cooking shelters or fire pits.

**14. Accessory Uses.** Management headquarters, recreational facilities, laundry facilities, bathrooms and other uses and structures customarily incidental to operation of an RV park are permitted as accessory uses to RV parks.

[+15. RV and tent camping is prohibited on public property, unless otherwise posted.+]

**(bb) Moved from above...[+Schools, public and private.**

- 1. Any outdoor play area shall be enclosed by a chain link fence that is six feet (6 ft.) in height or an opaque fence of four feet (4 ft.) in height, unless otherwise dictated by the nature of the activity.
- 2. Safe areas for pick-up and discharge of students shall be provided that do not interfere with the free flow of traffic on adjacent streets.
- 3. Adequate provisions shall be made for access by emergency medical and fire vehicles.+]

**[+(cc) Truck Stop or Travel Plaza.**

A truck stop or travel plaza shall only be located on a designated truck route.+]

**(dd) Vehicle Repairs[+, Sales+] and Services.**

1. All repair work, lubrication, and installation of parts and accessories shall be performed within a building enclosed on all sides.
2. All automobile parts, dismantled vehicles, and similar materials shall be stored within a building enclosed on all sides or completely screened from view by a solid wall or fence. A chain link fence with slats shall not constitute acceptable screening.
3. All vehicles awaiting [+sale or+] repair shall be stored on site in [~~approved~~][+clearly marked, standard size+] parking spaces and shall not be stored on or obstruct access to a public right-of-way.
4. There shall be no outside storage or accumulation of debris, trash, waste products, and discarded materials such as, but not limited to, cans, drums, grease, oils or other flammable, hazardous, toxic or unsightly materials.
5. All debris, trash, waste products, and discarded materials such as, but not limited to, cans, drums, grease, oils or other flammable, hazardous, or toxic materials shall be disposed of in accordance with all laws and regulations.

**SEC. 56-61- 56-69. RESERVED.**

**SEC. 56-70. ACCESSORY USES AND STRUCTURES.**

**(a) Allowed Uses and Structures.**

Permitted uses and approved conditional uses shall be deemed to include accessory uses, structures, and activities that are necessarily and customarily incidental and subordinate to the principal uses allowed in the zoning district, including those uses and structures listed in this Section, unless specifically prohibited or unless they create a nuisance to the public in general or to neighboring properties. Accessory uses, structures and activities shall be subject to the following regulations in addition to the regulations that apply to principal uses in each zoning district.

**(b) Time of Establishment.**

No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained.

**(c) Drainage.**

Accessory buildings shall not drain roof water or other liquids onto adjacent property.

**(d) Residential Accessory Uses and Structures.**

1. Accessory living quarters, provided it meets all applicable ordinances, laws, rules, regulations, codes and policies.
2. Barns, provided the lot has an area of one acre or more, and provided that the height of the barn shall not exceed twenty-five feet (25 ft.) or the highest roof ridge of the principal residential structure on the lot, whichever is less.
3. Cabanas, gazebos, playhouses, porches, verandas and similar structures, provided that the height of such structures shall not exceed fifteen feet (15 ft.).
4. Carports.
  - (a) Carports shall not exceed twenty-five feet (25 ft.) in height or the highest roof ridge of the principal residential structure of the lot, whichever is less.
  - (b) A carport may be detached from or attached to the principal structure.
  - (c) Carports shall be architecturally integrated with the principal structure.
  - (d) Carports shall comply with all applicable zoning district regulations.

5. Fences, walls and hedges.
  - (a) Fences, walls and hedges shall not exceed seven-feet (7~~[-']~~~~[-ft.]~~~~[-ft.]~~) in height along the rear property line.
  - (b) Fences, walls and hedges shall not exceed seven-feet (7~~[-']~~~~[-ft.]~~~~[-ft.]~~) in height along the side property line from the rear property line to the front building line of any existing dwelling or to the front yard setback line, whichever is farther from the street.
  - (c) Fences, walls and hedges shall not exceed ~~three feet (3')~~~~[-ft.]~~~~[-ft.]~~ ~~four feet (4ft.)~~~~[-ft.]~~~~[-ft.]~~ in height from the front property line, or right-of-way line if the front property line is the street centerline, to the front building line of any existing dwelling or front setback line, whichever is further from the street.
  - (d) For corner lots, fences, walls and hedges shall not exceed ~~three feet (3 ft.)~~~~[-ft.]~~~~[-ft.]~~ ~~four feet (4ft.)~~~~[-ft.]~~~~[-ft.]~~ in height along the property line abutting a street for a minimum distance of thirty-feet (30 ft.) and a clear sight triangle must be maintained.
  - (e) Concertina ~~wire~~~~[-and-]~~ razor wire ~~and electrified fencing~~ shall not be permitted ~~except when surrounding public facilities where protecting the public health, safety and welfare is critical. These facilities may include water tanks, communication towers, jails or prisons or emergency supply storage~~.
  - (f) Barbed wire shall not be used in the construction of a fence except above ~~seven feet (7ft.)~~~~[-ft.]~~~~[-ft.]~~ ~~six feet (6ft.)~~~~[-ft.]~~~~[-ft.]~~ ~~and only~~ in ~~climb proof fences in the I, C-2 and~~ ~~the~~ R-R zoning district~~s~~.
  - (g) A permit must be applied for and obtained prior to the erection or alteration of a fence or wall.
6. Gardens, provided no sales occur at the premises.
7. Greenhouse or hothouse, provided no sales occur at the premises and provided that the height of the greenhouse or hothouse shall not exceed twenty-five feet (25 ft.) or the highest roof ridge of the principal residential structure of the lot, whichever is less.
8. Guest house, provided that such guest house is used only for the occasional housing of guests of the occupants of the principal dwelling, is not used for commercial purposes, and no charge is made for the use of the premises.
9. Home Occupations.
 

Home Occupations shall be allowed as a conditional use in the R-R, R-1, R-2 and C-1 zoning districts in accordance with the standards of this subsection. These uses require an approved Conditional Use Permit and a Business Registration:

  - (a) Office Uses (by appointment only) including:
    - (i) Accountants and tax preparers;
    - (ii) Architects;
    - (iii) Attorneys;
    - (iv) Barbers and beauticians;
    - (v) Bookkeepers;
    - (vi) Computer programmers and web designers;
    - (vii) Data processors;
    - (viii) Dressmakers and tailors;
    - (ix) Engineers;
    - (x) Financial planners and advisors;

- (xi) Insurance sales people;
  - (xii) Massage therapists and reflexologists;
  - (xiii) Music and art teachers;
  - (xiv) Realtors;
  - (xv) Surveyors;
  - (xvi) Tutors; or
  - (xvii) Other office uses as approved by the Planning and Zoning Commission.
- (b) Retail Sales and Service uses including:
- (i) Catalog and mail order services that do not maintain stock for sale on the premises;
  - (ii) Home occupations which involve hand work, such as the making of baskets, blankets, clothing, jewelry, paintings, pottery and rugs, and artist studios;
  - (iii) Bed and Breakfast; or
  - (v) Other Retail Sales and Services as approved by the Planning and Zoning Commission.
- (c) Prohibited Uses. The following uses and activities shall not be permitted or conducted as a home occupation:
- (i) Adult business uses;
  - (ii) Appliance and/or computer sales, rental or repair;
  - (iii) Funeral homes;
  - (iv) Hotels;
  - (v) Metal work and blacksmithing;
  - (vi) Restaurants;
  - (vii) Retail sales and services, except those listed above;
  - (viii) Vehicle or equipment sales, rental ~~[-or]~~ [+], repair [+or servicing+];
  - (ix) Veterinary facilities, animal clinics, animal care, boarding or grooming facilities; or
  - (x) Any occupation involving the storage or usage of hazardous materials.
- (d) Employees. There shall be a maximum number of one (1) non-resident employee.
- (e) Operational Standards.
- (i) The premises upon which the home occupation occurs shall be the primary residence of the person operating the business.
  - (ii) The use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.
  - (viii) All required licenses, permits, and certifications shall be obtained and maintained at all times.
  - (ix) As measured at the property lines, there shall be no offensive dust, fumes, noise, odors or electromagnetic interference.
  - (x) The operation shall not result in increased on-street parking in the area.

- (vii) There shall be no usage, disposal or storage of corrosive, explosive, flammable, hazardous or toxic substances. Such substances shall not be stored or used on City rights-of-way, spilled on or soaked into the ground, nor shall they be deposited or rinsed into a sanitary or storm sewer. Items having or containing such substances shall not be placed in City solid waste receptacles.
- (f) Outdoor Appearance
  - (i) The home occupation shall be conducted in such a manner as to maintain the residential character of all buildings and structures and in such a manner as not to give an outward appearance nor manifest any characteristic of a business;
  - (ii) No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed, except that one sign may be used. Such sign shall not be illuminated and shall not exceed 1 square foot in size (1 ft. by 1 ft.). The sign shall not be placed within the public right-of-way and must be maintained wholly within the property lines; and
  - (iii) There shall be no outdoor storage of equipment or materials in conjunction with the home occupation. All materials and equipment shall be stored in a fully enclosed area.
- (g) Parking.
  - (i) A home occupation shall provide additional off-street parking adequate to accommodate all needs created by the home occupation, but in no case shall designate more than two additional, permanent off-street parking spaces; and
  - (ii) Required off-street parking to serve a home occupation shall not be permitted in the front setback of the dwelling, other than in a driveway. All parking shall be properly surfaced and maintained to be dust-free.
- 10. Household or domestic pets may be kept, provided such use is in compliance with all applicable ordinances, laws, rules, regulations, codes and policies.
- 11. Incidental household shop and storage buildings, provided that the height of a shop or storage building shall not exceed twenty-five feet (25 ft.) or the highest roof ridge of the principal residential structure of the lot, whichever is less.
- 12. Animal care and boarding provided the lot has an area of one acre or more, if boarding is provided, and complies with all applicable ordinances, laws, rules, regulations, codes and policies, including, but not limited to Chapter 6 of the Carlsbad City Code.
- 13. Outdoor storage or parking of operable RV's and other operable recreational equipment, including but not limited to, boats, camping trailers, and trailers, provided the ~~[-RV or other recreational equipment is not placed within the front or side yard setbacks-]~~~~+~~~~minimum front and side setbacks remain unobstructed+~~. An RV or other ~~[-major-]~~ recreational equipment may be stored in an enclosed building but ~~[-may-]~~~~+~~shall~~+~~ not be stored ~~[-or-]~~ in the public right-of-way.
- 14. Private carports, garages and off-street parking areas used to serve the residents of the property and their guests, provided that the height of a carport or garage building shall not exceed twenty-five feet (25 ft.) or the highest roof ridge of the principal residential structure of the lot, whichever is less. A private garage or carport may be detached from or attached to the principal structure, provided it complies with all applicable zoning district regulations and is architecturally integrated with the principal structure.
- 15. Private recreational facilities for use of the residents of the property and their guests, provided that:
  - (a) Outdoor lighting shall be shielded and shall not shine skyward or onto adjacent property or public right-of-way;

- (b) The height of any recreational or play facility shall not exceed fifteen feet (15 ft.) or the highest roof ridge of the principal residential structure of the lot whichever is less; and
  - (c) All swimming pools shall be subject to the restrictions of subparagraph (r) below.
16. Repair and restoration of residents' personal residential equipment including cars, trucks, and major recreational equipment, provided that equipment use is primarily personal and not for resale or service. Number of inoperable vehicles undergoing restoration shall be limited to a total of two (2). Repair, restoration and storage of such equipment shall be done in conformity with all applicable ordinances, laws, rules, regulations, codes and policies. Equipment being restored or repaired shall not be placed in the front or side-yard setback area. Equipment being restored or repaired shall be completely stored in an enclosed building. Paint odors shall not be detectable beyond property lines.
17. Satellite dish antennas twenty-four inches (24 in.) or less in diameter, provided that such satellite dish antenna shall be located in the rear or side yard of the residential use and no higher than three feet (3 ft.) above the highest ridge of the principal residential structure on the property.
18. Solar energy conversion systems/Solar panels. Solar energy conversion systems/solar panels may be located in any zoning district provided they are placed on the building roof or on the lot but not within the front or side-yard setback area.
19. Swimming pools, hot tubs, and similar recreational equipment having a depth of 24 inches (24 in.) or more and a capacity of 5,000 gallons or more are subject to the following additional requirements:
- (a) They may not be located in any required front or side-yard setback area;
  - (b) All must be completely surrounded by a fence or wall not less than six feet (6 ft.) in height with no openings large enough to permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of such required enclosure; [+a fence shall not be required in the instance that a pool safety cover has been installed. This safety cover shall be approved and the installation inspected by the Building Inspection Dept.+] and
  - (c) All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use.
20. Wind energy conversion systems/wind turbines may be located in any zoning district provided:
- (a) A Conditional Use Permit is required;
  - (b) The minimum lot size per each wind energy conversion system is one-acre;
  - (c) All systems shall comply with applicable codes, ordinances, and laws;
  - (d) A building permit shall be required for each unit;
  - (e) On-grid systems shall comply with all electric utility regulations. Proof of such compliance shall be provided to the City with the application materials. Off-grid systems shall be exempt from this requirement;
  - (f) Rooftop units shall be permitted however an engineer registered in the State of New Mexico must certify that the roof is structurally capable of accommodating such units and the fall radius shall be measured from the edge of the roof to a point one and one-half times the total height of the roof top unit;
  - (g) The plans for any wind energy conversion system shall be reviewed and stamped by an engineer registered in the State of New Mexico prior to city approval;
  - (h) Wind energy conversion systems may be placed on the roof or on the lot but shall not be placed within the required front or side-yard setback area;

- (i) Ground mounted wind energy conversion systems may be constructed to any height however the fall radius shall be a minimum of one and one-half times the total height of the complete system including tower, turbine and blades at their highest point; and
  - (j) No structures shall be constructed or placed within the fall radius area.
21. Windmill for the pumping of water for household or agricultural use with a maximum height limit of thirty-five feet (35 ft.). May not be located within the front or side-yard setback area.
  22. Other minimal accessory structures and uses such as clotheslines, flagpoles, fountains, mail boxes, ponds, security lamp posts, statuary and such.
- (e) **Non-residential Accessory Uses and Structures.**
1. Automated teller machines (ATMs).
  2. Bars, clubs, gift shops, lounges, newsstands and restaurants when inside the principal building containing a permitted hotel/motel use.
  3. Cafeterias, dining halls and similar food services when operated primarily for the convenience of clients, customers, employees or visitors to the principal use.
  4. Clubhouses, including space for the sale of sporting equipment, food, and refreshments, as accessory uses to recreational facilities only.
  5. Dormitories, as an accessory use to a boarding school, college or university.
  6. Housing for employees, care takers or night watchmen.
  7. Fences, walls and hedges provided that:
    - (a) Fences, walls and hedges may be constructed to the building height allowed in the underlying zoning.
    - (b) Fences and walls seven feet (7 ft.) or greater in height shall be structurally engineered and the specifications shall be stamped by an engineer registered in the State of New Mexico.
    - (c) When located on a corner lot, a clear sight triangle shall be maintained at all times.
    - (d) Concertina ~~[-and -]~~ razor wire ~~[-and electrified fencing-]~~ shall not be permitted ~~[-except when surrounding public facilities where protecting the public health, safety and welfare is critical. These facilities may include water tanks, communication towers, jails or prisons or emergency supply storage.-]~~
    - (e) Barbed wire may be used in the construction of a fence or wall only above ~~[-seven feet and only in climb proof fences -]~~ ~~[-six-feet (6ft.)-]~~; and
    - (f) A Fence Permit must be applied for and obtained prior to the erection or alteration of a fence or wall.
  8. Gates and guardhouses.
  9. Outdoor and sidewalk dining or sales provided that such facilities do not block or interfere with pedestrian traffic or ADA compliance requirements. A minimum of three feet of sidewalk must remain clear of obstructions to allow for ADA compliance.
  10. Parking garages and off-street parking areas for employees, customers, and guests.
  11. Private recreational facilities for use by clients, employees and guests, subject to the standards set forth in Section 56-70(d)(r), above for swimming pools.
  12. Retail sales of goods as part of the principal permitted use, subject to the following conditions:
    - (a) Items for sale shall either be manufactured by the principal use or part of its stock;

- (b) Maximum gross floor area of the accessory retail use shall be either ten percent (10%) of the total gross floor area of the principal use or five thousand square feet (5,000 sq. ft.), whichever is less; and
  - (c) Parking for the retail accessory use is provided in accordance with the off-street parking and loading regulations for retail uses as set forth in Section 56-100 of this Code.
13. Satellite dish antennas that are eighty inches (80 in.) or less in diameter, provided that, to the maximum extent feasible, the satellite dish antenna is located to the rear of the principal building.
  14. Other minimal accessory structures and uses which the Planning Director determines are similar in size, height, nature and impact to those listed above, and that do not create adverse impacts on adjacent properties.

**(f) Dimensional and Operational Standards.**

The standards of this Section shall apply to all accessory uses and structures in all districts unless otherwise expressly stated.

1. Distance from Principal Structure. Accessory structures shall not be located closer than ten-feet (10 ft.) from the primary or any other structure and shall comply with the same setback rules as the primary structure.
2. Front Setback. No accessory use or structure, except for allowed fences or walls, and off-street parking areas, shall be located or take place within a required front yard setback.
3. Side Setback. No accessory use or structure, except for allowed fences or walls, and off-street parking areas, shall be located or take place within a required side-yard setback. Accessory buildings or structures on corner lots shall be set back from the side street a distance not less than that required for the principal building.
4. Rear Setback. In Residential and Rural Zoning Districts, accessory structures that are located ten feet (10 ft.) or farther from the primary structure may be located along the rear property line provided that there is an alley or other easement of at least twenty feet (20 ft.) in width at the rear of the property and providing that no water shall drain from the accessory structure into that alley or easement and further providing that there are no openings in the wall of the structure at the rear property line. If a garage or other accessory structure is entered from the alley, the structure shall not be located closer than ten feet (10 ft.) from the rear property line.
5. Easements. No accessory structure shall be located within any platted or recorded easement or over any known utility.
6. Height. Except as otherwise expressly limited or allowed, accessory structures shall not exceed twenty-five feet (25 ft.) or the highest roof ridge of the principal structure of the lot, whichever is less.
7. Dwelling Unit Prohibited. Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory structure or building.

**SEC. 56-71 – 56-79. RESERVED.**

**SEC. 56-80. TEMPORARY USES.**

**(a) Allowed Uses.**

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.

2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
  - (a) There shall be no more than two such activities per residence per twelve month period;
  - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
  - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
  - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
  - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
  - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
  
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
  
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items [+but does not include the sale of live animals, which is prohibited+]. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
  
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
  
- [+6. Recreational Vehicle as a Temporary Dwelling. A property owner may be permitted to reside in a recreational vehicle, for up to six months (6 mos.), on a building site where a residential building permit has been issued.+]
  
- [+7. Recreational Vehicle as a Temporary Office. A business owner or contractor may be permitted to utilize a recreational vehicle as an office, for up to six months (6 mos.), on a building site where a commercial building permit has been issued.+]
  
- [+8. Recreational Vehicle for a Night Watchman or Security Guard. A business owner may be permitted to utilize a recreational vehicle as an office for a night watchman or security guard, provided it is not used as a residence.+]
  
- [+9. Restaurant, Mobile and Pushcarts. Prior to issuance of a Temporary Use Permit, the applicant is required to provide the City with copies of all approved State of New Mexico permits and City Fire Marshall inspections and a signed affidavit from the property owner authorizing the placement of a mobile restaurant or pushcart on their property.
  - a. Operation of a mobile restaurant or pushcart, in conjunction with a special event, is limited to the duration of the special event.
  - b. If not in conjunction with a special event, operation of a mobile restaurant or pushcart shall be limited to the R-R, C-1, C-2, and I zoning districts. If in conjunction with a special event, operation of a mobile restaurant or push cart shall be permitted any zoning district.+]
  
- [+10. Temporary Housing/RV Park. Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the

temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers.”

Temporary Housing, self-contained is defined as: “Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures.”

1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned “C-2” Commercial District and “R-R” Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.
3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. All electrical work must be conducted by a licensed electrician and City electrical permits and inspections are required. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
  - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
  - b. ingress and egress locations (a minimum of 2 with a minimum width of 24’ each); and
  - c. vehicular drive aisles - minimum width of 24’ with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
  - d. emergency access and turn around, if necessary, (minimum 80’ diameter); and
  - e. parking spaces (1 - 9’x18’ space per sleeping unit or recreational vehicle space); and
  - f. visitor parking spaces (1 – 9’x18’ space for every 4 sleeping units) in designated visitor parking area; and
  - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
  - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4’ tall perimeter fence shall surround the area of the site utilized for temporary housing and parking area. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land. A building permit for the fence is required.
7. A 20’ set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10’ clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10’ clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30’ set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. If not connecting to City sewer facilities, a copy of a NMED approved Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the type of service

(storage tank, septic system, daily pick up, etc.) and the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.

12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.

13. Permission to connect to City water and/or sewer facilities is dependent upon approval from the Utilities Department Director. The Director may require detailed plans regarding the size and location of the lines and connections. The developer is responsible for costs associated with the installation of, and connection to, the City facilities, both within the public right-of-way, if applicable, and within the private property used for the temporary housing. All construction work, including connections, will require the proper City permits and inspections will be conducted by the City in order to protect the health, safety and welfare of future temporary housing residents.

14. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.

15. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.

16. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing. The City Council may approve a permit for up to five years. The Planning Director may renew a permit for up to an additional five years, if it is determined that the need for temporary housing still exists. If renewal is requested by an applicant, City staff will verify if a need still exists by contacting permitted RV Parks and mobile home parks to assess vacancy rates.

17. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:

- a. the temporary housing is unsafe
- b. the housing or grounds are unsanitary
- c. crime or safety issues are prevalent

18. If approved, you are required to contact the City Clerk to obtain a lodger's tax application.

19. Water and sewer fees will be based on the number of spaces approved by City Council, not the number of occupied spaces.

20. An approved Temporary Use Permit for Temporary Housing runs with the land and is transferrable to the new land owner for the remainder of the permit timeframe. After expiration of the permit, the new owner may apply for a renewal, as provided for in item #16 above.

21. The permit period begins when the first unit is placed on-site. The permit period ends as specified by the City Council and renewals expire as specified by the Planning Director.]

~~6.]~~<sup>10.]</sup><sup>11.]</sup> Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

**(b) General Regulations.**

1. All temporary uses shall comply with the provisions of this Section:
  - (a) Permanent changes to the site are prohibited;

- (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
- (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
- (d) All other required permits and licenses, such as health department permits, shall be obtained; and
- (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.

2. Approval Criteria.

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and

- (i) Other conditions deemed appropriate by the City Administrator.

**SEC. 56-81 – 56-89. RESERVED.**

**SEC. 56-90. DENSITY, SETBACK AND AREA STANDARDS.**

**(a) Exception.**

1. Lot Area.

No building permit or development approval shall be issued for a lot that does not meet the minimum area requirements of this Code except for utilities using land or an unoccupied structure covering less than one thousand square feet (1,000 sq. ft.) of site area are exempt from minimum lot area standards.

2. Encroachments.

Setbacks and yards must be unobstructed from the ground to the sky except that the following features may encroach into the required front, rear, and/or side setback[+, as permitted below,+] but in no instance shall encroach into the public right-of-way:

- (a) Bay windows, extending into a front or rear setback or yard, but not to exceed three feet (3 ft.) in depth and twelve feet (12 ft.) in length;

*[+(b) Carports may encroach into a front-yard setback but shall not encroach into the public right-of-way or required side and rear-yard setbacks;+]. (The Planning and Zoning Commission recommends denial of this amendment).*

- ~~[(b)]~~ ~~[(c)]~~ Chimneys, not to exceed two feet (2 ft.) in depth;
- ~~[(c)]~~ ~~[(d)]~~ Clothesline posts (rear setback or yard only);
- ~~[(d)]~~ ~~[(e)]~~ Driveways, curbs, and sidewalks;
- ~~[(e)]~~ ~~[(f)]~~ Flagpoles;
- ~~[(f)]~~ ~~[(g)]~~ Gardening and landscaping;
- ~~[(g)]~~ ~~[(h)]~~ Heating and cooling units, not to exceed three feet (3 ft.) in depth;
- ~~[(h)]~~ ~~[(i)]~~ Mailboxes;
- ~~[(i)]~~ ~~[(j)]~~ Overhanging roof, eave, gutter, cornice, or other architectural features and awnings, not to exceed thirty inches (30 in.);
- ~~[(j)]~~ ~~[(k)]~~ Septic systems, well, and underground utilities;
- ~~[(k)]~~ ~~[(l)]~~ Steps, stairs, or fire escapes (non-enclosed), provided that they are of non-combustible construction, may extend into a rear setback or yard, but not to exceed three and one-half feet (3.5 ft.);
- ~~[(l)]~~ ~~[(m)]~~ Uncovered, unenclosed terraces or porches, extending into a front or rear-yard setback, but not to exceed six feet;
- ~~[(m)]~~ ~~[(n)]~~ Yard and service lighting fixtures, and poles.

**(b) Density, Setback and Area Standards.**

The development of lots is subject to the following density, setback and area standards:

**TABLE 6: DENSITY, SETBACK, AND AREA STANDARDS**

Zone	<del>[- Maximum Density</del>	<del>[-</del>	Minimum	Minimum Setbacks	Maximum
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District	DU/Acre	FAR	Minimum Lot Net Area (Sq. Feet)- ↓ [+Minimum Lot Area (sf) (net)/DU+ ]	Street Frontage (Feet)	Front/ Street (Feet)	Side (Feet)	Rear (Feet)	Height (Feet)
R-R	4	N/A	10,890 (with city utilities) 43,560 (without city utilities)	75 110	30/20*	**	20	40
R-1	5	N/A	6,000	50	30/15*	**	10	40
R-2	10	N/A	[-3,000-] [+2,500+]	50	0	**	10	40
C-1	10		[-3,000-] [+2,500+]	50	0	**	***	50
C-2	N/A		N/A	50	0	10	***	N/A
I	N/A ]		N/A	100	0	20	***	N/A [+or as regulated by the F A A +]

\* Where majority of buildings on block are closer than 30' from the front property line, the lesser setback applies.

\*\* See subsection "B" below.

\*\*\* See subsection "C" below.

A. Where a lot abuts two or more streets along two or more non-adjointing sides of the lot, the required street setback shall be provided on all streets. No accessory building shall project beyond the street-side setbacks. Where a lot abuts two streets along two adjoining sides of the lot, there shall be a street

setback on one street and a side setback on the other, with the side setback having a depth of not less than ten feet (10 ft.); provided, however, where the rear lot line of the corner lot is also a side lot line of an abutting lot, then there shall be a street setback on each street side of the corner lot. No accessory building shall project beyond the street setback on either street.

- B. Side setbacks are required in order to provide a buffer between uses and for safety purposes. The minimum side setbacks shall be:

Building Wall Height (ft.)	Minimum Side Setback (ft.)
0.0 – 12.0	5
12.01 – 24.0	7.5
24.01 +	10

- C. Rear setbacks are required in order to provide a buffer between non-residential and residential uses. Where the rear of a lot abuts a residential zoning district, the rear setback shall be a minimum of 10'. Where the rear of a lot abuts a non-residential zoning district, public right-of-way or alley, a rear setback is not required.
- D. No yard, setback, or other open space provided around any structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback, or open space for any structure on any other lot.

**(c) Alternate Residential Development Options.**

Alternate residential development options are intended to allow for variety while maintaining the overall character of a single-family residential development.

1. Flag Lots.

Flag lots are discouraged, however, if allowed by the applicable subdivision laws, ordinances, rules, and regulations, they shall meet the following minimum requirements:

- (a) Frontage. Each flag lot shall have a minimum of fifty feet (50 ft.) of street frontage and twenty feet (20 ft.) of continuous width for the entire length of the driveway.
- (b) Lot Area Calculation. The area of the driveway may not be counted as part of the lot area for the purpose of establishing minimum lot size.
- (c) Driveways. Driveways shall be designed to allow vehicles to drive out forward and for two vehicles to pass one another. Common driveways may be required when two flag lots abut. Driveways shall be designed with turnarounds of sufficient size and surfacing to allow for full access by ambulance, fire and other emergency vehicles (minimum 100' diameter). Driveways shall be paved with an all-weather surface (e.g. asphalt, brick pavers, porous pavement, concrete).
- (d) Deed Restrictions. Where common driveways are required for flag lots, terms requiring the owners of the flag lots to adequately maintain the driveway and turnarounds must be recorded on the plat and on the deeds of the applicable lots as an easement. Proof that such restrictions have been recorded with the County Clerk must be submitted prior to the issuance of any building permit.

2. Single-Family Attached.

Attached single-family development shall be allowed in accordance with the Use Table of Section 56-41. No interior side setback or yard is required on the "attached" side of a lot containing an attached dwelling unit. The standard setbacks and yards must be maintained on all other sides of

the lot. The standard rear, side and front/street setback and yard standards shall apply around the perimeter of an attached housing development.

3. Zero Lot Line.

In a zero lot line development, dwelling units are shifted to one side of each lot to provide for greater usable side yard space on each lot. These developments require planning and approval for all of the dwelling unit locations concurrent with the preliminary subdivision plat. The exact location of each dwelling unit is determined by the plat.

- (a) Permitted Zones. Zero lot line developments are allowed in any zoning district that allows residential uses.
- (b) Proof of Record Required. Prior to the issuance of any building permits for a dwelling unit with a zero lot line lot, proof of filing of an approved plat with the County Clerk must be provided. The plat shall:
  - (i) Show that the provided side yard setback is twice the side yard setback required in the underlying zoning district;
  - (ii) Provide restrictions limiting the maximum eave projection to twenty-four inches (24 in.) over the zero lot line side of the property line; and
  - (iii) Provide easements for eave projection, access and maintenance.

**SEC. 56-91 – 56-99. RESERVED.**

**ARTICLE IV: DEVELOPMENT STANDARDS**

**SEC. 56-100. OFF-STREET PARKING AND LOADING REGULATIONS.**

**(a) General**

1. Applicability.

The off-street parking standards of this Section apply to:

- (a) All new structures and uses; and
- (b) The expansion or enlargement of an existing structure or use where the expansion or enlargement is greater than 200 square feet. When expanding and enlarging, additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire structure or use, provided that in all cases the number of off-street parking spaces provided for the entire use (pre-existing plus expansion) shall equal at least seventy-five percent (75%) of the minimum number of spaces established in Tables 4.1.2A through F.

2. No Reduction Below Minimums.

Existing and proposed parking spaces may not be reduced below the minimum requirements established in this Section.

3. Shared Parking and Shared Access is Required.

Where access to a structure, use or property is limited by topographical features, City or State roadway restrictions, safety or traffic concerns the City shall require and the developer shall provide shared access and/or shared parking.

4. Shared Parking and Shared Access is Encouraged.

Where access to a structure, use or property is not limited by topographical features, City or State roadway restrictions, safety or traffic concerns the developer is encouraged to provide shared access and/or shared parking.

5. All new and restriped/repaved parking spaces and areas shall comply with the requirements of the Americans with Disabilities Act (ADA) and/or the American National Standards Institute (ANSI) Standards, whichever is more restrictive.

**(b) Minimum Required Off-Street Parking.**

Tables 7 through 12 establish the minimum parking area requirements and number of off-street parking spaces to be provided for the various land use categories. Unless the applicable standard addresses employee parking, additional off-street parking spaces shall be provided to meet the projected demand for employee parking. Where shared parking or access is provided the total number of required off-street parking spaces may be decreased by 20%. The number of accessible parking spaces, required for ADA compliance, is in addition to the requirements below and is based on the total number of required spaces prior to a shared access or shared parking reduction.

**TABLE 7: PARKING AREA REGULATIONS – RESIDENTIAL USES**

<b>GENERAL USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES (SEE SUBSECTION (E)(1)(A) MEASUREMENT RULES)</b>
1.	Household Living	a.	Business Residence	2 for each dwelling unit
		b.	Employee Housing	2 for each dwelling unit
		c.	Manufactured Home/Multi-Section	2 for each dwelling unit
		d.	Mobile Home	2 for each mobile home space
		e.	Mobile Home Park	2 for each mobile home space, plus 1 visitor space for every 4 mobile home spaces
		f.	Mobile Home Subdivision	2 for each dwelling unit
		<del>f</del> <del>g</del> <del>h</del> <del>i</del> <del>j</del> <del>k</del> <del>l</del> <del>m</del> <del>n</del> <del>o</del> <del>p</del> <del>q</del> <del>r</del> <del>s</del> <del>t</del> <del>u</del> <del>v</del> <del>w</del> <del>x</del> <del>y</del> <del>z</del> <del>aa</del> <del>ab</del> <del>ac</del> <del>ad</del> <del>ae</del> <del>af</del> <del>ag</del> <del>ah</del> <del>ai</del> <del>aj</del> <del>ak</del> <del>al</del> <del>am</del> <del>an</del> <del>ao</del> <del>ap</del> <del>aq</del> <del>ar</del> <del>as</del> <del>at</del> <del>au</del> <del>av</del> <del>aw</del> <del>ax</del> <del>ay</del> <del>az</del> <del>ba</del> <del>bb</del> <del>bc</del> <del>bd</del> <del>be</del> <del>bf</del> <del>bg</del> <del>bh</del> <del>bi</del> <del>bj</del> <del>bk</del> <del>bl</del> <del>bm</del> <del>bn</del> <del>bo</del> <del>bp</del> <del>bq</del> <del>br</del> <del>bs</del> <del>bt</del> <del>bu</del> <del>bv</del> <del>bw</del> <del>bx</del> <del>by</del> 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3.	Other	a.	Carport	1space
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**TABLE 8 – PARKING AREA REGULATIONS – INSTITUTIONAL AND CIVIC USES**

<b>GENERAL USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES (SEE SUBSECTION (e)(1)(a) MEASUREMENT RULES)</b>
1.	Care Facility, Inpatient	a.	Hospice Facility	1 for each employee plus 1 for every 2 residents
		b.	Hospital	1 for every 2 beds, plus 1 for each employee on the largest shift, plus 1 for every 5 outpatients, plus 1 for each hospital vehicle (bassinets shall not be counted as beds for the purpose of computing parking)
		c.	ICF/MR	1 for each employee plus 1 for every 4 patients
		d.	Physical and Mental Rehabilitation Facility	1 for each employee plus 1 for every 3 patients
		e.	Nursing Facility	1 for every 2 beds, plus 1 for each employee on largest shift
		f.	Residential Facility	1 for each employee plus 1 for every 4 patients
		g.	Residential Treatment Center, Accredited	1 for each employee plus 1 for every 4 patients
		h.	Residential Treatment Facility	1 for each employee plus one for every 4 residents
		i.	All Other Inpatient Care Facilities	As approved by the Planning Director
2.	Care Facility, Outpatient	a.	Adult Day Care Center	1 for each employee and 1 unobstructed pick-up/drop-off space for every 3 clients
		b.	Adult Day Care Home	1 for each employee and 1 unobstructed pick-up/drop-off space for every 3 clients
		c.	Ambulatory Surgical Center	1 for each employee plus 1 for every patient
		d.	Birthing Center	1 for each employee plus 1 for every patient
		e.	Child Day Care	1 for each employee and 1 unobstructed pick-up/drop-off space for every 3 clients
		f.	Community Living Setting	1 for each employee plus 1 for every resident
		g.	Community Mental Health Center	1 for each employee plus 1 for every 3 patients
		h.	Counseling Center	1 for each employee plus 1 for every 2 patients
		i.	Family Child Care Home	1 for each employee and 1 unobstructed pick-up/drop-off space for every 3 clients
		j.	Health <del>[-Clinic-]</del> [+Facility+]	1 for each employee plus 1 for every 2 patients
		k.	Renal Dialysis Facility	1 for each employee plus 1 for every 2 patients
l.	All Other Outpatient Care Facilities	1 for each employee plus 1 for every 2 patients		
3.	Church /		Church / Religious Assembly	1 for every 3 (4) seats or seating spaces in the

	Religious Assembly	a.		main assembly room
4.	Community Services	a.	Detention Facility / Temporary Shelter	1 for each employee plus 1 for every 3 detention cells
		[+b.	Shelter, Emergency	As Needed+]
		[+c.	Shelter, Homeless	1 for each employee plus 1 for every 3 beds+]
		[+ b.- +] d.+]	All Other Community Services	1 for each employee on the largest shift, plus either, 1 for every 250 square feet of gross floor area, or 1 for every 4 patrons to the maximum capacity
5.	Park and Open Space	a.	Cemetery	1 for each 200 square feet of common area used for gathering
		b.	Golf Course/Golf Driving Range	1 for every 2 employees, and 3 for each hole, plus 50% of the requirements for any accessory uses
		c.	Miniature Golf Course	1 per 200 square feet of common area and 1 per hole
		d.	Park/Lake/ Reservoir/Open Space	Parking area equal to 1% of total land area
		e.	Playing Field or Court	1 per 200 square feet of common area and where recreation is observed or occurs
		f.	Shooting Range, Indoor	1 for each shooting station plus 1 for each 200 square feet of indoor common area
		g.	Shooting Range, Outdoor	1 for each shooting station plus 1 for each 200 square feet of outdoor common area
		h.	Swimming Pool	1 for each 4 persons per maximum occupant load
		i.	All Other Parks and Open Spaces	Parking area equal to 1% of total land area, plus 1 for every 2 employees
6.	Police, Ambulance, & Fire Services	a.	Police, Ambulance, & Fire Services	1 for every employee on normal shift duty, plus 1 for each emergency/police/fire vehicle, plus 1 for every 300 square feet of business office space
7.	Private Recreation and Entertainment	a.	Club / Lodge	1 for each 200 square feet of common area
		b.	All Other Private Recreation and Entertainment	33% of maximum occupancy load, plus 1 for each employee; plus a minimum of 1 loading space
8.	School	a.	Boarding School	1 for each employee plus 1 for every 8 students
		b.	Schools	
			Elementary	1 for every 25 classroom seats and 1 for each teacher, aide, employee, or administrator
			Junior High	1 for every 15 classroom seats and 1 for each teacher, aide, employee, or administrator
			High School	1 for every 8 classroom seats and 1 for each teacher, aide, employee, or administrator
		c.	University / College	1 for every 2 students and 1 for each teacher, aide, employee or administrator
		d.	Vocational / Technical / Trade School	1 for every 2 students and 1 for each teacher, aide, employee or administrator
		e.	All Other Schools	1 for every 2 students and 1 for each teacher, aide, employee or administrator
9.	Utility	a.	Basic Utility	1 for service vehicle – utility easement may count as space
		b.	Intermediate Utility	1 for service vehicle – utility easement may count as space; or 1 for each 200 feet of common area
		c.	Utility Corridor	1 for service vehicle – utility easement may count as space
		d.	All Other Utilities	1 for service vehicle – utility easement may count as space

***TABLE 9 – PARKING AREA REGULATIONS – COMMERCIAL USES***

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES (SEE SUBSECTION (E)(1)(A) MEASUREMENT RULES)</b>	
1.	Office	a.	Business Office	1 for every 200 square feet of gross floor area	
		b.	Professional Office	1 for every 200 square feet of gross floor area	
		c.	Home Occupation, Office	No additional spaces required	
		d.	All Other Offices	1 for every 200 square feet of gross floor area	
2.	Parking, Commercial	a.	Parking Structure or Lot	1 for each vehicle	
3.	Recreation and Entertainment	a.	Amusement Park	1 for each 3 persons in designed capacity, plus 1 for each employee on largest shift	
		b.	Campground <del>{or Camp}</del>	1 for each RV space and 1 for each camp space, plus an additional 1 for every 4 RV or camp spaces	
		c.	Golf Course/ Golf Driving Range	1 for every 2 employees, and 3 for each hole, plus 50% of the requirements for any accessory uses	
		d.	Miniature Golf Course	1 per 200 square feet of common area and 1 per hole	
		e.	Playing Field or Court	1 per 200 square feet of common area and where recreation is observed or occurs	
		f.	Pool Hall / Bowling Alley	3 for every lane, plus 1 for each employee, plus 50 % of the spaces required for accessory uses	
		g.	Recreational Vehicle <del>{+RV+}</del> Park	1 for each RV space and 1 for each camp space, plus an additional 1 for every 4 RV or camp spaces	
		h.	Swimming Pool/Water Park	1 for each 4 persons per maximum occupant load	
		i.	Shooting Range, Indoor	1 for each shooting station plus 1 for each 200 square feet of indoor common area	
		j.	Shooting Range, Outdoor	1 for each shooting station plus 1 for each 200 square feet of outdoor common area	
		k.	Theater / Dance Hall	1 for each 3 seats and 1 for each 200 square feet of common area	
		l.	All Other Recreation and Entertainment	1 for each 200 square feet of common area	
		4.	Retail Sales and Service	a.	Adult Business Uses
b.	Animal Care / Boarding / Sales			1 for each 200 square feet of common area	
c.	Appliance and/or Small Engine Repair and Service			1 for each employee on largest shift and 1 for each 200 square feet of common area	
d.	Artisan/Craftsman Shop			1 for each employee on largest shift	
e.	Bar			1 for every 4 seats, plus 1 for each employee on largest shift	
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Brewery, Small	1 for every 4 seats, plus 1 for each employee on largest shift <del>{}</del>
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Catering	1 for each employee on largest shift
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Convenience Store	1 for every 250 square feet of gross floor area, plus 1 for each employee per shift (maximum total of 12 spaces); plus a minimum of 1 loading space for general deliveries and a minimum of 1 loading space for delivery of gasoline, if gasoline is sold on the property
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Delivery and Dispatch Service	1 for each delivery vehicle, plus 1 for each employee on the largest shift
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Distillery, Small	1 for every 4 seats, plus 1 for each employee on largest shift <del>{}</del>
<del>{f.}</del> <del>{g.+}</del> <del>{}</del>	<del>{f.}</del> <del>{g.+}</del> <del>{}</del>			Drive-Through Facility	1 for each employee, plus adequate stacking area for eight (8) cars before the first pull-up window and six (6) stacking spaces for each additional window. The window space shall count as one (1) stacking space. Plus 1 space for every four <sup>74</sup> seats. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or any abutting street or alley.

		{j- {+1 .+}	Farmers' Market / Flea Market	1 for each vendor plus 1 for each 200 square feet of common area
		{k- {+ m.+ }	Feed Store	1 for each 200 square feet of common area plus 1 loading space
		{l- {+ n.+ }	Financial Services	1 for each employee, plus 1 for every 250 square feet of gross floor area; drive-in window requires a minimum of 6 stacking spaces for each drive-in window (window space counts as a stacking space), in addition to parking spaces.
		{m- {+ o.+ }	Grocery Store	1 space per 200 square feet for the first 15,000 square feet of gross floor area; then, one space per 250 square feet for the next 45,000 square feet of gross floor area; then, one space per 300 square feet for the gross floor area that exceeds 60,000 square feet, plus a minimum of 1 loading space
		{n- {+ p.+ }	Home Occupation, Bed and Breakfast	1 for each room, plus 2 for every permanent residence; plus specified requirements for any other accessory uses. Meeting room requires 33% of maximum occupancy load.

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES</b> <i>(SEE SUBSECTION (E)(1)(A) MEASUREMENT RULES)</i>
5.	Retail Sales and Service (Continued)	o.	Home Occupation, Sales and Service	Maximum of 2 permanent spaces in addition to requirement for dwelling
		p.	Hotel / Motel	1 for each room, plus 2 for every permanent residence; plus specified requirements for any other accessory uses. Meeting room requires 33% of maximum occupancy load.
		q.	Industrial Equipment and Supplies	1 for every 500 square feet of gross floor area; plus a minimum of 1 loading space
		r.	Laboratory, Medical	1 for each employee on the largest shift
		s.	Laboratory, Scientific/Research	1 for each employee on the largest shift
		t.	Landscaping Material Sales / Nursery	1 for each employee on the largest shift 1 for every 200 square feet of sales and display area
		u.	Manufactured Homes and Buildings / Mobile Homes, Sales and Service	1 for every 200 square feet of office space, plus 1 for each employee
		v.	Outdoor Sales, Repairs and Activities	1 for every 200 square feet of office space, plus 1 for each employee
		w.	Personal Service	2 for every personal service station (e.g. chair, table), or, if there are no personal service stations, 33% of maximum occupancy load, plus 1 for each employee
		x.	Rentals and Sales of Farm Implements, Equipment and Vehicles	1 for each employee, plus 1 for every 600 square feet of gross floor area (this shall not include the space provided for vehicles for sale or lease)

		y.	Restaurant[+, Fixed+]	1 for every 4 seats, plus 1 for each employee on largest shift
		z.	Retail Sales Establishment, Community Scale	1 space per 200 square feet for the first 15,000 square feet of gross floor area; then, one space per 250 square feet for the next 45,000 square feet of gross floor area; then, one space per 300 square feet for the gross floor area that exceeds 60,000 square feet, plus a minimum of 1 loading space
		aa.	Retail Sales Establishment, Neighborhood Scale	1 space for each employee per shift, plus 1 for each 400 square feet of gross floor area, plus 1 loading space
		[+bb.	Retail Sales Establishment, Regional Scale	1 space per 200 square feet for the first 15,000 square feet of gross floor area; then, one space per 250 square feet for the next 45,000 square feet of gross floor area; then, one space per 300 square feet for the gross floor area that exceeds 60,000 square feet, plus a minimum of 2 loading spaces+]
		<del>{-bb.-}</del> }{+cc.+}	Shopping Center	1 space per 200 square feet for the first 15,000 square feet of net leasable area; then, one space per 250 square feet for the next 45,000 square feet of net leasable area; then, one space per 300 square feet for the net leasable area that exceeds 60,000 square feet, plus a minimum of 1 loading space.
		<del>{-ee.-}</del> }{+dd.+}	Self Service Storage / RV Storage	1 for every 250 square feet of net floor area of office space associated with the use, plus 1 for each employee, and 2 for a resident manager
		<del>{-dd.-}</del> }{+ee.+}	Veterinary Clinic / Office	1 for every 200 square feet of common area
		<del>{-ee.-}</del> }{+ff.+}	All Other Retail Sales and Services	1 for each employee per shift, plus 1 for each 200 square feet of gross floor area, plus 1 loading space
6.	Temporary Uses (Temporary Use Permit is Required)	a.	Carnivals, Fairs and Other Public Gatherings	1 for each 3 person in designed capacity
		b.	Garage, Estate and Yard Sales	No parking required - right-of-way may be used for parking unless prohibited
		<del>{-e.-}</del>	<del>Natural Disaster and Emergency Personal Assistance Locations</del>	<del>As needed -}</del>
		<del>{-d.-}</del> }{+c.+}	Parking Lot Sales	1 for every 200 square feet of sales area
		[+d.+]	Pushcart	As Needed
		e.	Real Estate Sales Office	1 for each employee on largest shift and 1 for every 200 square feet of office area
		f.	Recreational Vehicle for Dwelling	1 space
		g.	Recreational Vehicle for Office	1 for each employee
		h.	Recreational Vehicle for Night Watchmen [+or on-site Security Dwelling+]	1 space
		[+i.+]	Restaurant, Mobile	As Needed+]
		[+j.]	Temporary Housing/ RV Park	1 – space per sleeping unit or recreational vehicle space; and 1 – space for every 4 sleeping units as visitor parking.

		<del>{i-}</del> <del>{+j,+}</del> <del>{+k.}</del>	All Other Temporary uses	1 for each employee on largest shift and 1 for every 200 square feet of common area
7.	Vehicle [+Uses+] Repairs [+, Sales, Service+]	a.	Auto Mechanical Repair	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		b.	Body Shop	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		<del>{+c.}</del>	Car Wash	<del>Manual - 1 washing bay plus 1 stacking space for each washing bay Automatic - 1 drying space plus, 1 washing bay plus 3 stacking spaces for each washing bay Vacuum/Air - 2 for each vacuum stall and 2 for each air pump+]</del>
		<del>{+d.}</del>	Fuel Service Facility	<del>2 for each pumping station, plus 1 for each employee per shift, plus 1 for every 250 square feet of gross floor area; plus additional requirements for accessory uses - 2 for each vacuum stall; 2 for each air pump+]</del>
		<del>{+e.}</del>	Oil Change/Quick Lubrication	<del>1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business+]</del>
		<del>{e.-}</del> <del>{+f.+}</del>	Tire Recapping and Storage	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		<del>{d.-}</del> <del>{+g.+}</del>	Truck Repair	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		<del>{+h.+}</del>	Truck Stop/Travel Plaza	<del>1 for each employee, plus 1 for each service bay, plus 1 for each 200 square feet of sales and service area+]</del>
		<del>{+i.+}</del>	Vehicle Sales, New and Used	<del>1 for each employee, plus 1 for each service bay, plus 1 for each 200 square feet of sales and service area+]</del>

		<del>{e- }{+j.+}</del>	All Other Vehicle Repairs[+, Sales and Service+]	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
[-8.	Vehicle Service, Limited  Combined with section above	a.	Car Wash	<del>Manual—1 washing bay plus 1 stacking space for each washing bay Automatic—1 drying space plus, 1 washing bay plus 3 stacking spaces for each washing bay Vacuum/Air—2 for each vacuum stall and 2 for each air pump</del>
		b.	Fuel Service Facility	2 for each pumping station, plus 1 for each employee per shift, plus 1 for every 250 square feet of gross floor area; plus additional requirements for accessory uses—2 for each vacuum stall; 2 for each air pump
		e.	Oil Change/Quick Lubrication	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		d.	All Other Vehicle Services, Limited	1 for each employee, plus 1 for each service bay, plus 1 for each vehicle used in the operation of the business
		e.	Truck Stop/Travel Plaza	1 for each employee, plus 1 for each service bay, plus 1 for each 200 square feet of sales and service area ]
9.	Wholesale Sales Establishment	a.	Wholesale Sales Establishment	1 for each employee plus sufficient spaces for loading

**TABLE 10 – PARKING AREA REGULATIONS – INDUSTRIAL USES**

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES (SEE SUBSECTION (E)(1)(A) MEASUREMENT RULES)</b>
1.	Manufacturing, Production, Warehousing, [+Trucking+] and Freight Movement	[+a.	Brewery, Large	1 for each employee plus sufficient spaces for loading+]
		[+b.	Distillery, Large	1 for each employee plus sufficient spaces for loading+]
		a.	Indoor Operations with Indoor Storage/Loading Only	1 for each employee plus sufficient spaces for loading
		b.	Indoor/Outdoor Operations with Indoor/Outdoor Storage/Loading	1 for each employee plus sufficient spaces for loading
		c.	Trucking/Truck Storage	1 for each employee plus sufficient spaces for truck parking
		d.	All Other	1 for each employee plus sufficient spaces for loading
2.	Natural Resource Production and Storage[+and Mining and Extractive Uses+]	a.	Batch or Asphalt Plant	1 for each employee on largest shift plus adequate parking for all facility vehicles
		b.	Oil/Gas Extraction	1 per service vehicle
		c.	Petroleum Products Refining or Wholesale Storage	1 for each employee on largest shift plus adequate parking for all facility vehicles
		d.	Refining or Smelting	1 for each employee on largest shift plus adequate parking for all facility vehicles
		e.	Sand, Gravel and Caliche Mining and Storage	1 for each employee on largest shift plus adequate parking for all facility vehicles
		f.	Solar Energy Conversion System/Solar Panels	1 per employee or service vehicle
		g.	Wind Energy Conversion System/Wind Turbine	1 per employee or service vehicle
		h.	Windmill	1 per employee or service vehicle
		i.	All Other	1 for each employee on largest shift plus adequate parking for all facility vehicles
3.	Waste-Related Storage or Use	a.	Junkyard or Motor Vehicle Salvage/Wrecking Yard	
		b.	Hazardous Materials treatment, storage, or disposal facility	1 for each employee on largest shift plus adequate parking for all facility vehicles
		c.	Transfer Station	1 for each disposal container and 1 for each employee on largest shift
		d.	Solid Waste Disposal Site	1 for each disposal container and 1 for each employee on largest shift
		e.	All Other	1 for each employee on largest shift plus adequate parking for all facility vehicles

**TABLE 11 – PARKING AREA REGULATIONS – OTHER USES**

<b>USE CATEGORY</b>		<b>SPECIFIC USE TYPE</b>		<b>MINIMUM NUMBER OF VEHICLE SPACES (SEE SUBSECTION (E)(1)(A) MEASUREMENT RULES)</b>
1.	Agriculture and Livestock	a.	Dairy	1 for each employee on largest shift plus adequate parking for all facility vehicles
		b.	Feed Lot	Not an allowed use
		c.	Livestock/Poultry/Fowl/Rabbits	No parking required
		d.	Pasture	No parking required
		e.	All Other	1 for every 400 square feet of gross floor area
2.	Aviation or Surface Passenger Terminal	a.	Airport/Heliport	1 per employee
		b.	Bus/Commuter Stop	No parking required
		c.	Bus/Railroad Depot	1 for each employee on largest shift plus spaces adequate for anticipated passenger loads
			Carpool Lot	1 for each vehicle
		e.	All Other	1 for each employee on largest shift plus spaces adequate for anticipated passenger loads
3.	Communication Facilities	a.	Amateur Radio Facilities	1 for each employee on largest shift
		b.	Communications Facilities, Attached	1 for service vehicle
		c.	Communications Facilities, Free-standing	1 for service vehicle
		d.	Communications Facilities, Concealed	1 for service vehicle
		e.	All Other	1 for each employee or service vehicle

**TABLE 12: ADDITIONAL PARKING REGULATIONS**

USE CATEGORY	MINIMUM NUMBER OF PARKING SPACES		
Accessible Parking	Total Required Off-Street Parking Spaces: 1 to 25 26 to 50 51 to 75 76 to 100 101 to 150 151 to 200 201 to 300 301 to 400 401 to 500 501 to 1,000 1,001 and over	Minimum Required Accessible Spaces: 1 2 3 4 5 6 7 8 9 2 percent of total 20 plus 1 for each 100, or fraction thereof, over 1,000	Minimum Required Van Accessible Spaces: 1 1 1 1 1 1 2 2 2 1 for every 6 accessible spaces, or fraction thereof
Bicycle Parking	1 space <b>[+minimum plus 1 space+]</b> for every <del>[-10 parking-]</del> <b>[+20+]</b> required parking spaces. Bicycle parking shall be provided by means of a secure and maintained bicycle rack located in close proximity to the primary building entrance.		
Motorcycle Parking	Total Required Off-Street Parking Spaces: 1-25 26-50 51-100 100+	Minimum Designated Motorcycle Spaces: 1 2 3 4	Motorcycle spaces shall be identified by a sign and pavement striping and located in close proximity to the primary building entrance.

**(c) Rules for Computing Parking Requirements.**

The following rules apply when computing off-street parking requirements.

1. Multiple Uses.  
 Shared parking is encouraged. Lots containing more than one use shall provide parking in an amount equal to the total of the requirements for all uses however, a 20 percent (20%) reduction is allowed if parking is shared, except for shopping centers, which are required to provide parking according to the preceding table.
2. Fractions.  
 When calculating parking space requirements, fractional numbers shall be rounded up to the next whole number.
3. Area Measurements.  
 Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.
4. Employment and Occupancy-Based Standards.

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

5. Unlisted Uses.

Upon receiving a development application for a use not specifically listed in Tables 56-41(1-5), the Planning Director shall apply the off-street parking standard specified for the listed use that is most similar to the proposed use. If the Planning Director determines that the proposed use is unlike any other in Tables 56-41 (1-5), in terms of its potential parking impacts, the Planning Director may require the applicant to produce a parking impact study and an alternative parking plan, at the applicant's expense, and shall consider such study/plan in determining required off-street parking.

6. Transit Access.

For uses with a primary entrance within three-hundred feet (300 ft.) of an existing transit bus stop, or uses that provide a public transit bus stop within three-hundred feet (300 ft.) of the primary entrance, a 20% reduction in the required off-street parking requirements may be taken.

7. On-street Parking.

Because the intent of uses located in a C-1 Commercial District is to provide goods and services on a neighborhood scale and in order to encourage pedestrian activity in neighborhoods, where on-street parking is available or may be accommodated, and based on the overall width of the public-right-of-way, one on-street parking space may be substituted for every two required off-street parking spaces. In such cases, an alternative parking plan that identifies the required off-street parking spaces and the proposed on-street parking spaces shall be submitted to the Planning Director for review and approval.

**(d) Location of Required Parking Spaces.**

Except as specifically required in this Section, or as approved by the City Administrator in an alternative parking plan, the required off-street parking area must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within the required street setback, ~~including the public right-of-way between a public sidewalk and a public street~~ except that parking for single-family, multi-family and duplex dwellings may be located in residential driveways.

**(e) Parking Area Layout Design.**

1. Parking Area Dimensions.

(a) The minimum dimensions of required off-street parking spaces shall be nine feet (9 ft.) wide, eighteen feet (18 ft.) long and if covered, at least ten feet (10 ft.) high, and shall be contained entirely within the property lines.

~~(b)~~ ~~The minimum dimensions of required motorcycle parking spaces shall be four and one-half feet (4.5 ft.) wide, eighteen feet (18 ft.) long and if covered, at least eight feet (8 ft.) high, and shall be contained entirely within the property lines.~~

~~(b)~~ ~~(c)~~ The minimum dimensions of a loading space shall be ten feet (10 ft.) wide, and forty feet (40 ft.) long, and, if covered, at least fourteen feet (14 ft.) high, and shall not extend onto or over an alley, sidewalk, street or public right-of-way.

~~(e)~~ ~~(d)~~ Accessible parking spaces shall meet the following minimum requirements:

(i) For car spaces, the minimum width shall be ~~eight~~ ~~feet~~ ~~(8 ft.)~~ ~~+~~ ~~9~~ ~~ft.)~~ ~~].~~

(ii) For van spaces, the minimum width shall be eleven feet (11ft.).

(iii) Access aisles shall be provided for each space. The minimum width of an access aisle is five feet (5 ft.). One access aisle may be shared by two spaces.

~~[(d)]~~ ~~[(e)]~~ Passenger loading zones, where provided, shall be a minimum of eight feet (8 ft.) wide and twenty feet (20 ft.) long. Access aisles serving passenger loading zones shall be a minimum of five feet (5 ft.) wide. Passenger loading zones shall be marked so as to discourage parking in them.

2. Protective Curbing.

Parking spaces adjacent to a property line that abuts a street and where the entrance into the parking space is not from a public street, shall be provided with bumper blocks or curbing to prevent vehicle overhang into the public right-of-way, street or over any sidewalk.

3. Paving and Striping.

The required off-street parking areas shall be paved with an all-weather surface (e.g., asphalt, brick pavers, porous pavement, concrete), in accordance with construction specifications of the City Engineer. Alternative parking area treatments may be approved by the City Engineer if it can be demonstrated that the surface can be maintained dust free.

**SEC. 56-101 – 56-109. RESERVED.**

**SEC. 56-110. LANDSCAPING AND BUFFERING REQUIREMENTS.**

**(a) Purpose.**

The intent of this Section is to establish standards to protect and enhance the City’s appearance by the installation of appropriate landscaping and screening materials; to maintain and increase the value of land; and to encourage the use of native vegetation and xeriscaping techniques to conserve water usage.

**(b) Landscaping and Protection of Exposed Surfaces.**

To improve the visual appearance and to reduce sediment movement from a site onto neighboring properties and in addition to any other landscaping requirements, exposed soil surfaces shall be revegetated with low-water use turf or plantings or otherwise protected from erosion. Areas of land temporarily exposed due to grading or other development shall be protected from erosion and blowing dust either by covering and/or wetting the soil, or silt fencing.

**(c) Requirement to Landscape.**

The following types of developments are required to provide and maintain landscaping:

1. New single-family residential development at the point of sale and as part of an approved subdivision of greater than 5-lots;
2. Multiple-family residential;
3. Manufactured home parks and subdivisions;
4. Mobile home parks and subdivisions;
5. Office;
6. Commercial;

Commercial uses in the “downtown area”, which for purposes of this section is defined as Halagueno Street to the west, Main Street to the east, Greene Street to the south and Shaw Street to the north. In this case, the landscaping requirement may be met by flower baskets, public art, street furniture, or other such items;

7. Industrial; and

8. PUD.

**(d) Landscaping Plan.**

All applicants for building permits for new construction or for commercial additions over 500 square feet shall submit a landscape plan to the building inspector. The landscape plan shall include:

1. Scale;
2. Bar scale;
3. North arrow;
4. Property lines;
5. Total lot area;
6. Net lot area;
7. Required landscape area;
8. Adjacent and proposed right-of-way;
9. Existing and proposed utility lines;
10. Existing and proposed easements;
11. Location of all drive aisles;
12. Location of all buildings;
13. The scientific and common name of all vegetative material;
14. The size, location and number of plantings of each type of vegetative material;
15. Irrigation system description and phasing plan, if applicable
16. Topography in the form of finished contour lines at five foot minimum intervals;
17. Water conservation description; and
18. Maintenance responsibility statement.

**(e) Required Landscaping.**

At a minimum, twenty percent (20%) of the net lot area shall be landscaped as described herein. Net lot area means the total area of the lot minus:

1. The area of the lot covered by buildings; and
2. The area of the lot for required off-street parking.

**(f) Required Buffering.**

Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of a parcel or lot. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. Landscaping approved within adjacent public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations, minimum widths, vegetation type, size and location shall be as follows:

1. Front - Ten feet.
2. Side - Five feet. The landscape buffer may be relocated if the lot line is within a common access easement.
3. Rear - Five feet. The landscape buffer may be relocated if the lot line is within a common access easement.

4. Where a nonresidential zone is developed for a nonresidential purpose and abuts a residential zone, the minimum landscape buffer on the abutting side(s) shall be a minimum of 10 feet. The buffer landscaping is required in order to minimize noise and visual impacts of the non-residential use on the abutting residential use. Where parking or vehicle circulation areas abut a residential zone, in addition to the landscaping buffer, a minimum 3 feet high opaque wall or fence shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening.
5. Buffer landscaping shall consist primarily of low water use trees, shrubs and grasses. Trees shall be at least six feet high or 2 inch caliper at time of planting and capable of reaching a height at maturity of at least 25 feet. Shrubs shall be a minimum of 1 gallon at time of planting. Where trees are utilized solely, spacing of the trees shall be a minimum of 25 feet on-center. Where trees, shrubs, and grasses are used collectively, tree spacing shall be a minimum of 35 feet on-center.
6. Where the required landscape buffering cannot be provided due to lot restrictions, an internal courtyard or landscaped area shall provide the required landscaping. Potted plants and window boxes may be used as required landscaping.

**(g) Required Landscaping Materials and Practices.**

1. Minimum Plantings.

For each one hundred twenty-five square feet (125 sq. ft.) or fraction thereof of net lot area, the required landscape area shall include the following trees and/or vegetation:

- (a) At least one (1) low-water-use tree or other woody plant which is a minimum of six feet in height and two inches in caliper at the time of planting; and
- (b) At least two (2) cacti, perennial flowers, shrubs or other herbaceous or woody plants a minimum of one gallon in size at time of planting and not to exceed two feet (2 ft.) in height when mature.
- (c) The remaining required landscape area shall be covered with live low water use groundcover, native grasses, or other alternative plantings and groundcovers.

2. Alternate Plantings and Groundcovers.

Where ground plantings are not feasible and upon written approval of the Planning Director, the following items may be used in place of other landscaping provided that such items shall not interfere with lines of sight, pedestrian movement or signs and shall be constructed of weather-resistant materials:

- (a) Container planters, hanging baskets and window boxes; or
- (b) Street art which may consist of inlay work within walkways, sculptures, monuments or similar artwork; or
- (c) Ground cover such as rock, stone, and mulch if appropriately designed, installed, and maintained so as to prevent invasive or nuisance plants or growth.

3. Prevention of Obstructions.

All landscaping shall be designed, installed and maintained so as to prevent the obstruction of or interference with pedestrian and vehicular traffic. At a minimum:

- (a) All artwork, bushes, trees, or other vegetation extending on or over a sidewalk or other pedestrian way shall have a clearance of no less than eight feet (8 ft.) above the sidewalk or other pedestrian way.
- (b) All bushes, trees, or other vegetation extending on or over a street or other vehicular way shall have a clearance of no less than fourteen-feet (14 ft.) above the street or other vehicular way.

- (c) All bushes, trees, or other vegetation shall be kept trimmed so that they do not obstruct any traffic control device, sign, signal, or traffic line of sight.

4. Irrigation.

An automated irrigation system sufficient to promote and sustain the growth and health of all vegetation is required for all planting areas. Irrigation water shall be retained on-site. Rain and moisture sensing devices are encouraged.

5. Maintenance.

The property owner is responsible for maintenance of landscaping and irrigation systems. Landscaped areas shall remain free of invasive or nuisance plants, junk, litter, rubbish and other nuisances or obstructions. To prevent blowing dust, erosion and invasive plant growth, areas not covered by vegetation shall be covered with bark chips, mulch, wood chips or decorative cobble or rocks or similar natural materials providing a clean, uniform appearance. Bark chips, mulch, wood chips, decorative cobble, rocks, or similar natural materials shall be replaced and supplemented as needed to maintain the landscaping. All plants shall be maintained in a live and healthy condition or replaced, as needed. Non-vegetative landscaping shall be maintained so as to present a clean and well maintained appearance as is appropriate for the item.

6. Prohibited Vegetation.

The following vegetation is prohibited in all developed areas within the City:

- (a) *Ailanthus altissima* (Tree of Heaven);
- (b) *Tamarix ramosissima* (Salt Cedar);
- (c) Any plant listed on the *New Mexico Noxious Weed List*, as amended from time to time, published by the New Mexico Department of Agriculture.

7. Storm Water ~~[-Retention-]~~ [+Detention+].

On-site ~~[-retention-]~~ [+detention+] of storm water is required [+where existing public drainage facilities are insufficient or non-existent, as determined by the City Engineer+]. The developer shall provide a drainage plan showing that on-site ~~[-retention-]~~ [+detention +] areas are sufficient [+to detain the difference between pre-development and post-development runoff for the 10-year storm+]. If on-site ~~[-retention-]~~ [+detention+] is not feasible due to topography, the developer shall provide a hydrologic study to justify off-site storm water runoff.

**(h) Bonus for Use of Low-Water Use Vegetation.**

Development applicants are strongly encouraged to use only trees and/or vegetation listed on the List of Approved Low-Water Use and Native Vegetation, maintained in the Licensing and Permits Department, to comply with the requirements of this Section. Applicants who use only trees and/or vegetation included on the List shall be permitted to reduce the total area to be landscaped pursuant to this Section by ten percent (10%).

**(i) Alternative Landscaping Plans.**

Applicants for developments that are required to install landscaping pursuant to this Section may request that the Planning Director approve an alternative landscaping plan that does not meet the dimensional or landscaping requirements set forth above. Such alternative plans may include opaque fencing, natural earth berms, or other features designed to buffer uses or improve appearance. The Planning Director shall be authorized to approve such alternative landscaping plan if the required landscaping cannot be provided due to existing topographical features of the land and if the proposed landscaping provides an equivalent buffer between adjacent land uses or an equivalent improvement in the appearance of the development as seen from the street in front of the property.

**(j) Use of Existing Landscaping.**

Existing landscaping may be used to meet the requirements of this Section.

**(k) Use of Public Rights-of-Way.**

Unless explicitly stated in this Section or approved by the Planning Director as part of an Alternative Landscaping Plan, no portion of the public right-of-way shall be used to meet landscaping requirements of this Section.

**(l) Public Art.**

Public art such as statutes, murals, tile work, mosaics, sculptures and other art installations are encouraged as part of new and re-development throughout the City. Art installations proposed within the public right-of-way shall be reviewed for acceptable location and appropriateness of content by the Museum/Art Director and the Public Works Director.

**SEC. 56-111 – 56-119. RESERVED.**

**SEC. 56-120. EXTERIOR LIGHTING.**

**(a) Purpose.**

The intent of this Section is to provide standards to minimize the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood and the night sky. The goal is to ensure that exterior lighting meets the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties, neighborhood or night sky. Lighting shall further and be in compliance with the State of New Mexico Night Sky Protection Act, [74-12-1 NMSA 1978].

**(b) Applicability.**

All residential and non-residential development shall comply with the standards set forth in this Section. For new single-family residential developments with more than five (5) lots and all multi-family residential and non-residential developments, the developer shall submit a proposed exterior lighting plan. This plan must be submitted concurrently with the subdivision application or the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, flood lights and other exterior structure lights. The specifications shall include details of the design, fixture height, lamp type, pole, wattage, location and spacing of lights.

**(c) Design Standards.**

All exterior lighting, including public street lighting, if applicable, shall meet the following design standards:

1. General Standards

- (a) No flashing or flickering lights shall be permitted.
- (b) Parking areas and other open spaces shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Spaces such as building entrances and outside seating areas shall utilize local lighting that defines the space without glare.
- (c) Light sources shall be concealed or shielded to minimize the potential for glare and unnecessary diffusion on to adjacent properties or into public rights-of-way. [+Under-canopy lighting shall be recessed and shall not extend below canopy.+]
- (d) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pedestal, platform or pole shall be lit from above by a downward projecting light source or use a narrow cone beam of light that will not extend beyond the illuminated object.
- (e) Street lighting shall be installed by the developer with nominal spacing of one light fixture every three hundred linear feet (300 linear ft.), unless an alternative lighting plan is approved by the Planning Director.
- (f) In the R-R, R-1, R-2 and C-1 zone districts, light fixtures shall not exceed twenty feet (20 ft.) in height above ground level except for security lighting.

- (g) In the C-2, I, and PUD zone districts, light fixtures shall not exceed thirty-feet (30 ft.) in height above ground level.
- (h) The Planning Director may approve an alternative lighting plan if safety or security cannot be maintained by the exterior lighting requirements. The developer shall submit a proposed exterior lighting plan. The specifications shall include details of each fixture's design and height, lamp type, spacing and wattage.

2. Exceptions

- (a) Outdoor Recreational Uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, sports playing fields, tennis courts, and other similar outdoor recreational uses are exempt from the exterior lighting standards and shall only be required to meet the following standards:
  - (i) Maximum permitted light post height: Eighty feet (80 ft.).
  - (ii) A lighting source that illuminates an outdoor recreational use may exceed a cutoff angle of ninety degrees (90 deg.), provided that the luminaries are shielded to prevent light and glare spill over on to adjacent properties.
  - (iii) Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m. unless otherwise permitted by the City Council. Routine recreation use that occurs due to unscheduled overtime play or unscheduled delays does not require a permit.
- (b) Holiday Lighting. Because of its festive nature, holiday lighting may twinkle, flash, change color or have other visual effects provided it does not interfere with traffic signs or signals or adversely impact adjacent properties. Holiday lighting may be installed 60 days prior to the holiday and must be removed within 60 days after the holiday.
- (c) Accent Lighting. Accent lighting is permitted provided it does not interfere with traffic signs or signals and does not adversely impact adjacent properties, or the night sky, by causing light and glare spill over. Flood lights are not considered accent lighting.
- (d) Security Lighting. Security lighting is permitted in all zones provided it does not interfere with traffic signs or signals and does not shine onto adjacent properties. Security lighting shall be shielded to prevent light and glare spill over on to adjacent properties and into the night sky. Security lighting shall not exceed thirty-five feet (35 ft.) in height. Flood lights are considered security lighting.
- (e) Alternative Lighting Plans. Applicants for developments that are required to install lighting pursuant to this Section may request that the Planning Director approve an alternative lighting plan that does not meet the requirements set forth above. The Planning Director shall be authorized to approve such alternative lighting plan if the required lighting cannot be provided due to existing topographical features of the land or other property irregularity, and if the proposed lighting demonstrates due diligence with respect to Night Sky Protection, public safety, and shielding.

**SEC. 56-121 – 56-129. RESERVED.**

**ARTICLE V: ADMINISTRATION**

**SEC. 56-130. REVIEW AND DECISION MAKING BODIES.**

(a) **Carlsbad Planning and Zoning Commission.**

In addition to the responsibilities conferred by New Mexico Statutes upon the Commission, the Commission shall have the following powers and duties under the provisions of this Zoning Ordinance:

- 1. Conflicts of Interest

A member of the Commission having a financial interest in the outcome of any policy, decision or determination before the Commission shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his or her financial interest in the issue and shall be disqualified from participating in any discussion, decision or vote relating to that issue-

2. Prohibitions

Members of the Carlsbad Planning and Zoning Commission shall not:

- (a) Communicate, directly or indirectly, with any party or his or her representatives in connection with the merits of any issue before the Commission prior to the Commission's hearing on the issue; or
- (b) Use or rely upon any communication, reports, staff memos or other materials prepared in connection with a public hearing unless it is made part of the record; or
- (c) Inspect the site at issue with any party or his or her representative, except as part of a publicized and organized visit involving the entire Commission, the public, and any other parties. Observing the site individually and from the public-right-of-way, without accompaniment by any party to the issue or other commission member, is permitted.

3. Advisory Committee

From time to time, the City Council may appoint one or more persons to help the Commission carry out its planning responsibilities. Members of any such Advisory Committee shall not be members of the Commission and shall have no vote, but shall lend their talents, energies and expertise to the Commission. However, all formal recommendations to the City Council shall be made by the Commission.

**(b) City Council.**

In addition to the responsibilities conferred by New Mexico Statutes upon the City Council as the Governing Body of the City of Carlsbad, the City Council shall have the following powers and duties under the provisions of this Zoning Ordinance:

1. Planning and Zoning Commission Appeals

Consider and decide appeals taken from the final decisions of the Planning and Zoning Commission;

2. Ordinance and Map Amendments

Enact amendments to this Zoning Ordinance and the Official Zoning Map;

3. Authority Deferral

Defer authority to make decisions on specific types of items to City staff as an administrative delegation;

4. Study and Refine Additional Development Criteria

Study issues, as necessary, which may impact the future growth, development and preservation of the environment of the City, and adopt ordinances, rules, regulations, codes and policies related to such issues;

5. Establish Policy and Rules for Ordinance Administration

Establish from time to time such policies and rules not in conflict with other laws as it may deem necessary to assure the proper administration and enforcement of this Zoning Ordinance.

**(c) City Administrator.**

Whenever the City Administrator or any other City official is named, the reference to such official shall include his or her designee, and the named official shall not be required to take the specified action personally if the action has been delegated to another individual within the City administration.

**(d) Planning Director.**

The Planning Director shall have the following responsibilities and duties under this Zoning Ordinance:

1. Provide Interpretations  
Review, consider and render interpretations of the text of this Zoning Ordinance;
2. Administer Zoning  
Review and decide whether applications are complete and eligible for processing pursuant to the terms of this Zoning Ordinance;
3. Recommend Disposition of Applications  
Review and prepare staff reports with recommendations for the disposition of applications made pursuant to the terms of this Zoning Ordinance;
4. Public Notice  
Ensure that adequate public notice is provided pursuant to the terms of this Zoning Ordinance;
5. Maintain Records  
Maintain the permanent files of each application and for each enforcement action undertaken pursuant to the provisions of this Zoning Ordinance. Records shall be maintained for the time period specified for such records by State law;
6. Review Submitted Documentation  
Review site plans, drawings and specifications for building permits in coordination with the City's Building Official;
7. Provide Comprehensive Planning Updates  
Undertake current and long-range planning responsibilities. Review, as necessary, but at least every five years, this Zoning Ordinance and recommend amendments to the Planning and Zoning Commission and the City Council;
8. Maintain Official Maps  
Maintain the Official Zoning Map;
9. Serve as Liaison with other Planning and Permitting Efforts  
Coordinate with other local, regional, state and federal planning organizations and permitting processes affecting the City; and
10. Conduct Examinations and Surveys  
Enter upon any land which is the subject of an application or enforcement proceeding to make examinations and surveys and place and maintain necessary monuments and markers.

**(e) City Attorney.**

The City Attorney shall have the following responsibilities and duties under this Zoning Ordinance:

1. Review for Form and Findings  
Upon request, draft or review for form written findings of fact, ordinances and resolutions, development agreements, easements, letters of credit or other such documents;
2. Initiate Legal Proceedings  
Initiate legal proceedings against violators of this Zoning Ordinance as may be directed by the City Council;
3. Monitor the Conduct of Public Hearings

Ensure that the public hearings required by this Zoning Ordinance are conducted in the manner required by law; and

4. Provide Consultation on Legal Issues

Advise the Planning and Zoning Commission and the City Council in regard to legal issues which may arise during the implementation of the this Zoning Ordinance.

**(f) City Engineer.**

The City Engineer shall have the following responsibilities and duties under this Zoning Ordinance:

1. Public Infrastructure

Inspect the progress of construction of improvements on land designated for public use and inspect the installation of public facilities (including utilities, water, sewer, and roads) and halt construction if the City Engineer finds that the required construction or installation is not in conformance with the approved plans, specifications and drawings; and require that defects be remedied before construction or installation is resumed; and

2. Ordinance Compliance

Review and make recommendations regarding applications where required by this Zoning Ordinance or requested by the City Administrator; and

3. Establish Standards

Establish criteria, procedures, standards and specifications for design and construction of flood control, drainage control, erosion control, and utilities and street improvements, within the City; and

4. Maintain Records

Produce, approve, make and retain records, as per State requirements, of all drainage plans, drainage reports, design analyses, design drawings, as-built drawings and maintenance schedules related to all development, drainage control, flood control and erosion control facilities constructed within the City; and

5. Provide Consultations on Engineering Issues

Review and make determinations regarding applications for drainage and grading permits and other permit applications requiring engineering review.

**(g) Building Official.**

The City's Building Official, certified by the State of New Mexico Construction Industries Division, shall have such powers and duties as provided by all applicable ordinances, laws, rules, regulations, codes, and policies. In addition, the Building Official shall have the following responsibilities and duties under this Zoning Ordinance:

1. Private Buildings and Structures

Inspect the progress of construction for compliance with the applicable building codes and this Ordinance. Halt construction if the required construction or installation is not in conformance with the approved building plans, specifications and drawings; and require that defects be remedied before construction or installation is resumed;

2. Ordinance Compliance

Review and make recommendations regarding applications where required by this Zoning Ordinance or requested by the City Administrator;

3. Issue Permits

Issue building permits for development in conformance with all applicable building codes and this Ordinance;

4. Maintain Records  
Produce, approve, make and retain records of all building permits and building inspections conducted in the City and within the City's planning and platting jurisdiction; and
5. Provide Consultations on Building  
Review and make determinations regarding applications for building permits and other permit applications requiring building review.

**(h) Code Enforcement Officer.**

The City's Code Enforcement Officer shall have such powers and duties as provided by all applicable ordinances, laws, rules, regulations, codes, and policies. In addition, the Code Enforcement Officer shall have the following responsibilities and duties under this Zoning Ordinance:

1. Investigate Complaints and Violations of this Zoning Ordinance
2. Maintain Records  
Maintain the permanent files for each enforcement action undertaken pursuant to the provisions of this Zoning Ordinance. Records shall be maintained for the time period specified for such records by State law.

**SEC. 56-131 – 56-139. RESERVED.**

**SEC. 56-140. GENERAL ADMINISTRATIVE PROVISIONS.**

**(a) Pre-Application Conference.**

To expedite the application review process and reduce subdivision, site design and development costs, an applicant may request an informal pre-application conference with the Planning Director. No fee shall be required at the pre-application stage.

1. Documentation.  
The applicant may submit any information that he or she believes will assist the Planning Director in understanding the type and scale of the proposed development, including any available drawings of the proposed development.
2. Preliminary Determination of Procedural Requirements.  
The Planning Director shall summarize the requirements of the Zoning Ordinance and the applicable goals and policies of the Comprehensive Plan. The Planning Director shall make a preliminary determination of the type of development approvals and permits required by the applicant, discuss the procedures for application submittal and review, and provide the applicant with the appropriate application and a checklist of the submittal requirements.
3. Informal Exchange of Information  
The pre-application stage is for the informal exchange of information only, and neither the applicant nor the City staff, Planning and Zoning Commission nor the City Council, shall be bound by any statements or determinations made during the pre-application conference. Any time limits imposed by this Zoning Ordinance will not be applicable to the pre-application conference.

**(b) Types of Permits.**

The use of property may not be changed, substantial clearing, grading, or excavation may not commence, and buildings or other structures may not be constructed, erected, moved, or altered except in accordance with and pursuant to one or more of the following permits:

1. Building Permit;
2. Conditional Use Permit;

Discontinuation of a permitted conditional use for 12 consecutive months shall make null and void a conditional use permit for the specific use. Transfer to another person or address is not allowed. If another person wants to continue the use, or if the permittee wants to continue the use in another location, a separate conditional use permit must be obtained. The conditional use permit is for a specific person at a specific location.

3. Drainage & Grading Permit;
4. Encroachment Permit;
5. Home Occupation Permit;
6. Zoning Permit;
7. Temporary Use Permit; and
8. Fence Permit.

**(c) Application Process.**

Applications shall be made on the forms provided by the Planning Director.

1. Owner's Affidavit.

When the applicant is not the owner of record, the application shall be accompanied by an owner's affidavit approving of the application and authorizing the agent to act on the owner's behalf in processing the application. When the owner of record resides out-of-state, the affidavit shall designate a local agent capable of receiving notices.

2. Required Copies.

The number of required copies shall be indicated on the application forms provided by the Planning Director. Additional copies may be required, as needed. It is the applicant's responsibility to provide all required copies.

3. Application Submittal.

Applications shall be submitted to the Planning Director, who shall have responsibility for determining whether the submitted application is complete.

- (a) The time frames for review and action set forth in this Zoning Ordinance shall begin when the Planning Director deems the application complete.
- (b) If the Planning Director determines that the application is not complete, he or she shall notify the applicant of the deficiencies within ten (10) days of submission of the application.
- (c) Applications shall be deemed abandoned when information and/or fees identified as necessary by the Planning Director for the completion of the application are not received by the Planning Director within ninety (90) days of notification. During the ninety (90) days time period, the applicant may request an extension of up to ninety (90) days to complete the application. No review or public hearings shall be conducted on incomplete or abandoned applications.

**(d) Fees.**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants. The amount of the fees shall be set forth and amended from time to time by a Fee Schedule adopted by the City Council. Reasonable fees for consultants may be charged in those cases where the proposed development is unusually complex or requires additional review beyond the expertise of the City staff. Fees shall be paid at the time the application is submitted, and shall not be refunded for applications that are withdrawn, abandoned, or denied.

**(e) Applications to be Processed Expeditiously.**

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs to the applicant or appellant, the City shall make every reasonable effort to process permit applications and appeals as expeditiously as possible, consistent with the need to ensure that all developments conform to the requirements of this Zoning Ordinance.

**(f) Information Required**

1. Written Application Form.

Every applicant shall complete a written application form containing at least the following information:

- (a) The name, address, and contact numbers of the applicant;
- (b) If the applicant is not the owner of the property in question:
  - (i) The name, address, and phone number of the owner;
  - (ii) The legal relationship of the applicant to the owner that entitles the applicant to make the application; and
  - (iii) The affidavit of the owner authorizing the applicant to act on behalf of the owner in processing the application;
- (c) The date of the application;
- (d) Identification of the particular permit, or development approval sought;
- (e) A statement describing the nature of the request; and
- (f) Identification of the property in question by street address and legal description
  - (i) The zoning district within which the property lies
  - (ii) Additional information as requested by the Planning Director.

2. Site Plans.

If a site plan is required, the requirement shall be indicated on the application form provided by the Planning Director. Generally, site plans will be required for Building Permits, Conditional Use Permits, Encroachment Permits, Drainage and Grading Permits, Home Occupation Permits, and other permits as necessary. The site plan shall:

- (a) Be stamped by an Architect or Engineer registered in the State of New Mexico, if necessary, and be drawn on paper or mylar no less than 8.5" x 11" or larger when required for legibility;
- (b) Provide on the cover page:
  - (i) A vicinity map that illustrates the location of the project in the broad context of the City; and
  - (ii) The name of the project, applicant and developer; and
  - (iii) A north arrow, legend and engineering scale and bar scale; and
  - (iv) The zoning district in which the property lies; and
  - (v) A signature block for the following, as evidence of review and approval of the site plan by the Fire Marshall, Planning Director, Public Works Director, City Engineer, Environmental Services Manager, Building Inspector and/or Utility providers, as needed.
- (c) Plans must be drawn to scale, whereby all features are readily discernible but no smaller than 1"=100', and/or drawn with accurate dimensions. For sites less than five acres the following may be included on one sheet. For sites five acres or greater in size, the site plan submittal shall include the following on separate sheets:

- (i) Site Plan (scale, bar scale, north arrow, property lines, total lot area, net lot area, existing and proposed structure locations and dimensions, ingress, egress, internal circulation, parking areas and dimensions, and right-of-way); and
- (ii) Landscaping Plan as required in Section 4.2.4; and
- (iii) Drainage and Grading Plan (scale, bar scale, north arrow, property lines, existing and proposed drainage easements, flood zone information, existing and proposed contour lines at five-foot maximum intervals, drainage ways, storm water drainage retention and/or detention facilities including dimensions and other drainage or grading information, as necessary); and
- (iv) Utilities Plan (scale, bar scale, north arrow, property lines, existing and proposed utility easements and existing and proposed water, sewer, electric, fiber optic, gas and other utility lines); and
- (v) Architectural Elevations (architectural scale, architectural bar scale, building elevations from the north, south, east and west with materials description and overall structure dimensions and dimensions of all doors, windows and framing).

(d) **Additional Information Required.**

In addition to an application form and/or site plan and when necessary for understanding the overall impact of a proposed development, the Planning Director may require the following information or documents be provided by the applicant:

- (i) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such person.
- (ii) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.
- (iii) Legal documentation establishing a homeowners association or other legal entity responsible for control and maintenance of required common areas and facilities.
- (iv) Bonds, letters of credit, or other surety devices.
- (v) Complete documentation justifying any requested deviation from specific requirements established by this Zoning Ordinance.
- (vi) Time schedule for completion of phases in staged development.
- (vii) A lighting plan, traffic and pedestrian circulation plan, environmental impact assessment, drainage study, historic or cultural properties survey, or other plans or studies, as needed.

(g) **Staff Report.**

For applications requiring review by the Planning and Zoning Commission or the City Council, the Planning Director shall refer the application to the appropriate review agencies and prepare a Staff Report that indicates whether the development application complies with all applicable standards of this Zoning Ordinance and other adopted plans and policies. Conditions for approval may also be recommended to eliminate any areas of existing non-compliance or mitigate any adverse impacts of the development proposal. Prior to the public hearing, the Planning Director may request appropriate City departments and public agencies to comment on the application. Comments received shall be made a part of the record of the public meeting or hearing.

(h) **Public Hearings.**

All public hearings shall follow the provisions of this Section.

1. Scheduling.

When the Planning Director determines that the application is complete and that a public hearing is required by this Zoning Ordinance, the hearing shall be scheduled for the next regular meeting according to the adopted schedule of the Planning and Zoning Commission or City Council, whichever is the decision making body, providing adequate time to ensure that the public notice requirements can be satisfied, or such later time as is mutually agreed upon by the applicant and the Planning Director.

2. Attendance by Applicant.

The applicant or designated agent shall be present at the public hearings in order for the case to be heard by the decision-making body.

3. Order of Proceedings for Planning and Zoning Commission Hearings.

The order of the proceedings shall be in accordance with Robert's Rules of Order and other accepted standard practice and as follows for individual hearings:

- (a) All parties providing testimony are sworn in and state their name and address for the record.
- (b) The Planning Director, or designated representative, shall present a written Staff Report which shall become part of the record and that includes a narrative and/or graphic description of the application and a recommendation. The Planning Director shall have ten minutes to provide a description of the application and any unresolved issues.
- (c) The applicant shall have ten minutes to provide a description of the project and address any unresolved issues.
- (d) The applicant and staff shall answer questions and present any information required by the decision-making body.
- (e) Public testimony and evidence may be taken under oath if requested by the decision making body.
- (f) Any person may appear at a public hearing to ask questions and submit testimony or evidence. If the person represents an organization, the Chairperson may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.
- (g) If requested by any member of the Commission, the applicant may respond to any person providing testimony or evidence.
- (h) The Planning Director, Planning Department staff, the City Attorney, the City Engineer, and any other City staff may respond to or clarify any statement made by the applicant or any public comment.

4. Limitation on Presentations.

The decision-making body may impose reasonable limitations on the length of testimony or comments from the parties, public, or staff.

5. Deferral.

The decision-making body may defer the public hearing of a particular item to a fixed date, time, and place announced prior to recess as permitted by law. An applicant shall have the right to request a deferral of the public hearing for their item, in which case the deferral shall be requested, in writing, to the Planning Director, within 72 hours of the scheduled hearing. Any subsequent deferrals requested by the applicant shall be granted at the discretion of the body conducting the public hearing. A fee for applicant-requested deferrals may be set and amended from time to time.

6. Continuance.

Once a public hearing on an item has begun, the decision-making body may continue the public hearing to a fixed date, time, and place announced prior to recess as permitted by law.

7. Revision of Application.

In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning and Zoning Commission, the applicant may agree to modify his or her application, including the plans and specifications submitted. Unless such modifications are so substantial or extensive that the decision-makers cannot reasonably understand the nature and impact of the proposed changes without revised plans before it, the decision-makers may schedule a continuance and require the applicant to provide the Commission via the Planning Director with revised plans or approve the application with the condition that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Director.

8. Record of Hearing.

The Commission shall record, or cause to be recorded, the public hearing. The approved minutes, all applications, exhibits and papers submitted, the Staff Report and the decision of the decision-making body shall constitute the record.

9. Notice of Decision.

The Commission shall provide, or cause to be provided, the applicant with an Official Notice of Decision, within fifteen (15) days of the hearing. The Official Notice of Decision shall contain the date, time and location of the hearing when the decision was made, a description of the application, any findings or conditions associated with the decision, and information about appeal of the decision.

10. Inspection of Public Records.

All records of decision-making bodies shall be public records, open for inspection as required by law.

11. Transcripts.

A copy of the public hearing record may be obtained as permitted by law.

**(i) Notice Required.**

Notices required pursuant to this Zoning Ordinance shall conform to the requirements of State law and this Section in order to afford the applicant, the public, and interested citizens an opportunity to fully participate in the process.

1. Requirement.

Notice of public hearings shall be provided for each item below in accordance with the following requirements (2 through 6 below):

- (a) Adoption and/or amendments to the Official Zoning Map.
- (b) Adoption and/or amendments to the text of this Zoning Ordinance.
- (c) Adoption of and/or amendments to any regulations, rules, or resolutions which implement a specific provision of this Zoning Ordinance, excluding policy guides of a technical nature used for design purposes.
- (d) Appeals and variances taken pursuant to the terms of this Zoning Ordinance.
- (e) Conditional Use Permits.

2. Content.

All notices shall include the date, time and place of the hearing, a brief description of the application or matter to be considered, a physical description of the land involved and the place where copies of the application or information to be considered may be obtained.

3. Mailing of Notice.

Notice shall be provided as required by law. In conformance with State statute, the applicant shall mail notice, via certified mail, to all property owners within one-hundred feet (100') of the subject site, excluding all streets and alleys. For amendments to the official zoning map, [+a minimum of+] fifteen (15) days notice shall be given. For variances, [+a minimum of+] five (5) days notice shall be given.

4. Mailing of Notice to Others.

The City shall attempt to provide written notice to any person who has made a written request for notice and paid current postage fees.

5. Posting of Notice.

The applicant shall post and maintain on the property one or more signs[+, +] regarding the [+first scheduled+] public [+meeting or+] hearing, as provided by the Planning Director, at least five days prior to the date of the public [+meeting or+] hearing. One sign shall be posted along each public right-of-way abutting the subject site, if possible or in a location visible from the nearest public right-of-way. Each sign shall be at least nine square feet in area with a white background and black letters at least three inches high. The applicant shall be responsible for removing the sign(s) within five days following the [+final+] public hearing. Failure to properly post and maintain sign(s) during the posting period is grounds for deferral or denial of the application.

6. Identification of Property Owners.

The owners of real property to be notified pursuant to this Section shall be those owners identified on the latest County Assessor's ownership maps and records. The mailed notice requirement is satisfied when notice is mailed to these addresses. Any person who attends the public hearing shall be considered to be legally notified.

**(j) General Considerations in Rendering Decisions.**

This Zoning Ordinance is intended to protect the interests of both present and future residents, landowners, tenants, and the general public. In rendering a decision, the decision-makers shall be bound to use the standards of this Zoning Ordinance and other applicable laws, rules, regulations, codes, and policies in addition to evidence provided by parties at the hearing. The following rules shall govern decisions:

1. General Standards.

Except as provided in 2 and 3 below, all decisions shall be based on this Zoning Ordinance, and other relevant City, county, state, or federal laws, rules, regulations, codes and policies.

2. Minimum Standards.

The minimum standards of this Zoning Ordinance shall be met; however, if written findings are made regarding unusual health, safety or general welfare concerns of a particular project or a particular site, higher standards may be imposed.

3. Interpretations.

The Planning Director shall provide official interpretation of this Zoning Ordinance when needed. Where interpretation is required in rendering a decision, the Purposes set forth in Section 56-3 shall be used to guide decisions.

**(k) Opportunity for Appeal.**

Pursuant to this Zoning Ordinance, administrative decisions made by the Planning Director may be reviewed on appeal by the Planning and Zoning Commission. All final decisions made by the Planning and Zoning Commission may be reviewed on appeal to the City Council. Final decisions of the City Council may be appealed to District Court pursuant to Section 3-21-9 NMSA 1978. A decision made pursuant to this Zoning Ordinance is final unless an appeal is filed, within 15-days, and as required by law. Substantial deviations from this Zoning Ordinance are considered variances and are a form of appeal and may not be approved by city staff but rather shall be considered by the Planning and Zoning Commission.

**(l) Compliance with Permit Conditions.**

Permits are issued only when a review of the application submitted indicates that the development, if completed as proposed, will comply with the provisions of this Zoning Ordinance.

1. Issuance of Permits.

Permits shall be issued in the name of the applicant (except that applications submitted by an agent or contractor shall be issued in the name of the agent or contractor), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed.

2. Consistency with Plans and Specifications.

Approved plans and applications are incorporated into any permit issued, and all development shall occur strictly in accordance with such approved plans and applications.

**(m) Effect of Permit on Successors and Assigns.**

Permits issued pursuant to this Zoning Ordinance authorize the permittee to make use of land and structures in a particular way. Such permits (except Home Occupation Permits) are transferable with the title of the property to which they relate. The terms and requirements of the permit apply to all successors and assigns until such time when the use or structure is completed, modified or discontinued.

**(n) Deviations from Permits and Plans.**

1. Minor Deviation.

Minor deviations from this Zoning Ordinance may be approved by the Planning Director. Applications for minor deviations shall be submitted to the Planning Director on prescribed forms. No fee shall be charged, and a public hearing is not required. The Planning Director shall approve or deny all changes in writing. No request for an increase in density, an increase in structure height, a decrease in open space or required landscaping, or a reduction in any required setback may be processed as a minor deviation.

2. Substantial Deviation.

All deviations that are not considered minor shall be considered substantial and a variance to this Zoning Ordinance. Substantial deviations may not be approved by staff but rather may only be considered by the Planning and Zoning Commission.

3. Authority of Planning Director.

The Planning Director shall determine whether a request qualifies as a minor deviation or a substantial deviation under the definitions set forth in this Zoning Ordinance.

**(o) Expiration of Permits.**

1. Automatic Expiration.

Permits issued pursuant to the terms of this Zoning Ordinance shall expire automatically according to the following table:

**Table 15: Permits**

<b>Permit Type</b>	<b>Expiration Date</b>
Building Permit	180-days to begin work and two years to complete work
Conditional Use Permit	Discontinuation of use for 12 consecutive months

Drainage & Grading Permit	180-days to begin work and two years to complete work or when Flood Insurance Rate Maps are revised, whichever occurs first
Encroachment Permit	As specified on permit
Zoning Permit	1 year after issuance or if zoning changes, whichever occurs first
Temporary Use Permit	As specified on permit
Fence Permit	90-days

2. Requirement for Extension of Time.

The Planning Director may grant a total of two successive 90-day extensions if he or she concludes that:

- (a) The permit has not yet expired;
- (b) The permit recipient has proceeded with due diligence and in good faith; and
- (c) The conditions have not changed so substantially as to warrant a new application.

3. Applications Approved Prior to Ordinance Effective Date.

Notwithstanding any of the provisions of Article VI Non-Conforming Uses and Structures, this Section shall be applicable to permits issued prior to the date this Zoning Ordinance becomes effective.

**(p) Reasonable Conditions.**

Any conditions imposed on development shall be directly related to, and roughly proportional to, the impacts created by that development.

**SEC. 56-141 – 56-149. RESERVED.**

**SEC. 56-150. SUBMITTAL REQUIREMENTS AND REVIEW PROCESS.**

**(a) Summary Table of Administrative Procedures.**

Table 16 summarizes the review and approval procedures for specific types of applications.

**Table 16: Administrative Procedures**

Application Type	Approval Authority		
	City Administrator or Designated Staff	Planning & Zoning Commission	City Council
Beneficial Use Determination	R	R	DH
Building Permit*	D		
Conditional Use Permit	R	DH	A[+H+]
Drainage & Grading Permit	D	AH	

Encroachment Permit	D	AH	
Fence/Wall Permit	D	AH	
Interpretation	D	AH	
Planned Unit Development			
Concept Plan	R	R	DH
Final Plan	R	D	A[+H+]
Revocation of Permit	R	DH	AH
Temporary Use Permit	D	AH	
Variance	R	DH	AH
Zoning Map Amendment	R	R	DH
Zoning Ordinance Text Amendment	R	R	DH
Zoning Permit	D	AH	

R= Review and Recommendation

D= Decision-Maker, final action

H= Public Hearing

A= Considers Appeal

\*Building Permits are appealed to the State of New Mexico Construction Industries Division.

[+\*\* After a hearing and decision by the appellate body, an appeal may be filed in District Court, in accordance with the Court's process.+]

**(b) Amendments to Official Zoning Map or Text of this Zoning Ordinance.**

This Section provides a means for changing the boundaries of the Official Zoning Map or the text of this Zoning Ordinance. It is not intended to relieve particular hardships, or to confer special privileges or rights to any person, but only to make necessary adjustments in light of changed conditions or changes to the Comprehensive Plan or other City Master Plan.

1. Initiation of Amendments.

- (a) An amendment to the Official Zoning Map may be proposed by the City Council, the Planning and Zoning Commission, the Planning Director, or the landowner by application. [+At the time of application and via first-class mail, the applicant shall provide notification of the date, time and location of the first public meeting regarding the proposed amendment to all property owners of record within one-hundred feet (100ft.) of the subject site boundary. In accordance with Sec. 56-140(i), additional public notification is required prior to consideration of the amendment at a public hearing. +]
- (b) An amendment to the text of this Zoning Ordinance may be proposed by the City Council, the Planning and Zoning Commission, the Planning Director, or a resident by application. [+At the time of application and via notification in local newspapers of general circulation, the applicant shall provide notification of the date, time and location of the first public meeting regarding the proposed amendment. In accordance with Sec. 56-140(i), additional public notification is required prior to consideration of the amendment at a public hearing. +]

(c) An amendment shall be introduced in the form of an ordinance.

2. Review Procedures.

(a) The Planning Director shall prepare a Staff Report concerning the proposed amendment which shall include his or her recommendation to approve, modify or deny the proposed amendment.

(b) The Planning and Zoning Commission shall consider the proposed amendment during at least one public ~~hearing~~ ~~+~~ ~~meeting~~ ~~+~~ and make a recommendation to the City Council to approve, modify or deny the proposed amendment.

(c) Following the recommendation by the Planning and Zoning Commission, the City Council shall, at a regularly scheduled meeting, set a date for the public hearing and publish notice of said hearing in a newspaper of general circulation not less than thirty (30) days prior to the hearing date. In addition, for a zoning map amendment ~~+~~ ~~of less than one block~~ ~~+~~, the ~~applicant~~ ~~+~~ ~~City~~ ~~+~~ shall provide notice by certified letter, ~~+~~ ~~or of more than one block, by first class mail~~ ~~+~~, no less than fifteen (15) days prior to the hearing date, to all property owners of record within one-hundred feet (100') of the subject property. The notice shall include the date, time, and location of the hearing and a description of the request.

(d) At the conclusion of the public hearing on a proposed amendment, the City Council may proceed to vote on the proposed amendment, refer it back to the Planning and Zoning Commission for further study, or take any action consistent with its rules of procedure.

3. Protests.

If the owners of twenty percent (20%) or more of the area of the lots of land included in, or within one hundred feet (100') of, the area proposed to be changed by a zoning regulation, excluding public right-of-way, protest in writing to the proposed change, then the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all of the members of the City Council.

4. Findings Required.

A statement of fact regarding each of the following findings is required. An amendment to the Official Zoning Map or to the Text of this Zoning Ordinance must be justified by one or more of the following findings:

(a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and

(b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and

(c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and

(d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and

- (e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
- (f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
- (g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
- (h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

5. Effective Date.

An amendment to the Zoning Ordinance or the Official Zoning Map shall become effective after the City has complied with public hearing, notice and publication required by law for adoption of ordinances.

6. One Year Wait on Denials.

After the denial of an amendment request, no application for the same or similar amendment may be accepted for one year following the denial. This Section shall not apply to applications denied without findings, which may be refiled within one year.

7. Moratorium.

The City Council may declare a moratorium on the acceptance and processing of applications for development and/or issuance of building permits for a specific geographical area, type of development or use, and for a specified length of time for the purposes of preparing an amendment to the text of the Zoning Ordinance or any other ordinance.

- (a) City Council shall initiate a moratorium by adopting a resolution. The Planning Director shall prepare a Staff Report with recommendations if requested to do so by the City Council.
- (b) When adopting the moratorium resolution, the City Council shall, at a minimum, make one of the following findings:
  - (i) The moratorium is necessary to promote the health, safety and welfare of the City's residents or environs;
  - (ii) The moratorium is necessary to permit the staff, Planning and Zoning Commission, the City Council, and the public to develop an amendment to the Zoning Ordinance;
  - (iii) The moratorium is necessary because continued development during the proposed moratorium period could result in development that may conflict with the amendment or undermine the possible beneficial impacts of an amendment.
- (c) The final decision to approve, modify or deny a proposed moratorium shall be made by the City Council after a public hearing.
- (d) A moratorium declared by the City Council shall be in effect for no longer than six months from the date of adoption of the moratorium. The City Council may extend the moratorium for a period not to exceed six additional months, after holding another public hearing on the matter, and confirming that substantial progress has been made toward the adoption of the proposed amendment to the Zoning Ordinance.

(c) **Appeals.**

1. ~~[-Aggrieved Persons May Appeal.-]~~ [+Determination of Standing to Appeal.+]

A person aggrieved by a decision of the Planning Director, City Engineer, other City staff, or the Planning and Zoning Commission, may file an appeal with the City Administrator. An aggrieved person is one who has a personal or pecuniary interest or property right adversely affected by the decision. The interest must be immediate and substantial, not merely nominal or remote.

2. Submittal Requirements.

An appeal is made by filing a written notice of appeal with the City Administrator which clearly articulates the reasons for the appeal, specifically citing and explaining one or more alleged error:

- (a) In applying adopted City plans, policies and ordinances in arriving at the decision;
- (b) In the appealed action or decision, including its stated facts; and/or
- (c) In acting fraudulently, arbitrarily or capriciously.

3. Review Procedures.

- (a) An appeal must be filed with the City Administrator within fifteen (15) days after the date of the decision. Untimely appeals shall not be considered.
- (b) Upon receipt of a notice of appeal, the City Administrator shall transmit to the City Council or the Planning and Zoning Commission, whichever is the appellant body, all the papers and other documents which constitute the record relating to the action appealed. The appeal shall be heard no later than forty-five (45) days from receipt of the appeal by the City Administrator, unless a waiver is mutually agreed upon by all concerned parties.
- (c) An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the decision appealed, unless the Planning Director certifies to the City Council that a stay would cause imminent peril to life or property, because of facts stated in the decision. In which case, actions shall not be stayed except by order of the City Council or a court.
- (d) [+After determining that the appellant has standing to appeal and reason(s) for appeal,+]  
~~[-T-]~~ [+t+]he City Council, by a concurring vote of two-thirds of all members, or the Planning and Zoning Commission, by a simple majority, whichever the case might be, may reverse, affirm (wholly or partly), remand back or modify the requirement, decision or determination and shall make any requirement, decision or determination that, in its opinion, ought to be made in order to remedy those situations noted in the appeal. [+In the event of a tie, the appeal is deemed denied.+]

4. Criteria.

The purpose of the appeal procedure is to determine if the decision being appealed meets the requirements of this Zoning Ordinance. The City Council or the Planning and Zoning Commission, when hearing an appeal, is limited to the following determinations:

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.

[+(d) A hardship exists that is due to the unique shape, topography or significant variation from surrounding lots. The hardship shall neither be simply pecuniary nor a result of action, or lack thereof, taken by the applicant.+]

5. Judicial Review.

The final decision on any application may be appealed to District Court, pursuant to N.M.S.A. 1978, Section 3-21-9, provided all administrative remedies have been exhausted.

(d) **Beneficial Use Determination.**

The purpose and intent of this Zoning Ordinance is that every property owner in the City should enjoy a beneficial use of his or her property. It is also the intent that such use of the property not increase the potential for damaging the health, safety or welfare of current or future users or neighbors of the property.

1. Purpose.

In the event that a property owner in the City believes that all beneficial use of his or her property has been denied, or "taken," by the application of this Zoning Ordinance, then he or she shall submit an application for a beneficial use determination. A beneficial use determination is a process by which the City evaluates such an allegation, and by which the City can provide relief from the regulations by granting additional development potential. The procedures provided herein shall be used prior to seeking relief from the courts in order that any denial of beneficial use of property may be remedied through a non-judicial forum.

2. Submittal Requirements.

The nature of this beneficial use determination requires detailed financial information on the property that is not required in normal applications. The following data shall accompany all applications for a beneficial use determination:

- (a) Documentation of the date of purchase and the purchase price of the property.
- (b) A description of the physical features present on the property, the property's total acreage, the present use of the property, and the use of the property at the time of adoption of this Zoning Ordinance.
- (c) The specific regulations which are alleged to result in an elimination of all beneficial use of the property and any actions taken by the City related to the property.
- (d) All appraisals, documentation, studies, and other evidence of the alleged elimination of beneficial use.
- (e) A description of the use which the property owner believes represents the minimum beneficial use of the property and any documentation, studies and other evidence supporting that position.
- (f) Documentation that the property has been listed for sale at least six months after the adoption of this Zoning Ordinance, and originals or copies of all bids, offers-to-purchase, and other correspondence regarding the sale of such property.

3. Review Procedures.

- (a) As may be directed by the City Administrator, the Planning Director shall prepare a Staff Report concerning the application for a beneficial use determination which shall include his or her recommendation.
- (b) The Planning and Zoning Commission shall consider the application for a beneficial use determination during at least one public meeting and make a recommendation to the City Council.

- (c) Following the public meeting and recommendation by the Planning and Zoning Commission, the City Council shall conduct at least one public hearing to make the final decision.
- (d) At the conclusion of the public hearing on the application for a beneficial use determination, the City Council may proceed to vote on the application, refer it back to the Planning and Zoning Commission for further study, or take any action consistent with its rules of procedure.

4. Criteria.

In determining whether a property owner has been deprived of all beneficial use of his or her property, the City Council shall take into account the following factors:

- (a) The value of the property prior to adoption of this Zoning Ordinance or to any decision pursuant to this Zoning Ordinance which caused the property owner to apply for relief as compared to the value of the property with the regulations as applied. The value shall be determined by an appraisal performed by an independent, certified appraiser. A mere diminution in value does not deprive the property owner of a beneficial use; the diminution must be so drastic that it effectively deprives the property owner of any significant use or enjoyment of the property.
- (b) A use common to the City and/or the area of the subject site, although it may not involve further development of the land, is considered a beneficial use. Attention shall also be given to land uses that are considered to be the lowest intensity in the City or adjoining areas but which uses still provide for occupation and living by the property owner. These land uses shall be considered beneficial uses.
- (c) The City Council shall consider whether the property is being singled out for treatment different than similarly situated properties under this Zoning Ordinance.
- (d) A minimum beneficial use of the land should be one that does not have any governmental subsidy attached to the use or long-term safe occupation of the property. If such subsidy exists, then it should be reflected in considering minimum beneficial use on a valuation basis. The public costs of a subsidy should be considered as a payment to the property owner for the restriction on the property if there is an annual subsidy that enhances the economic return of the existing use to the property owner.
- (e) The extent to which the regulations protect users or neighbors from threats to health, safety or welfare shall be fully accounted. A use that seriously threatens the health, safety or welfare of neighbors or future residents, or that would constitute a nuisance, is not a beneficial use.
- (f) Subjective expectations of the owner shall, in general, not be considered. Only expectations backed by investments made prior to the adoption of this Zoning Ordinance or the restrictions or decision at issue, that are substantially above the cost of the land and normal planning investments, shall be considered.
- (g) In no case shall a use that is a nuisance per se, or a use that in that particular location constitutes a nuisance, be granted relief. Such uses are not legal uses of the land and thus no taking of beneficial use of the land can occur through denial of such uses.

5. Granting Relief.

If the City Council finds that a property owner has been denied all beneficial use of his or her property, then the following relief may be granted:

- (a) The property owner shall be given the minimum increase in development intensity or other variations from the requirements of this Zoning Ordinance in order to permit a beneficial use of the land. The highest use, or even an average reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be

used for determining the minimum beneficial use of the property and, therefore, the amount of relief to be granted a property owner:

- (i) Any limitations on development potential caused by the natural conditions of the property shall not be attributed to the regulations applied to the property. If the property is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall be taken into account in identifying the best site for development that minimizes costs of development.
- (ii) The potential for damage to either residents or property on or near the site in question shall be assessed in determining a beneficial use. Conditions shall be placed on sites where damage from building or hazardous circumstances is likely to occur. The conditions may include location restrictions, size limitation, construction practices and shall require a structure to be built so it will not be damaged, and so that it will not damage other property.
- (iii) The City Council shall make its decision by resolution. Based on the findings of the public hearing, the City Council may also direct that public hearings be held to amend this Zoning Ordinance so as to prevent a similar development of beneficial use in the future.

**(e) Building Permit.**

1. Review Procedures.

- (a) The Building Official shall have responsibility for reviewing applications for Building Permits and rendering a decision to grant or deny such a permit.
- (b) The decision of the Building Official may be appealed to the State of New Mexico Construction Industries Division.

2. Criteria.

The Building Permit shall be issued if the application is in conformity with this Code, the Building Code(s) as adopted by the City, any approvals granted for the parcel pursuant to this Code, and all other applicable laws, rules, regulations, policies, and codes.

**(f) Conditional Use Permit**

1. Purpose.

A Conditional Use Permit shall be required for those uses that are not permitted in the district 'by right', and denoted as a "C" in the Use Tables in order to ensure that the use will not be detrimental to the public health, safety, and welfare of the community and will not impair the integrity and character of the zoning district in which it is located.

2. Submittal Requirements.

Every applicant shall complete a Conditional Use Permit Application which shall include all required documentation and information.

3. Review Procedures.

- (a) The Planning Director shall prepare a Staff Report that includes his or her recommendation to approve, modify or deny the requested Conditional Use Permit.
- (b) The Planning and Zoning Commission shall conduct at least one public hearing in accordance with the notification and hearing procedures of this Code and make a determination to approve, modify or deny the Conditional Use Permit.
- (c) All conditions and restrictions shall be in writing and given to the applicant within seven days of the decision by the Planning and Zoning Commission. The applicant shall

acknowledge and agree in writing to the conditions within 14 days of receipt. If there is no signed agreement within such time, the application shall be considered denied.

- (d) The decision of the Planning and Zoning Commission shall be final unless appealed to the City Council in accordance with the procedures for appeals.

4. Criteria.

The Planning and Zoning Commission, in approving a Conditional Use Permit, shall make the following findings and may attach to the permit such reasonable conditions of approval, in addition to those specified in this Zoning Ordinance, to ensure that the development in its proposed location:

- (a) Will not endanger the public health, safety, or welfare; and
- (b) Will not adversely impact abutting or nearby properties; and
- (c) Will not impair the integrity and character of the zoning district in which it is located; and
- (d) Will be in conformity with the City's Comprehensive Plan and other plans officially adopted by the City.

5. Issuance of Permit.

- (1) If the applicant has agreed to the conditions, they shall be entered on the Conditional Use Permit and shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning Ordinance. If the applicant does not agree with the conditions, a conditional use permit shall not be issued. A Conditional Use Permit may be issued for a specified duration of time.
- (2) Conditional use permits issued for home occupations shall be issued to the resident of the dwelling unit in which the home occupation is to be conducted. If the resident rents the dwelling unit, the resident shall provide written permission from the dwelling unit's owner as part of the permit application.

6. Non-Transferable.

Conditional Use Permits shall not be transferable and shall not run with the land. All Conditional Use Permits shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.

**(g) Drainage and Grading Permit.**

1. Purpose.

A Drainage and Grading Permit authorizes the applicant to undertake grading, paving, excavating, filling, dredging or other activity which is in compliance with design requirements of this Zoning Ordinance and other local, state and federal regulations. The design, construction and maintenance of all drainage control, flood control and erosion control facilities within the City shall be performed in accordance with the procedures, criteria, and standards contained in this Zoning Ordinance and Section 8-101 et. seq. of the Carlsbad Code of Ordinances. A Drainage and Grading Permit shall be required for the following:

- (a) New commercial or industrial development or that which is expanded greater than ~~[-500-]~~ **[+1,000+]** square feet, or multi-family residential development containing five or more dwelling units;
- (b) Importation or excavation of material in excess of 500 cubic yards;
- (c) Grading of any area of one acre or more;
- (d) Any ~~[-plating or-]~~ construction within a designated flood hazard area or adjacent to a major arroyo;
- (e) An increase in impermeable surface area of over 1,000 square feet; or

(f) Any development requiring off-site drainage facilities.

2. Submittal Requirements.

Every applicant shall complete a Drainage and Grading Permit Application which shall include a drainage and grading plan and all required documentation and information. The particular nature, location and scope of the proposed development will define the degree of detail required. However, at a minimum, the grading and drainage plan shall include:

- (a) Scale;
- (b) Bar scale;
- (c) North arrow;
- (d) Property lines;
- (e) Total lot area;
- (f) Net lot area;
- (g) Topography in the form of finished contour lines at five foot minimum intervals;
- (h) Adjacent and proposed right-of-way;
- (i) Existing and proposed easements;
- (j) Existing and proposed drainage ways;
- (k) Location of all drive aisles;
- (l) Location of all buildings; and
- (m) Dust and erosion abatement statement.

3. Applications for development of areas known to have been sanitary landfills shall be accompanied by a report which discusses the potential health and soil mechanics problems and their solutions. Such a report shall be prepared by a New Mexico Professional Engineer competent in soil mechanics.

4. A geotechnical report may be required by the City Engineer for cut and fill slopes which pose safety hazards. Such reports shall be prepared by a New Mexico Professional Engineer competent in soil mechanics.

5. Review Procedures.

- (a) The City Engineer and Floodplain Administrator shall have joint responsibility for reviewing and making determinations regarding applications for Drainage and Grading Permits, based on the criteria below. The determinations of the City Engineer and Flood Plain Administrator shall be in writing and state the reasons for the decisions.
- (b) The decisions of the City Engineer and Floodplain Administrator may be appealed to the Planning and Zoning Commission.

6. Criteria.

The City Engineer and Floodplain Administrator shall issue Drainage and Grading Permits if he or she finds the following:

- (a) The requested permit complies with all of the requirements of this Section; **[+and+]**
- (b) The proposed drainage and/or grading activity will not result in post-development discharge from the site exceeding discharge from natural conditions prior to development. On-site ~~[-retention and/or -]~~detention **[+, of the 10-year storm,+]**is required where feasible, as determined by the City Engineer; and
- (c) The proposed drainage and grading activity complies with Section 8-101 et. Seq. of the Carlsbad Code of Ordinances regarding Flood Damage Prevention.

**(h) Encroachment Permit.**

1. Purpose.

An Encroachment Permit authorizes the applicant to encroach upon the public right-of-way with a building or structure under certain conditions.

2. Submittal Requirements.

Every applicant shall complete an Encroachment Permit Application which shall include all required documentation and information.

3. Review Procedures.

(a) The Public Works Director shall have responsibility for reviewing and approving applications for Encroachment Permits. Conditions of approval may be attached to the permit.

(b) The decision of the Public Works Director shall be final unless appealed to the Planning and Zoning Commission in accordance with the procedures for appeals provided herein.

4. Criteria.

The Public Works Director may approve an Encroachment Permit if he or she finds that:

(a) The requested permit is not in conflict with the City's Comprehensive Plan or other City master plan, the Zoning Ordinance, or any relevant policies adopted by the City; and

(b) The proposed encroachment does not endanger the health, safety or general welfare of the community; and

(c) The proposed encroachment is the minimum necessary to make reasonable use of the applicant's property.

5. Removal of Encroachment.

The City may require removal of all or part of any encroaching structures or use after 90 days written notice to the property owners.

**(i) Interpretation.**

1. Purpose.

An interpretation may be required when the provisions of this Zoning Ordinance are not clear or when a use is proposed that is not listed in the Use Tables.

2. Submittal Requirements.

Every applicant shall complete an Interpretation Application which shall include all required documentation and information.

3. Review Procedures.

(a) The Planning Director shall have responsibility for providing interpretations of this Zoning Ordinance upon the request of any member of the public, the Planning and Zoning Commission or City staff. Such requests shall be in writing and the Planning Director shall provide his or her interpretation, in writing, within fourteen (14) days of the request.

(b) The Planning Director shall maintain records of all written interpretations to ensure consistency and to provide guidance in the implementation of this Zoning Ordinance in the future. Such records shall be public and available for public inspection.

(c) The Planning Director's interpretation may be appealed to the Planning and Zoning Commission.

4. Criteria
  - (a) Uses that are not listed in the Use Tables shall be placed in the most similar category, or the category with the most similar impacts on nearby streets and properties.
  - (b) When evaluating a provision of this Zoning Ordinance as to its meaning or application, the intent of the City's Comprehensive Plan, or other City master plan, and the purposes listed in Section 56-3 and other sections of this Zoning Ordinance shall be applied.
  - (c) Interpretations shall not reduce protection to the public, but may provide greater flexibility in meeting the objectives of this Zoning Ordinance.
  - (d) Interpretations shall protect the public health, safety, and welfare of the nearby residents and property and the City as a whole.

**(j) Planned Unit Development (PUD) Review.**

1. Purpose.

The purpose of the PUD review is to provide a process for reviewing applications for self-contained developments a minimum of ten (10) acres in size, with a range of residential densities and/or a mix of residential and non-residential uses, and to allow for more innovative and efficient layout and design of such projects than would be possible through strict application of other zoning districts.
2. Submittal Requirements.

Every applicant shall complete a Planned Unit Development Application which shall include all required documentation and information.
3. Review Procedures.
  - (a) A PUD is approved in two steps. The first step involves review and approval of a zoning change application to the PUD zoning district with an accompanying Concept Plan. The second step involves review and approval of a Final PUD Plan for the development, and subdivision, in accordance with the City's Subdivision Regulations, if necessary. Applications for subdivision approval may be filed simultaneously with the PUD zoning change application; however, preliminary subdivision approval is contingent upon approval of the PUD zoning designation.
  - (b) Sketch Plan and Pre-application Meeting. Applicants are required to attend a pre-application meeting and to present a Sketch Plan of the proposed PUD, in a format established by the Planning Director. The Planning Director and other City staff will meet with the applicant, review the Sketch Plan and discuss the goals and policies of the City's Comprehensive Plan, the requirements of the Zoning and Subdivision Ordinances and any other matters that will assist the applicant in preparing the PUD Concept Plan.
  - (c) Concept Plan and PUD Rezoning. A Concept Plan is a generalized land use and development plan for the area proposed to be included within a PUD zoning district and the surrounding area. It is required as a means of allowing early review of a proposed PUD before substantial planning work has been undertaken and before substantial expenses have been incurred. A Concept Plan must be processed and approved concurrently with a rezoning application to a PUD district. A Concept Plan must cover all of the land area to be included in the PUD and identify the type, total amount, and location of all development to occur within the PUD; a proposed plan for pedestrian and vehicular circulation within and leading to the PUD; a proposed plan for landscaping within and adjacent to the PUD; and identification of all utilities, easements, public areas including schools, parks and open space, and private facilities and services.
  - (d) The Concept Plan and the PUD zoning change applications, along with the required fees, shall be submitted to the Planning Director.

- (e) The Planning Director may request review and comments from other City staff. The Planning Director shall review the Concept Plan and PUD zoning change applications, along with written comments provided by staff, and prepare a Staff Report to the Planning and Zoning Commission.
  - (f) The Planning and Zoning Commission shall review the application and make a recommendation for the City Council to approve, approve with conditions, or deny the application, based on the criteria in subsection (C) below.
  - (g) After receiving the recommendation of the Planning and Zoning Commission, the City Council shall hold a public hearing on the proposed Concept Plan and PUD zoning change applications. At the close of the public hearing, the City Council shall approve, approve with conditions or deny the zoning change and PUD Concept Plan, based on the criteria provided below. The decision of the City Council shall be accompanied by written findings.
4. Final PUD Plans. Final PUD Plan approval shall be required before the issuance of any permit for construction within the PUD district.
- (a) Applications for Final PUD Plan approval shall be submitted to the Planning Director.
  - (b) The Planning Director shall review the application to determine whether the application meets all of the applicable requirements of this Zoning Ordinance; the approved Concept Plan, including any conditions imposed by the City Council, and the PUD regulations of this section and prepare a Staff Report with his or her determination.
  - (c) The Planning and Zoning Commission shall conduct a review of the final PUD plans and shall approve the final PUD plan if it meets all of the applicable requirements of this Zoning Ordinance, the approved Concept Plan and the PUD regulations. The decision of the Planning and Zoning Commission shall be accompanied by written findings.
  - (d) Criteria.
    - (i) PUD zoning changes and concept plans may be approved by the City Council and final plans may be approved by the Planning and Zoning Commission only if the following criteria are met:
    - (ii) The proposed Concept Plan is consistent with the City's Comprehensive Plan, other City master plans, Zoning Ordinance and other applicable codes and ordinances.
    - (iii) The Concept Plan is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards.
    - (iv) The proposal is not significantly different from surrounding land uses in terms of density, intensity and impact, and it mitigates any potential adverse impacts to the maximum extent practical.
    - (v) The facilities and services (e.g. sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, roads and transportation, and schools, as applicable) will be available to serve the subject project while maintaining adequate levels of service to existing development.
    - (vi) The same development could not be accomplished through the use of other techniques, such as zoning change to a non-PUD district, or variances.
    - (vii) The proposal contains significant public amenities such as, but not limited to, open space, civic places, additional landscaping, or recreational trails.
5. Development Agreements.
- (a) Development Agreements are required for all PUDs.

- (b) Prior to the issuance of a building permit for any building or structure in a PUD, proof of filing of the final subdivision plat, if applicable, with the County Clerk must be provided.

6. Lapse of PUD Plans

- (a) Concept Plan. Approval of a PUD Concept Plan and zoning change that is not followed by a PUD Final Plan or subdivision plat within one-year of the City Council approval date shall become null and void. In which case, the Planning Director shall initiate action to rezone the property to the original zoning classification.
- (b) Final PUD Plan. The right to develop in accordance with an approved final PUD plan shall lapse and be of no further effect if all development shown on the approved Final Plan is not completed within five years of the approval date. If approval lapses, the Planning Director may initiate action to rezone the property to the original zoning classification.

**(k) Variance.**

1. Purpose.

Requesting a variance is a form of appeal. A variance allows a building or structure to be built that would not be permitted if the Zoning Ordinance was strictly enforced. Under no conditions shall a variance permit a use that is not otherwise permitted in the zone district where the property is located. A variance may be granted, subject to appropriate conditions and safeguards:

- (a) Which is not contrary to the public interest;
- (b) Where, owing to special conditions in the topography, site location or access, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship; and
- (c) So that the spirit of the Zoning Ordinance is observed and substantial justice done.

2. Submittal Requirements.

A variance request is initiated by filing an application with the Planning Director, which shall include all required documentation and information.

3. Review Procedures.

- (a) The Planning Director shall distribute copies of the request to the appropriate City staff for review and comment. The Planning Director shall prepare a Staff Report concerning the variance request which includes his or her recommendation to approve, modify or deny the variance, and may include comments from other City staff.
- (b) The Planning and Zoning Commission shall conduct a public hearing in accordance with the notification and hearing procedures of this Code on the request and at the close of the hearing shall render a decision to approve, approve with conditions, or deny the request.
- (c) The decision of the Planning and Zoning Commission shall be final unless appealed to the City Council in accordance with the procedures for appeals provided herein.

4. Findings Required.

The Planning and Zoning Commission shall only approve a variance if it makes the following findings:

- (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and
- (b) The hardship relates to the applicant's land, rather than personal circumstances, and
- (c) The hardship is not the result of the applicant's own actions, and
- (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and

- (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and
- (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and
- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and
- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land.

5. Issuance of a Variance.

In granting variances, the Planning and Zoning Commission may impose reasonable conditions to ensure that the use of the property does not adversely affect surrounding properties. A variance may be issued for a specified duration of time. A description of the variance and the decision rendered with any conditions shall be mailed to the applicant within fourteen (14) days of the decision date. All such conditions are enforceable in the same manner as any other applicable requirement of this Zoning Ordinance.

**(I) Zoning Permit.**

1. Purpose.

The purpose of the Zoning Permit is to provide a method for reviewing proposed uses of land to ensure that the use complies with the standards in this Zoning Ordinance. A Zoning Permit shall be required prior to the issuance of a Building Permit, Business License, or moving a mobile home onto a lot or parcel.

2. Submittal Requirements.

Every applicant shall complete a Zoning Permit Application which shall include all required documentation and information.

3. Review and Approval Procedures.

- (a) An application for a Zoning Permit shall be submitted to the Planning Director who shall have responsibility for reviewing the application and making a determination whether to grant or deny the Zoning Permit. If the proposed use complies with the regulations of this Code, the permit shall be granted. No hearing shall be required. However, if a Zoning Permit is related to another action which requires review by the Planning and Zoning Commission or the City Council, the Zoning Permit shall be granted or denied by the body having decision making authority.
- (b) The Planning Director may request opinions from other City departments and staff, as appropriate, to coordinate review that should occur prior to issuance of the Zoning Permit.
- (c) The decision to approve or deny the Zoning Permit request shall be in writing and be given to the applicant within five business days of the decision.
- (d) The decision of the Planning Director may be appealed to the Planning and Zoning Commission.

4. New Permit Required.

A new Zoning Permit shall be required for expansion or change in use following the same procedure required for the initial permit.

5. Expiration.

A Zoning Permit shall expire and become null and void at the time specified in the permit. The time period may be extended by the Planning Director if the request for extension is in writing and submitted prior to the expiration date. The request shall state the reason for the extension.

6. Revocation.

A Zoning Permit may be revoked by the City Council if it is found that the use in question is non-conforming to the underlying zoning or regulations.

**SEC. 56-151 – 56-159. RESERVED.**

**ARTICLE VI: NON-CONFORMITIES**

**SEC. 56-160. NON-CONFORMING USES AND STRUCTURES.**

**(a) Non-conforming Use**

Any use lawfully occupying a structure or land on the effective date of this Code or of subsequent amendments to it that does not conform to the regulations of this Code, as adopted or amended, or which is not specifically permitted by this Code, shall be deemed to be a legally non-conforming use and may be continued, and the right to engage in such use shall run with the land, subject to the provisions of this Article. No changes in the type, scale or intensity of the use are permitted, except those resulting in conformity of the use.

**(b) Non-conforming Structure**

Any structure lawfully existing on the effective date of this Code, or of subsequent amendments to it, that does not conform to the regulations of this Code, as adopted or amended, or which is not specifically permitted by this Code, shall be deemed to be a legally non-conforming structure and may continue to be used, and the right to use the structure shall run with the land, subject to the provisions of this Article. Any structure for which a permit has been lawfully granted as of the effective date of this Code, or of subsequent amendments to it, must be completed in accordance with the approved plans; provided that actual construction is started within 180 calendar days of the date of issuance of the permit and completed within two years, and the permit remains unrevoked and unexpired. Such structure shall thereafter be deemed to be a legally non-conforming structure.

**(c) Enlargement or Extension of Legally Non-Conforming Structures.**

A legally non-conforming structure may not be enlarged, expanded, extended, reconstructed or structurally altered except:

1. If the enlargement, expansion, extension, reconstruction or alteration is required by law or order.
2. If the enlargement, expansion, extension, reconstruction or alteration brings the structure into full conformance with all the provisions of this Code and all regulations of the zone in which it is located.
3. The structure may be maintained against ordinary wear and tear.
4. An existing mobile home may be replaced with a non-standard mobile home.

**(d) Damage or Destruction of Non-Conforming Structures.**

Nothing in this Code shall be construed to prevent the restoration and resumption of a former use permitted under this Article or any legally non-conforming structure that is damaged or partially destroyed by fire or other calamity ~~[to the extent of fifty percent (50%) of the structure's fair market value or less]~~. Such restoration shall be commenced within six months after such damage and diligently pursued to completion and shall bring the non-conforming structure into compliance with all provisions of this Code to the greatest extent possible. A legally non-conforming structure that is completely destroyed or damaged ~~[or partially destroyed]~~ by fire or other calamity ~~[to a greater extent than fifty percent (50%) of the structure's~~

~~fair market value, ]~~ or voluntarily razed or required by law to be razed, shall not be restored except in full conformance with all the provisions of this Code.

**(e) Abandonment or discontinuance of legally non-conforming uses.**

When a legally non-conforming use is discontinued for a consecutive period of six-months, the property involved may thereafter be used only for conforming purposes.

**SEC. 56-161 – 56-169. RESERVED.**

**ARTICLE VII: ENFORCEMENT AND PENALTIES**

**SEC. 56-170. ENFORCEMENT, VIOLATIONS AND PENALTIES.**

**(a) Complaints Regarding Violations.**

Whenever the Planning Director, Code Enforcement personnel or Building Official receives a written, signed complaint alleging a violation of this Code, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken.

**(b) Persons Liable.**

The owner, agent, lessee, tenant, occupant, architect, building contractor or any other person who commits, takes part in, assists, directs, creates, or maintains any violation of this Code within all or a portion of a structure or premises, may be held responsible for the violation, suffer the penalties and be subject to the remedies provided herein and Section 1-6 of the Municipal Code of Ordinances.

**(c) Procedures Upon Discovery of Violation.**

1. Notice

If the City finds that any provision of this Code is being violated, the Code Enforcement Officer shall send a written notice to the person or persons responsible for such violation, indicating the nature of the violation and ordering the action and timeline necessary to correct it. Additional written notices may be sent at the Code Enforcement Officer's discretion. However, ~~[+depending on the severity of the violation, as determined by the Code Enforcement Officer,+]~~the initial written notice may be the final notice.

2. Notice of Pending Action.

The final written notice shall state what action the Code Enforcement Officer intends to take if the violation is not corrected.

3. Enforcement without Prior Notice.

Notwithstanding the foregoing, in cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety or welfare, the Code Enforcement Officer may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1-6 of the Municipal Code of Ordinances.

**(d) Maximum Penalties.**

Violations of the provisions of this Code or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with permits shall constitute a misdemeanor, punishable by a fine up to \$500, or a maximum of ninety (90) days imprisonment, or both as provided for in Section 1-6 Municipal Code of Ordinances (§3-17-1 NMSA 1978).

**(e) Separate Offense Daily.**

Each day that any violation continues after notification by the Code Enforcement Officer that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section. The remedies provided herein shall be cumulative and not exclusive.

**(f) Enforcement by Equitable Action.**

This Code may be enforced by any appropriate action at law and/or at equity.

**(g) Issuance of Citation or Criminal Complaint.**

The Code Enforcement Officer is authorized to file criminal complaints and/or issue citations for violations of this code pursuant to applicable laws, rules and regulations. [+The Code Enforcement Officer may request that an Animal Control Officer enforce the “Agricultural and Livestock Uses” section of this Ordinance, if necessary.+]

**(h) Permit Revocation.**

1. Criteria

Any permit issued pursuant to this Code may be revoked by the City Council if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Code, or any additional requirements lawfully imposed by the City. No person may continue to make use of land or structures in the manner authorized by any permit after such permit has been revoked in accordance with this Section.

2. Requirement for Notice and Hearing.

Before a permit may be revoked, the City Council shall comply with all of the notice and hearing requirements of Sections 56-170(c). The notice shall inform the permit recipient of the alleged grounds for the revocation.

(a) Presentation of Evidence.

The burden of presenting evidence sufficient to authorize the City Council to conclude that a permit should be revoked shall be upon the party advocating that position.

(b) Findings of Fact.

A motion to revoke a permit shall include a statement of the specific reasons or findings of fact that support the motion.

**(i) Declaration of Nuisance Abatement.**

Any premise or structure constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Code and/or any use of any land, premises or structure conducted, operated or maintained contrary to the provisions of this Code shall be declared to be unlawful and a public nuisance and the City Attorney shall, upon direction of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such structure and restrain and enjoin any person, firm or corporation from building, erecting, maintaining, setting up or using any such premise or structure or using any property contrary to the provisions of this Code. (§3-18-5, §3-18-17, §3-21-10 NMSA 1978).

~~[-SEC. 56-171 – 56-179. RESERVED. -]~~ [+SEC. 56-171 – 56-535. RESERVED.+]

**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

**Meeting Date: 9/13/16**

<b>DEPARTMENT:</b> Planning, Engineering & Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 8/24/16
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**SUBJECT:** Zoning Change from "R-2" Residential District to "C-2" Commercial District for Lot 2, Block 181, Westfall Subdivision, located at 618 W. Pierce St. on the northeast corner of Spring St and Pierce St., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Applicant/Owner  
Robert C. Murray  
1007 N. Shore Dr.  
Carlsbad, NM 88220

***\*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.***

**SYNOPSIS, HISTORY AND IMPACT** (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):

The applicant is requesting a Zone Change from "R-2" Multi-Family Residential District to "C-2" Commercial District at the subject site. The surrounding properties to the north are zoned R-1 Residential District. Properties to the east are zoned R-2 Multi-Family Residential District. Properties to the west and south are zoned C-2 Commercial District. This corridor along Pierce St. is a mix of both residential and commercial activity. This action will not create a spot zone.

According to Zoning Ordinance **Sec. 56-150(b)(4). Amendments**, Findings Required, a statement of fact regarding each of the following findings is required:

- (a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and
- (b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
- (c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and
- (d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
- (e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
- (f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
- (g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
- (h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

Comprehensive Plan: Strategy 2030 goals and policies that are applicable to this request are:

**Chapter 3: Land Use**

Goal 1: The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario.

Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.

Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.

Goal 5: The City of Carlsbad will ensure that land use does not negatively impact the city's environmental resources.

**Chapter 5: Economic Development**

Goal 4: Improve the appearance of Carlsbad.

Goal 6: Support the efforts and expansion of existing major industries, such as potash mining, oil and gas drilling, and nuclear waste disposal.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Based on review of the application and staff comments, at their meeting on August 1, 2016, the Planning and Zoning Commission voted to recommend approval of this Zone Change Request based on the following findings:

1. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Zoning Ordinance; and
2. The proposed amendment does respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment does provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
7. The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. The proposed amendment is not justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Planning, Eng. & Reg. Dept.:			
Fire Department			x	Code Enforcement Division			x
Legal Department			x	Engineering Division			x
Police Department	x			Planning Division	x		
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x	Carlsbad Irrigation District			x

**DEPARTMENT COMMENTS:**

Public Works: No comments.

Utilities Department: No comments or concerns from Utilities.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend approval.

Police Department: 618 W. Pierce St. - Zone Change - Approved; Reviewed; No additional comment.

Culture & Rec. Dept.: No comments.

City Engineer: N/A

Carlsbad Irrigation District: CID neither supports nor objects to this application because it does not affect our operations.

City Administration: No comments.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> P&Z | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board  | <input checked="" type="checkbox"/> APPROVED |
| <input type="checkbox"/> Museum Board   | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board     | <input type="checkbox"/> DISSAPPROVED        |
| <input type="checkbox"/> Library Board  | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> _____ Committee |  |

Reviewed by \_\_\_\_\_ /s/ Stephanie Shumsky Date: 9-7-2016  
City Administrator \_\_\_\_\_

ATTACHMENTS: Application materials, Ordinance, P & Z Minutes.

ORDINANCE NO. 2016-\_\_\_\_

AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.22 ACRE PROPERTY, LOCATED AT 618 WEST PIERCE STREET, LEGALLY DESCRIBED AS LOT 2, BLOCK 181, WESTFALL SUBDIVISION, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

The official zoning map of the City is hereby amended to rezone part of "R-2" Residential District to "C-2" Commercial District, for an approximately 0.22 acre property, located at 618 W. Pierce St., Carlsbad, NM, legally described as:

LOT 2, BLOCK 181, WESTFALL SUBDIVISION

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13th day of September, 2016.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**August 1, 2016, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, August 1, 2016, at 5:00 PM  
Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from Meeting held on July 11, 2016.
4. Discuss and set date for September Planning & Zoning Meeting.
5. Consider approval of a Conditional Use Permit at 1502 N. Eighth St. to allow a new cell tower.
6. Consider approval of a Conditional Use Permit at 516 Juarez St. to allow a juvenile rehabilitation center.
7. Consider a recommendation regarding a zone change at 618 W. Pierce St. from "R-2" Residential to "C-2" Commercial.
8. Consider approval of a Conditional Use Permit at 1015 N. Halagueno St. to allow a home photographic services studio.
9. Consider approval of an Appeal (Variance) at 1018 N. Howard St to allow a 0' side setback for a storage building.
10. Report regarding Summary Review Subdivisions.
11. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, AUGUST 1, 2016, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
LASON BARNEY  
BRIGIDO GARCIA  
WANDA DURHAM**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT: NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**IRENE ROBERTS  
BARBARA EARLY  
LIZ DENNINGTON  
LEANNE WELDON  
SHAUN BOX  
FRANK WELDON  
GRACE & NICK FRANKE  
ALLEN POTTER  
JUDY & ROBERT MURRAY  
HENRY CASTANEDA  
MIGUEL LOPEZ**

**616 W. PIERCE  
1415 N. 8<sup>TH</sup>  
1103 N. MAIN  
613 LAKESIDE  
1018 N HOWARD  
4415 TIDWELL  
1015 N. HALAGUENO  
ALBUQUERQUE, NM  
1007 NORTH SHORE  
6228 PORTER RD  
305 S. CYPRESS**

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 Start Recording [5:03:54 PM]

0:00:02 **1. Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. Present – **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; Absent –None

0:00:23 **2. Approval of Agenda.**

**Ms. Durham** made a motion to approve the Agenda, and **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:01:03      **3. Approval of Minutes from Meeting held on July 11, 2016.**

**Ms. Durham** made a motion to approve the Minutes, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:01:45      **4. Discuss and set date for September Planning & Zoning Meeting.**

After discussion, **Mr. McCormick** made a motion to move the next meeting to September 12, since the 5<sup>th</sup> is a holiday. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:02:59      **5. Consider approval of a Conditional Use Permit at 1502 N. Eighth St. to allow a new cell tower.**

**Mr. Potter** attended the meeting to answer any questions regarding the request. **Mr. Patterson** said the 89' tower will be located just behind Traveler's Inn on Eighth and Pierce Streets. Justification for the request was provided in a letter from an engineer. Staff recommended approval. **Mr. Potter** stated that they are trying to provide quality, seamless, uninterrupted service. This cell tower will assist coverage already there by making it more reliable. It will be a single structure designed to support itself and all equipment. It will be built to all City qualifications and will meet or exceed all safety factors. There was no public comment.

**Ms. Durham** made a motion to approve the Conditional Use, provided the applicant furnishes verification from the FAA that a tower is allowed so close to the hospital's helicopter landing area. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:14:25      **6. Consider approval of a Conditional Use Permit at 516 Juarez St. to allow a juvenile rehabilitation center.**

**Mr. Lopez** and **Mr. Castaneda** represented the request. **Mr. Patterson** stated that since our ordinances do not define rehab and training centers, he would like a detailed description of the operation, such as what hours it would operate, how it would reach the kids, who would be their target, how many would they expect to have, how many employees would there be, how would the site be arranged, and would State licensing be required. **Mr. Castaneda** said he had been involved in boxing and the Boys Club. He thought this would be good for juveniles in trouble, a better way to use their energy and stay off the street. He said there would probably be just equipment at first, and the ring would come in about a year. There was no public comment.

**Mr. Barney** made a motion to approve the Conditional Use, provided all the Staff conditions are met. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:28:27      **7. Consider a recommendation regarding a zone change at 618 W. Pierce St. from "R-2" Residential to "C-2" Commercial.**

**Mr. Murray** came forward to request the Zone Change. He said he practiced dentistry in the building from the time he built it in 1963 until three years ago when he retired. The codes have changed, so that he can't rent the building out for dentists, doctors, or lawyers, or others until the zone is changed. **Mr. Patterson** noted that there is C-2 to the west, so it would fit the area and not be a spot zone. During public comment, **Ms. Roberts** said she was okay with a medical office, but not something like a car lot. **Mr. Patterson** explained that once the zoning is changed, anything allowed in C-2 zoning could be placed there.

**Mr. Garcia** made a motion to recommend approval of the Zone Change, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:35:51        **8. Consider approval of a Conditional Use Permit at 1015 N. Halagueno St. to allow a home photographic services studio.**

**Mr. & Mrs. Franke** came forward to ask for the Conditional Use. **Mr. Patterson** explained that there was ample parking at the site, and the business would operate by appointment only. Certain things would be sent out to process, but there would be no large equipment or chemicals on the property. Staff recommended approval. **Mr. Patterson** noted that the utilities department reserved the right to change their utility rates from residential to commercial if usage increased. **Ms. Franke** said she is a stay-at-home mom who wants to have smaller appointments at home, because it is easier at that location. She only wants a small operation. There was no public comment.

**Ms. Durham** made a motion to approve the Conditional Use, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:43:24        **9. Consider approval of an Appeal (Variance) at 1018 N. Howard St to allow a 0' side setback for a storage building.**

**Mr. Box** was present to represent the request. He said he needed a new storage unit, and this was the best spot in his yard. **Mr. Patterson** stated that the Planning Department recommended denial of the request, because no justification was provided. **Mr. Knott** noted that most of the properties on that block already had sheds placed against their property lines. There was no public comment.

**Mr. McCormick** made a motion to approve the Variance, provided the applicant keeps any drainage on his own property and gets a building permit to comply with all codes. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:55:50        **10. Report Regarding Summary Review Subdivisions.**

There was brief discussion of the plats signed by the commission designees during the previous month.

1:06:23        **7. Adjourn.**

There being no further business, the meeting was adjourned.

1:06:30 Stop Recording [6:10:24 PM]

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Chairman

---

Date

DRAFT

**CITY OF CARLSBAD***Planning, Engineering, and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

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**ZONING CHANGE APPLICATION****Sec. 56-150(b)**

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**PROCESS FOR ACCEPTANCE AND REVIEW  
OF PLANNING AND ZONING COMMISSION MATTERS**

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.

## **ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:**

- 1) **PRESENCE AT MEETING:** The Planning and Zoning Commission will vote to recommend to the City Council approval or denial of request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have.
- 2) **CITY COUNCIL SETS A HEARING DATE:** After the Planning and Zoning Commission has made a recommendation on the request, the City Council (at their next regular meeting) will set a date for a public hearing. The date will be set for a regularly scheduled City Council meeting a minimum of 30 days from that date. A “notice of public hearing” is published in the Current Argus at least 30 days prior to the hearing.
- 3) **NOTIFICATION:** The applicant shall mail notice of the Planning and Zoning Commission meeting, via certified mail, to all property owners within one-hundred feet (100’) of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing. At least fifteen (15) days prior to the City Council hearing, the City will notify adjacent property owners within 100’ of the subject property via first-class mail for properties greater than one (1) block in size, or via certified mail for properties one (1) block or less in size. The notification will include a description of the request, applicant’s information, legal description of subject property, and the date of the hearing.
- 4) **PUBLIC HEARING:** The Public Hearing will be held during a regularly scheduled City Council meeting, and the applicant or his/her representative **MUST BE PRESENT** to address any questions that the Mayor or Council members may have.
- 5) **ZONING CHANGE IS FINAL:** If the City Council approves the zone change, the ordinance is published in the Current Argus. The change is considered final five (5) days after publication.



Receipt Date Stamp  
JUL -7 2016

# CITY OF CARLSBAD

Planning, Engineering, and  
Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

## ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 6/24/16  
Existing Zoning: R2

Fee Paid (\$100.00): 100.00 ✓  
Proposed Zoning: C2

### APPLICANT INFORMATION:

NAME		ADDRESS		
<u>ROBERT C. MURRAY</u>		<u>1007 N. SHORE DR</u>		
CITY	STATE	ZIP	PHONE	EMAIL
<u>CARLSBAD, NM</u>	<u>88220</u>	<u>575-885-3552</u>	<u>JTMURRAY1@GMAIL.COM</u>	

### PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):

NAME		ADDRESS		
<u>ROBERT C. MURRAY</u>		<u>1007 N. SHORE DR.</u>		
CITY	STATE	ZIP	PHONE	EMAIL
<u>CARLSBAD, NM</u>	<u>88220</u>	<u>575-885-3552</u>	<u>JTMURRAY1@GMAIL.COM</u>	

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

### LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (INCLUDE A MEETS AND BOUNDS DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):

ADDRESS	LOT	BLOCK	SUBDIVISION
<u>618 W. PIERCE, CARLSBAD, NM</u>			

**REASON FOR THE REQUEST**

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**FOR OFFICIAL USE ONLY:**

**Required prior to P & Z:**

Complete Application Including:  Map  Fee  Letter  Notification  Sign Agreement

**Required prior to City Council:**

Council Hearing Date: \_\_\_\_\_ Publication Date: \_\_\_\_\_

Property Owner Notification Sent (within 100' minimum.): \_\_\_\_\_

ABM  Staff Comments  Application Packet  Draft Ordinance  P&Z Minutes

Council Action:  Approved  Denied  Other Ordinance No.: \_\_\_\_\_

**CITY OF CARLSBAD  
AFFIDAVIT BY PROPERTY OWNER(S)**

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

**APPLICATION TYPE:**

ZONING CHANGE     CONDITIONAL USE     VARIANCE     TEMPORARY USE

**I (WE) HEREBY CERTIFY** that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY:

STREET ADDRESS

LEGAL DESSCRPTION:

SUBDIVISION

BLOCK

LOT OR TRACT

**I (WE) HAVE AUTHORIZED** the following individuals to act as my (our) agent with regard to this application.

AGENT:

NAME

PHONE

ADDRESS

**I (WE) UNDERSTAND, CONCUR AND AFFIRM:**

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

**I (WE) HEREBY EXECUTE THIS AFFIDAVIT** in support of the proposed application as presented:

**OWNER 1:**

BY: \_\_\_\_\_  
SIGNATURE

BY: \_\_\_\_\_  
PRINTED NAME

DATE: \_\_\_\_\_  
DATE SIGNED

NOTARY SEAL

**OWNER 2: (IF APPLICABLE)**

BY: \_\_\_\_\_  
SIGNATURE

BY: \_\_\_\_\_  
PRINTED NAME

DATE: \_\_\_\_\_  
DATE SIGNED

NOTARY SEAL

**ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY**

# NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.

*[Handwritten Signature]*  
 BY *[Handwritten Initials]*  
 \_\_\_\_\_  
 APPLICANT SIGNATURE

*6/24/16*  
 \_\_\_\_\_  
 DATE

Sign issued by: *[Handwritten Signature]*  
 \_\_\_\_\_  
 Staff Member

Date: 7/4/2014

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: ROBERT C. MURRAY, 1007 N. SHORE DR. CARLSBAD, NM 88220  
Name Address Phone  
Subject Site Location: 618 W. PIERCE, CARLSBAD, NM 88220 575-885-3552

The proposed action is a:  
 Zoning Change from R2 to C2 in accordance with Sec. 56-150(b).

Variance/Appeal from Sec. \_\_\_\_\_ in accordance with Sec. 56-150(c).  
The purpose of the variance/appeal is:

\_\_\_\_\_  
\_\_\_\_\_

Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:  
 Home Occupation: \_\_\_\_\_  
 Other Use: \_\_\_\_\_

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: 8/1/2014  
Time: 5:00pm  
Place: City Hall Planning Room, 2<sup>nd</sup> Floor  
101 N. Halagueno St.  
Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com).  
For details about this request contact the applicant OR contact the City Planner at 575-885-1185 or via email at [jepatterson@cityofcarlsbadnm.com](mailto:jepatterson@cityofcarlsbadnm.com).

Sincerely,  
  
Applicant/Agent

7015 1520 0003 2679 7889

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Total Postage and Fees	\$6.47

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To: *W. Roberts*  
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To: *S. Weldon*  
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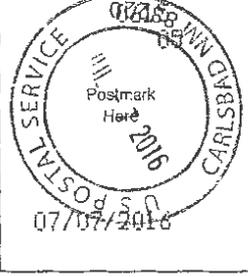
7015 1520 0003 2679 7841

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Postage	\$0.47
\$	
Total Postage and Fees	\$6.47
\$	



Sent to James Allen  
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 City, State, ZIP+4®

# Memo

**To:** Jeff Patterson  
**From:** Bob Murray  
**cc:**  
**Date:** June 24, 2016  
**Re:** Zone Change Request

---

**Jeff,**

I have attached the documents I got off the web site for the Zone Change we have discussed.

I have filled them out on behalf of my dad. He will represent himself at the P&Z Meeting and then at the Council Meeting.

You had indicated to me that you would let us know the people affected within the 100' boundary so we would know who we needed to send letters to.

Please let me know if we need to provide anything else at this time.

Thank you for your help,



Bob Murray

806-335-5443

[bmurray@aimbankonline.com](mailto:bmurray@aimbankonline.com)

Amarillo, TX

1007 North Shore Dr  
Carlsbad, NM 88220  
June 15, 2016

RE: Zone Change at 618 West Pierce, Carlsbad, NM

City of Carlsbad P&Z:

Sirs:

I am requesting that the zoning on the above referenced property be changed from R2 to C2.

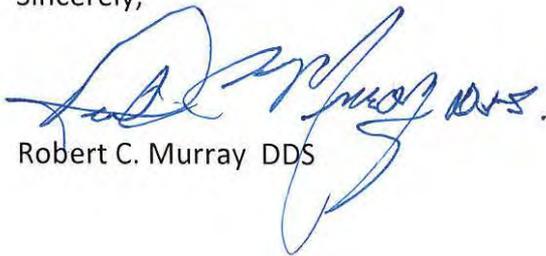
The property was originally developed as a dental office in the 1960's and has continued to be used for one since then. It has come to my attention that based upon City changes made in 2011 that if this property is to be used for its intended purpose or any other purpose other than a residence, then a zoning change must take place.

I have retired from my dental practice and now would like to lease the building out. My intention is to lease the building to another dentist, a medical doctor, a veterinarian, an insurance agent or any other small business that is interested in the property. To accomplish this, I will need to have the property re-zoned from R2 to C2.

Further justification for the Zone Change to C2 is that the majority of the surrounding area is C2 and the property is located along the Pierce Street C2 corridor.

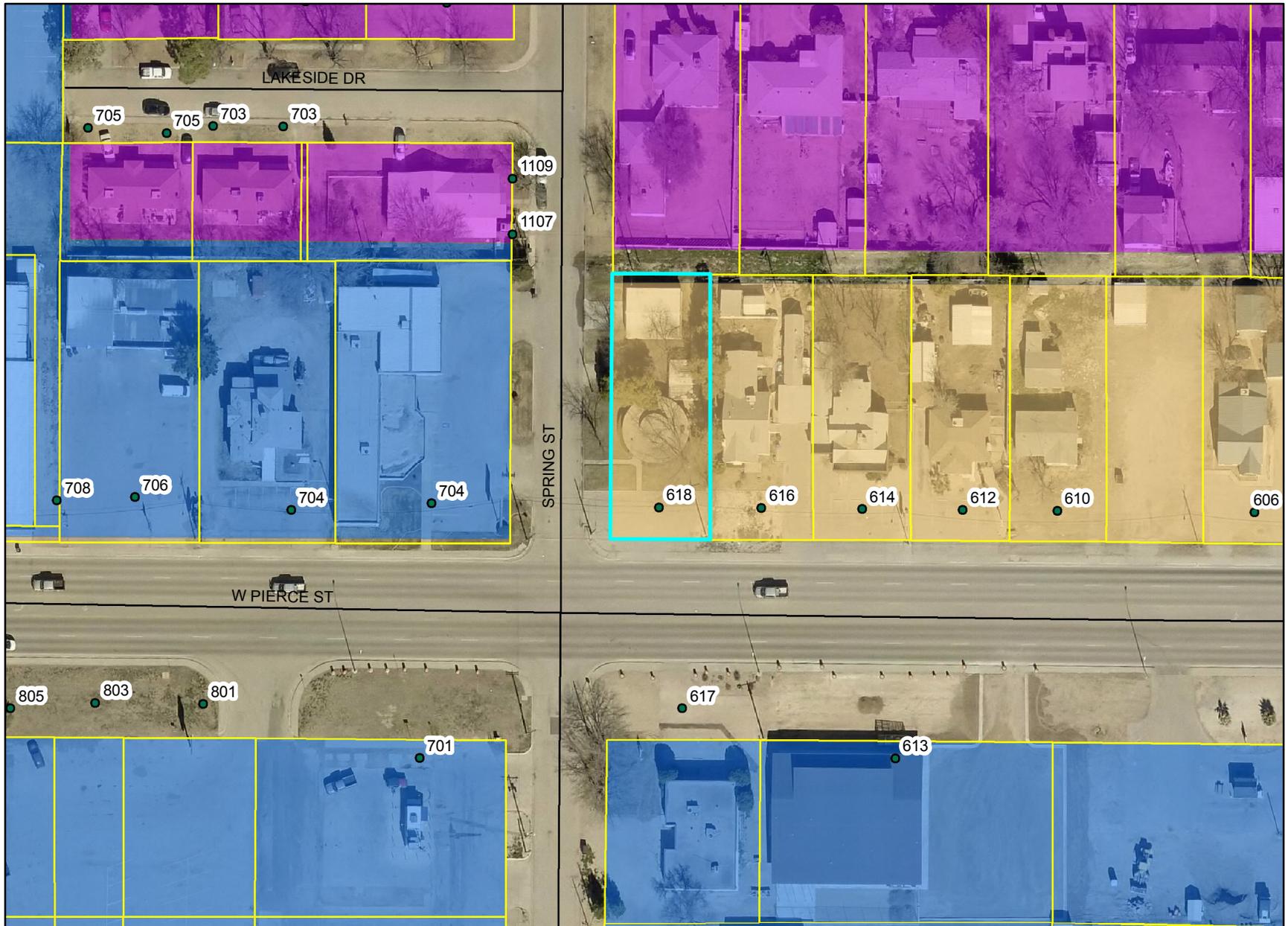
Thank you for your consideration of this request.

Sincerely,

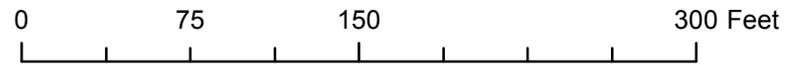


Robert C. Murray DDS

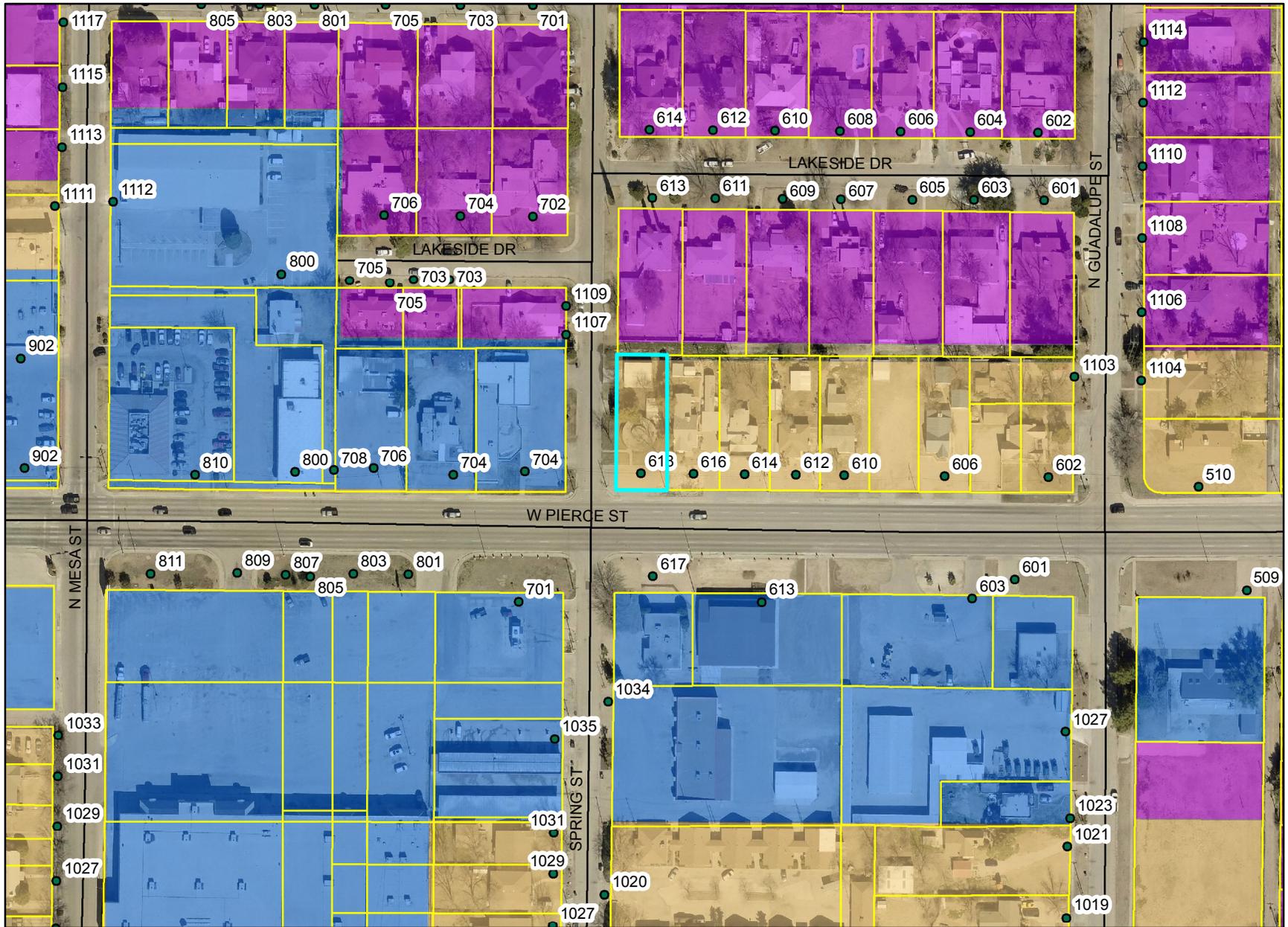
# Zone Change - 618 W. Pierce St. - R-2 to C-2



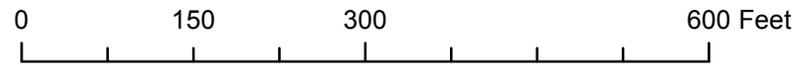
- |   |     |   |     |   |                    |
|---|-----|---|-----|---|--------------------|
|  | C-1 |  | R-1 |  | Carlsbad Addresses |
|  | C-2 |  | R-2 |  | Property Parcels   |
|  | I   |  | R-R |  | Carlsbad Roads     |
|  | PUD |   |     |   |                    |



# Zone Change - 618 W. Pierce St. - R-2 to C-2



- C-1
- R-1
- Carlsbad Addresses
- C-2
- R-2
- Property Parcels
- I
- R-R
- Carlsbad Roads
- PUD





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Google earth

32°26'09.73" N 104°14'03.93" W elev 3129 ft eye alt 3133 ft

# Council Committee Reports

# Adjourn

**ECONOMIC INDICATORS**  
**Planning, Engineering, & Regulation Department**  
**AUGUST 2016**

<b>NEW BUSINESS REGISTRATIONS</b>			
<b>MONTH</b>	<b>15-16 FISCAL YEAR</b>	<b>16-17 FISCAL YEAR</b>	<b>% CHANGE</b>
July	35	21	-40%
August	31	37	+19%
September	34		
October	25		
November	27		
December	17		
January	31		
February	47		
March	39		
April	23		
May	27		
June	37		
<b>Year to Date</b>	<b>373</b>	<b>58</b>	

<b>NUMBER OF BUILDING PERMITS</b>			
<b>MONTH</b>	<b>15-16 FISCAL YEAR</b>	<b>16-17 FISCAL YEAR</b>	<b>% CHANGE</b>
July	370	184	-50%
August	264	178	-33%
September	319		
October	205		
November	178		
December	132		
January	162		
February	198		
March	213		
April	208		
May	174		
June	265		
<b>Year to Date</b>	<b>2,688</b>	<b>362</b>	

<b>VALUATION OF BUILDING PERMITS</b>			
<b>MONTH</b>	<b>15-16 FISCAL YEAR</b>	<b>16-17 FISCAL YEAR</b>	<b>% CHANGE</b>
July	\$ 3,089,789	2,857,379	-8%
August	11,956,107	1,502,690	-87%
September	3,851,413		
October	2,603,480		
November	2,543,927		
December	3,171,532		
January	1,830,155		
February	3,819,281		
March	5,512,197		
April	1,656,627		
May	1,968,906		
June	4,518,851		
<b>Year to Date</b>	<b>\$46,522,265</b>	<b>4,360,069</b>	



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August 1, 2016

Mr. Steve McCutcheon  
City Administrator  
City of Carlsbad  
P.O. Box 1569  
Carlsbad, NM 88221

Dear Mr. McCutcheon:

The following report is submitted to the City of Carlsbad to provide an update on the progress and status of the Carlsbad MainStreet Project for July 2016, per the Downtown Revitalization Services Contract. With this report, MainStreet is enclosing an invoice requesting the May monthly allocation from the City of Carlsbad in the amount of \$3750 based on the total annual services contract of \$45,000.

#### **MainStreet America recognized Carlsbad MainStreet**

- *Carlsbad MainStreet* has been designated as an accredited Main Street America™ program for meeting rigorous performance standards set by the National Main Street Center. Each year, the National Main Street Center and its Coordinating Program partners announce the list of accredited Main Street America programs in recognition of their exemplary commitment to preservation-based economic development and community revitalization through the Main Street Approach®.

#### **Eddy County**

- Received contract for FY 2016-17

#### **CavernFest**

- Positive feedback has come from merchants, vendors, community members and tourist about their experience at CavernFest
- Committee met for recap of the event
- Plans for 2017 CavernFest are underway
- CavernFest will officially be the second Saturday of June every year

#### **NMMS Building and Business Project Pipeline**

- Building project Sheet
- IOOF purchase has been made.
- Existing Business Project Sheet
- Met with a realtor for the buildings at 105 – 109 S. Canal. Looking at the building to get ideas on how that building could be utilized to help promote our MainStreet district.



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**New Mexico MainStreet Meetings/Training required** by New Mexico Main Street (NMMS)

- August 17-19, New Mexico MainStreet Summer Leadership Network Meeting, *Building a High Performing MainStreet Program – Volunteers, Resources and Leadership*

**Executive Director Boards and Committees:** In addition to MainStreet activities, the Carlsbad MainStreet Executive Director serves on the following boards and committees related to downtown promotion and economic development and attends weekly and monthly meetings in support of their priorities and activities.

- Cavern Theater, Tourism Council, Beautification, Retirement Council, Creative Carlsbad, Positively Carlsbad, Chamber of Commerce, Rotary, School Board, City Council, FAAV

**Downtown Farmers' Market**

- Meets every Saturday from 8 – 11 a.m. from June 11 – September 17, 2016
- Children's Corner is going great! This corner has been available to children on July 2, 9, 16 and 23. Projects were funded by the \$1000 grant from New Mexico Farmers' Market Association

**Special Projects**

- Two downtown businesses will have façade improvements though a \$4000 grant that Carlsbad MainStreet was awarded from Xcel energy.

**THANK YOU FOR YOUR CONTINUED SUPPORT OF CARLSBAD MAINSTREET!**

Respectfully,

Karla Hamel, *Executive Director*, Carlsbad MainStreet