



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

Carlsbad City Council Regular Meeting  
Municipal Annex  
114 S. Halagueno Street  
Carlsbad, New Mexico

July 9, 2019 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. 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 June 25, 2019**

**B. City Personnel Report**

**C. Contracts and Agreements**

- 1) Consider Approval of Agreement between the City of Carlsbad and Eddy County for Professional Services Agreement for Eddy County Residents for FY 2019-2020
- 2) Consider Approval of Agreement between the City of Carlsbad and NMDFA Local Government Division Enhanced 911 ACT Grant Program
- 3) Consider Approval of Agreement between the City of Carlsbad and ISC, Inc (dba Venture Technologies) to provide proactive support and maintenance for E-911 Equipment

**D. Purchasing**

- 1) Consider Approval to Advertise Request for Proposal for Professional Lobbying and Consulting Services for the City with the New Mexico State Legislature

**E. Monthly Reports**

- 1) Human Resources Department June 2019
- 2) Municipal Court June 2019

**F. Board Appointments**

- 1) City of Carlsbad Disability Advisory Board Appoint Don Neighbors Remainder 4 year term

3. Consider Approval of Liquor License Application for a Restaurant Beer/Wine Liquor License for Miyabi Japanese Steakhouse & Sushi Bar for proposed location 1511 S Canal St. Applicant: Jin Feng Ye
  - A. Public Hearing
  - B. Consider Approval
4. Consider Approval of Business License to Conduct Door to Door Sales and Installation of Smart Home Automation and Security Services by Smart Home Pros, Inc. (Vivint) contact Lexy Swinehart
5. Consider Approval of Request from Carlsbad Mainstreet and Creative Carlsbad to serve alcohol (beer & wine) on City Streets during the Stranded concert at the Cavern Theater on July 27, 2019
6. Consider Approval of Resolution 2019-28, a Resolution Ratifying the Agreement between the City of Carlsbad and Southeastern New Mexico Economic Development District (SENMEDD) for 2019-2020 Membership
7. Consider Approval of Ordinance 2019-30, an Ordinance rezoning part of "C-1" Commercial 1 District to "R-2" Residential 2 District for an approximately 0.34 acre property, located at 201 South Guadalupe Street Applicant: Windy Shelton Cole
  - A. Public Hearing
  - B. Consider Approval of Ordinance 2019-30
8. Consider Approval of Ordinance 2019-31, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.00 acre property, located along the East Side of Callaway Drive Applicant: Springs Farms Subdivision Inc.
  - A. Public Hearing
  - B. Consider Approval of Ordinance 2019-31
9. Consider Approval of Ordinance 2019-32, an Ordinance rezoning part of "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.31 acre property, located at 325 North Sixth Street Applicant: Sandra Jo Ballard
  - A. Public Hearing
  - B. Consider Approval of Ordinance 2019-32
10. Council Committee Reports
11. 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 during normal and regular business hours.

**CARLSBAD CITY COUNCIL MEETING SCHEDULE**

- Regular meeting - Tuesday, July 23, 2019 at 6:00 p.m.
- Regular meeting - Tuesday, August 13, 2019 at 6:00 p.m.

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

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON JUNE 22, 2019 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor <i>via telephone</i>
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor
	Jason Shirley	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
Absent:		
Also Present:	Michael Hernandez	City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Ken Britt	Community Dev. Director
	Angie Barrios-Testa	Director of Municipal Services
	KC Cass	Director of Projects
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Tech
	Wendy Austin	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Trysha Carrasco	Deputy Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director

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

0:00:00	<b>Call Meeting to Order</b>
0:00:01	Invocation – Pledge of Allegiance
0:00:31	<b><u>1. APPROVAL OF AGENDA</u></b>

0:00:34       **Motion**

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

0:00:37       **Vote**

The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:00:57       **2. CITY OF CARLSBAD FINANCIALS - MAY 2019**

**Mrs. Austin** reviewed the revenues and expenditures as of May 2019 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:03:27       **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 11, 2019
- B. City Personnel Report
- C. Contracts and Agreements
  - 1) Consider Approval of Renewal Agreement between the City of Carlsbad and Carlsbad Municipal Schools for Various Services for FY 2019-20
  - 2) Consider Approval to extend Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening and Closing Services at the City of Carlsbad Cemeteries
- D. Purchasing
  - 1) Consider Approval to Award Bid 2019-15 to Rocking WD Services for Pest Control Annual Bid
  - 2) Consider Approval to Award Bid 2019-16 to Collins Tree Service for Tree Trimming Services Annual Bid
  - 3) Consider Approval to Award Bid 2019-17 to Thunder Run Concrete for Ready Mix Concrete Annual Bid
  - 4) Consider Approval to Award Bid to Greer Construction through a CES contract for Cavern Theater Rehabilitation Phase 2
- E. Monthly Reports
  - 1) Community Development Department May 2019
  - 2) Municipal Services Department May 2019
  - 3) PER Department May 2019
  - 4) Utilities Department May 2019
- F. Board Appointments
  - 1) Carlsbad Cemetery Board Re-Appoint Suzanne Carlsen 2 year term
  - 2) Carlsbad Senior Recreation Center Advisory Board at North Mesa Center Re-Appoint Jay Redman 4 year term, Re-Appoint: Sally Garner 4 year term
  - 3) SENMEDD/COG (SERTPO) Appoint Jeff Patterson, KC Cass
  - 4) Carlsbad Board of Water & Sewer Commissioners Re-Appoint Craig Stephens 6 year term
  - 5) Carlsbad Veteran's Memorial Board Appoint Kay Hill 4 year term



6) Carlsbad Parks & Recreation Advisory Board Appoint Eric Brunnemann remainder 4 year term

G. Set the Date: August 13, 2019

- 1) An Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 0.115 acre property, located at 701 W. Greene St
- 2) An Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential 1 District for an approximately 0.90 acre property, located at 4501 Old Cavern Hwy
- 3) An Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 3.88 acre property, located at 2411 E. Greene St.

0:03:50      **Mayor Janway asked Mr. Hernandez to discuss Item C.1 Consider Approval of Renewal Agreement between the City of Carlsbad and Carlsbad Municipal Schools for various services for FY 2019-20; and Item D.4 Consider Approval to Award Bid to Greer Construction through a CES contract for Cavern Theater Rehabilitation Phase 2**

**Mr. Hernandez** explained that Item C.1 is a renewal of an annual agreement between the city and Carlsbad Municipal Schools. He said this agreement is for various services provided by Carlsbad Municipal Schools.

**Councilor Chavez** asked if there was a particular reason why the price of swimming lessons at the natatorium increased from \$40 last year to \$80 this year. He added this is a significant increase in price for a service that helps saves kids' lives. **Dr. Washburn**, Carlsbad Municipal Schools Superintendent, said he would look into the price increase and get back with him.

**Dr. Washburn** thanked the city for their support and added the program is a great partnership and without the city's help some of these programs could not be offered.

0:06:18      **Mr. Hernandez** explained that Item D.4 is for approval to award Bid to Greer Construction through a CES contract for the Cavern Theater Rehabilitation Project Phase 2. He explained the estimated cost for Phase 2 is \$750,000 and consists of a TPO Roof, an HVAC System, plumbing, ADA restrooms, fire suppression, and a security system. He said the city is requesting to award through CES contract to Greer Construction. He explained Greer Construction was the contractor of Phase 1 and are most familiar with the facility.

**Councilor Walterscheid** asked why the city goes through CES and not a direct bid. **Mr. Hernandez** explained most larger items are completed through the bid process. He explained CES contract allows the city to choose a specific contractor that may not be in the bid process. He also explained with a project like this the city wants to ensure quality and Greer provides that. **Councilor Shirley** asked for clarification, if the

payout of this bid is coming out of Lodgers' Tax Non Promotional funds. **Mr. Hernandez** said, yes.

0:08:38 **Councilor Walterscheid** said he would like to discuss Item C.2. He explained this item is personal to him. He said that in the future the city needs to look at what is there, what has been performed, and the outcome. He said he thinks contracts should be performance based and feels the city is missing the boat on a lot of issues. He said when someone makes a mistake they should not be allowed to do it again. **Councilor Walterscheid** said the city department responsible for the contract really needs to be aware of what is going on and hold people to a higher standard. He added the misuse of chemicals has led to the tree problems at the cemetery and no one is being held accountable.

**Mr. Hernandez** added for clarification that this item is for a one month extension to allow sufficient time to review and grade the RFP's. He said the award of the contract will probably be brought to Council at the second meeting in July.

0:12:28 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Routine and Regular Business

0:12:32 **Vote**

The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:12:55 **4. CONSIDER APPROVAL OF RESOLUTION 2019-26, A RESOLUTION REQUIRING THE REMOVAL OF THE TRASH AND DEBRIS AT 2415 TULIP OWNER: DONNIE GOSSETT**

**Ms. Riordan** explained this property has a single family residence and several accessory structures on it. She said the property does not appear to be occupied or maintained. She said there is a large amount of outside storage on the property of a vast variety of items. She added that Code Enforcement has been in contact with the owner both verbally and through written notices and there does not appear to be any improvement to the property.

**Councilor Estrada** asked Mr. Patterson if has talked to the owner, Donnie Gossett, about the issue. **Mr. Patterson** said yes. **Councilor Estrada** asked if Mr. Gossett has made any improvement at all. **Mr. Patterson** said it does appear that to be any improvements to the property. **Councilor Estrada** said he knows Mr. Gossett and it seems as if he would try to clean it up. **Mr. Patterson** said to his knowledge, Mr. Gossett has not done anything to bring the property into compliance, and that is why the property is before Council today.

**Ms. Riordan** added that Code Enforcement shows that Mr. Gossett was given written notices twice last year and Code Enforcement spoke to Mr. Gossett in May, June, and November of 2018. She added it appears that Code Enforcement has been talking to him for over a year with no significant improvement. She said Code Enforcement tries very hard to get voluntary compliance before bringing the item to Council.

**Mr. Patterson** said typically when a property appears before Council, Code Enforcement has tried multiple times to get compliance through the owner.

0:17:17      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Resolution No. 2019-26, a Resolution requiring the removal of the trash and debris at 2415 Tulip; Owner: Donnie Gossett

0:17:23      **Vote**

The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:17:42      **5. CONSIDER APPROVAL OF RESOLUTION 2019-27, A RESOLUTION IN SUPPORT OF THE HOLTEC CONSOLIDATED INTERIM STORAGE FACILITY AND DIRECTING THE EDDY-LEA ENERGY ALLIANCE TO SUBMIT LETTERS OF RESPONSE**

**Mayor Janway** gave words of support for the Holtec Project, the plan for consolidated interim storage which this community has been working on for more than a decade. He explained Resolution No. 2019-27, will direct the Eddy Lea Energy Alliance to write a response to the governor and also encourage us as a City to do the same.

**Councilor Shirley** explained that this the project is foreign to a lot of us, but it is not foreign to Holtec. He said Holtec has done this safely all over the world and they have a great track record. He said the cask that stores the fuel pellets are ceramic casks that have been enriched and are beyond safe. He said if there are any questions, please educate and explain the project.

0:21:19      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Resolution No. 2019-27, a Resolution in support of the Holtec Consolidated Interim Storage Facility and directing the Eddy-Lea Energy Alliance to submit letters of response

0:21:29      **Vote**

The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:21:49      **6. COUNCIL COMMITTEE REPORTS**

**Mayor Janway** introduced and welcomed Brandon Kerr the manager of Facilities Engineering, Real Estate and Facility Service from Conoco Phillips.

**Councilor Anaya Flores** suggested having a cask on display to educate the community on the safety and history of Holtec.

0:23:21      **7. ADJOURN**

0:23:27      **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Shirley to Adjourn

0:23:35      **Vote**

The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:23:56      **Adjourn**

There being no further business, the meeting was adjourned at 6:26 p.m.

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

ATTEST:

\_\_\_\_\_  
Nadine Mireles, City Clerk

CITY OF CARLSBAD  
**PERSONNEL REPORT**  
July 9, 2019

**APPOINTMENTS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
David Acevedo	07/10/19	Sports Complex	Seasonal Laborer
Jesus Alvarez	07/10/19	Sports Complex	Sports & Recreation Attendant, on-call
Victoria Cobos	07/10/19	Riverwalk Recreation Center	Recreation Attendant, on-call
Haley Garcia	07/10/19	Finance	Account Clerk I
Jarek Najar	07/10/19	Sports Complex	Seasonal Laborer
Marilyn Ortega	07/10/19	Water Park	Recreation Attendant
Mike Shott	07/10/19	Police	Corporal
Christa Willbanks	07/10/19	Riverwalk Recreation Center	Recreation Attendant, on-call

**TERMINATIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Angela Bird	06/21/19	Finance	Account Supervisor	Resigned
Jaren Folmar	06/28/19	Municipal Court	BPA Intern	Job Ended
Carlos Martinez	06/25/19	Golf	Caretaker	Discharged
Shayal Quintanilla	06/17/19	Water Park	Head Recreation Attendant	Resigned
Lisa Roback	06/21/19	Finance	Account Clerk I	Resigned

**INTERNAL TRANSFERS AND PROMOTIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Brittany Aragon	06/24/19	Finance	Account Supervisor
Cynthia Arranda	06/24/19	Finance	Executive Secretary
Emmie Salazar	07/01/19	Water Park	Head Recreation Attendant

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Ken Britt, Director of Community Development

**Ken Britt**

Digitally signed by Ken Britt  
DN: cn=Ken Britt, o=City of Carlsbad,  
ou=Community Services,  
email=kdbritt@cityofcarlsbad.com,  
c=US  
Date: 2019.06.06 15:08:54 -0600

**SUBJECT:** Recommendation for Employment

**DATE:** June 6, 2019

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: David Acevedo Classification/Position: Seasonal Laborer

Department: Sports Complex

<input type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>12.00</u> per hour
<input checked="" type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

### Education Level:

<input type="checkbox"/> High School Diploma	<input checked="" type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input type="checkbox"/> Other _____	

### Employment:

Present or last Employer: Chilis  
From July 2018 to March 2019 Classification: Janitor/Dishwasher  
Duties: Washing dishes, unloading trucks, prepping food, and various janitorial duties.

Related Experience: Mr. Acevedo has general labor experience from his work as a Tire Laborer.

Comments: Mr. Acevedo is capable of performing all job duties and will be an asset to the Sports Complex this season.

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Ken Britt, Director of Community Development

**Ken Britt**

Digitally signed by Ken Britt  
DN: cn=Ken Britt, o=City of Carlsbad,  
ou=Community Services,  
email=ken.britt@cityofcarlsbad.com,  
c=US  
Date: 2019.06.28 15:17:52 -0600

**SUBJECT:** Recommendation for Employment

**DATE:** June 28, 2019

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: Jesus Alvarez Classification/Position: Sports & Rec Attendant  
Department: Sports Complex

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>18.57</u> per hour
<input type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> On call	

### Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

### Employment:

Present or last Employer: Intrepid Potash  
From 1970 to 2007 Classification: Operator  
Duties: \_\_\_\_\_  
\_\_\_\_\_

Related Experience: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: Mr. Alvarez will be an asset to the Sports Complex.  
\_\_\_\_\_  
\_\_\_\_\_

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Angie Barrios-Testa, Director of Municipal Services



Digitally signed by Angie Barrios-Testa  
DN: cn=Angie Barrios-Testa, o=City of  
Carlsbad, ou=Community Development,  
email=abarrios@coyc/carlsbadnm.com,  
c=US  
Date: 2019.06.28 15:19:31 -0500

**SUBJECT:** Recommendation for Employment

**DATE:** June 28, 2019

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: Victoria Cobos Classification/Position: Recreation Attendant  
Department: Riverwalk Recreation Center

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>13.37</u> per hour
<input type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> On call	

### Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

### Employment:

Present or last Employer: Big 5 Sporting Goods  
From November 2016 to May 2017 Classification: Cashier  
Duties: Assisting customers, working throughout the store and on the cash register.

Related Experience: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: Ms. Cobos will be an asset to the Riverwalk Rec Center and the City of Carlsbad.  
\_\_\_\_\_  
\_\_\_\_\_



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael Hernandez, City Administrator

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

**FROM:** Wendy D. Austin, Director of Finance & Investments *WHA*

**SUBJECT:** Recommendation for Employment

**DATE:** 06/20/2019

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: Haley Garcia Classification/Position: Account Clerk I

Department: Finance - Cashier Office

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>19.96 (July)</u> per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

### Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input checked="" type="checkbox"/> Other <u>Has completed some college</u>	

### Employment:

Present or last Employer: Cone Jewelers

From February 2019 to Present Classification: Sales Associate

Duties: Sales and Customer Service. Process payments by cash, check, and credit card.

Related Experience: Ms. Garcia has experience in customer service and cash handling. Mrs. Garcia previously worked as a teller at local Carlsbad bank. In addition, Ms. Garcia has held multiple other positions that were responsible for cash handling and customer service.

Comments: Ms. Garcia passed her skills test, and has a pleasant attitude and professional appearance.  
Ms. Garcia will be a positive addition to the City's workforce.

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Ken Britt, Director of Community Development

**Ken Britt**

Digitaly signed by Ken Britt  
DN: cn=Ken Britt, ou=City of Carlsbad  
ou=Community Service  
email=kenb@cityofcarlsbadnm.com,  
c=US  
Date: 2019.06.24 10:04:23 -0500

**SUBJECT:** Recommendation for Employment

**DATE:** June 24, 2019

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: Jarek Najar Classification/Position: Seasonal Laborer

Department: Sports Complex

<input type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>12.00</u> per hour
<input checked="" type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

### Education Level:

<input type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input checked="" type="checkbox"/> Other <u>Currently a Carlsbad High School Student</u>	

### Employment:

Present or last Employer: N/A

From \_\_\_\_\_ to \_\_\_\_\_ Classification: \_\_\_\_\_

Duties: \_\_\_\_\_

Related Experience: \_\_\_\_\_

Comments: Mr. Najar will be a great addition to the Sports Complex this season.

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Ken Britt, Director of Community Development

**Ken Britt**

Digital y signed by Ken Britt  
DN: cn=Ken Britt, ou=City of Carlsbad  
ou=Community Services,  
email=kbbritt@cityofcarlsbad.com,  
c=US  
Date: 2019.06.27 09:18:27 -0600

**SUBJECT:** Recommendation for Employment

**DATE:** June 27, 2019

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: Marilyn Ortega Classification/Position: Recreation Attendant

Department: Water Park

<input type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>11.50</u> per hour
<input checked="" type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

### Education Level:

<input type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input checked="" type="checkbox"/> Other <u>Currently a Carlsbad High School Student</u>	

### Employment:

Present or last Employer: N/A

From \_\_\_\_\_ to \_\_\_\_\_ Classification: \_\_\_\_\_

Duties: \_\_\_\_\_

Related Experience: Ms. Ortega is fluent in both English and Spanish.

Comments: Ms. Ortega is new and will be a great addition to the Carlsbad Water Park team.


# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael Hernandez, City Administrator

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

**FROM:** Chief Shane Skinner  7/2/2019

**SUBJECT:** Recommendation for Employment

**DATE:** 07/02/2019

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: Mike Shott Classification/Position: Corporal  
Department: Carlsbad Police Department

☒ Regular ☒ Full-time ☒ Hourly \$ 33.70 per hour  
☐ Seasonal ☐ Part-time ☐ Salary \$ \_\_\_\_\_ per annum  
☐ Temporary ☐ On call

### Education Level:

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

### Employment:

Present or last Employer: Eddy County Sheriff's Office  
From 12/2017 to Present Classification: Deputy  
Duties: Patrol Eddy County, enforce laws, enforce traffic laws, field train new  
hired Deputies, assist community with any and all issues

Related Experience: Certified police officer for 9 years, field training officer, previous  
experience as certified officer with the Carlsbad Police Department

Comments: Mike Shott previously worked with the Carlsbad Police Department as a certified  
Officer and is respected by his peers. Mike Shott will make a great assett for this agency.

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Michael A. Hernandez, City Administrator

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

**FROM:** Angie Barrios-Testa, Director of Municipal Services



Digitally signed by Angie Barrios-Testa  
DN: cn=Angie Barrios-Testa, o=City of  
Carlsbad, ou=Community Development,  
email=abarrios@cityofcarlsbadnm.com,  
c=US  
Date: 2019.06.28 15:19:07 -0600

**SUBJECT:** Recommendation for Employment

**DATE:** June 28, 2019

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: Christa Willbanks Classification/Position: Recreation Attendant  
Department: Riverwalk Recreation Center

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>13.37</u> per hour
<input type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> On call	

### Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input checked="" type="checkbox"/> Associates Degree <u>Social Welfare</u>	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input type="checkbox"/> Other _____	

### Employment:

Present or last Employer: C.C.M First United Methodist Church  
From September 2018 to Present Classification: Pre-school Teacher  
Duties: Attending to students, teaching basic skills, preparing materials and activities, and other related job duties.

Related Experience: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: Ms. Willbank's experience working with children and the public make her an excellent fit for the position.  
\_\_\_\_\_  
\_\_\_\_\_

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**Council Meeting Date:** July 9, 2019

<b>DEPARTMENT:</b> Executive	<b>BY:</b> Michael A. Hernandez, City Administrator	<b>DATE:</b> July 2, 2019											
<b>SUBJECT:</b> Consider the proposed Professional Services Agreement, (Annual Service Agreement) with Eddy County for the Provision of General Services to Eddy County Residents.													
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  <p>Annually, the City of Carlsbad enters into an agreement with Eddy County to provide the following general services to all Eddy County residents:</p> <ul style="list-style-type: none"> <li>• Carlsbad Public Library</li> <li>• San Jose Senior Recreation Center</li> <li>• North Mesa Senior Recreation Center</li> <li>• All City Parks</li> <li>• Rifle Range</li> <li>• Carlsbad Museum</li> <li>• Bob Forrest Youth Sports Complex</li> <li>• Riverwalk Recreation Center</li> <li>• Municipal Golf Course</li> <li>• Public Buildings and use of public meeting spaces</li> <li>• Fire and Ambulance Services</li> <li>• City Convenience Station</li> </ul> <p>In turn, Eddy County contributes financially to the City for the provision of these services. Eddy County proposes to contribute \$500,000 for these services for Fiscal Year 2019-2020.</p> <p>The agreement will begin on July 1, 2019 thru June 30, 2020. Upon successful negotiation of agreement the Mayor will have authority to sign the proposed agreement and all necessary related documents to execute this agreement.</p>													
<b>DEPARTMENT RECOMMENDATION:</b> Approval of proposed agreement for FY 2019-2020.													
<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 rowspan="2" style="vertical-align: middle;">} <input type="checkbox"/> <b>APPROVED</b></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> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> N. Mesa Board</td> <td><input type="checkbox"/> _____ Committee</td> <td>} <input type="checkbox"/> <b>DISAPPROVED</b></td> </tr> </table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input 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	} <input type="checkbox"/> <b>DISAPPROVED</b>
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input 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	} <input type="checkbox"/> <b>DISAPPROVED</b>										

<b>Reviewed by:</b> Deputy <b>City Administrator</b> _____ /s/ John Lowe	<b>Date:</b> 07-02-19
---	-----------------------

ATTACHMENT(S): FY 2019-2020 Agreement and letter from Eddy County dated June 27, 2019



# State of New Mexico County of Eddy Service Agreement

## A-19-77

THIS AGREEMENT is made and entered into by and between the County of Eddy, hereinafter referred to as the "County", and City of Carlsbad, a local government entity, hereinafter referred to as the "Provider".

The parties do hereby agree to the following terms and conditions:

### **1.0 Provider Responsibilities**

- 1.1 The Provider shall engage a bookkeeper or such other qualified person to manage and oversee the monies provided by the County.
- 1.2 The Provider shall deliver the services to the community as listed on Exhibit A, List or Description of Services.
- 1.3 **The Provider shall produce a written activity report each quarter showing the level of services delivered to the community, including the amount and cost of the services provided. The Provider shall submit such report to the Executive Administrative Assistant in the County Manager's Office, 101 W. Greene Street, Carlsbad, NM 88220.**
- 1.4 The Provider shall maintain its financial records for a period of at least 7 years and shall make such records available to the County's internal or external auditors upon request.
- 1.5 The Provider shall deliver the services shown on Exhibit A, List or Description of Services during the fiscal year of July 1<sup>st</sup> through June 30<sup>th</sup>.

### **2.0 Compensation**

- 2.1 **The County shall use General Fund monies in the amount of \$500,000.00 to pay the Provider for the community services listed in Exhibit A, List or Description of Services.**
- 2.2 **The County shall make payments in arrears to the Provider on a quarterly basis after receiving a written activity report for the prior quarter; at the beginning of the first quarter, the Provider shall report on the prior year. The Provider shall also include an invoice for one quarter (1/4) of the above stated amount with the report.**
- 2.3 **Fourth Quarter Payment and report are due to the County NO LATER THAN JUNE 1. Anything submitted for payment after June 1 will need to be brought before the Board of County Commission for re-approval and reallocation.**



# State of New Mexico County of Eddy Service Agreement

## A-19-77

### **2.4 The County shall have the right to refuse payment until the written activity report is provided.**

### **3.0 Oversight**

The County shall have the right to audit the financial records of the Provider in order to assure that the County monies are being properly spent.

### **4.0 Terms of the Agreement**

- 4.1 **Term:** this Agreement shall be annual based on the fiscal year of July 1<sup>st</sup> through June 30<sup>th</sup>.
- 4.2 **Renewal:** this Agreement will not renew automatically.
- 4.3 **Termination without Cause:** either party may terminate this Agreement without cause by giving the other party 90 days written notice.
- 4.4 **Termination for Cause:** Either party may terminate this Agreement for cause by giving the other party 30 days written notice.

### **5.0 Discrimination**

- 5.1 The Provider agrees not to discriminate on the basis of race, religion, national origin, sex, color, physical or mental disability, sexual preference or marital status in delivery or access to the community services provided under this Agreement.
- 5.2 The Provider agrees not to discriminate on the basis of race, religion, national origin, sex, color, physical or mental disability, sexual preference or marital status in its employment practices.

### **6.0 Amendment**

This Agreement may only be amended with the written approval of both parties.

### **7.0 Governing Law**

This Agreement shall be interpreted in accordance with the laws of the State of New Mexico.

### **8.0 Severability**

If any of the provisions of this Agreement are held to be invalid, the remainder of the Agreement shall not be affected unless any provision held invalid was such as to make the fulfillment of the majority purposes of this Agreement impossible or impracticable.





**State of New Mexico  
County of Eddy  
Service Agreement**

**A-19-77**

**9.0 Force Majeure**

Neither party shall be responsible for any delay in performance to the extent that such delay is caused by fires, strikes, embargoes, earthquakes, floods, wars, water, the elements, labor disputes, government requirements, civil or military authorities, acts of God, or by the public enemy. The party claiming such a delay shall give notice to the other party as soon as practicable after learning of the delay.

**10.0 Status as Contractor**

This Agreement does not create an employee/employer relationship between the parties. The Provider, its agents, and employees are independent contractors performing services for the County and are not employees of the County.

**11.0 Notices**

All written notices shall be given by certified mail to the following addresses or as amended by the parties by simple letter, as applicable:

**11.1 Board of County Commissioners**

Attn: County Manager  
101 West Greene Street  
Carlsbad, NM 88220

**11.2 City of Carlsbad**

Attn: City Administrator  
P.O. Box 1569  
Carlsbad, NM 88221-1569

**12.0 Attorney Fees**

If either party breaches this AGREEMENT, the prevailing party shall be entitled to recover costs, including attorney's fees, from the non-prevailing party, as determined by a court of competent jurisdiction.



**State of New Mexico  
County of Eddy  
Service Agreement**

**A-19-77**

**IN WITNESS WHEREOF**, the parties have executed this Agreement to be effective July 1, 2019 with signatures below.

**Eddy County Board of Commissioners**

\_\_\_\_\_  
Jon Henry, Commission Chairman

Date: June 25, 2019

**Attested**

\_\_\_\_\_  
Robin Van Natta, County Clerk

**City of Carlsbad**

\_\_\_\_\_  
Dale Janway, Mayor of Carlsbad

Date: \_\_\_\_\_

**Attested**

\_\_\_\_\_  
City Clerk of Carlsbad



**State of New Mexico  
County of Eddy  
Service Agreement**

**A-19-77**

**EXHIBIT A  
LIST OR DESCRIPTION OF SERVICES**

The City of Carlsbad will provide access to County Residents to the following services:

- 1) Carlsbad Public Library
- 2) San Jose Senior Recreation Center
- 3) North Mesa Senior Recreation Center
- 4) All City Parks
- 5) Rifle Range
- 6) Carlsbad Museum
- 7) Bob Forrest Youth Sports Complex
- 8) Riverwalk Recreation Center
- 9) Municipal Golf Course

The City of Carlsbad will provide the following services to County Residents at no charge, unless the City of Carlsbad decides to impose fees for the following:

- 1) City Convenience Station
- 2) Fire Services
- 3) Non-Covered EMS Services

## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 7/09/19

<b>DEPARTMENT:</b> Police	<b>BY:</b> Shane Skinner <i>Shane Skinner</i>	<b>DATE:</b> 7/1/19
<b>SUBJECT:</b> FY 2020 E911 Grant Agreement		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>This Grant Agreement is with the NM Department of Finance and Administration, Local Government Division for the Enhanced 911 Act. The 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number to achieve a faster response time which minimizes the loss of life and property. The State Board of Finance awarded the City of Carlsbad \$165,050.00 for the FY2019-2020.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Recommended for approval.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<b>Reviewed by:</b> Deputy City Administrator: <u>/s/ John Lowe</u>		<b>Date:</b> <u>07-02-19</u>

ATTACHMENT(S): Grant Agreement (2 originals)

**MICHELLE LUJAN GRISHAM**  
GOVERNOR



**OLIVIA PADILLA - JACKSON**  
CABINET SECRETARY

**DONNIE J. QUINTANA**  
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

June 18, 2019

Catherine Shelton  
Carlsbad Police Department  
602 W. Mermod  
Carlsbad, New Mexico 88220

Subject: Fiscal Year 2020 E-911 Grant Agreement

Dear Ms. Shelton:

Attached is the City of Carlsbad's fiscal year 2020 (FY20) E-911 Grant Agreement. This Grant Agreement reflects the City of Carlsbad's approved budget by the State Board of Finance for FY20. Please **print two (2) originals**, have each signed by the City Manager or the Mayor, and return them as soon as possible, preferably before June 30, 2019.

Please send them to:

Jeannette Gallegos  
Special Services Bureau Chief  
Department of Finance and Administration  
Local Government Division  
Bataan Memorial Building, Suite 202  
Santa Fe, NM 87501

After the Local Government Division (LGD) signs the originals, we will return one original signed grant agreement to you for your records. Once the grant agreement is fully executed, LGD can begin making payments for FY20 expenses.

If you have any questions regarding this matter, please call Jeannette Gallegos at 505-827-4787.

Sincerely,

A handwritten signature in black ink, appearing to read "Donnie Quintana", written over a horizontal line.

Donnie Quintana, Director  
Local Government Division

Attachment: FY20 E-911 Grant Agreement

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
ENHANCED 911 ACT GRANT PROGRAM

GRANT AGREEMENT

Project No. 20-E-28

**THIS GRANT AGREEMENT** made and entered into by and between the Department of Finance and Administration (DFA) acting through the Local Government Division, Bataan Memorial Building, Suite 202, Santa Fe, New Mexico 87501, hereinafter called the "**Division**", and the **City of Carlsbad**, hereinafter called the "**Grantee**", and collectively referred to as the "**Parties**".

**WITNESSETH:**

**WHEREAS**, this Grant Agreement is made by and between the DFA, acting through the Division, and the Grantee, pursuant to the authority in the Enhanced 911 Act, Sections 63-9D-1 *et seq.* NMSA 1978, (hereinafter referred to as the "**Act**") as amended, and the Enhanced 911 Rules, Section 10.6.2 NMAC (hereinafter referred to as the "**Enhanced 911 Requirements**" or "**E-911 Rules**."); and

**WHEREAS**, an enhanced 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number, to achieve a faster response time which minimizes the loss of life and property, provides automatic routing to the appropriate public safety answering point ("**PSAP**"), provides immediate visual display of the location and telephone number of the caller and curtails abuse of the emergency system by documenting callers; and

**WHEREAS**, this Grant Agreement funds the Public Safety Answering Points (PSAPs) at the City of Carlsbad, which also provides E-911 related services to the City of Carlsbad, as well as E-911 related reimbursements for travel, training, and Geographic Information Systems (GIS) software and hardware; and

**WHEREAS**, the Grantee and the Division have the authority, pursuant to the Act, NMSA 1978, Sections 63-9D-1 *et seq.*, and the E-911 Rules, to enter into this Grant Agreement; and

**WHEREAS**, the Grantee complies with the definition of "**Grantee**" in Section 10.6.2.7(HH) NMAC, of the E-911 Rules; and

**WHEREAS**, the Division has the authority, pursuant to NMSA 1978, Section 63-9D-8, to administer the Enhanced 911 fund; and

**WHEREAS**, on May 21, 2019, the State Board of Finance awarded the Grantee **\$165,050** for enhanced 911 services and equipment.

**NOW, THEREFORE**, the Parties agree as follows:

**ARTICLE I - LENGTH OF GRANT AGREEMENT**

A. Unless terminated earlier pursuant to Article IV herein, the term of this Grant Agreement, upon being duly executed by the Division, shall be from **July 1, 2019**, through **June 30, 2020**.

B. In the event that, due to unusual circumstances, it becomes apparent that this Grant Agreement cannot be brought to full completion within the time period set forth in

Paragraph A above, the Grantee shall so notify the Division in writing at least thirty (30) days prior to the termination date of this Grant Agreement, for the purpose of allowing the Grantee and the Division to review the work accomplished to date and determine whether there is need or sufficient justification to amend this Grant Agreement and to provide additional time for completing the same. The Division's decision whether or not to extend the term of this Grant Agreement is final and non-appealable.

## **ARTICLE II – REPORTS**

A. **PSAP Annual Report:** No later than June 30th of each year, the Grantee shall submit to the Division a PSAP Annual Report, in the form attached hereto as Exhibit A, as may be changed from time to time upon the Division's written notice to the Grantee. The PSAP Annual Report shall include information described in Section 10.6.2.11.D NMAC, of the E-911 Rules, and any such other information as the Division may request, in sufficient detail to evaluate the effectiveness of the 911 equipment and services provided by the equipment vendor.

B. **Federal 911 Resource Center Report:** No later than January 30th of each year, the Grantee shall submit to the Division a Federal 911 Resource Center Report, in the form attached hereto as Exhibit B, as may be changed from time to time upon the Division's written notice to the Grantee.

## **ARTICLE III - CONSIDERATION AND METHOD OF PAYMENT**

A. In consideration of the Grantee's satisfactory completion of all work, purchase and maintenance of the equipment and services required to be performed in compliance with all the terms and conditions of this Grant Agreement, the Division shall pay the Grantee a sum not to exceed \$165,050 from the Enhanced 911 fund in accordance with Article III (D). The funds are to be expended in accordance with the approved Expenditure Budget ("Budget"), attached to and incorporated by reference as Exhibit C, and in accordance with Section 10.6.2.11 NMAC of the E-911 Rules, "PSAP Equipment, Acquisition, and Disbursement of Funds." It is understood and agreed that the Grantee's expenditure of these monies shall not deviate from the line items of the Budget without the prior written approval of the Division, and the funds shall not be expended for ineligible costs via Section 10.6.2.11(F) NMAC of the E-911 Rules.

B. The funds mentioned in Paragraph A above shall constitute full and complete payment of monies to be received by the Grantee from the Division.

C. It is understood and agreed that if any portion of the funds set forth in Paragraph A above is not expended for the purpose of this Grant Agreement, after all conditions of this Grant Agreement have been satisfied or it has been demonstrated that the conditions of the Grant Agreement, for whatever reason, cannot be satisfied, the unexpended funds shall be reverted by the Division in accordance with the Act and the E-911 Rules.

D. Pursuant to NMSA 1978, Section 63-9D-8, as amended, payments will be made from the Enhanced 911 fund to, or on behalf of, participating local governing bodies or their fiscal agents upon vouchers signed by the director of the Division solely for the purpose of reimbursing local governing bodies or their fiscal agents, commercial mobile radio service providers or telecommunications companies for their costs of providing enhanced 911 service.

E. Payments may be made by the Division as follows: 1) on behalf of the Grantee to telecommunications companies, vendors and equipment providers; or 2) reimbursements to

the Grantee for actual costs or expenditures after the Division receives a completed Request for Payment Form, or an invoice certified correct by the Grantee and/or the Division for the E-911 equipment, equipment maintenance, and upgrades billed by the equipment provider. All purchases made by the Grantee for equipment, equipment maintenance, and upgrades require prior written approval by the Division to be eligible for reimbursement.

F. Payments will not be made to the Grantee for work, equipment, maintenance or services not specified in this Grant Agreement or in violation of or ineligible under the E-911 Rules.

#### **ARTICLE IV - MODIFICATION, TERMINATION AND MERGER**

A. Early Termination. Except as provided in Article IV (D) below, this Grant Agreement may be terminated by either Party upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Grant Agreement, the Division's sole liability upon termination shall be to pay for eligible budget items purchased prior to the Grantee's receipt of the notice of termination, if the Division is the terminating party, or upon the Grantee sending a notice of termination, if the Grantee is the terminating party. A notice of termination will not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Grant Agreement. The Grantee shall submit an invoice for such eligible budget items within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Grant Agreement may be terminated immediately upon written notice to the Grantee if the Grantee becomes unable to or fails to perform the terms of this Agreement, as determined by the Division or if, during the term of this Grant Agreement, the Grantee or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein. THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE DIVISION'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE GRANTEE'S DEFAULT/BREACH OF THIS GRANT AGREEMENT, INCLUDING BUT NOT LIMITED TO, RETURN OF MISSPENT GRANT FUNDS BY THE GRANTEE TO THE DIVISION.

B. Termination Management. Immediately upon receipt by either the Division or the Grantee of a notice of termination of this Grant Agreement, the Grantee shall: 1) not incur any further obligations for expenditure of funds under this Grant Agreement without written approval of the Division; and 2) comply with all directives issued by the Division in the notice of termination as to the performance under this Grant Agreement.

C. This Grant Agreement incorporates all agreements, covenants and understandings between the parties concerning the subject matter of this Grant Agreement and all such agreements, covenants and understandings have been merged into this written Grant Agreement. No prior agreements, covenants, or understandings oral or otherwise, of the parties or their agents shall be valid and enforceable unless embodied in this Grant Agreement.

D. The terms of this Grant Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of the Grant Agreement. If sufficient appropriations and authorizations are not made by the Legislature, the Division may *immediately* terminate this Grant Agreement, in whole or in part, regardless of any existing legally binding third-party contracts entered into by or between the Grantee and a third party, by giving the Grantee written notice of such immediate early termination. The Division's decision as to whether sufficient appropriations are available shall be final and non-appealable. The Grantee shall include a substantively identical clause in all contracts between it and third parties that are (i) funded in whole or in



part by funds made available under this Grant Agreement and (ii) entered into between the effective date of this Grant Agreement and the termination date or early termination date.

## **ARTICLE V - CERTIFICATION**

The Grantee assures and certifies that it will comply with all state laws, the E-911 Rules, and all other laws, rules, policies and procedures with respect to the acceptance and use of State funds. Further, the v gives assurances and certifies with respect to the Grant that:

- A. It will comply with the New Mexico Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199.
- B. It will adhere to all financial and accounting requirements of the DFA.
- C. It will comply with all requirements set forth in the Act and prescribed by the Division in its E-911 Rules, or other guidelines and procedures in relation to receipt and use of State Enhanced 911 Grant Funds.
- D. It shall not at any time utilize or convert any equipment or property acquired or developed pursuant to this Grant Agreement for other than the uses specified, without the prior written approval of the Division.
- E. It will comply with NMSA 1978, Section 63-9D-4D and provide GIS addressing and digital mapping data to the appropriate PSAP and to the Division.
- F. It accepts responsibility for coordinating and providing accurately maintained GIS addressing, road centerline, boundary and other data in the service area to the Division per Section 10.6.2 NMAC. This information will be compliant with the statewide dataset used by the local PSAPs.
- G. It agrees and acknowledges that all GIS data provided to the Division's statewide dataset in support of the E-911 program is public data and shall be shared with other governmental agencies.
- H. It will finance any amount exceeding the approved funding for the 911 equipment costs.
- I. It will not make any changes in the E-911 system configuration without first submitting a written request to the Division and obtaining the Division's written approval of the proposed change(s).
- J. It will provide to the Division, documentation of total insurance coverage for all hardware and software and other equipment purchased with E-911 funds. Insurance should, at a minimum, cover non-routine maintenance defects including, but not limited to, all acts of God, floods, fire, lightning strikes and water damage.
- K. It will provide all the necessary qualified personnel, material, and facilities to run the E-911 PSAP.
- L. It will submit all project related contracts, subcontracts, and agreements to the Division for administrative review and approval prior to execution for compliance with the E-911 program requirements and not for legal sufficiency. Amendments to existing contracts also must be submitted to the Division for review and approval prior to execution.

M. It will comply with the PSAP consolidation requirement pursuant to Section 10.6.2.15 NMAC of the E-911 Rules.

#### **ARTICLE VI - RETENTION OF RECORDS**

The Grantee shall keep and preserve such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for a period of six (6) years from the termination of the Grant Agreement, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe.

#### **ARTICLE VII – REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS GRANT AGREEMENT**

A. The Grantee shall include the following or a substantially similar termination clause in all contracts that are (i) funded in whole or in part by funds made available under this Grant Agreement and (ii) entered into after the effective date of this Grant Agreement:

“This contract is funded in whole or in part by funds made available under a Department of Finance and Administration, Local Government Division (Division) Grant Agreement. Should the Division or the [insert name of Grantee] terminate the Grant Agreement, the [insert name of Grantee] may terminate this contract by providing the Contractor written notice of the termination in accordance with the notice provisions in this contract. In the event of termination pursuant to this paragraph, the Grantee’s only liability shall be to pay the Contractor for acceptable goods/equipment and/or services delivered and accepted prior to the termination date.”

#### **ARTICLE VIII - REPRESENTATIVES**

A. The Grantee hereby designates the person listed below as the official Grantee representative responsible for the overall supervision of this Grant Agreement:

Name: Catherine Shelton  
Title: Commander, Carlsbad Police Department  
Address: 602 W. Mermod  
Carlsbad, New Mexico 88220  
  
Phone: 575-885-2111 ext. 233  
Fax: 575-885-6547  
Email: [cgselton@cityofcarlsbadnm.com](mailto:cgselton@cityofcarlsbadnm.com)

B. The Division designates the person listed below responsible for the overall administration of this Grant Agreement, including compliance and monitoring of the Grantee:

Name: Jeannette Gallegos, or her successor  
Title: Special Services Bureau Chief  
Address: Department of Finance and Administration  
Local Government Division  
Bataan Memorial Building, Suite 202  
Santa Fe, NM 87501  
  
Phone: 505-827-4787  
Fax: 505-827-4948  
Email: [Jeannette.Gallegos@state.nm.us](mailto:Jeannette.Gallegos@state.nm.us)

**IN WITNESS WHEREOF**, the Grantee and the Division do hereby execute this Grant Agreement.

**THIS GRANT AGREEMENT** has been approved by:

**GRANTEE**

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title, Organization)

**DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION**

By: \_\_\_\_\_  
Donnie Quintana, Local Government Division Director

\_\_\_\_\_  
Date

## Exhibit A

### PSAP Annual Report

PSAP Annual Report Form For: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Section	PSAP Input
<b>Section 10.6.2.11 D(8)</b>	
PSAP Name	
Date of PSAP Report	
Exact address of the PSAP (No P.O. boxes)	
Number, make, and model of E911 and Radio Dispatch positions (if a position is used for both call taking and dispatching, list it as such).	
Type of equipment to include make and model.	
Telephone switching equipment.	
MIS System	
Mapping server	
Radio System	
UPS (for 911 Equipment)	
Back-up Generator	
Version of E911 operating system software.	
Number and type of dedicated/switched voice/data circuits.	
Routing central office and PSAP end office.	
Maintenance control center to include name of company, physical address, telephone number, email address, and your point of contact for E911 equipment and voice logging recorder, if different from E911 equipment maintainer.	
PSAP manager or coordinator and alternate: contact names, addresses, phone numbers, and their PSAP email address.	
MSAG coordinator name, address, phone number, and email address.	
GIS representative to include physical address, telephone number, and email address.	
Type and manufacturer of CAD system, if any, and type and manufacturer of voice logging recorder.	

<b>Section 10.6.2.11 D(9)</b>	
Each PSAP shall maintain at least one 10-digit administrative number. This number shall also be used to receive incoming emergency calls transferred to the PSAP by other PSAPs for certain alternate and default routing arrangements. The preferred way to transfer an emergency call is via one-button transfer via 911 trunk, but the above method can be used for PSAPs that do not have one-button transfers the above mentioned PSAP.	
Provide the administrative number(s).	
<b>Section 10.6.2.11 D(14)</b>	
The PSAP shall maintain a list of fixed and auto-dial transfer features.	
List of fixed transfers.	
List of auto-dial transfers.	
<b>Section 10.6.2.11 D(18)</b>	
<b>Special circumstances.</b>	
(a) In accordance with the ADA each PSAP shall establish procedures to handle calls from speech and hearing impaired individuals. <u>Include a copy of your procedures.</u>	
(b) PSAPs shall develop procedures for handling unanswered or silent 911 calls. <u>Include a copy of your procedures.</u>	
<b>Miscellaneous Section</b>	
List the PSAP insurance provider name, POC, and policy numbers as proof of hazard and liability insurance for the PSAP facility.	
List any back-up PSAP(s) and attach any MOU(s) documenting agreement(s).	

PSAP Annual Report Continued

9-1-1 PSAP Activity-PSAP Input Here			
	Wireline 9-1-1 Calls	Wireless 9-1-1 Calls	Total 9-1-1 Phone Calls
<i>Jul</i>			
<i>Aug</i>			
<i>Sep</i>			
<i>Oct</i>			
<i>Nov</i>			
<i>Dec</i>			
<i>Jan</i>			
<i>Feb</i>			
<i>Mar</i>			
<i>Apl</i>			
<i>May</i>			
<i>June</i>			
<i>Total</i>			
<b>Month Avg.</b>			
<b>Day Avg.</b>			

## Exhibit B

### Federal 911 Resource Center Report

Call Types	Annual Total of Calls from January 1 through December 31
Wireline	
Wireless	
Voice over Internet Protocol (VoIP)	
Multiline Telephone System (MLTS)	
Telematics	
Other	
Total of All Call Types	

# Exhibit C

## Expenditure Budget

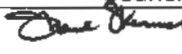
<b>Grantee:</b>	City of Carlsbad	<b>Grant Award:</b>	165,050
<b>Address:</b>	602 W. Mermond	<b>Project Number:</b>	20-E-28
	Carlsbad, New Mexico 88220	<b>Grant Period:</b>	July 1, 2019 - June 30, 2020
<b>Telephone:</b>	(575) 885-2111 ext 233		
<b>Number of Funded PSAP Positions: 4</b>			
<b>Budget Line Items</b>		<b>Total Budgeted Amount</b>	
<b>Capital</b>			
E-911 Equipment Upgrades			
Firewall and Router Equipment			
Dispatch Software			
Recorder			
UPS/Generator			
<b>Capital Subtotal</b>			
<b>Recurring Network/Managed Services</b>			
Voice Network			
Data MPLS Network			
Wireless Cost Recovery			
<b>Recurring Network/Circuit Subtotal</b>			
<b>Recurring Maintenance</b>			
System Maintenance			
<b>Recurring Maintenance Subtotal</b>			
<b>Services/Training</b>			
911 Related Training			
911 Related GIS			
911 Consulting Services			
GIS Consulting Services			
Interpretive Services			
Minor Equipment			
<b>Services/Training Subtotal</b>			
<b>TOTAL</b>			



## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 7/09/19

<b>DEPARTMENT:</b> Police	<b>BY:</b> Shane Skinner 	<b>DATE:</b> 7/1/19
<b>SUBJECT:</b> Maintenance Agreements for E911		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>This Maintenance Agreement with ISC, Inc. and with Voiance are part of the Grant Agreement with the NM Department of Finance and Administration, Local Government Division for the Enhanced 911 Act. The 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number to achieve a faster response time which minimizes the loss of life and property. The Voiance language service provides interpretation of 911 calls. These Maintenance Agreements will become part of the Carlsbad 911 Grant Agreements.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Recommended for approval.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED
<b>Reviewed by:</b> Deputy <b>City Administrator:</b> /s/ John Lowe		
		<b>Date:</b> 07-02-19

ATTACHMENT(S): Maintenance Agreements (4 originals)

### ISC Maintenance Purchase Order

This maintenance purchase order by and between ISC, Inc. (contractor dba Venture Technologies) and Carlsbad Police Department (customer) is for proactive support and maintenance described below. This maintenance purchase order (purchase order) is appended to, and subject to in all respects, the State Price Agreement 40-000-13-00025AC (price agreement) put in place as of May 13<sup>th</sup>, 2014. Please see Attachment C of this purchase order for maintenance pricing from the price agreement. This purchase order term will become effective on July 1st, 2019 and end on June 30th, 2020.

The customer of ISC proactive support and maintenance is Carlsbad Police Department. Carlsbad Police Department is delegated as the customer's authority to request maintenance or service for the E-911 equipment, on behalf of the customer.

The PSAP may cancel this purchase order by providing the contractor thirty (30) days written notice prior to the intended date of termination.

IN WITNESS WHEREOF, the duly authorized representatives of the parties hereto, having read and agreed with this purchase order, have caused this purchase order to be duly executed as of the effective date.

#### **Customer Information:**

PSAP Name: **Carlsbad Police Department**

# of Positions: 4

Type of System: **VIPER/Power 911/Map/MIS/ePrinter**

Total monthly billing amount (plus applicable gross receipts tax): **\$5,687.50**

Total FY20 billing amount (plus applicable gross receipts tax): **\$68,250.00**

**PSAP Signatures:**PSAP Name: Carlsbad Police DepartmentAddress: 602 W. Mermod, Carlsbad, NM 88220PSAP Director: Catherine Shelton

(Signature)

Date: 6/3/19**Local Government/Fiscal Agent**

Fiscal Agent Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

(Signature)

Date: \_\_\_\_\_

**ISC**

ISC Agent Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

(Signature)

Date: \_\_\_\_\_

**Attachment B****Description of Proactive Support and Maintenance****For Intrado VIPER Customers:****Customer Service Portal**

- Create, track, escalate trouble tickets for Intrado related issues
- Available online to customers - 24/7/365
- Access via email or phone - 24/7/365

**Remote Monitoring**

- Proactively monitor Intrado PSAP systems and applications including:
  - P911
  - PMAP
  - PMIS
  - VIPER
- Provide monthly reports around the health of these applications

**Remote/Onsite Support and Break Fix**

- Remote/onsite support and break fix for the following systems and applications:
  - P911
  - PMAP
  - PMIS
  - VIPER
  - Nortel
- All services to be performed by an Intrado certified ISC engineer
- Spare part depot to be available and located in New Mexico

**Covered Products\*\***

- Intrado components
  - o Power911
  - o PowerMIS
  - o PowerMAP/MapFlex
  - o ePrinter
  - o WorkStation hardware
  - o VIPER

**\*\*Any items outside of this Attachment A will require the customer to provide ISC, in writing, documentation as to what is desired. Additional fees may be incurred for this work. Items outside those listed above may not be paid by the E-911 Fund at the Department of Finance and Administration, Local Government Division.**

## **Definitions of Major Failure and Minor Failure from State Price Agreement 40-000-13-00025AC**

### **Priority 1 Scenario**

#### **Major Failure**

Any hardware, software or circuitry failure that prevents the 911 call taker from making voice contact or viewing Automatic Number Identification/Automatic Location Identification (ANI/ALI) information for a person who has dialed 911.

Upon verbal notification by the PSAP, the local 911 telephone line service provider or electronic notification by the 911 telephone system itself of a major failure, ISC will meet the guaranteed response time for the affected PSAP location provided below in Attachment B.

The total response time may include time for an ISC technician to remotely diagnose and possibly repair via modem. Within one hour or less, the ISC technician will notify the PSAP via phone call of the nature of failure and the estimated time of arrival to begin on-site work. If remote repairs are unsuccessful, an Intrado trained ISC technician or ISC technician with verbal access to an Intrado trained technician will respond on-site with the spare parts/software most likely needed as determined by remote diagnostics and reported failure symptoms within the guaranteed response time for that city. The total time from trouble report, including remote diagnostics, to arrival on-site by a technician must not exceed the guaranteed response time for that city.

### **Priority 2 Scenario**

#### **Minor Failure**

A minor failure is defined as any hardware, software or circuitry failure that prevents the normal operation of any feature of the 911 call taking system.

Upon verbal notification by the PSAP, the local 911 telephone line service provider or electronic notification by the 911 system itself of a minor failure, ISC will meet one of the two required response times listed below.

### **On-site Response**

During the initial notification by the PSAP of a minor failure, ISC will provide to the PSAP an estimated time for on-site diagnostics/repair to begin. An Intrado trained ISC technician will respond on-site with the spare parts/software most likely needed as determined by reported failure symptoms, within twelve (12) hours or less to diagnose and repair a minor failure. Within twelve (12) hours or less responding, the ISC technician will notify the PSAP of the nature of failure and the estimated time to repair.

**Attachment B**

**ISC Proactive Support and Maintenance Pricing  
For E-911 Equipment  
Per State Price Agreement 40-000-13-00025AC**

2-3 Positions PSAP - \$47,250.00/yr
4- 6 Positions PSAP • \$68,250.00/yr
7 - 12 Positions PSAP - \$99,750.00/yr
13 -18 Positions PSAP • \$120,750.00/yr

---

**Intrado Software Subscription & Support Schedule for FY20**

---

ISC will provide Intrado software support and upgrades as applicable and as released by Intrado. This service ensures the PSAP's Intrado software is up to date with the latest Intrado software releases.

Intrado software subscription service, also known as Evergreen, provides the customer with software upgrades including new features.

Intrado will provide periodic software release bulletins to customers which announce and explain new feature releases for Intrado software.

The Intrado software support is based on the following PSAP E-911 system configuration and software platforms;

- VIPER
- Power 911 call-taking software
- Power MAP software
- Power MIS call statistics software
- ePrinter software
- Number of call-taking positions

The yearly price for Intrado software subscription & support during FY20 for **Carlsbad Police Department** is **\$9,545.44.**

**Attachment C**

**State Price Agreement 40-000-13-00025AC**

The price agreement is posted online on the State Purchasing Division of General Services Department website:

<http://www.generalservices.state.nm.us/statepurchasing/StatewidePriceAgreements.aspx>



Bill Martin  
911 Account Manager  
(866) 742-9080 ext. 1708  
(480) 258-3430 Cell  
bmartin@voiance.com

State of New Mexico Interpretive Service for E-911 Purchase Order

Voiance Language Services

State Price Agreement 50-000-14-00002AC

This purchase order is by and between Voiance Language Services and  
**City of Carlsbad**

(Local Government) for:

365 days a year/7 days a week/ 24 hours a day Telephone Based Interpreter Services on an "as needed" basis for Limited English Proficiency (LEP) clients needing immediate interpreter assistance.

Public Safety Answer Point (PSAP) name: **Carlsbad Police Department**

PSAP Address: **602 W. Mermond, Carlsbad, NM 88220**

PSAP phone number: **575-885-2111**

Term: July 1, 2019 through June 30, 2020.

Cancellation: See cancellation clause in the above referenced State Price Agreement.

Total Cost: Applicable usage per month based on above referenced State Price Agreement rate  
of \$.65 per minute.

PSAP Director Signature:

*Catherine Shelton*

Printed Name:

*Catherine Shelton*

Date:

*11-25-19*

Fiscal Agent Signature:

Printed Name:

Date:

Voiance Representative:

*J. Austin Wade*

Printed Name:

J. Austin Wade

Date:

May 21, 2019



## CITY OF CARLSBAD

# **AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION**

Council Meeting Date: 07/09/19

<b>Department:</b> Administration	<b>BY:</b> Matt Fletcher, CPO	<b>Date:</b> 07/02/19
<b>SUBJECT:</b> Services <b>Description:</b> Professional Lobbying and Consulting Services		
<b>SYNOPSIS:</b> Qty <u>1</u> Total Est. Cost _____    Total Actual Cost _____ Budgeted Yes                      Est. City Share _____    Actual City Share _____ Account # _____ Account # _____ Account # _____ Account # _____ <div style="text-align: right;">TOTAL _____ \$ 0.00</div>		
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  The City is requesting approval to conduct an RFP for Lobbying and Consulting Services.  The Lobbyist/Consultant will be under contract with the City to represent the City's needs and interests before the New Mexico State Legislature.  The Lobbyist/Consultant will keep the City of Carlsbad Administrative Officials, Mayor and City Council apprised of pending legislation, operational changes or regulation by the State of New Mexico Legislature or regulatory bodies, through constant communication with State legislators and their staff in matters of importance, relevance and concern to the City of Carlsbad.		
<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>
<b>Reviewed by City Administrator:</b> /s/ John Lowe		07-02-19

<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>Date:</b>
<b>ADDITIONAL INFORMATION:</b>		
<b>Reviewed by City Administrator:</b>		

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

**City of Carlsbad  
Personnel Department**

**Action Report  
Month of June 2019**

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

City of Carlsbad  
Personnel Department Action Report  
Month of June 2019

<b>EMPLOYEE REPORT</b>	<b>Beginning of Month</b>	<b>New Hires</b>	<b>Termina- tions</b>	<b>Transfers In</b>	<b>Transfers Out</b>	<b>End of Month</b>
Full-Time Employees	420	10	4	2	0	428
Part-Time/Temp Employees	91	12	7	0	2	94
Total Employees	511	22	11	2	2	522
Administrative	17	1	3	0	0	15
Judicial	7	0	1	0	0	6
Finance	18	0	0	0	0	18
Police	111	4	3	0	0	112
Fire	67	1	0	0	0	68
Community Development	110	13	4	0	1	118
Planning & Regulation	18	1	0	0	0	19
Utilities	74	0	0	0	0	74
Transportation & Facilities	89	2	0	1	0	92
TOTAL	511	22	11	1	1	522

<b>WEEKLY INDEMNITY</b>	<b>Beginning of Month</b>	<b>New Claims</b>	<b>Released To Work</b>	<b>Terminated</b>	<b>End of Month</b>
Employees on WI	3	3	0	0	6

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

<b>DRUG TESTS</b>	Number Given
Pre-employment	42
Probationary	0
Post Accident	13
Random	0
Periodic	0
Probable Cause	0

<b>PHYSICAL EXAMINATIONS</b>	Number Given
Pre-employment	17
Return to Work Evaluation	0
Functional Capacity Evaluation	0

<b>TESTING</b>	Number Given
Typing	10

<b>VACANCIES BID</b>	Department
Code Enforcement Officer	Planning & Reg.
Court Clerk	Municipal Court
Transit Clerk	Transit

<b>VACANCIES ADVERTISED</b>	Applications Received
Account Clerk I, part-time	Pending
ARC Driver	Pending
Construction Maintenance	Pending
Court Clerk	Pending
Facility Maintenance	Pending
Firefighter/EMT	Pending
Heavy Equipment Operator 1	Pending
IT Technician	Pending
Master Mechanic	Pending
Patrolman	Pending
Receptionist	33
Recreation Attendant, on-call	Pending
Recreation Attendant, seasonal	Pending
School Crossing Guard	Pending
Seasonal Laborer	Pending
Secretary	Pending
Sports & Rec. Attendant, on-call	2
Telecommunicator	6
Truck Driver	Pending


**CARLSBAD MUNICIPAL COURT  
CITY OF CARLSBAD  
JUNE 2019**

Number of Cases	732
Warrants Outstanding	4082
Amount of Fines	\$77,301.00
Cases on Appeal	7

**FINES**

Summary for the Month of	<b>JUNE 2019</b>
Total Fines	\$56,897.00
Total Prevention Fees	\$ 468.00
Total Lab Fees	\$ 423.00
Total Correction Fees	\$13,378.00
Total Automation Fees	\$ 4,056.00
Judicial Fees	\$ 2,076.00
Notary Fees	\$ 0.00
Victim Restitution	\$ 0.00
<b>TOTAL</b>	<b>\$ 77,301.00</b>
<b>TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE - \$ 674.00</b>	

cc: Chief  
City Administrator  
Finance Department

  
Municipal Judge

# CITY OF CARLSBAD

## INTER-OFFICE MEMORANDUM

Dale Janway, Mayor

Mike Hernandez, City Administrator

July 2, 2019

TO: Council Members

FROM: Mayor Janway

RE: Board, Commission and Committee Appointments

---

Subject to the approval of the Governing Body, I would like to appoint the following:

**City of Carlsbad Disability Advisory Board**

Appoint: Don Neighbors    Remainder 4 year term



**New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION**

PO Box 25101 • Santa Fe, New Mexico 87504-5101  
Phone (505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

May 16, 2019

**Certified Mail No.: 9171 9690 0935 0155 1794 43**

**Michelle Lujan Grisham**  
Governor

**Marguerite Salazar**  
Superintendent

**Claudia Armijo**  
Deputy Superintendent

**Daniel Rubin**  
General Counsel

**Andrew Vallejos**  
Director

**City of Carlsbad**  
Attn: Annette Barick, Clerk  
PO Box 1569  
Carlsbad, NM 88221-1569

9171 9690 0935 0155 1794 43

**RE: Lic. No. /Appl. No.: Application No. 1127320**  
Name of Applicant: Miyabi, Inc.  
Doing Business as: Miyabi Japanese Steakhouse & Sushi Bar  
Proposed Location: 1511 S. Canal St., Carlsbad, NM 88220

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

**Notice of the Public Hearing** required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

**THE APPLICANT IS SEEKING A RESTAURANT BEER/WINE LIQUOR LICENSE.**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions  
Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

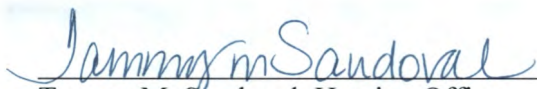
Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Tammy M. Sandoval, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4548 Fax: (505) 476-4595

Email: [tammy.sandoval@state.nm.us](mailto:tammy.sandoval@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement





New Mexico Regulation and Licensing Department | Alcohol and Gaming Division  
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

Page 1 Revised 5/16

RECEIVED

APR 09 2019

2174090

ALCOHOL & GAMING DIVISION

AGD USE ONLY: Payment| Application Fee \$ 200 Received on: 4-9-19 Receipt No. \_\_\_\_\_  
License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Application # 1127320 Local Option District: \_\_\_\_\_

## RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☒ New Restaurant Liquor License

Applicant is: ☐ Individual ☐ Limited Liability Company ☒ Corporation ☐ Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

Miyabi, Inc.

1511 S. Canal Street, Carlsbad, NM 88220

D/B/A Name to be used: Miyabi Japanese Steakhouse & Sushi Bar Business Phone #: (575) 725-5998

Email Address (required): skyye1818@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)

1511 S. Canal Street, Carlsbad, Eddy County, NM 88220

Mailing Address: 1511 S. Canal St. Carlsbad, NM 88220

Agent/Contact Person: Jin Feng Ye Phone#: (917) 392-5362 Email: skyye1818@gmail.com

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: \_\_\_\_\_

I, (print name) Jin Feng Ye, as (title) Owner/Director/Registered Agent  
being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application;  
that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations  
herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: \_\_\_\_\_ Date: 4/2/19

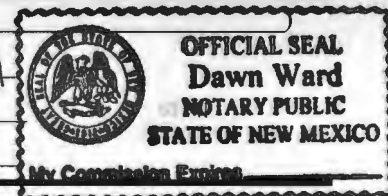
NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Eddy

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 2019

By: Jin Feng Ye

Notary Public: Dawn Ward

My Commission Expires: 8-27-19



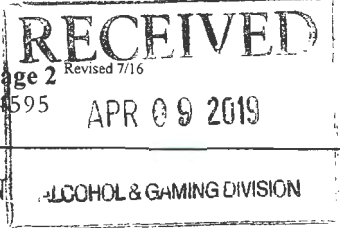
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_  
City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

- ☒ Owned by Applicant, copy of deed/document attached ☐ Leased by Applicant, copy of lease/document attached  
☐ Other (provide details): \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Jin, Inc & Jin Feng Ye

B. Date and Term of Lease: 20 years - May 1, 2019 through May 1, 2039

3. Premises location is Zoned (example C-1, see Zoning Statement): C-2

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: San Jose Catholic Church Miles/feet: .6 miles/3,168 feet

Address/location of Church: 1002 Debaca Street, Carlsbad, NM 88220

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Craft Elementary School Miles/feet: .8 miles/4,224 feet

Address/location of School: 406 W Lea Street, Carlsbad, NM 88220

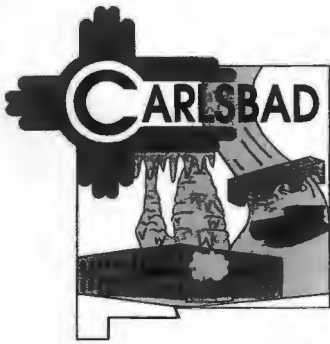
6. Distance from military installation \*(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, <sup>circle one:</sup> Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
Miles: 157.1 \*Holloman Air Force Base (Alamogordo)\* Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack  
☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler  
☐ Other (specify): \_\_\_\_\_

**\*NOTE:** If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



DALE JANWAY  
Mayor

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(505) 887-1191  
1-800-658-2713  
[www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com)

MICHAEL A. HERNANDEZ  
City Administrator

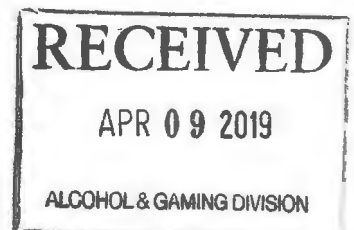
April 5, 2019

## ZONING DISTRICT DETERMINATION

Property Address: 1511 S. Canal Street, Carlsbad, NM 88220  
Legal Description: Lot B, Block B, White Amended Subdivision  
Business Name: Miyabi Inc  
Business Address: 1511 S. Canal Street, Carlsbad, NM 88220  
Property Owner: Jin Feng Ye  
Owner Address: 911 Country Side Place, Carlsbad, NM 88220  
Zoning District: C-2 Commercial

The proposed restaurant, including alcohol sales, is an allowed use within the C-2 zoning district. For additional uses allowed in this zoning district and development restrictions please refer to Carlsbad Code of Ordinances, Chapter 56. The Code of Ordinances can be found by visiting the City's webpage at [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) and then by clicking on the Planning, Engineering and Regulation Department's link.

Trysha Carrasco  
Deputy Director of Planning, Engineering, and Regulation



### COUNCILORS

Ward 1  
EDWARD T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JJ CHAVEZ  
LEO ESTRADA

Ward 3  
JASON G. SHIRLEY  
JUDITH WATERS

Ward 4  
WESLEY CARTER  
MARK WALTERSHEID



1:2,040  
1 inch = 170 feet

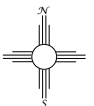
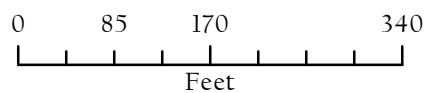
Miyabi  
Japanese Steakhouse

Map # 1850\_ed01

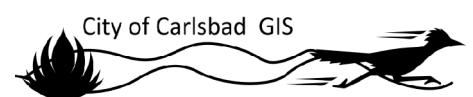
Date: 5/22/2019

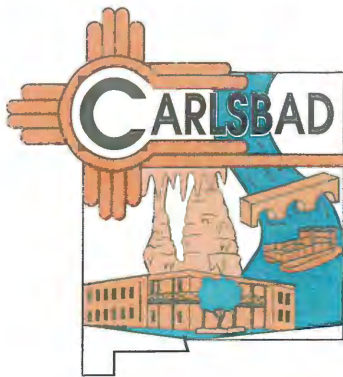


- Address
- Roads
- 300 Foot Buffer
- Parcel



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





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MAYOR

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MICHAEL HERNANDEZ  
CITY ADMINISTRATOR

May 23, 2019

CERTIFIED MAIL 7017 1070 0000 6431 1451

Jin Feng Ye  
Miyabi Japanese Steakhouse & Sushi Bar  
1511 S Canal  
Carlsbad, NM 88220

Dear Mr. Jin Feng Ye:

Attached is notice of the scheduled hearing on your application to the Alcohol and Gaming Division Director for a Restaurant Beer/Wine Liquor License, Application No.1127320.

Sincerely,

Michael A. Hernandez  
City Administrator

MAH:or  
Attachment

COUNCILORS

Ward 1

LISA A. ANAYA FLORES  
EDDIE T. RODRIGUEZ

Ward 2

J J CHAVEZ  
LEO R. ESTRADA

Ward 3

JASON G. SHIRLEY  
JUDI WATERS

Ward 4

WESLEY A. CARTER  
MARK WALTERSCHEID



**Please publish May 26, 2019 and June 2, 2019.  
PO #: 184818**

## **NOTICE OF HEARING REGARDING APPLICATION FOR A BEER/WINE LIQUOR LICENSE**

Notice is hereby given that a public hearing will be held by the City of Carlsbad, NM in the Planning Room of the Municipal Building, 101 North Halagueno Street, Carlsbad, NM at 11:00 a.m. on June 26, 2019.

The purpose of the hearing will be to accept public comment on whether the City Council should approve a proposed restaurant Beer/Wine Liquor License Application for Miyabi Japanese Steakhouse & Sushi Bar, 1511 S. Canal, Carlsbad, NM 88220.

Only questions relating to the Liquor License will be considered.

Written comments regarding this matter maybe directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, and will be accepted until 10:30 a.m. on June 26, 2019.

**Proposed Owner & Location:**

Miyabi Japanese Steakhouse & Sushi Bar  
Jin Feng Ye  
1511 S Canal  
Carlsbad, NM 88220

/s/Michael A. Hernandez  
City Administrator

Legal Notices 152

Legal Notices 152

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**Proposed Owner & Location:**

Miyabi Japanese Steakhouse & Sushi Bar  
Jin Feng Ye  
1511 S. Canal  
Carlsbad, NM 88220  
/s/ Michael A. Hernandez  
City Administrator

May 26, June 2, 2019

Legal Notices 152

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**Proposed Owner & Location:**

Miyabi Japanese Steakhouse & Sushi Bar

Jin Feng Ye

1511 S Canal

Carlsbad, NM 88220

/s/Michael A. Hernandez

City Administrator

May 26, June 2, 2019



**MINUTES OF A PUBLIC HEARING IN THE MUNICIPAL BUILDING  
ON JUNE 26, 2019 AT 11:00 A.M.**

IN THE MATTER OF: A Restaurant Beer/Wine Liquor License

**Proposed Owner & Location:**

Jin Feng Ye  
Miyabi Japanese Steakhouse & Sushi Bar  
1511 S Canal  
Carlsbad, NM 88220

**Present:**

Michael A. Hernandez, Hearing Officer  
John Lowe, Deputy City Administrator  
Olga Ramirez, Assistant to City Administrator  
Jin Feng Ye, Owner/Director/Registered Agent  
Jeff Diamond, Attorney

Mr. Hernandez convened the hearing at 11:04 a.m. to consider the Restaurant Beer/Wine Liquor License Application 1127320. The proposed location is at 1511 S Canal St., Carlsbad, NM. The purpose of the hearing was to approve/disapprove the Restaurant Beer/Wine Liquor License.

The matter was received by the City of Carlsbad on May 21, 2019. The hearing was conducted in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

For the record, public notice was properly made on May 26, 2019 and June 2, 2019, in accordance with the applicable statutes. Persons representing the applicant were present. The proposed locations are within an area where the sale of alcoholic beverages is allowed by the laws of New Mexico.

Mr. Hernandez asked for comments from those present at the hearing. Mr. Jeff Diamond stated he has worked with Mr. Jin Feng Ye for over five years. Mr. Jin Feng Ye is a very responsible operator he is a dedicated business man. The Japanese Steakhouse restaurant is going to be a big asset to the Carlsbad Community. Mr. Jin Feng Ye said he hopes the City Council will consider approval he has a lot of customers waiting for it.

There was no opposition to the requested Restaurant Beer/Wine Liquor License.

Mr. Hernandez explained that the application for a Restaurant Beer/Wine Liquor License would be considered by the Carlsbad City Council at their next regular scheduled meeting on Tuesday, July 9, 2019 at 6:00 pm.

There being no further comments, the hearing was adjourned at 11:07 a.m.

Michael A. Hernandez  
Hearing Officer

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

Digitally signed by Jeff Patterson  
DN: cn=Jeff Patterson, o=City of Carlsbad, NM,  
ou=Director of Planning, Engineering, and Regulation,  
email=jpatterson@cityofcarlsbadnm.com, c=US  
Date: 2019.07.03 14:18:38 -0600

Council Meeting Date: 7/9/2019

<b>DEPARTMENT:</b> Planning, Engineering & Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 6/17/2019										
<p><b>SUBJECT:</b> Business License to conduct door to door sales and installation of Smart Home Automation and Security Services by Smart Home Pros Inc. (Vivint), contact Lexy Swinehart 503-420-6810 (<a href="mailto:lexy.swinehart@vivint.com">lexy.swinehart@vivint.com</a>), pursuant to Carlsbad Code of Ordinances, Chapter 28, as amended by Ord. 2012-16.</p>												
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The applicant is requesting a business license to conduct door-to-door solicitations for the sale and installation smart home automation and security systems.</p> <p>A report was requested from the Police Department on June 17, 2019, and on June 27, 2019 the Police Department provided the requested background check, making the recommendation that Smart Home Pros Inc. be allowed to conduct door-to-door sales.</p> <p>Section 28-43(b), as recently amended by Ord. 2012-16, of the Carlsbad Code of Ordinances states that:</p> <p style="padding-left: 40px;">“In making its decision, the city council shall consider, but is not limited to, how such business will affect the health, safety and general welfare of the public; the level of supervision such business may require; the degree to which such business may attract crowds or children or affect vehicle or pedestrian traffic; the accessibility of the proprietors of such business if complaints made to the city are to be investigated; and the possibility of illegal activity transpiring at the proposed place of business.”</p> <p>In addition, Section 28-161 et. Seq. specifically applies to solicitations and Section 28-166 states:</p> <p style="padding-left: 40px;">“A city solicitation license may be granted only upon approval by the city council at a regular meeting of the council. <b>The city council shall not consider approval of a solicitation license application unless the chief of police has filed a report on his investigation of the employer or person seeking the license.</b>” (emphasis added)</p> <p style="text-align: center;">(see attached sections of Chapter 28)</p>												
<p><b>RECOMMENDATION:</b> Approval of the Business License in compliance with Sec. 28-166.</p>												
<p><b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A</p> <table style="width: 100%;"><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 rowspan="3" style="vertical-align: middle;">} <input type="checkbox"/></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></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td></tr></table> <p style="text-align: right;"><b>DISAPPROVED</b></p>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/>	<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
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<p><b>Reviewed By:</b></p> <p><b>City Administrator:</b> <u>/s/ Michael A. Hernandez</u> <b>Date:</b> <u>07-03-19</u></p>												

ATTACHMENT(S): Application and applicable Chapter 28 sections

## ARTICLE VI. SOLICITATIONS

### Sec. 28-161. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Employer* means any person, firm, partnership, association, corporation or other natural or legal entity employing any person in the capacity of agent, servant, employee or representative on an exclusive or nonexclusive basis.

*Insurance agent* means any person appointed by an insurance company licensed to transact business in the state to act as representative in any given locality for the purpose of soliciting and writing insurance bonds, and such other duties in connection with the handling of the business of such agent as may be authorized, and paid for his services either on a commission basis or salary basis, or part by commission and part by salary.

*Insurance solicitor* means any person employed by the licensed agent of an insurance company licensed to transact business in the state to act as representative in any given locality for the purpose of soliciting and writing insurance or bonds, and such other duties in connection with the handling of the business of such agent as may be authorized, and paid for his services either on a commission basis or salary basis, or part by commission and part by salary.

*Solicitation* means the going in or upon or telephoning to one or more private residences in the city by any person not having been requested or invited to do so by the owners or occupants of such private residence or residences for the purpose of soliciting orders for the sale of goods, wares, merchandise, any article or thing of whatsoever description intended for the use or benefit of the recipient thereof, property either real or personal or tangible or intangible, or services; for the purpose of peddling or hawking any of the same; for the purpose of making or requesting appointments or procuring interviews or arranging for demonstrations or explanations preliminary to any actual solicitation of orders; or for the purpose of selling, peddling or hawking of any of the same.

(Code 1974, § 31-1)

### Sec. 28-162. General prohibition.

(a) *Violation deemed misdemeanor.* Whoever commits solicitation in violation of this article commits a misdemeanor.

(b) *Elements of prima facie case of solicitation.* Any person or employer who goes in or upon or who telephones any one residence for the purpose of solicitation shall be deemed prima facie to have committed solicitation and a continued practice need not be shown.

(Code 1974, §§ 31-2, 31-3)

### Sec. 28-163. Exceptions to prohibition.

The provisions of section 28-162(a) shall not apply to any person if such person for himself, or through his employer, shall have:

(1) Posted a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, to the city and the residents of the city conditioned that the person posting the surety bond shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business licensed, and guaranteeing to any resident of the city that all money paid will be accounted for and applied according to the representations of the licensee, and further guaranteeing to any resident of the city doing business with such licensee that the property or services purchased will be delivered or furnished according to representations made by the licensee, and will conform to such representation, whether such representations be oral or in writing, and that the licensee's contract in all respects will be fully performed. Action on such bond may be brought in the name of the city to the use and benefit of the aggrieved person or in the name of the aggrieved person. The term of such bond shall be at least one year.

a. Any employer may purchase such a bond for any person employed by him or representing him in any capacity. If such bond is purchased by an employer of more than one employee, he shall purchase one such bond in the amount of \$2,000.00, which bond shall cover all persons employed by him or representing him in any capacity.

b. Any person who solicits for one or more employers shall file with the city administrator evidence of a surety bond having been posted by each employer in the manner heretofore described.

(2) Obtained a state school tax license and a city solicitation license as provided in section 28-166.

(3) Obtained a peddler's identification card. Such card shall be issued upon written proof of compliance with this section. The city administrator is authorized to require any such person to be properly identified by fingerprinting and photography; provided, however, that such fingerprinting shall be required only at the

time of the filing of the original application for such card; except, that if the city administrator finds that the fingerprints lack sufficient clarity or are otherwise inadequate or unavailable for proper identification of such person, the city administrator may require such person to be fingerprinted again. The card shall be renewed every two years. The application of such card and every renewal thereof shall be made on such form as shall be provided by the city administrator. The service charge for investigation and printing the original card and for each renewal thereof shall be as set from time to time by the council and a schedule of such charges is on file in the office of the city clerk. The city council shall, after notice and hearing, suspend or revoke any such card upon finding such person has been convicted of a felony or misdemeanor involving moral turpitude in this state or any of the United States, or upon finding that such person gave false information on the application; provided, however, that nothing herein contained shall prohibit the city administrator from withholding the issuance of the aforementioned identification card until an adequate police record check is obtained.

(Code 1974, § 31-4)

**Sec. 28-164. Peddler's identification card.**

(a) *Contents.* The peddler's identification card shall contain the following:

- (1) The name and address of the bearer.
- (2) The name and address of each employer or, if self-employed, the words "self-employed" or, where applicable, both the name and address of each employer and the words "self-employed."
- (3) A wallet-size photograph of the bearer, to be furnished by the bearer.
- (4) The name and address of each bonding company and the employer bonded, if any.
- (5) The legend: "THE CITY OF CARLSBAD DOES NOT ENDORSE OR GUARANTEE THE PRODUCT OR SERVICE OF THE BEARER OR HIS COMPANY."

(b) *Carrying; exhibition.* Any person who solicits in the city shall carry his own peddler's identification card at all times while engaged in solicitation. Such card shall be exhibited to any owner or occupant of any residence or, upon demand, to any police officer of the city.

(Code 1974, §§ 31-5, 31-6)

**Sec. 28-165. Insurance agents and insurance solicitors; real estate brokers and real estate salespersons.**

(a) The provisions of sections 28-162(a), 28-163 and 28-164 shall not apply to any insurance agent or insurance solicitor who has obtained a license from the state superintendent of insurance, nor to any real estate broker or real estate salesperson who has obtained a license from the state real estate commission, and who carries such license on his person and who exhibits such license to any owner or occupant of any residence or, upon demand, exhibits such license to any police officer of the city.

(b) No person shall solicit for the purchase of insurance without a license from the state superintendent of insurance.

(Code 1974, § 31-9; Ord. No. 1035, 1-14-92)

**Sec. 28-166. Grant of license; investigation report prerequisite to consideration.**

A city solicitation license may be granted only upon approval by the city council at a regular meeting of the council. The city council shall not consider approval of a solicitation license application unless the chief of police has filed a report on his investigation of the employer or person seeking the license.

(Code 1974, § 31-10)

**Sec. 28-167. Posted property.**

Except where he has been requested or invited to do so by the owner or occupant of property, it is unlawful for any person, whether or not authorized by compliance with section 28-163 to solicit, to commit an act of solicitation in or upon any premises if required by anyone not to do so, or if there is placed on such premises in a conspicuous place near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers," "No Agents," "No Solicitors," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their privacy disturbed.

(Code 1974, § 31-7)

**Sec. 28-168. Representation of city approval prohibited.**

It is unlawful for any person to make any claim or representation, whether orally or in writing, during the solicitation that the city has approved, endorsed or guaranteed his product or service.

(Code 1974, § 31-8)

**Sec. 28-169. Time limitation.**

No person shall engage in solicitation after 9:00 p.m.  
(Code 1974, § 31-11)

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a. Any employer may purchase such a bond for any person employed by him or representing him in any capacity. If such bond is purchased by an employer of more than one employee, he shall purchase one such bond in the amount of \$2,000.00, which bond shall cover all persons employed by him or representing him in any capacity.

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(Code 1974, §§ 31-5, 31-6)

**Sec. 28-165. Insurance agents and insurance solicitors; real estate brokers and real estate salespersons.**

(a) The provisions of sections 28-162(a), 28-163 and 28-164 shall not apply to any insurance agent or insurance solicitor who has obtained a license from the state superintendent of insurance, nor to any real estate broker or real estate salesperson who has obtained a license from the state real estate commission, and who carries such license on his person and who exhibits such license to any owner or occupant of any residence or, upon demand, exhibits such license to any police officer of the city.

(b) No person shall solicit for the purchase of insurance without a license from the state superintendent of insurance.

(Code 1974, § 31-9; Ord. No. 1035, 1-14-92)

**Sec. 28-166. Grant of license; investigation report prerequisite to consideration.**

A city solicitation license may be granted only upon approval by the city council at a regular meeting of the council. The city council shall not consider approval of a solicitation license application unless the chief of police has filed a report on his investigation of the employer or person seeking the license.

(Code 1974, § 31-10)

**Sec. 28-167. Posted property.**

Except where he has been requested or invited to do so by the owner or occupant of property, it is unlawful for any person, whether or not authorized by compliance with section 28-163 to solicit, to commit an act of solicitation in or upon any premises if required by anyone not to do so, or if there is placed on such premises in a conspicuous place near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers," "No Agents," "No Solicitors," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their privacy disturbed.

(Code 1974, § 31-7)

**Sec. 28-168. Representation of city approval prohibited.**

It is unlawful for any person to make any claim or representation, whether orally or in writing, during the solicitation that the city has approved, endorsed or guaranteed his product or service.

(Code 1974, § 31-8)



**Sec. 28-169. Time limitation.**

No person shall engage in solicitation after 9:00 p.m.  
(Code 1974, § 31-11)

## ARTICLE VI. SOLICITATIONS

### Sec. 28-161. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Employer* means any person, firm, partnership, association, corporation or other natural or legal entity employing any person in the capacity of agent, servant, employee or representative on an exclusive or nonexclusive basis.

*Insurance agent* means any person appointed by an insurance company licensed to transact business in the state to act as representative in any given locality for the purpose of soliciting and writing insurance bonds, and such other duties in connection with the handling of the business of such agent as may be authorized, and paid for his services either on a commission basis or salary basis, or part by commission and part by salary.

*Insurance solicitor* means any person employed by the licensed agent of an insurance company licensed to transact business in the state to act as representative in any given locality for the purpose of soliciting and writing insurance or bonds, and such other duties in connection with the handling of the business of such agent as may be authorized, and paid for his services either on a commission basis or salary basis, or part by commission and part by salary.

*Solicitation* means the going in or upon or telephoning to one or more private residences in the city by any person not having been requested or invited to do so by the owners or occupants of such private residence or residences for the purpose of soliciting orders for the sale of goods, wares, merchandise, any article or thing of whatsoever description intended for the use or benefit of the recipient thereof, property either real or personal or tangible or intangible, or services; for the purpose of peddling or hawking any of the same; for the purpose of making or requesting appointments or procuring interviews or arranging for demonstrations or explanations preliminary to any actual solicitation of orders; or for the purpose of selling, peddling or hawking of any of the same.

(Code 1974, § 31-1)

### Sec. 28-162. General prohibition.

(a) *Violation deemed misdemeanor.* Whoever commits solicitation in violation of this article commits a misdemeanor.

(b) *Elements of prima facie case of solicitation.* Any person or employer who goes in or upon or who telephones any one residence for the purpose of solicitation shall be deemed prima facie to have committed solicitation and a continued practice need not be shown.

(Code 1974, §§ 31-2, 31-3)

### Sec. 28-163. Exceptions to prohibition.

The provisions of section 28-162(a) shall not apply to any person if such person for himself, or through his employer, shall have:

(1) Posted a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, to the city and the residents of the city conditioned that the person posting the surety bond shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business licensed, and guaranteeing to any resident of the city that all money paid will be accounted for and applied according to the representations of the licensee, and further guaranteeing to any resident of the city doing business with such licensee that the property or services purchased will be delivered or furnished according to representations made by the licensee, and will conform to such representation, whether such representations be oral or in writing, and that the licensee's contract in all respects will be fully performed. Action on such bond may be brought in the name of the city to the use and benefit of the aggrieved person or in the name of the aggrieved person. The term of such bond shall be at least one year.

a. Any employer may purchase such a bond for any person employed by him or representing him in any capacity. If such bond is purchased by an employer of more than one employee, he shall purchase one such bond in the amount of \$2,000.00, which bond shall cover all persons employed by him or representing him in any capacity.

b. Any person who solicits for one or more employers shall file with the city administrator evidence of a surety bond having been posted by each employer in the manner heretofore described.

(2) Obtained a state school tax license and a city solicitation license as provided in section 28-166.

(3) Obtained a peddler's identification card. Such card shall be issued upon written proof of compliance with this section. The city administrator is authorized to require any such person to be properly identified

by fingerprinting and photography; provided, however, that such fingerprinting shall be required only at the time of the filing of the original application for such card; except, that if the city administrator finds that the fingerprints lack sufficient clarity or are otherwise inadequate or unavailable for proper identification of such person, the city administrator may require such person to be fingerprinted again. The card shall be renewed every two years. The application of such card and every renewal thereof shall be made on such form as shall be provided by the city administrator. The service charge for investigation and printing the original card and for each renewal thereof shall be as set from time to time by the council and a schedule of such charges is on file in the office of the city clerk. The city council shall, after notice and hearing, suspend or revoke any such card upon finding such person has been convicted of a felony or misdemeanor involving moral turpitude in this state or any of the United States, or upon finding that such person gave false information on the application; provided, however, that nothing herein contained shall prohibit the city administrator from withholding the issuance of the aforementioned identification card until an adequate police record check is obtained.

(Code 1974, § 31-4)

**Sec. 28-164. Peddler's identification card.**

(a) *Contents.* The peddler's identification card shall contain the following:

- (1) The name and address of the bearer.
- (2) The name and address of each employer or, if self-employed, the words "self-employed" or, where applicable, both the name and address of each employer and the words "self-employed."
- (3) A wallet-size photograph of the bearer, to be furnished by the bearer.
- (4) The name and address of each bonding company and the employer bonded, if any.
- (5) The legend: "THE CITY OF CARLSBAD DOES NOT ENDORSE OR GUARANTEE THE PRODUCT OR SERVICE OF THE BEARER OR HIS COMPANY."

(b) *Carrying; exhibition.* Any person who solicits in the city shall carry his own peddler's identification card at all times while engaged in solicitation. Such card shall be exhibited to any owner or occupant of any residence or, upon demand, to any police officer of the city.

(Code 1974, §§ 31-5, 31-6)

**Sec. 28-165. Insurance agents and insurance solicitors; real estate brokers and real estate salespersons.**

(a) The provisions of sections 28-162(a), 28-163 and 28-164 shall not apply to any insurance agent or insurance solicitor who has obtained a license from the state superintendent of insurance, nor to any real estate broker or real estate salesperson who has obtained a license from the state real estate commission, and who carries such license on his person and who exhibits such license to any owner or occupant of any residence or, upon demand, exhibits such license to any police officer of the city.

(b) No person shall solicit for the purchase of insurance without a license from the state superintendent of insurance.

(Code 1974, § 31-9; Ord. No. 1035, 1-14-92)

**Sec. 28-166. Grant of license; investigation report prerequisite to consideration.**

A city solicitation license may be granted only upon approval by the city council at a regular meeting of the council. The city council shall not consider approval of a solicitation license application unless the chief of police has filed a report on his investigation of the employer or person seeking the license.

(Code 1974, § 31-10)

**Sec. 28-167. Posted property.**

Except where he has been requested or invited to do so by the owner or occupant of property, it is unlawful for any person, whether or not authorized by compliance with section 28-163 to solicit, to commit an act of solicitation in or upon any premises if required by anyone not to do so, or if there is placed on such premises in a conspicuous place near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers," "No Agents," "No Solicitors," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their privacy disturbed.

(Code 1974, § 31-7)

**Sec. 28-168. Representation of city approval prohibited.**

It is unlawful for any person to make any claim or representation, whether orally or in writing, during the solicitation that the city has approved, endorsed or guaranteed his product or service.

(Code 1974, § 31-8)

**Sec. 28-169. Time limitation.**

No person shall engage in solicitation after 9:00 p.m.

(Code 1974, § 31-11)



**CITY OF CARLSBAD**  
*Planning, Engineering, and Development Dept.*  
Phone: (575) 885-1185  
Fax: (575) 628-8379

**NON-REFUNDABLE APPLICATION FEE:**

- ☒ \$25 Door to Door--City Solicitation License  
(as regulated by Sec. 28.161)
- ☐ \$25 Dance, per day
- ☐ \$200 Dance, per year
- ☐ \$50 Boxing, wrestling, fighting, or martial arts exhibitions or contests, per performance
- ☐ \$100 Carnival, circus, or menagerie, per day
- ☐ \$250 Pawnbroker, per year

Date: 29 May 2019

**BUSINESS LICENSE**  
(SPECIAL EVENTS/PAWNBROKERS)  
**APPLICATION**

**BUSINESS NAME:**

Smart Home Pros Inc.

**TYPE OF BUSINESS/PURPOSE OF LICENSE:**

Door to Door--City Solicitation License

**LOCATION OF BUSINESS (Physical Address):**

491 S 1325 W #3-4

Orem, UT 84058

**NM ID #:**

03-143296-00-04

**MAILING ADDRESS:**

4931 N 300 W

Provo, UT 84694

**BUSINESS OWNER:**

Vivint Inc.

**E-MAIL**

**ADDRESS:** companylicensing@vivint.com

**PHONE NUMBER:** (877) 479-1670

**DATES OF LICENSE USE:**

28 July 2019 - 30 September 2019

**APPLICANT'S SIGNATURE:**

[Signature]

**FOR OFFICIAL USE ONLY**

Solicitor's License? ☐ Yes ☐ No

Council Action: ☐ Approved ☐ Denied Date: \_\_\_\_\_

Conditions Required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CITY OF CARLSBAD PROCEDURES FOR APPLYING FOR BUSINESS LICENSE

**MEETING TIME AND DATE:** Business License Requests are presented to the City Council. This application will be set for Council on \_\_\_\_\_.

**DEADLINE:** The deadline for submitting applications for City Council is \_\_\_\_\_.

**APPLICATION FEE:** The Fee is due upon submission of application. Fees are listed on first page of application.

**LETTER OF INTENT:** A letter explaining the reason for the request must be submitted. The letter should be typed and addressed to the Carlsbad City Council.

**BOND:** (from Section 28-163 of the City of Carlsbad, Code of Ordinances, bold type added)  
"The provisions of section 28-162(a) shall not apply to any person if such person for himself, or through his employer, shall have:

(1) Posted a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, to the city and the residents of the city conditioned that the person posting the surety bond shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business licensed, and guaranteeing to any resident of the city that all money paid will be accounted for and applied according to the representations of the licensee, and further guaranteeing to any resident of the city doing business with such licensee that the property or services purchased will be delivered or furnished according to representations made by the licensee, and will conform to such representation, whether such representations be oral or in writing, and that the licensee's contract in all respects will be fully performed. Action on such bond may be brought in the name of the city to the use and benefit of the aggrieved person or in the name of the aggrieved person. **The term of such bond shall be at least one year.**  
a. Any employer may purchase such a bond for any person employed by him or representing him in any capacity. If such bond is purchased by an employer of **more than one employee**, he shall purchase one such bond in the amount of **\$2,000.00**, which bond shall cover all persons employed by him or representing him in any capacity."

**ATTACHMENTS:** Any additional information about business such as brochures, plans, or deeds should be submitted with the application.

**SUBMIT TO:** City of Carlsbad  
Planning, Engineering, and Regulation Department  
114 S. Halagueno (or mail to PO Box 1569)  
Carlsbad, NM 88220  
Phone: (575) 885-1185, Fax: (575) 628-8379

**PRESENCE AT MEETING:** The Carlsbad City Council will vote on the request during a regularly scheduled City Council meeting. The applicant or his/her representative must be present to address any questions that the Mayor or Council members may have.



## **CITY OF CARLSBAD**

*Planning, Engineering, and Regulation Department*

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

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### **BUSINESS LICENSE SOLICITOR REGULATIONS (Sec. 28-161 to 169)**

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1. Post a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, or \$2,000.00 for more than one employee, to the City; and
2. Obtain a City Business Registration; and
3. Obtain a Peddler's Identification Card. However, since the capability for issuance of Peddler Identification Cards no longer exists as detailed in Ordinance Section 28-163(3), the following information shall be displayed on the business registration:
  - a. the name and address of the bearer;
  - b. the name and address of the employer;
  - c. a "wallet-sized" photograph of the applicant;
  - d. the name and address of the bonding company;
  - e. the statement: "THE CITY OF CARLSBAD DOES NOT ENDORSE OR GUARANTEE THE PRODUCT OR SERVICE OF THE PERMITTEE OR HIS COMPANY." ; and
4. Hours of operation be limited to start no earlier than 10:00 AM and terminate each day no later than 9pm or ½ hour prior to sunset, whichever occurs first; and
5. Solicitors are prohibited from using a loudspeaker to announce or advertise his or her presence or otherwise disturb peace and tranquility; and
6. Solicitors shall not enter property unless requested or invited to do so by the owner or occupant of property. Solicitors shall not enter property if there is a sign posted in a conspicuous place that reads: "No Trespassing," "No Peddlers," "No Agents," "No Solicitors," "No Advertisements" or any similar notice.

**Continuation Certificate**

**The Hartford Insurance Group**

Surety - License & Permit

The Hartford Fire Insurance Company, (hereinafter called the Company),  
hereby continues in force its Bond No. 34BSBHR7566  
in the sum of Two Thousand (\$2,000.00) Dollars  
on behalf of Smart Home Pros, Inc.  
4931 North 300 West, Provo, UT 84604  
in favor of City of Carlsbad  
for the (extended) term beginning on May 18, 2019 and ending on May 18, 2020.  
subject to all the covenants and conditions of said Bond, said Bond and this and all continuations thereof being one  
continuous contract.

This Continuation is executed upon the express condition that the Company's liability under said Bond  
and this and all continuations thereof shall not be cumulative and shall in no event exceed the sum of  
Two Thousand (\$2,000.00) Dollars.

IN WITNESS THEREOF, the Company has caused this instrument to be signed by its officers proper  
for the purpose and its corporate seal to be hereto affixed on February 19, 2019.

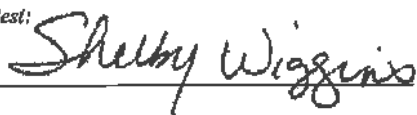
Hartford Fire Insurance Company

By:

  
Joselle L. LaPierre, Attorney in Fact



Attest:





# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-12

One Hartford Plaza

Hartford, Connecticut 06155

Bond.Claims@thehartford.com

call: 866-286-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: DIVERSIFIED INSURANCE GROUP

Agency Code: 34-470744

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut  
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois  
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana  
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint Joelle L LaPierre of Lake Mary, Florida, its true and lawful Attorney-in-Fact, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge the following bond, undertaking, contract or written instrument:

Bond No. 34RSEHR7566

Naming Smart Home Pros, Inc. as Principal, and City of Carlsbad as Obligor,

in the amount of See Bond Form(s) on behalf of Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*John Gray*

John Gray, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

ss. Hartford

COUNTY OF HARTFORD

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Kathleen T. Maynard*

Kathleen T. Maynard

Notary Public

My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of February 19, 2019.

Signed and sealed at the City of Hartford.



*Kevin Heckman*  
Kevin Heckman, Assistant Vice President



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/01/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MARSH USA INC. 1225 17TH STREET, SUITE 1300 DENVER, CO 80202-5534 Attn: Denver.CertRequest@marsh.com   Fax: 212-948-4381	<b>CONTACT NAME:</b> Nate Mulhauser
	<b>PHONE (A/C, No, Ext):</b> 303-308-4537 <b>FAX (A/C, No):</b>
<b>INSURED</b> Smart Home Pros, Inc. t/a ARM Security, Inc. 4931 North 300 W Provo, UT 84604	<b>E-MAIL ADDRESS:</b>
	<b>INSURER(S) AFFORDING COVERAGE</b>
	<b>INSURER A:</b> Lexington Insurance Company <b>NAIC #</b> 19437
	<b>INSURER B:</b> National Union Fire Ins Co Pittsburgh PA <b>NAIC #</b> 19445
	<b>INSURER C:</b> New Hampshire Insurance Company <b>NAIC #</b> 23841
	<b>INSURER D:</b> American Home Assurance Company <b>NAIC #</b> 19380
<b>INSURER E:</b> Illinois National Ins Co <b>NAIC #</b> 23817	
<b>INSURER F:</b>	

## COVERAGES

CERTIFICATE NUMBER:

SEA-003552740-02

REVISION NUMBER: 1

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:		014180795	11/01/2018	11/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included \$
B	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		9767357 9767358 (MA)	11/01/2018 11/01/2018	11/01/2019 11/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N <input type="checkbox"/> A	SEE ATTACHED	11/01/2018	11/01/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D						
E						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

City of Carlsbad 114 S Hualagueño Carlsbad, NM 88220	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Nathan Mulhauser

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AGENCY CUSTOMER ID: CN101266572

LOC #: Denver

**ADDITIONAL REMARKS SCHEDULE**

Page 2 of 2

AGENCY MARSH USA INC.		NAMED INSURED Smart Home Pros, Inc. fka ARM Security, Inc. 4931 North 300 W Provo, UT 84604
POLICY NUMBER		
CARRIER	NAIC CODE	
EFFECTIVE DATE:		

**ADDITIONAL REMARKS****THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM.****FORM NUMBER:** 25 **FORM TITLE:** Certificate of Liability Insurance**Workers' Compensation Coverages**

Policy 046912696 - New Hampshire Insurance Company

States: AL,AR,CO,CT,DC,DE,GA,HI,IA,ID,IN,KS,LA,MO,ME,MN,MN,MO,MS,MT,NE,NM,NV,NY,OK,  
OR,RI,SC,SD,TN,TX,WV

Policy 046912697 - New Hampshire Insurance Company

States: AK,AZ,IL,KY,NC,NH,NJ,PA,UT,VA

Policy 046912698 - American Home Assurance Company

State: CA

Policy 046912699 - Illinois National Insurance Co.

State: FL

Policy 046912700 - New Hampshire Insurance Company

States: MA,ND,OH,WA,WI,WY

Vivint Inc.  
4931 N 300 W  
Provo, UT 84694

June 13, 2019

City of Carlsbad  
114 S. Halagueno  
Carlsbad, NM 88220

Dear City of Carlsbad:

Thank you for considering Smart Home Pros for a business license for door to door sales in your community. Our intent is to do door to door sales with the community, to help keep your city and neighborhoods safe, by selling smart home automation and security services.

If anything is missing along with the application, please do not hesitate to let me know. We look forward to doing business with the City of Carlsbad.

Kindest Regards,

A handwritten signature in black ink, appearing to read 'Lexy Swinehart', with a stylized, cursive script.

Lexy Swinehart | Office Assistant  
Hobbs 2019 Office  
 **vivint.SmartHome**  
Sales Operations  
Phone: 503.420.6810  
Email: [lexy.swinehart@vivint.com](mailto:lexy.swinehart@vivint.com)



# CARLSBAD POLICE DEPARTMENT

## INTER-DEPARTMENTAL MEMORANDUM



---

**TO:** Jeff Patterson

**FROM:** Captain Jarod A. Florez

**DATE:** June 27, 2019

**SUBJECT:** Smart Home Pros, Inc.

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The following information is the findings determined in research of Smart Home Pros, Inc. who has filed a Special License Application with the City of Carlsbad requesting door-to-door solicitations. I have performed a research on this company and have compiled these facts.

According my research, Smart Home Pros, Inc. is a security centered company owned by Vivint, Inc. The business is based out of Provo, UT and specializes in the dealing, monitoring, and servicing burglar alarm systems. According to the attached letter provided with the special license application, Smart Home Pros, Inc. is owned by Vivint, Inc. Smart Home Pros, Inc. has an intention of selling security systems using door to door sales in Carlsbad and the surrounding area.

According to the Better Business Bureau (BBB) website Smart Home Pros, Inc. is not accredited with the bureau. According to the BBB, the business was started on March 10, 2008. There have been no consumer complaints filed with the BBB in the last 12 months. Smart Home Pros, Inc. holds an A- on an A+ to F Rating Scale. The length of time Smart Home Pros, Inc. has been operating, along with complaint volume, response to complaints, and resolution of complaints results in their high rating with the BBB.

Based on previous investigation reports I have completed, this is the fourth year Smart Home Pros, Inc. has filed a Special License Application with the City of Carlsbad requesting door-to-door solicitations. I am not aware of any problems reported to our department as a result of Smart Home Pros, Inc. in the past. Base on this inquiry, it is my recommendation to continue to allow Smart Home Pros, Inc. to conduct door-to-door solicitations/sales in the City of Carlsbad.

## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM



Digitally signed by Jeff Patterson  
 DN: cn=Jeff Patterson, o=City of Carlsbad, NM,  
 ou=Director of Planning, Engineering, and Regulation,  
 email=jpatterson@cityofcarlsbadnm.com, c=US  
 Date: 2019.07.02 15:48:10 -0800

Council Meeting Date: 7/9/2019

**Department:** Planning &  
Regulation

**By:** Jeff Patterson. Planning Director

**DATE:** 7/2/2019

**SUBJECT:** Request by the City of Carlsbad, Carlsbad MainStreet, and Creative Carlsbad to serve alcohol (beer & wine) on City streets during the Stranded concert at the Cavern Theater.

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

The City of Carlsbad, in cooperation with Carlsbad MainStreet and Creative Carlsbad, wishes to host a concert by the artists Stranded at the Cavern Theater on July 27, 2019. The event will be from 8:00 pm to 10:00 pm in the area around the Cavern Theater. As part of this event, the City, MainStreet, and Creative Carlsbad wish to have alcohol service (beer & wine) from 7:30 pm to 10:00 pm in a "Beer Garden" located on Canyon St. just south of the Cavern Theater toward Stevens St. This "Beer Garden" will be set up by a licensed alcohol server and will be cordoned off from the rest of the concert area. The "Beer Garden" will also have only one controlled entrance for attendees, and security will be provided. Entrance to the "Beer Garden" will only be available to those 21 years or older, and entrants must produce a valid ID as proof of age. All approved entrants will be given a bracelet to wear, and this bracelet will be a requirement to purchase beer or wine within the "Beer Garden". All designated drivers that enter the "Beer Garden" will be given a separate bracelet as identification. No alcohol will be allowed to be taken out of the "Beer Garden".

**DEPARTMENT RECOMMENDATION:** If it is the will of the Council to allow beer and wine sales and consumption within a Beer Garden located on City streets, City staff recommends the following requirements:

1. The alcohol server obtain all required licenses and permits;
2. The City, MainStreet, and Creative Carlsbad and the alcohol server comply with all laws, rules, regulations, requirements and restrictions for service at the location (included, but not limited to fencing of service area, carding of customers, and providing appropriate security);

**BOARD/COMMISSION/COMMITTEE ACTION:**

<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input 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	} <input type="checkbox"/> <b>DISAPPROVED</b>

Reviewed by Deputy

City Administrator /s/ John Lowe

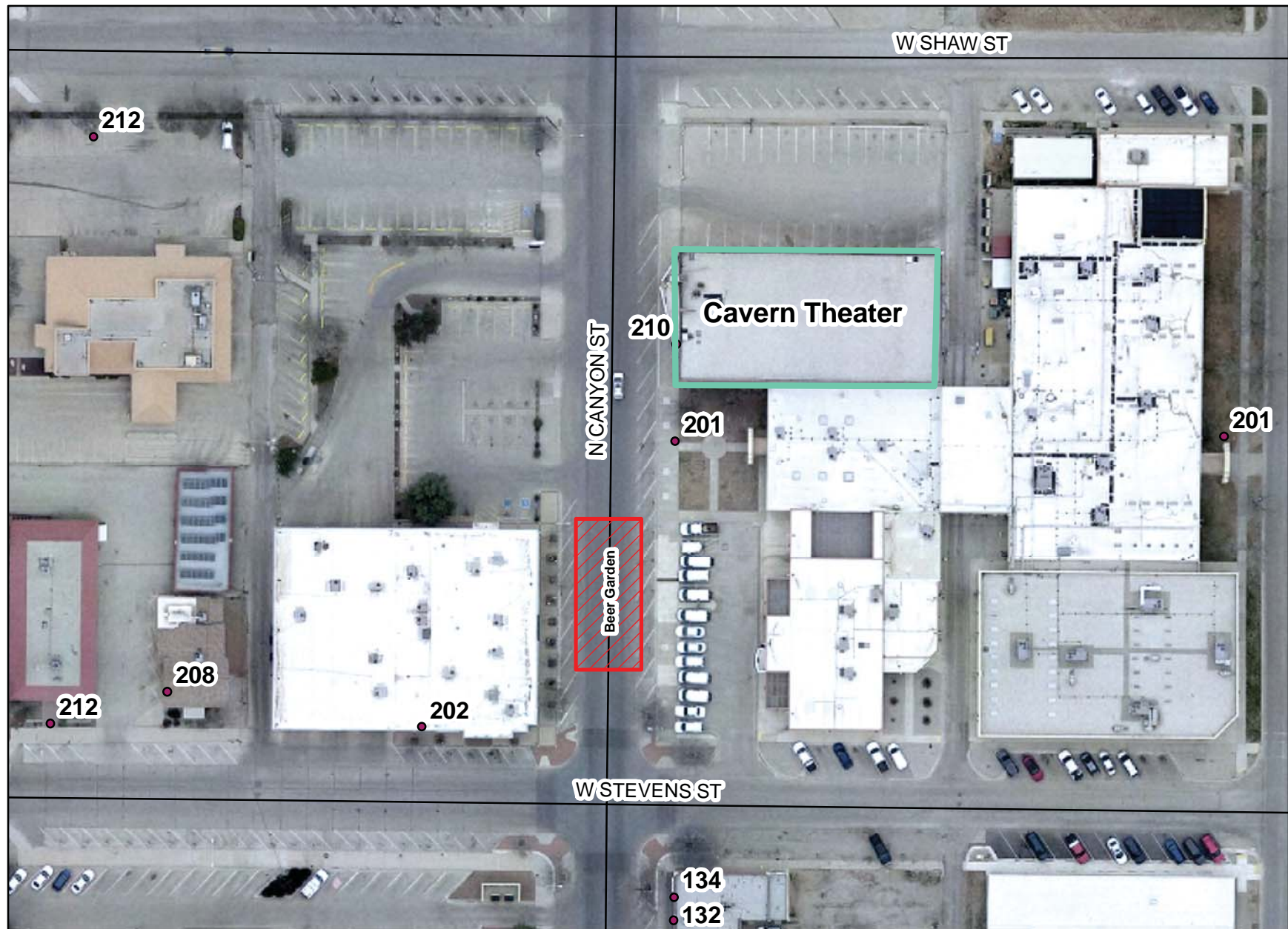
Date: 07-02-19

ATTACHMENT(S): Map





## Stranded Concert - Cavern Theater



0 50 100 200 Feet

7/2/2019



City of Carlsbad GIS

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: July 9, 2019

<b>DEPARTMENT:</b> Executive	<b>By:</b> Michael A. Hernandez City Administrator	<b>DATE:</b> 7/3/19
<b>SUBJECT:</b> Consider Approval of Resolution and Approval of Agreement Between City of Carlsbad and Southeastern New Mexico Economic Development District for 2019-2020 Membership		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)		
<p>The City of Carlsbad has an annual membership with the Southeastern New Mexico Economic Development District (SENMEDD) and enters into an agreement annually for their services.</p> <p>SENMEDD works on behalf of the City to provide planning, technical assistance and capacity building services. SENMEDD will assist the City with Infrastructure Planning; Coordinate the ICIP process and Capital Outlay.</p> <p>This agreement begins on July 1, 2019 thru June 30, 2020 for the amount of \$7641.00. The Mayor will have Authority to sign the proposed Agreement and all necessary related documents. Attached is a copy of the Agreement.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Approval of Resolution, Agreement and 2019-2020 membership in the Southeastern New Mexico Economic Development District		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED
<b>Reviewed by:</b> Deputy <b>City Administrator:</b> /s/ John Lowe		<b>Date:</b> 07-02-19

Attachments: Resolution, Proposed Agreement





Dora Batista  
Executive Director

**SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT**

**COUNCIL OF GOVERNMENTS**

1600 SE Main, Suite D  
Roswell, NM 88203  
Phone: (575) 624-6131  
Fax: (575) 624-6134  
[www.snmedd.com](http://www.snmedd.com)

July 2, 2019

Dear Mayor Dale Janway:

With regard to your annual membership in the District for the 2019/2020 fiscal year, we have enclosed the following:

- I. **AGREEMENT** – required by the Department of Finance and Administration for disbursement of local funds and which conforms to state regulations. Two copies are enclosed. After the Agreement has been executed, please keep one copy and return one to our office.
- II. **RESOLUTION** – upon approval by your council or commission, it is to be signed, attached to and distributed with the attached Agreement.
- III. **2019-2020 ASSESSMENT SCHEDULE AND BUDGET FOR 2019-2020** enclosed for your information.
- IV. **WORK PROGRAM FOR STATE APPROPRIATED FUNDS** – enclosed for your information.
- V. **INVOICE** – enclosed for billing and bookkeeping purposes. Please return one copy with your check.

The most recent audit and financial statements are available upon request.

As you know, we are in the process of finalizing the SNMEDD/COG budget for the coming year and your prompt attention is greatly appreciated.

If you have any questions or require further information, please feel free to contact me. Thank you for your support and letting us serve you.

Sincerely,

Dora Batista  
Executive Director

DB/pm  
Enclosures

**RESOLUTION NO. 2019-28**

WHEREAS, the City of Carlsbad hereinafter referred to as the Municipality, is a member of and desires the services of the Southeastern New Mexico Economic Development District/COG, and

WHEREAS, in accordance with article 58, section 4-58-1 to 4-58-6 NMSA 1978, an agreement setting forth the terms and conditions of active membership in the Southeastern New Mexico Economic Development District/COG is required, and

WHEREAS, it is the desire of the Municipality to continue as an active member of the Southeastern New Mexico Economic Development District/COG.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CARLSBAD THAT:

1. The Agreement attached to the Resolution expressed the desires and intent of the Municipality.
2. The Agreement attached is hereby ratified and approved and the proper official(s) of the Municipality are hereby authorized and instructed to affix their signature (s) thereto.
3. A copy of this Resolution (together with the referenced Agreement) shall be filed with the State of New Mexico, Department of Finance and Administration, Local Government Division and the Southeastern New Mexico Economic Development District/COG; and shall be made a part of the budget documentation of the Municipality.

DONE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019 at

City of Carlsbad  
New Mexico

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## AGREEMENT

This Agreement, entered into by and between the Southeastern New Mexico Economic Development District/COG (hereinafter known as the "District") and the City of Carlsbad a member of said District (hereinafter known as the "Member") is as follows:

**I. The District agrees to provide the following services to the Member upon request and final approval of the District budget:**

- A. Undertake studies, collect data and develop regional plans and programs pertaining to such subjects as human and natural resource development, community facilities and the general improvement of living and working environments.
- B. Furnish technical and management assistance in the development of planning activities.
- C. Coordinate local planning with that of other Members of the District and the State.
- D. Assist in community and economic development, transportation and public works projects.
- E. Assist member governments with their legislative activities.
- F. Assist in the preparation of applications for funding under various state, federal and private grant programs. Contracts for administration may be entered into between Member and District if Member requires or desires District to administrate project.
- G. Provide a Comprehensive Economic Development Strategy at the direction of the Board.
- H. Engage in such other activities as are necessary to improve area development and address regional problems.

**II. The Member agrees to the following:**

- A. To remain an active member of the District.
- B. To make an annual contribution of \$ 7,641.00 to the District as recognition of active membership.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at

\_\_\_\_\_  
New Mexico


ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor/Commission Chairman

SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT/COG

ATTEST:

  
\_\_\_\_\_  
Dora Batista, Secretary

  
\_\_\_\_\_  
Gary Williams, President

## SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT/COG

## DUES STRUCTURE

MEMBER	2018-2019	2019-2020
	<u>CURRENT</u>	
Chaves County	\$8,000	\$8,000
Eddy County	\$8,000	\$8,000
Lea County	\$8,000	\$8,000
Lincoln County	\$7,000	\$7,000
Otero County	\$8,000	\$8,000
Town of Dexter	\$1,000	\$1,000
Town of Hagerman	\$1,000	\$1,000
Town of Lake Arthur	\$1,000	\$1,000
City of Roswell	\$13,588	\$13,588
City of Artesia	\$3,450	\$3,450
City of Carlsbad	\$7,641	\$7,641
Village of Hope	\$1,000	\$1,000
Village of Loving	\$1,000	\$1,000
City of Eunice	\$1,000	\$1,000
City of Hobbs	\$10,237	\$10,237
City of Jal	\$1,000	\$1,000
City of Lovington	\$3,303	\$3,303
Town of Tatum	\$1,000	\$1,000
Village of Capitan	\$1,000	\$1,000
Town of Carrizozo	\$1,000	\$1,000
Village of Corona	\$1,000	\$1,000
Village of Ruidoso	\$2,450	\$2,450
City of Ruidoso Downs	\$1,000	\$1,000
City of Alamogordo	\$9,121	\$9,121
Village of Cloudcroft	\$1,000	\$1,000
Village of Tularosa	\$1,000	\$1,000
TOTALS:	\$102,790	\$102,790

**Southeastern New Mexico Economic Development District/  
Council of Governments**

**FY 2019-2020 ANNUAL WORK PLAN**

**State of New Mexico  
Grant-In-Aid Program**

**July 1, 2019**

The following are functions, measures, targets and tasks the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG) will complete in fulfillment of its obligation to its member governments and the State of New Mexico Department of Finance and Administration-Local Government Division to provide planning, technical assistance and capacity building services to local governments in southeastern New Mexico.

**Function 1. Submit reports, budgets and planning outcomes to the Local Government Division.**

- Task 1.1     Prior to July 1, 2019 submit a Board approved Annual Work and Operations Budget to the Local Government Division.
- Task 1.2     Submit Quarterly Progress Reports and payment reimbursement invoices to the Local Government Division no later than the 15<sup>th</sup> day of the month (January, April, July, October) following the close of each quarter. Quarterly reports must be approved by the Board of Directors prior to submittal. The Annual Report will be submitted following the Annual Meeting in January, 2019.
- Task 1.3     Provide professional development training to staff at least once annually.
- Task 1.4     Schedule and include as an agenda item for each quarterly meeting of the Board of Directors a training component to benefit local elected officials.

Task 1.5 Attend regularly scheduled meetings member government city and/or commission, special purpose meetings to which we are invited to provide technical assistance or conduct hearings and meetings of the New Mexico Association of Regional Councils.

Task 1.6 Attend regularly scheduled Board Meetings of the Southwest Regional Executive Directors Association and the National Association of Development Organizations (NADO).

***Benefit to New Mexico Citizens: Increased timeliness of reporting activities. Increased capacity of regional planning district. Better coordination between regional and state levels.***

**Function 2. Community Development Block Grant, Economic Development Public Works Assistance, Colonias Infrastructure Fund and other funding assistance programs—Provide local governments with application and general technical assistance**

Task 2.1 Inform all members of CDBG, EDA, USDA, CIF and other funding program rule changes and Notifications of Funding Assistance (NOFA) within 15 days of the adoptions of the rule changes or NOFA.

Task 2.2 Prepare and complete funding assistance applications for members upon their request including the conducting of public hearings as may be necessary.

Task 2.3 Provide Grant Administration and Technical Assistance to member governments upon approval of a contractual agreement between the local government and the funding agency.

Task 2.4 Coordinate presentations to the Community Development Council and Colonias Infrastructure Fund Board by our member governments seeking CDBG or CIF funding.

Task 2.5 Notify each CDBG or CIF grantee that their attendance is mandatory at the Grant Implementation Workshops.

Task 2.6 Assist local governments with the updating of the comprehensive plans

***Benefit to New Mexico Citizens: Better prepared funding assistance applications and presentations. Well implemented and administered project grants.***

**Function 3. Infrastructure Planning—Coordinate the ICIP process regionally.**

- Task 3.1 Sponsor ICIP training session that will be presented to local governments and others by a member of the DFA/LGD staff.
- Task 3.2 Assist and provide local governments technical assistance with the development and submittal of the ICIP.
- Task 3.3 Encourage local municipal, county governments and other entities to include operation and maintenance costs in the ICIP.
- Task 3.4 Encourage submission of ICIP to the State
- Task 3.5 Encourage members to develop financing plans for each of their top five ICIP priorities, including a project description, secured sources of funding and, where applicable, utility rate structure and asset management plans.
- Task 3.6 Have staff attend and assist local government members to attend, through the provision of scholarships, the annual New Mexico Infrastructure Finance Conference.
- Task 3.7 Conduct regional clearinghouse review, as may be necessary for all applications submitted to funding agencies.

***Benefits to New Mexico Citizens: Timely and meaningful local infrastructure planning connected to financing sources.***

**Function 4. Capital Outlay—Increase quality of project planning, legislative representation and administration.**

- Task 4.1 Assist local entities seeking assistance in the preparation and submission of capital outlay request forms through informational workshops and direct application technical assistance.

- Task 4.2 Work with Legislators throughout the region on locally established capital improvement priorities by holding project vetting hearings on a county by county basis.
- Task 4.3 Assist with testimony or information as might be required during the legislative session.
- Task 4.4 Prepare a preliminary list of projects submitted by local entities and submit list to local legislators.
- Task 4.5 Track capital outlay legislation relevant to community development, infrastructure improvement projects and project planning and programming.
- Task 4.6 Work with local elected officials to complete on-going projects in a timely manner or recommend reauthorization, re-appropriation or reversion of grant funds as may be necessary.

***Benefit to New Mexico Citizens: Better and more timely use of taxpayer funds to support local infrastructure projects***

**Function 5. Rural Support—Build capacity of local governments, rural water associations and other rural organizations.**

- Task 5.1 Coordinate a minimum of one training session in planning, budgeting, finance, auditing and/or administration for District Officials and their staffs.
- Task 5.2 Work with rural water associations, community ditches, acequias and other non-members on capital project planning. Assistance may be based on a Board approved fee for service schedule.
- Task 5.3 Engage rural members and non-members requesting assistance in “project prospectus development”, develop, review and vet projects seeking funding sources to meet specific project needs. Assistance may be based on a Board approved fee for service schedule.
- Task 5.4 Offer a training workshop to rural water associations and other non-member organizations in each county on the capital improvement project planning process.



- Task 5.5     Provide scholarships for local government staff and/or elected officials to attend capacity building training, workshops and conferences sponsored by state, regional and national planning and development organizations.
- Task 5.6     Provide US Census data information and support for the region as the US Census Bureau Affiliate.
- Task 5.7     Provide public relations for the SNMEDD and local governments through continuous media dissemination.
- Task 5.8     Meet with community elected and appointed officials and key community leaders to increase community capacity building foundation.
- Task 5.9     Educate and inform the general public, legislative and congressional law makers about the negative impact of regulatory constraints on local economies.

**Function 6. Transportation—Provide local governments with assistance to improve the region's transportation system for the efficient movement of goods, services, and people.**

- Task 6.1     Compile and maintain a database of transportation-related projects that may be contemplated or that are ready to be implemented for local governments within the region.
- Task 6.2     Maintain transportation-related technical information on the website, as available, to assist local governments and others in packaging applications that improve the infrastructure of the region.
- Task 6.3     Provide orientations or similar training to newly appointed RPO members representing local governments, preparing them in their roles on the Regional Transportation Policy and Technical Committees.
- Task 6.4     Meet with local elected officials, informing them of the transportation-related programs and activities available to them through the Southeastern Regional Planning Organization (SERPO) and encourage their input in regional transportation planning.

- Task 6.5     Maintain and provide the SERPO regional transportation planning function in concert with the New Mexico Department of Transportation.
- Task 6.6     Organize, schedule and host, as necessary, SERPO Policy Committee and Technical Committee meetings.

***Benefit to New Mexico Citizens: Assist in the development of a comprehensive transportation network and infrastructure improvements plan to move people, goods and services efficiently.***

**Function 7. Provide resources toward the development of new business or business expansions to retain and create jobs.**

- Task 7.1     Prepare a Comprehensive Economic Development Strategy update for submittal to our local government members and the Economic Development Administration (EDA) under the guidance and rules established by EDA.
- Task 7.2     Meet quarterly with the region's five economic development corporation/entities to gather and share information.
- Task 7.3     Support the energy industry in the region by attending energy related workshops and meeting quarterly with energy related professionals.
- Task 7.4     Support and promote the local agriculture and related value added industries.
- Task 7.5     Provide business counseling and training to prospective and existing small business owners through the operation of the Small Business Development Center with Eastern New Mexico University-Roswell.

***Benefit to New Mexico Citizens: Develop regional resources to improve and strengthen the existing core for sustainable communities.***

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

Digitally signed by Jeff Patterson  
DN: cn=Jeff Patterson, o=City of Carlsbad, NM, ou=Director of  
Planning, Engineering, and Regulation,  
email=jpatterson@cityofcarlsbadnm.com, c=US  
Date: 2019.07.01 12:05:19 -0600

**Meeting Date: 7/9/2019**

**DEPARTMENT:** Planning,  
Engineering & Regulation

**BY:** Jeff Patterson,  
Planning Director

**DATE:** 6/28/2019

**SUBJECT:** Request for Zone Change from "C-1" Commercial 1 District to "R-2" Residential 2 District for an approximately 0.34 acre parcel, located at 201 S. Guadalupe St. also known as 605 W. Fox, legally described as Lot 1-4, Block 99, Stevens Second Addition, 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:  
Windy Shelton Cole  
201 S. Guadalupe St.  
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.):

Request for Zone Change from "C-1" Commercial 1 District to "R-2" Residential 2 District for an approximately 0.34 acre parcel, located at 201 S. Guadalupe St. also known as 605 W. Fox, legally described as Lot 1-4, Block 99, Stevens Second Addition, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

According to Sec. 56-40(c) of the Zoning Ordinance:

**(c) "R-2" Residential 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.

The properties to the north and east are zoned "C-2" Commercial 2 District. The properties to the south and west are zoned "R-2" Residential 2 District. This 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.

According to Zoning Ordinance Sec. 56-150(b)(4)(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.

*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 June 3, 2019, the Planning and Zoning Commission considered this item and recommended approval with a vote of five (5) in favor, none (0) against, and none (0) absent.

### **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.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend approval.

Police Department: No comments.

Culture & Rec. Dept.: No comments.

Engineering Services: No comments.

Carlsbad Irrigation District: No comments.

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 Deputy  
City Administrator \_\_\_\_\_ /s/ John Lowe Date: 07-02-19

ATTACHMENTS: Application materials, Ordinance, P & Z Minutes.

ORDINANCE NO. 2019-30

AN ORDINANCE REZONING PART OF "C-1" COMMERCIAL 1 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.34 ACRE PROPERTY, LOCATED AT 201 SOUTH GUADALUPE STREET, LEGALLY DESCRIBED AS SUBD: STEVENS SECOND REPLAT LTS 1,3 BL 99 LOT: 1A BLOCK: 99 LOT 1A MAP# 249-SSA99-1A CAB# 6 472-1 LOC 605 W FOX ST & 201 S GUADALUPE ST LOT SIZE 100' X 150', 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 "C-1" Commercial 1 District to "R-2" Residential 2 District, for an approximately 0.34 acre property, located 201 S. Guadalupe St., Carlsbad, NM, legally described as:

SUBD: STEVENS SECOND REPLAT LTS 1,3 BL 99 LOT: 1A BLOCK: 99 LOT  
1A MAP# 249-SSA99-1A CAB# 6 472-1 LOC 605 W FOX ST & 201 S  
GUADALUPE ST LOT SIZE 100' X 150'

INTRODUCED, PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of July, 2019.

---

DALE JANWAY, MAYOR

ATTEST:

---

CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, June 3, 2019, at 5:00 p.m.**

**Meeting Held in the Annex Planning Room  
114 S. Halagueno**





CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, June 3, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held May 6, 2019.
4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.
7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.
8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from "C-1" Commercial 1 District to "R-2" Residential 2 District
10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from "R-1" Residential 1 District to "C-1" Commercial 1 District
11. Consider a recommendation to Council for a Zone Change request for approximately 20.23 acres located west of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "R-1" Residential 1 District
12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "C-2" Commercial 2 District

13. Consider approval of a Preliminary Plat for Spring Farm Subdivision
14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision
15. Report regarding Summary Review Subdivisions.
16. Adjourn.

## **PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, July 1, 2019 at 5:00 p.m.

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

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, JUNE 3, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
BRAD NESSER  
LASON BARNEY  
BRIGIDO GARCIA  
JAMES McCORMICK**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA CARRASCO  
RON MYERS**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR  
DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**SEAN DUNAGAN  
GEORGE DUNAGAN  
KERRI DUNAGAN  
KAREN SUMERS  
DENISE A. MADRID BOYEA  
JAMES GREER  
RACHEL HAND  
DAVID STOREY  
RACHAEL BALLARD  
SANDY BALLARD  
JESSICA HASER  
TANYA MOORE  
TANNER HOOT  
TARRANT BLAKE  
WINDY COLE  
WESLEY CARTER  
GARY WADDELL  
MATT BYERS  
SHANE CARPENTER  
CLAUDIA MARTINEZ**

**2112 WESTRIDGE  
212 W. STEVENS  
1411 ORCHARD LANE  
1421 DESERT WILLOW  
1906 SENTRY CIRCLE  
2103 QUAIL HOLLOW  
3803 STANDPIPE RD.  
ROSWELL, NM  
314 W. MERMOD  
314 W. MERMOD  
314 W. MERMOD  
502 CENTER AVE.  
502 CENTER AVE.  
1809 MOUNTAIN SHADOW  
201 S. GUADALUPE  
1111 N. MESA  
4203 BOYD DR.  
1405 S. COUNTRY CLUB CIRCLE  
3221 NATIONAL PARKS HWY.  
904 W. FOX ST.**

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

0:00:02      Start Recording [5:12:11 PM]

0:00:10      **1.      Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—**Mr. Garcia, Mr. Barney, Mr. McCormick, Mr. Knott, Mr. Nesser**. Absent—None.

0:00:33      **2. Approval of Agenda.**

**Mr. Patterson** makes a change to Item Number 11; it should read approximately 171 acres, instead of 20.23 acres.

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

0:01:14      **3. Approval of Minutes from the Meeting held May 6, 2019.**

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

0:02:03      **4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium.

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

0:03:04      **5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium. **Ms. Carrasco** explains the request. **Ms. Martinez** is requesting a 6' fence in her front-setback. **Ms. Martinez** said she needs the fence higher to keep her dogs in the yard. Her current fence is not high enough. She has four Mastiffs. She will apply for all permits to put up fence. The new fence will be wrought iron, as wood and other types of fence have not worked for her.

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

**Ms. Carrasco** informs the applicant she will have to apply for all appropriate building permits and contact Ray Benavides, the Building Official.

0:08:08      **6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.**

The applicant, **Tonya Moore**, comes to the podium. **Ms. Carrasco** explains the request for a conditional use permit for placement of a single wide trailer for on-site security purposes at 514 Center Avenue. Planning Staff recommends approval. **Ms. Moore** explains they would like to have someone there 24 hours a day for extra security. Floor opened for Public comment, there was none.

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

**Ms. Carrasco** tells the applicant to work with the Building Department to get the proper permits.

0:10:41        **7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.**

The applicant, **Rachel Hand**, comes to the podium. **Ms. Carrasco** explains the request. The Planning Department recommends approval as long as the applicant works with appropriate staff for any needs for water, sewer or solid waste; and any sort of state requirements or licenses. **Ms. Hand** explains she has been operating the barbershop since March 29, having already received a business registration. All her state licenses are in place, and her portable building is approved by the state for her purposes. No public comment.

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

**Ms. Carrasco** tells the applicant she will receive a letter of approval, and the conditional use permit will stay with the applicant, not the property.

0:14:48        **8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

**Shane Carpenter** comes to the podium. **Mr. Carrasco** explains the request for a permit for Temporary Housing for Megapower Electric’s employees, but recommends that the request be tabled pending a better site plan. **Mr. Carpenter** is aware of that the Planning Department needs a scaled site plan.

**Mr. McCormick** made a motion to table this item and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:16:34        **9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from “C-1” Commercial 1 District to “R-2” Residential 2 District**

**Windy Cole** comes to the podium. **Ms. Carrasco** explains the request is to change the property from Commercial to Residential. The applicant would like the Zone Change approved so she can sell the property. There was no public comment.

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

**Ms. Carrasco** states this item will come before Council on July 9, 2019 and the **Ms. Cole** will receive a letter confirming this.

0:19:30        **10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from “R-1” Residential 1 District to “C-1” Commercial 1 District**

The applicant, **Sandy Ballard**, attended. **Mr. Patterson** explained the request; and that this item has been brought before Council last fall, with Council being unable to make a determination. The ordinance allows for the applicants to bring this request forward again within one year. The Planning Department recommends approval of this request, with some conditions; one of which is no on-street parking because of the proximity to a school. **Ms. Ballard** runs a training and drug testing facility at 314 W. Mermod, and are trying to move the training facility portion to 325 N. Sixth Street, which has 17 spots for parking; She has also spoken to the Superintendent of the school about placing the training facility there, and he will speak to the mayor. They will not conduct drug-testing at this facility. The people who will attend the training facility have already passed their drug test. This will alleviate some of the traffic problems at their location on Mermod Street. Floor opened for public comment. **Jessica Haser** comes to the podium; she states she is the training manager for Mobile Safety; and she could be more thorough with a quieter area for the training portion.

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

**Mr. Patterson** states this item will appear before City Council on July 9, 2019, and she will receive a letter as a reminder.

0:27:48      **11. Consider a recommendation to Council for a Zone Change request for approximately 171 acres located west of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “R-1” Residential 1 District**

**George Dunagan** comes to the podium. **Mr. Patterson** explains this request and is the same applicant as last item. The Planning Dept. recommends approval of this request. **Mr. Dunagan** explains this is one of three items to come before the Commission at this time. The letter he wrote outlines what the plans are for the entire property, which is being called the Flumes Subdivision. He is planning on developing 171 acres, which will have about 354 homes; 145 single family homes in the first phase. The City has a planned widening for Callaway Drive from two lanes to three lanes. They will be developing commercial C-2 lots on the East side of Callaway Drive on the North portion, about 10 acres; and leaving the South portion Rural Residential. As part of the development, a nature park will be dedicated to the city on the West side of the Callaway Bridge, which will be called Carter Park. They will not allow man camps or RV parks in the commercial portion. **Mr. Dunagan** states his timeline is twelve to eighteen months. Floor is opened to public comment. **Tarrant Blake** comes to the podium. Her concern is the traffic and the speed of the drivers. She noted problems with work trucks, blowing dirt, and encroachment on wildlife; driving it into the neighborhood. She estimates 350 homes would make 600 more drivers on Callaway Drive. Her biggest concern is the traffic on Callaway Drive in the residential area, and if sidewalks would be built along with the widening of the road. **James Greer** comes to the podium. He states he is a resident of Quail Hollow from the beginning; and all construction creates dust problems. He has been in construction all his life and is in favor of the development of both sides of Callaway Road.

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

**Ms. Carrasco** tells the applicant that this item will be scheduled to appear before Council on July 23, 2019.

0:45:07      **12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “C-2” Commercial 2 District**

**Mr. Patterson** explained this request. The applicant would like to develop the property in a commercial nature, primarily to serve the surrounding residential properties. The Planning Department recommends approval of this request. **Mr. Dunagan** explains they are going to control what goes into the C-2 and have deed restrictions. He says there is a lot of need for limited commercial in this area. No public comment. **Mr. Barney** asks what is considered limited commercial. **Mr. Dunagan** states convenience stores and small retail.

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

**Mr. Patterson** tells the applicant this item is scheduled to appear before Council on July 9, 2019.

0:49:36

**13. Consider approval of a Preliminary Plat for Spring Farm Subdivision**

**Ms. Patterson** explained this request, potentially creating 354 new single family residential lots on 171 acres, and commercially developing about 10 acres. The City has already initiated meetings with the applicant and engineer to make sure the City's needs are met. Planning Staff would recommend approval, with the conditions: the developer and engineer shall submit final construction plans for approval by City staff, a master drainage and draining plan, a traffic study and analysis on Callaway Drive and submit results to City's Planning Department, and continue to work with the City's staff on infrastructure installed and its design, and monitor installation. **Mr. Dunagan** wants to get the plans and development going, so he took the preliminary plat approach. He stated it would probably be around 18 months before the plans are finally developed. No public comment.

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

1:00:35

**14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision**

**Mr. Knott** recuses himself. **Mr. Patterson** explains the request, which would create 150 single family residential lots. The City has already had preliminary meetings to go over the plans with the applicant. The applicant, **Mr. Knott** comes to the podium. Planning Staff would recommend approval of this request, with conditions that the engineer and developer work with the City staff as to the infrastructure and the City's infrastructure inspector monitor the installation of the infrastructure, and the City approve the infrastructure once installed. **David Storey** from Souder Miller & Associates from Roswell, comes to the podium. They are the engineering firm for **Mr. Knott**. **Mr. Knott** explains he has been in the manufactured home business for all of his life, and believes this development will be very competitive in the market. **Mr. Storey** states they are always working on and upgrading the plans, and has submitted an updated plat to the City recently. Floor opened for public comment. **Gary Waddell** comes forward to express his support.

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

1:06:30

**15. Report regarding Summary Review Subdivisions.**

**Ms. Carrasco** presented the Summary Review plats. Nothing unusual was noted.

1:09:59      **16.    Adjourn.**

There being no other business, the meeting was adjourned.

1:10:06      Stop Recording [6:22:17 PM]

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Chairman

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Date

DRAFT





MAY 10 2019

**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: 5/8/19  
 Existing Zoning: C-1

Fee Paid (\$100.00): 100.00 X  
 Proposed Zoning: R-2

### APPLICANT INFORMATION:

Windy (Shelton) Cole 201 S. Guadalupe  
NAME ADDRESS  
Carlsbad N.M. 88220 469-585-0888 Win8697@aol.com  
CITY STATE ZIP PHONE EMAIL

### PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners)

Windy Shelton 201 S. Guadalupe  
NAME ADDRESS  
Carlsbad N.M. 88220 469-585-0888 Win8697@aol.com  
CITY STATE ZIP PHONE EMAIL

\* 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):

201 S. Guadalupe St. 113 99 Stevens Second Addition  
ADDRESS LOT BLOCK SUBDIVISION  
Carlsbad, N.M. 88220

**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

STATE OF NEW MEXICO)

) SS

COUNTY OF EDDY )

**I (WE) HEREBY CERTIFY** that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 201 S. Guadalupe St.  
STREET ADDRESS  
~~Stevens Second~~ Stevens Second addition  
 LEGAL DESCRIPTION: Lot 113 99 113  
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: Windy Cole  
SIGNATURE

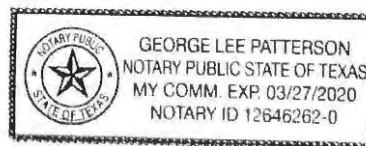
BY: Windy Cole  
PRINTED NAME

**ACKNOWLEDGED, SUBSCRIBED, AND SWORN**

to before me this 09 day of MAY  
 20 19, by Windy Cole  
 Notary Public George Lee Patterson

My commission expires: MARCH 27, 2020

(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.

Windy (Shelton) Cole  
APPLICANT SIGNATURE

5/8/19  
DATE

Sign issued by:

  
Staff Member

Date: 5/8/2019

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: Windy Shelton Cole      201 S. Guadalupe St, Carlsbad NM 88220  
Name Address Phone  
Subject Site Location: 201 S. Guadalupe St

The proposed action is a:

☒ Zoning Change from C-1 to R-2 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:** 6/3/2019

**Time:** 5:00pm

**Place:** City Annex Planning Room

114 S. 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

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Johnny & Yolanda Martinez  
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Street and Apt. No., or PO Box No. **206 S. Mesquite**

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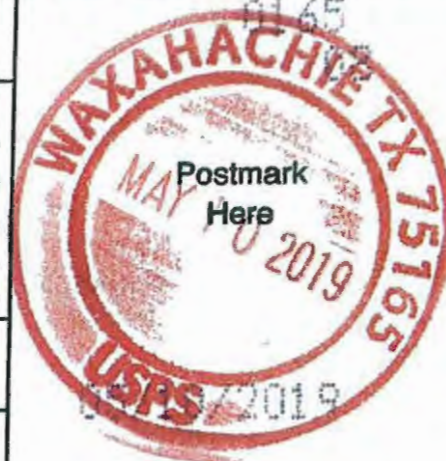
\$0.00

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$0.00
- ☐ Return Receipt (electronic) \$0.00
- ☐ Certified Mail Restricted Delivery \$0.00
- ☐ Adult Signature Required \$0.00
- ☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$4.05



Sent To Robert + Denise Garcia

Street and Apt. No., or PO Box No. PO Box 366

City, State ZIP+4<sup>®</sup> Carlisle NM 88221



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CARLSBAD, NM 88220

**OFFICIAL USE**

Certified Mail Fee \$3.50

\$

Extra Services & Fees (check box, add fee as appropriate)

- |  |    |        |
|--|----|--------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Required            | \$ | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | \$0.00 |

Postage \$0.55

\$

**Total Postage and Fees**  
\$4.05

\$

Sent To

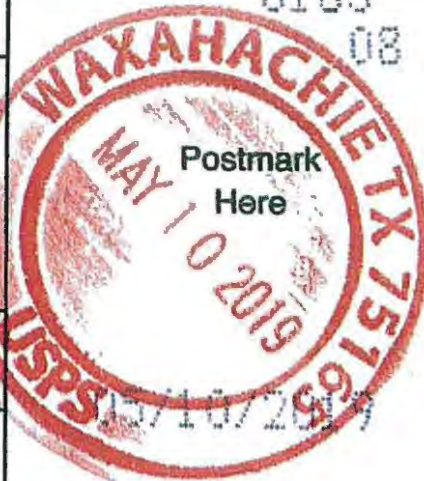
Robert + Christine Kirby  
1504 Jefferson Dr.  
Carlsbad NM 88220

Street and Apt. No., or PO Box No.

City, State ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



0165

08

Postmark  
Here

MAY 10 2019

USPS 75165



5155 7252 0000 0400 9102

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

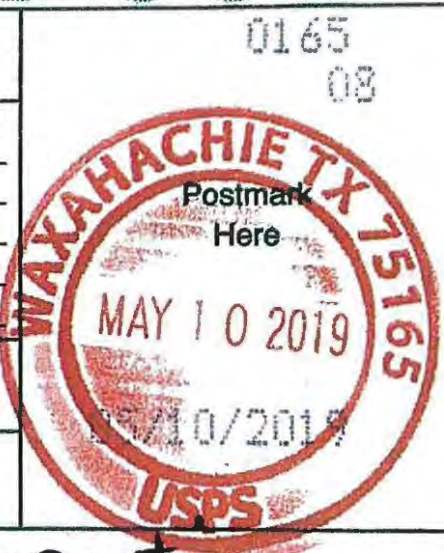
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

CARLESBAD, NM 88220

**OFFICIAL USE**

Certified Mail Fee	\$3.50
\$	\$0.00
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.55
\$	
Total Postage and Fees	\$4.05
\$	



Sent To	Fox Family Properties
Street and Apt. No., or PO Box No.	807 S. 11th St.
City, State, ZIP+4®	Carlsbad N.M. 88220



U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

CARLEBAY NM 88250

OFFICIAL USE

Certified Mail Fee \$3.50

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$0.55

\$

Total Postage and Fees

\$4.05

\$

Sent To

Lillian Peacock

Street and Apt. No., or PO Box No.

City, State, ZIP+4®



9465 5346  
7252  
0000  
0400  
9102

# REPLAT SURVEY LOT 1 AND LOT 3, BLOCK 99 STEVENS SECOND ADDITION

## APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO ON THIS 27th DAY OF JANUARY, 2016.

COMMISSION DESIGNEE

## DESCRIPTION

LOT 1 AND LOT 3, WITHIN BLOCK 99, AS SUCH LOTS ARE SHOWN AND SO DESIGNATED ON THE PLAT OF STEVENS SECOND ADDITION, TO THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, AS SHOWN ON THE OFFICIAL AMENDED PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE EDDY COUNTY CLERK ON JANUARY 8, 1906 IN CABINET 1, SLIDE 68-1.

REPLATED AS SHOWN HEREON AND NOW TO BE KNOWN AS LOT 1-A, BLOCK 99, OF THE "REPLAT SURVEY OF LOT 1 AND LOT 3, BLOCK 99, STEVENS SECOND ADDITION", CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, ALONG WITH THE FILING DATE AND PLAT CABINET AND SLIDE NUMBER OF THIS PLAT.

## SURVEYORS CERTIFICATE:

I, Matthew D. Norman, a New Mexico registered Professional Land Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

Matthew D. Norman, P.S. 17821

Date

## OWNERS STATEMENT AND AFFIDAVIT:

The platting shown hereon, including the granting of easements as shown, is with the free consent and accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. The undersigned owner(s) and proprietor(s) do hereby freely consent to all the foregoing and do represent themselves that I am so authorized to act. The property described hereon lies within the planning and platting jurisdiction of the City of Carlsbad, Eddy County, NM.

Owner(s): MARTHA W. SKEEN

State of NM

SS

County of EDDY

The foregoing instrument was acknowledged before me this 14 day of

JANUARY, 2016, by MARTHA W. SKEEN

My commission expires: 7-23-16  
Notary Public

CRAIG R. STEVENS

## FILING AND RECORDING

FILED FOR RECORD IN THE EDDY COUNTY CLERKS OFFICE ON THE 20th DAY OF JANUARY, 2016.

AT 3:45 A.M. (P.M.) CABINET 60 SLIDE 472-1

Robin Van Watten  
COUNTY CLERK

DEPUTY

## INDEXING INFORMATION FOR THE COUNTY CLERK

ASSESSED OWNER: MARTHA W. SKEEN  
SECTION(S): SECTION 8, T22S, R27E, N.M.P.M.  
SUBDIVISION: STEVENS SECOND ADDITION  
ACREAGE: LOT 1-A = 0.3444 AC.

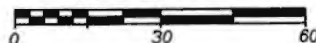
## SURVEY PREPARED BY



MDN SURVEYING LLC  
1104 ELGIN RD.  
CARLSBAD, NM 88220  
575-234-3505

FOX STREET (80')

SCALE: 1" = 30'



N 89°26'40"W  
FD 1" I.P.  
NE COR.  
LOT 1, BLK 100

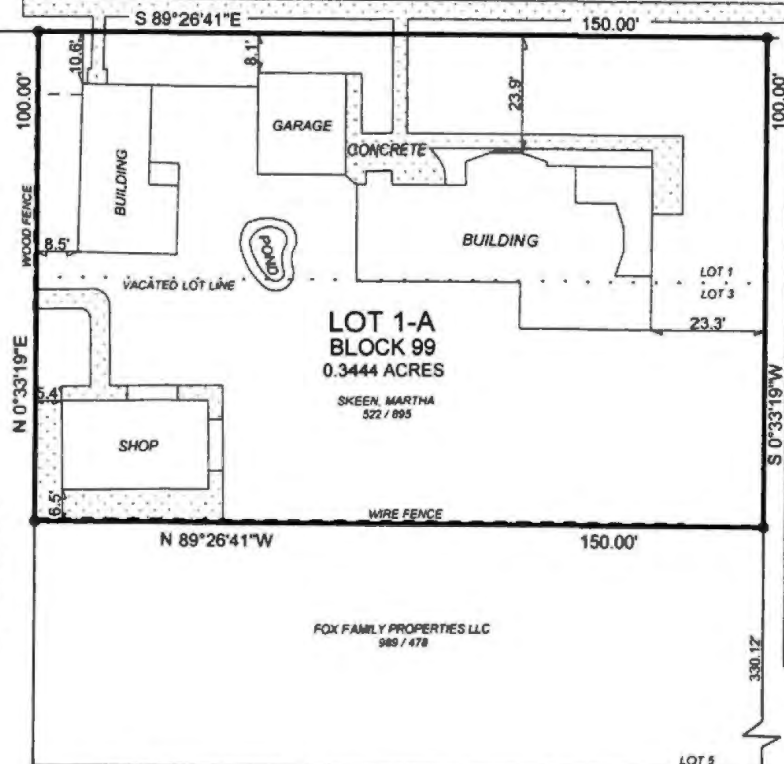
PEACOCK LILLIAN FAYE  
REVOCABLE TRUST  
289 / 776

LOT 2

LOT 4

LOT 6

PLATTED 20 ALLEY



## SURVEY NOTES:

1. Unless otherwise noted all boundary stakes are set 5/8" rebar stakes with plastic I.D. caps impressed "MDN 17821".
2. Date of field survey January 12, 2016.
3. Basis of bearings are GRID "NM East Zone" NAD 1983, based on GPS observations. Distances are Ground.
4. The property shown hereon is subject to all Easements, Conditions, Restrictions and Reservations of record or in existence.
5. file name: STEVN99.ZAK

FD 5/8" RBR  
"MDN 17821"  
NE LOT 1, BLK 183  
WOODARD'S ADD.

17 x 11



1:1,440

1 inch = 120 feet

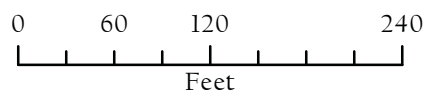
Zone Change  
201 S. Guadalupe St.

Map # 1839\_ed02

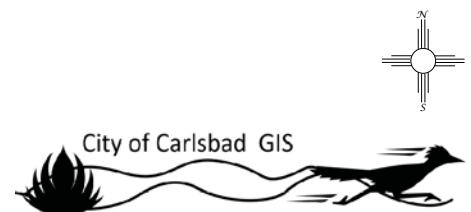
Date: 5/16/2019



- |               |               |
|---------------|---------------|
| ● Address     | <b>Zoning</b> |
| — Roads       | C-1           |
| □ Parcel      | C-2           |
| — Water Lines | R-1           |
| — Sewer Lines | R-2           |



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





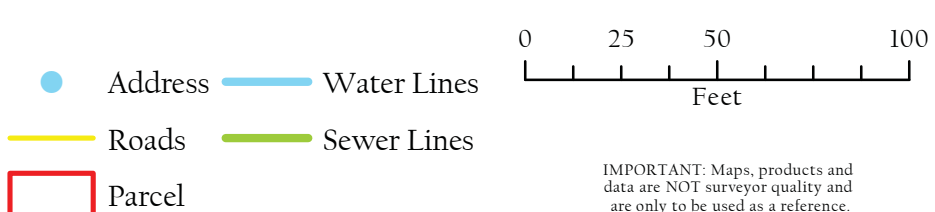
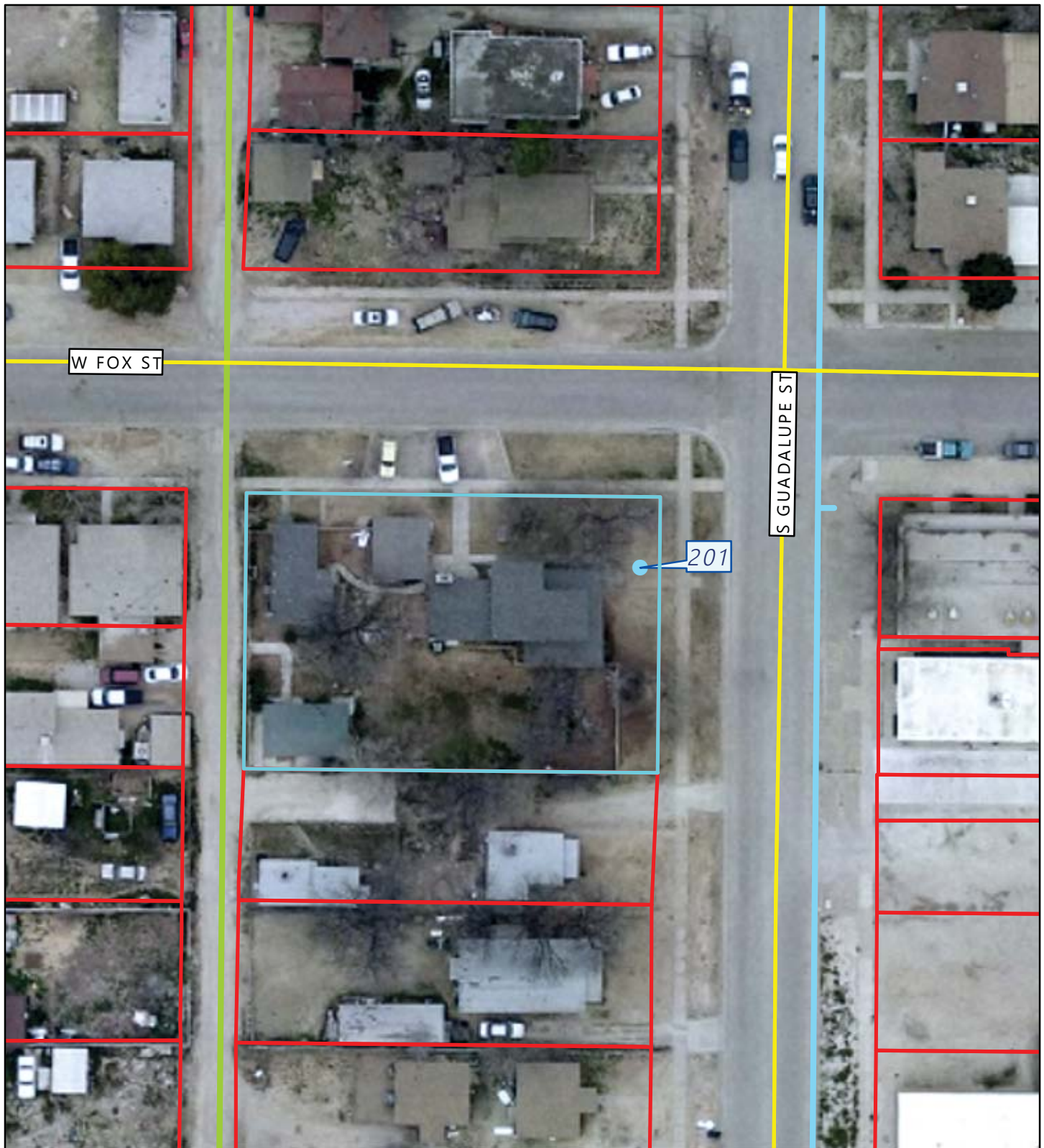
1:600

1 inch = 50 feet

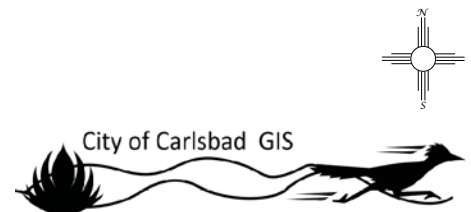
Zone Change  
201 S. Guadalupe St.

Map # 1839\_ed01

Date: 5/16/2019



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



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

Digitally signed by Jeff Patterson  
DN: cn=Jeff Patterson, ou=City of Carlsbad, NM, ou=Director of  
Planning, Engineering, and Regulation,  
email=jpatterson@cityofcarlsbad.com, c=US  
Date: 2019.07.01 12:04:31 -0600

**Meeting Date: 7/9/2019**

**DEPARTMENT:** Planning,  
Engineering & Regulation

**BY:** Jeff Patterson,  
Planning Director

**DATE:** 6/28/2019

**SUBJECT:** Request for Zone Change from "R-R" Industrial District to "C-2" Commercial 2 District for approximately 10.00 acres for 5 commercial lots located to the east of Callaway Dr., north of the Pecos River, (legal description attached) pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

**Applicant:**

Springs Farms Subdivision Inc.  
212 W. Stevens St.  
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 has submitted a request for change of zoning at the subject property (map and legal description attached) from "R-R" Rural Residential District to "C-2" Commercial 2 District. This property is approximately 10 acres in size and located on the east side of Callaway Dr. and the west side of the C.I.D main canal at this location. The applicant is planning to install commercial enterprises at this location.

According to Sec. 56-40(e) of the Zoning Ordinance:

**(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.

The properties surrounding the subject property are zoned "R-R" Rural Residential District. As a result of this, changing the zoning to "C-2" Commercial 2 District zoning would 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.

According to Zoning Ordinance Sec. 56-150(b)(4)(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.

*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 June 3, 2019, the Planning and Zoning Commission considered this item and recommended approval with a vote of five (5) in favor, none (0) against, and none (0) absent.

### **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.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend approval.

Police Department: No comments.

Culture & Rec. Dept.: No comments.

Engineering Services: No comments.

Carlsbad Irrigation District: No comments.

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 Deputy  
City Administrator       /s/ John Lowe       Date: 07-02-19

ATTACHMENTS: Application materials, Ordinance, P & Z Minutes.

ORDINANCE NO. 2019- 31

AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 10.00 ACRE PROPERTY, LOCATED ALONG THE EAST SIDE OF CALLAWAY DRIVE, LEGALLY DESCRIBED AS Beginning at a point that is the Southwest corner of Tract B, Quail Hollow Unit 1 Final Plat, Filed in Cabinet A, Slide 530-1, of the Mapping Records for Eddy County, New Mexico; Then N00°00'46" along the west line of called Tract B, for 32.90 feet, to the south Right-of-Way of Callaway Drive; then N83°41'51"W, along the called south Right-of-Way, for 164.89 feet; Then 804.75 feet, thru a curve to the right, continuing along the called south Right-of-Way, having a Radius of 455.36 feet and a Chord that bears S45°40'26"W, for 704.04 feet, Then S04°57'17"E, continuing along said Right-of-Way, for 202.08 feet, Then S83°58'43"E for 610.81 feet, to the West Right-of-Way of Carlsbad Irrigation Ditch Main Southern Canal; Then N06°01'34"E, along the West Right-of-Way of the Called Main Southern Canal, for 710.17 feet, Then N89°49'44"W, along the South line of Tract B, for 31.90 feet, back to the Point of Beginning, 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-R" Rural Residential District to "C-2" Commercial 2 District, for an approximately 10.00 acre property, located along the East side of Callaway Dr., Carlsbad, NM, legally described as: Beginning at a point that is the Southwest corner of Tract B, Quail Hollow Unit 1 Final Plat, Filed in Cabinet A, Slide 530-1, of the Mapping Records for Eddy County, New Mexico; Then N00°00'46" along the west line of called Tract B, for 32.90 feet, to the south Right-of-Way of Callaway Drive; then N83°41'51"W, along the called south Right-of-Way, for 164.89 feet; Then 804.75 feet, thru a curve to the right, continuing along the called south Right-of-

Way, having a Radius of 455.36 feet and a Chord that bears S45°40'26"W, for 704.04 feet, Then S04°57'17"E, continuing along said Right-of-Way, for 202.08 feet, Then S83°58'43"E for 610.81 feet, to the West Right-of-Way of Carlsbad Irrigation Ditch Main Southern Canal; Then N06°01'34E, along the West Right-of-Way of the Called Main Southern Canal, for 710.17 feet, Then N89°49'44"W, along the South line of Tract B, for 31.90 feet, back to the Point of Beginning,

INTRODUCED, PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of July, 2019.

---

DALE JANWAY, MAYOR

ATTEST:

---

CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, June 3, 2019, at 5:00 p.m.**

**Meeting Held in the Annex Planning Room  
114 S. Halagueno**





CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, June 3, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held May 6, 2019.
4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.
7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.
8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from "C-1" Commercial 1 District to "R-2" Residential 2 District
10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from "R-1" Residential 1 District to "C-1" Commercial 1 District
11. Consider a recommendation to Council for a Zone Change request for approximately 20.23 acres located west of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "R-1" Residential 1 District
12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "C-2" Commercial 2 District



13. Consider approval of a Preliminary Plat for Spring Farm Subdivision
14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision
15. Report regarding Summary Review Subdivisions.
16. Adjourn.

## **PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, July 1, 2019 at 5:00 p.m.

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

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, JUNE 3, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
BRAD NESSER  
LASON BARNEY  
BRIGIDO GARCIA  
JAMES McCORMICK**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA CARRASCO  
RON MYERS**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR  
DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**SEAN DUNAGAN  
GEORGE DUNAGAN  
KERRI DUNAGAN  
KAREN SUMERS  
DENISE A. MADRID BOYEA  
JAMES GREER  
RACHEL HAND  
DAVID STOREY  
RACHAEL BALLARD  
SANDY BALLARD  
JESSICA HASER  
TANYA MOORE  
TANNER HOOT  
TARRANT BLAKE  
WINDY COLE  
WESLEY CARTER  
GARY WADDELL  
MATT BYERS  
SHANE CARPENTER  
CLAUDIA MARTINEZ**

**2112 WESTRIDGE  
212 W. STEVENS  
1411 ORCHARD LANE  
1421 DESERT WILLOW  
1906 SENTRY CIRCLE  
2103 QUAIL HOLLOW  
3803 STANDPIPE RD.  
ROSWELL, NM  
314 W. MERMOD  
314 W. MERMOD  
314 W. MERMOD  
502 CENTER AVE.  
502 CENTER AVE.  
1809 MOUNTAIN SHADOW  
201 S. GUADALUPE  
1111 N. MESA  
4203 BOYD DR.  
1405 S. COUNTRY CLUB CIRCLE  
3221 NATIONAL PARKS HWY.  
904 W. FOX ST.**

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

0:00:02      Start Recording [5:12:11 PM]

0:00:10      **1.      Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—**Mr. Garcia, Mr. Barney, Mr. McCormick, Mr. Knott, Mr. Nesser**. Absent—None.

0:00:33      **2. Approval of Agenda.**

**Mr. Patterson** makes a change to Item Number 11; it should read approximately 171 acres, instead of 20.23 acres.

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

0:01:14      **3. Approval of Minutes from the Meeting held May 6, 2019.**

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

0:02:03      **4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium.

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

0:03:04      **5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium. **Ms. Carrasco** explains the request. **Ms. Martinez** is requesting a 6' fence in her front-setback. **Ms. Martinez** said she needs the fence higher to keep her dogs in the yard. Her current fence is not high enough. She has four Mastiffs. She will apply for all permits to put up fence. The new fence will be wrought iron, as wood and other types of fence have not worked for her.

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

**Ms. Carrasco** informs the applicant she will have to apply for all appropriate building permits and contact Ray Benavides, the Building Official.

0:08:08      **6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.**

The applicant, **Tonya Moore**, comes to the podium. **Ms. Carrasco** explains the request for a conditional use permit for placement of a single wide trailer for on-site security purposes at 514 Center Avenue. Planning Staff recommends approval. **Ms. Moore** explains they would like to have someone there 24 hours a day for extra security. Floor opened for Public comment, there was none.

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

**Ms. Carrasco** tells the applicant to work with the Building Department to get the proper permits.

0:10:41        **7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.**

The applicant, **Rachel Hand**, comes to the podium. **Ms. Carrasco** explains the request. The Planning Department recommends approval as long as the applicant works with appropriate staff for any needs for water, sewer or solid waste; and any sort of state requirements or licenses. **Ms. Hand** explains she has been operating the barbershop since March 29, having already received a business registration. All her state licenses are in place, and her portable building is approved by the state for her purposes. No public comment.

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

**Ms. Carrasco** tells the applicant she will receive a letter of approval, and the conditional use permit will stay with the applicant, not the property.

0:14:48        **8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

**Shane Carpenter** comes to the podium. **Mr. Carrasco** explains the request for a permit for Temporary Housing for Megapower Electric’s employees, but recommends that the request be tabled pending a better site plan. **Mr. Carpenter** is aware of that the Planning Department needs a scaled site plan.

**Mr. McCormick** made a motion to table this item and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent– None. The motion carried.

0:16:34        **9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from “C-1” Commercial 1 District to “R-2” Residential 2 District**

**Windy Cole** comes to the podium. **Ms. Carrasco** explains the request is to change the property from Commercial to Residential. The applicant would like the Zone Change approved so she can sell the property. There was no public comment.

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

**Ms. Carrasco** states this item will come before Council on July 9, 2019 and the **Ms. Cole** will receive a letter confirming this.

0:19:30        **10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from “R-1” Residential 1 District to “C-1” Commercial 1 District**

The applicant, **Sandy Ballard**, attended. **Mr. Patterson** explained the request; and that this item has been brought before Council last fall, with Council being unable to make a determination. The ordinance allows for the applicants to bring this request forward again within one year. The Planning Department recommends approval of this request, with some conditions; one of which is no on-street parking because of the proximity to a school. **Ms. Ballard** runs a training and drug testing facility at 314 W. Mermod, and are trying to move the training facility portion to 325 N. Sixth Street, which has 17 spots for parking; She has also spoken to the Superintendent of the school about placing the training facility there, and he will speak to the mayor. They will not conduct drug-testing at this facility. The people who will attend the training facility have already passed their drug test. This will alleviate some of the traffic problems at their location on Mermod Street. Floor opened for public comment. **Jessica Haser** comes to the podium; she states she is the training manager for Mobile Safety; and she could be more thorough with a quieter area for the training portion.

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

**Mr. Patterson** states this item will appear before City Council on July 9, 2019, and she will receive a letter as a reminder.

0:27:48      **11. Consider a recommendation to Council for a Zone Change request for approximately 171 acres located west of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “R-1” Residential 1 District**

**George Dunagan** comes to the podium. **Mr. Patterson** explains this request and is the same applicant as last item. The Planning Dept. recommends approval of this request. **Mr. Dunagan** explains this is one of three items to come before the Commission at this time. The letter he wrote outlines what the plans are for the entire property, which is being called the Flumes Subdivision. He is planning on developing 171 acres, which will have about 354 homes; 145 single family homes in the first phase. The City has a planned widening for Callaway Drive from two lanes to three lanes. They will be developing commercial C-2 lots on the East side of Callaway Drive on the North portion, about 10 acres; and leaving the South portion Rural Residential. As part of the development, a nature park will be dedicated to the city on the West side of the Callaway Bridge, which will be called Carter Park. They will not allow man camps or RV parks in the commercial portion. **Mr. Dunagan** states his timeline is twelve to eighteen months. Floor is opened to public comment. **Tarrant Blake** comes to the podium. Her concern is the traffic and the speed of the drivers. She noted problems with work trucks, blowing dirt, and encroachment on wildlife; driving it into the neighborhood. She estimates 350 homes would make 600 more drivers on Callaway Drive. Her biggest concern is the traffic on Callaway Drive in the residential area, and if sidewalks would be built along with the widening of the road. **James Greer** comes to the podium. He states he is a resident of Quail Hollow from the beginning; and all construction creates dust problems. He has been in construction all his life and is in favor of the development of both sides of Callaway Road.

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

**Ms. Carrasco** tells the applicant that this item will be scheduled to appear before Council on July 23, 2019.

0:45:07      **12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “C-2” Commercial 2 District**

**Mr. Patterson** explained this request. The applicant would like to develop the property in a commercial nature, primarily to serve the surrounding residential properties. The Planning Department recommends approval of this request. **Mr. Dunagan** explains they are going to control what goes into the C-2 and have deed restrictions. He says there is a lot of need for limited commercial in this area. No public comment. **Mr. Barney** asks what is considered limited commercial. **Mr. Dunagan** states convenience stores and small retail.

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

**Mr. Patterson** tells the applicant this item is scheduled to appear before Council on July 9, 2019.

0:49:36

**13. Consider approval of a Preliminary Plat for Spring Farm Subdivision**

**Ms. Patterson** explained this request, potentially creating 354 new single family residential lots on 171 acres, and commercially developing about 10 acres. The City has already initiated meetings with the applicant and engineer to make sure the City's needs are met. Planning Staff would recommend approval, with the conditions: the developer and engineer shall submit final construction plans for approval by City staff, a master drainage and draining plan, a traffic study and analysis on Callaway Drive and submit results to City's Planning Department, and continue to work with the City's staff on infrastructure installed and its design, and monitor installation. **Mr. Dunagan** wants to get the plans and development going, so he took the preliminary plat approach. He stated it would probably be around 18 months before the plans are finally developed. No public comment.

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

1:00:35

**14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision**

**Mr. Knott** recuses himself. **Mr. Patterson** explains the request, which would create 150 single family residential lots. The City has already had preliminary meetings to go over the plans with the applicant. The applicant, **Mr. Knott** comes to the podium. Planning Staff would recommend approval of this request, with conditions that the engineer and developer work with the City staff as to the infrastructure and the City's infrastructure inspector monitor the installation of the infrastructure, and the City approve the infrastructure once installed. **David Storey** from Souder Miller & Associates from Roswell, comes to the podium. They are the engineering firm for **Mr. Knott**. **Mr. Knott** explains he has been in the manufactured home business for all of his life, and believes this development will be very competitive in the market. **Mr. Storey** states they are always working on and upgrading the plans, and has submitted an updated plat to the City recently. Floor opened for public comment. **Gary Waddell** comes forward to express his support.

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

1:06:30

**15. Report regarding Summary Review Subdivisions.**

**Ms. Carrasco** presented the Summary Review plats. Nothing unusual was noted.

1:09:59      **16.    Adjourn.**

There being no other business, the meeting was adjourned.

1:10:06      Stop Recording [6:22:17 PM]

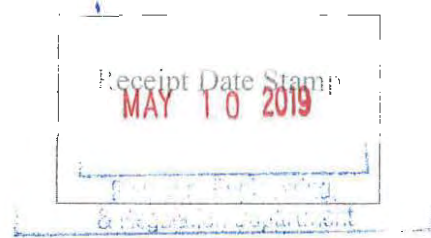
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Chairman

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Date

DRAFT

**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: 5-10-19  
Existing Zoning: RR

Fee Paid (\$100.00): 100.00 *ju*  
Proposed Zoning: R1/C2

**APPLICANT INFORMATION:**

212 W STAURNS  
Springs Farm Subdivision INC - ~~RR~~

NAME	ADDRESS
<u>Carlsbad NM 88220</u>	<u>575 / GEORGE E</u>
CITY	STATE
<u>ZIP</u>	<u>PHONE</u>
<u>EMAIL</u>	<u>ASSOCIATES.COM</u>

**PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):**

SAME

NAME	ADDRESS
CITY	STATE
ZIP	PHONE
EMAIL	

\* 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):**

T&D CALLAWAY DR, SEC 26, T21S R27E

ADDRESS	LOT	BLOCK	SUBDIVISION
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**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

STATE OF NEW MEXICO)

) SS

COUNTY OF EDDY )

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: TBD CALLAWAY DRIVE  
STREET ADDRESS

LEGAL DESCRIPTION: SEC 26, T21S, R27E  
SUBDIVISION    BLOCK    LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: KERRI DUNAGAN  
GEORGE DUNAGAN    575 706 2957  
NAME    PHONE

212 W STEVENS, CARLSBAD NM 88220  
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]  
SIGNATURE

BY: GEORGE DUNAGAN  
PRINTED NAME

PRESIDENT  
Springs Farm Subdivision Inc  
(ADDITIONAL OWNERS:  
ATTACH SEPARATE SHEETS  
AS NECESSARY)

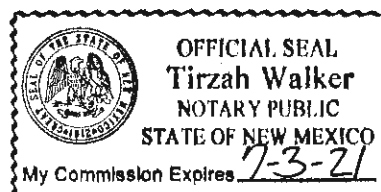
ACKNOWLEDGED, SUBSCRIBED, AND SWORN

to before me this 10 day of May

20 19, by George T. Dunagan

Notary Public Tirzah Walker

My commission expires: 7-3-21

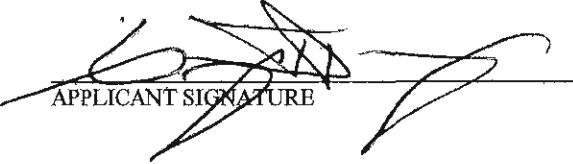


## NOTIFICATION SIGN POSTING AGREEMENT

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.

  
APPLICANT SIGNATURE

5/10/19  
DATE

Sign issued by: \_\_\_\_\_  
Staff Member

**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 eight (8) 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.

Date: 5/10/19

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: SPRINGS FARM SUBDIVISION INC 212 W. CARLSBAD 575-885-1185  
Name Address Phone  
Subject Site Location: SEC 27, T21S, R27E, Callaway Drive

The proposed action is a:

☒ Zoning Change from RR to R1 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: \_\_\_\_\_

Time: 5:00pm

Place: City Annex Planning Room

114 S. 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

*SPRINGS FARM SUBDIVISION INC*

# SPRING FARMS LAND DIVISION 2018

A DIVISION OF A TRACT OF LAND LYING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 26 EAST, N.M.P.M., IN WHICH THE PARCEL'S ARE DESCRIBED AS FOLLOWS:

PARCEL NORTH AND EAST OF C.I.D. MAIN CANAL:  
BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 26; THEN N89°24'21"E, ALONG THE NORTH LINE OF SAID SECTION, FOR 1341.82 FEET, TO THE EAST LINE OF THE NWNE OF SAID SECTION 26; THEN S00°12'43"E, ALONG THE EAST LINE OF SAID SECTION 26, FOR 1140.83 FEET, TO THE NORTH LINE OF QUAIL HOLLOW UNIT 5; THEN S89°54'34"W, ALONG THE NORTH LINE OF QUAIL HOLLOW UNIT 5, FOR 364.97 FEET; THEN N35°22'41"E, CONTINUING ALONG THE NORTH LINE OF QUAIL HOLLOW UNIT 5, FOR 65.66 FEET; THEN S54°43'34"W, CONTINUING ALONG THE NORTHERLY LINE OF QUAIL HOLLOW UNIT 5, FOR 420.67 FEET, TO THE WEST RIGHT-OF-WAY LINE OF THE C.I.D. MAIN CANAL; THEN N35°07'59"W, ALONG THE WESTERLY LINE OF THE C.I.D. MAIN CANAL, FOR 952.61 FEET; THEN CONTINUING ALONG THE WESTERLY LINE OF THE C.I.D. CANAL THROUGH A CURVE TO THE RIGHT 609.15 FEET, HAVING A RADIUS OF 4284.53 FEET, WITH A CHORD THAT BEARS N28°26'51"W, FOR 608.54 FEET, TO THE NORTH LINE OF SAID SECTION 26; THEN N89°20'05"E, ALONG THE NORTH LINE OF SAID SECTION 26, FOR 238.90 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±33.56 ACRES MORE OR LESS.

PARCEL SOUTH AND WEST OF C.I.D. MAIN CANAL:  
BEGINNING AT A POINT THAT LIES S89°20'05"W, 238.90 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 26; THEN ALONG THE WESTERLY LINE OF THE C.I.D. CANAL THROUGH A CURVE TO THE LEFT 609.15 FEET, HAVING A RADIUS OF 4284.53 FEET, WITH A CHORD THAT BEARS S28°26'51"E, FOR 608.54 FEET; THEN S35°07'59"E, CONTINUING ALONG THE WESTERLY LINE OF THE C.I.D. MAIN CANAL, FOR 1633.78 FEET; THEN S35°07'59"E, CONTINUING ALONG THE WESTERLY LINE OF THE C.I.D. CANAL THROUGH A CURVE TO THE LEFT 1341.85 FEET, HAVING A RADIUS OF 1550.00 FEET, WITH A CHORD THAT BEARS S59°43'10"E, FOR 1300.07 FEET; THEN S00°01'08"E, FOR 17.80 FEET, TO THE NORTH LINE OF CALLAWAY DRIVE; THEN N89°54'15"W, ALONG THE NORTH LINE OF CALLAWAY DRIVE, FOR 158.18 FEET; THEN ALONG THE WESTERLY LINE OF CALLAWAY DRIVE THROUGH A CURVE TO THE LEFT 867.98 FEET, HAVING A RADIUS OF 549.07 FEET, WITH A CHORD THAT BEARS S45°27'07"E, FOR 841.02 FEET; THEN S05°37'38"E, CONTINUING ALONG THE WESTERLY LINE OF CALLAWAY DRIVE, FOR 698.84 FEET, TO THE NORTH LINE OF TRACT 2, PECOS RIVER/CALLAWAY DRIVE LOW WATER CROSSING DEDICATION PLAT NO. 2; THEN S85°14'05"W, ALONG THE NORTH LINE OF SAID TRACT 2, FOR 32.64 FEET; THEN S04°45'55"E, ALONG THE WEST LINE OF CALLED TRACT 2, FOR 586.84 FEET; THEN S03°07'26"E, CONTINUING ALONG THE WESTERLY LINE OF CALLED TRACT 2, FOR 210.84 FEET TO THE NORTH LINE OF SPRING FARMS REPLAT; THEN N58°50'47"W, ALONG THE NORTH LINE OF SPRING FARMS REPLAT, FOR 853.36 FEET; THEN S53°16'21"W, CONTINUING ALONG THE NORTHERLY LINE OF THE SPRING FARMS REPLAT, FOR 150.00 FEET; THEN N50°17'47"W, FOR 357.15 FEET; THEN N89°58'00"W, FOR 313.55 FEET; THEN S89°29'00"W, FOR 10.84 FEET, TO THE WEST LINE OF THE SOUTHEAST 1/4; THEN N00°21'47"W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4, FOR 1264.75 FEET, TO THE NORTH LINE OF THE SOUTHWEST 1/4; THEN S89°58'30"W, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4, 994.18 FEET, BACK TO THE POINT IN THE CENTER OF THE PECOS RIVER; THEN N23°56'38"W, ALONG THE CENTER OF THE PECOS RIVER FOR 405.25 FEET; THEN N01°25'35"W, CONTINUING ALONG THE CENTER OF THE PECOS RIVER, FOR 654.14 FEET; THEN N01°31'43"E, CONTINUING ALONG THE CENTER OF THE PECOS RIVER, FOR 1325.35 FEET, TO THE NORTH LINE OF SAID SECTION 26; THEN N89°20'05"E, ALONG THE NORTH LINE OF SAID SECTION 26, FOR 891.33 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±159.89 ACRES MORE OR LESS.  
CONTAINING ±71.82 ACRES OUTSIDE FLOOD ZONE AND FLOOD WAY  
CONTAINING ±58.43 ACRES IN FLOOD ZONE WITH BFE, OUTSIDE FLOOD WAY  
CONTAINING ±31.44 ACRES IN FLOOD WAY

PARCEL SOUTH AND EAST OF CALLAWAY DRIVE:  
BEGINNING AT THE SOUTHWEST CORNER OF TRACT B, QUAIL HOLLOW UNIT 1; THEN N00°00'46"W, ALONG THE WEST LINE OF CALLED TRACT B, FOR 32.90 FEET, TO THE SOUTH LINE OF CALLAWAY DRIVE; THEN N83°41'51"W, ALONG THE SOUTHERLY LINE OF CALLAWAY DRIVE FOR 164.89 FEET; THEN THROUGH A CURVE TO THE LEFT 804.75 FEET HAVING A RADIUS OF 455.36 FEET AND A CHORD THAT BEARS S45°40'26"W, FOR 704.04 FEET; THEN S04°57'17"E, ALONG THE EAST LINE OF CALLAWAY DRIVE, FOR 710.00 FEET, TO THE NORTH LINE OF TRACT 2, PECOS RIVER/CALLAWAY DRIVE LOW WATER CROSSING DEDICATION PLAT NO. 2; THEN N85°14'05"E, ALONG THE NORTH LINE OF SAID TRACT 2, FOR 27.36 FEET; THEN S04°42'05"E, ALONG THE EAST LINE OF TRACT 2, FOR 255.64 FEET, TO THE CITY PARK; THEN S56°05'29"E, ALONG THE NORTH LINE OF THE CITY PARK, FOR 497.34 FEET, TO THE WEST LINE OF THE C.I.D. MAIN CANAL; THEN N06°01'34"E, ALONG THE WEST LINE OF THE C.I.D. MAIN CANAL, FOR 1687.47 FEET, TO THE SOUTH LINE OF TRACT B; THEN N89°49'44"E, ALONG THE SOUTH LINE OF TRACT B, FOR 31.90 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±20.23 ACRES MORE OR LESS.  
CONTAINING ±11.58 ACRES OUTSIDE FLOOD ZONE AND FLOOD WAY  
CONTAINING ±8.65 ACRES IN FLOOD ZONE WITH BFE, OUTSIDE FLOOD WAY  
CONTAINING ±0.00 ACRES IN FLOOD WAY

PARCEL EDWIN DUNAGAN TRACT:  
BEGINNING AT THE CENTER OF SAID SECTION 26; THEN S00°21'47"E, ALONG THE CENTER SECTION LINE TO THE SOUTH LINE OF THE NWSE OF SAID SECTION 26, FOR 1264.75 FEET; THEN S89°20'28"W, FOR 254.78 FEET, TO THE INTERSECTION POINT OF THE NORTHERLY RIGHT-OF-WAY HIGHWAY 285; THEN N37°03'11"W, ALONG THE HIGHWAY RIGHT-OF-WAY, FOR 1586.93 FEET TO THE INTERSECTION POINT OF THE NORTH LINE OF THE SOUTHWEST 1/4; THEN N89°58'30"E, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 26, FOR 1202.96 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±21.33 ACRES  
CONTAINING ±0.00 ACRES OUTSIDE FLOOD ZONE AND FLOOD WAY  
CONTAINING ±8.49 ACRES IN FLOOD ZONE WITH BFE, OUTSIDE FLOOD WAY  
CONTAINING ±12.84 ACRES IN FLOOD WAY  
CONTAINING ±3.27 ACRES FOR CALLAWAY DRIVE

## BASIS OF BEARINGS AND DISTANCES:

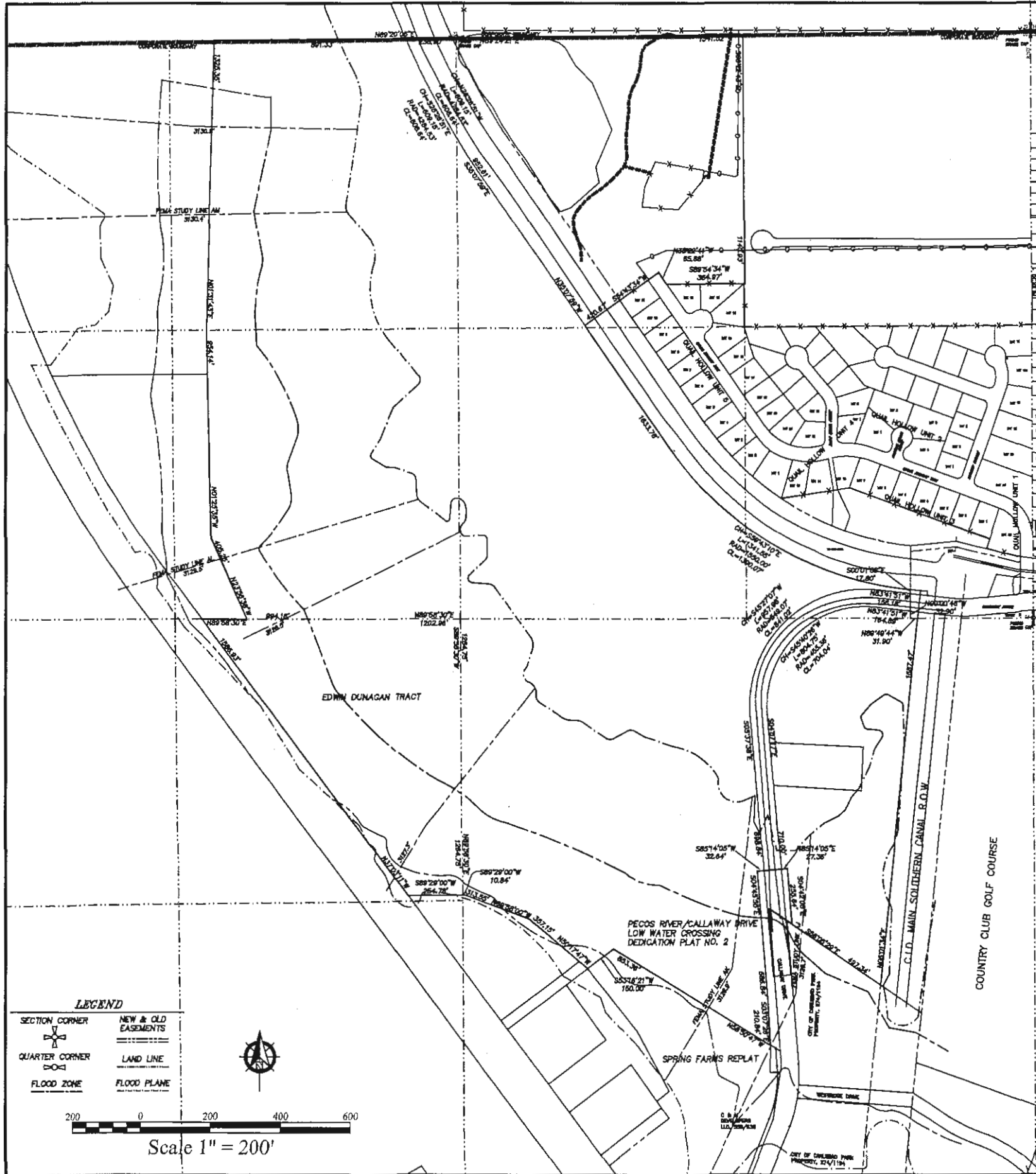
1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), NEW MEXICO EAST ZONE (NM ZONE 3001).
2. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT AND DISTANCES ARE SURFACE DISTANCES.
3. ALL MEASUREMENTS WERE MADE ON MARCH 1, 2018.

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MELVIN R. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M. 88220, CERTIFICATE NO. 20251, TEL: 885-6867, FAX 885-6867



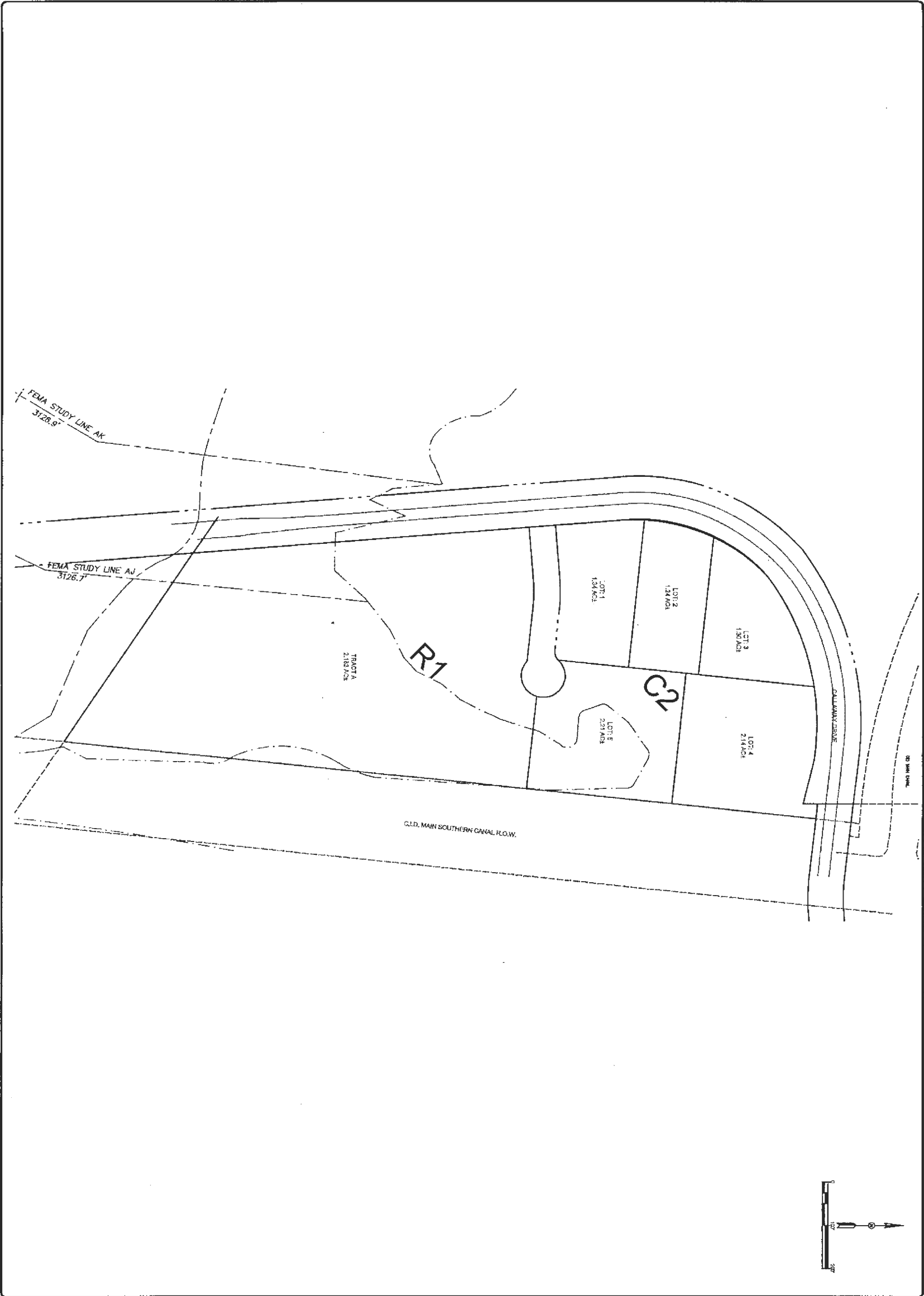
<b>R&amp;R SURVEYING LLC</b>			
A LAND SURVEYING COMPANY			
SERVING CARLSBAD AREA FOR 20+ YEARS			
INFORMING INFORMATION FOR COUNTRY CLERK			
SECTION	26	R21S	R26E N.M.P.M.
SUBDIVISION	SPRING FARMS REPLAT 4		
OWNER	SPRING FARMS SUBDIVISION INC		
CITY	CARLSBAD		
COUNTY	EDDY		
STATE	NEW MEXICO		
DATE	DECEMBER 20, 2018		
ADDRESS	YES		
AREA	±237.94 ACRES TOGETHER		
STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON			




**LEGEND**

SECTION CORNER	NEW & OLD EASEMENTS
QUARTER CORNER	LAND LINE
FLOOD ZONE	FLOOD PLANE

Scale 1" = 200'



 <b>SMITH ENGINEERING</b>	<i>Solutions for Today... Vision for Tomorrow</i> 401 N Pennsylvania Roswell, NM 86201 Phone: 575-822-8866 www.smithengineering.pro	THE FLUMES IN CARLSBAD CONCEPTUAL LAYOUT		DUNAGAN AND ASSOCIATES CARLSBAD, NEW MEXICO		<b>PRELIMINARY SCHEMATIC ONLY</b>																					
		COMMERCIAL / RESIDENTIAL UNIT ONE LAYOUT		<table border="1"><thead><tr><th>NO.</th><th>REVISION DESCRIPTION</th><th>DATE</th><th>BY</th></tr></thead><tbody><tr><td>5</td><td></td><td></td><td></td></tr><tr><td>4</td><td></td><td></td><td></td></tr><tr><td>3</td><td></td><td></td><td></td></tr><tr><td>2</td><td></td><td></td><td></td></tr><tr><td>1</td><td></td><td></td><td></td></tr></tbody></table>			NO.	REVISION DESCRIPTION	DATE	BY	5				4				3				2				1
NO.	REVISION DESCRIPTION	DATE	BY																								
5																											
4																											
3																											
2																											
1																											

Based on project 315613 CAD/planets - conceptual layout/UNIT 3 COMMERCIAL LOTS.dwg, May 10, 2018 - 10:47am Saved by: smmmy



## Spring Farms Land Division Zone Change

### Entire Parcel for Zone Change

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***SPRINGS FARM SUBDIVISION, INC.***  
***212 W STEVENS***  
***CARLSBAD, NM 88220***  
***575 885 2138, 575 706 2951***  
***georged@dunaganassociates.com***

May 21, 2019

Jeff Patterson, Planning Director  
114 S Halgueno  
Carlsbad, NM  
88220

Dear Jeff,

We have submitted a Zoning Change and Preliminary Plat for The Flumes In Carlsbad Subdivision to the City of Carlsbad. Following is our plan and explanation for development.

On the east side of Callaway Drive north of the river and west of the CID Main Canal we plan to develop a portion of the property as C-2 Commercial, approximately 10 acres. There is a need in the area for commercial development both to provide services to the expanding residential developments in the area and to the businesses located on nearby West Pierce Street. We are currently wanting to leave the southern portion as RR-Rural Residential at present, but possibly come back to the city at a later time requesting a zone change to C-2 of part or all of this area also depending upon demand.

On the west side of Callaway Drive we are requesting a Zoning Change to R-1 Residential. With the attached Preliminary Plat of the Flumes Subdivision we have plans to develop approximately 348 residential lots of varying sizes, with approximately 141 lots in Unit 1 of the development. Note that in the future we hope to see a bridge installed spanning the CID Main Canal. This would provide secondary access to Ocotillo Elementary School in addition to Captain Williams Drive and the emergency access we have provided to the city through Unit 5 of Quail Hollow Subdivision. We would be interested in cost sharing this new bridge with the city depending upon several variables.

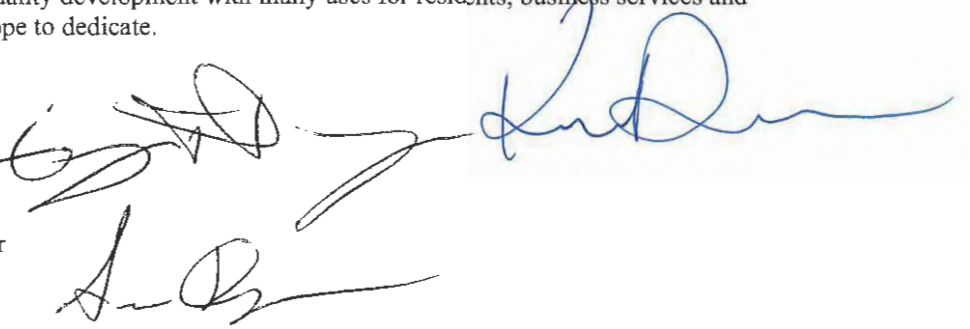
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Lastly, we would like to dedicate the area in the Floodway to the city for a Nature and Wildlife park. This would be an extension of the Carlsbad Springs Park that our family dedicated to the city in the 1970s and extended further west from the Flumes again in the 1990s. We would like to see this area named Carter Nature Area if at all possible.

We believe that this development bearing the name of and next to arguably the city's most famous landmark, The Flumes, will be a quality development with many uses for residents, business services and the public with the park area we hope to dedicate.

Respectfully,

George T. Dunagan, President  
Kerri Dunagan, Vice President  
Sean Dunagan, Secretary/Treasurer



UPC	Owner	Address	City	State	Zip Code
4-156-125-514-263	SPRINGS FARM SUBDIVISION INC	212 W STEVENS	CARLSBAD	NM	88220
4-155-125-458-473	CITY OF CARLSBAD	PO BOX 1569	CARLSBAD	NM	882211569
Canal	CARLSBAD IRRIGATION DISTRICT	5117 GRANDI RD	CARLSBAD	NM	88220

*East of  
Callaway*


7018 0680 0000 9318 5545

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
CARLSBAD, NM 88220 <b>OFFICIAL USE</b>	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05
	
Sent To	CITY OF CARLSBAD
Street and	PO BOX 1569
City, State, ZIP+4®	CARLSBAD, NM 88221-1569
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7018 0680 0000 9318 5538

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
CARLSBAD, NM 88220 <b>OFFICIAL USE</b>	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05
	
Sent To	SPRINGS FARM SUBDIVISION INC
Street and	212 W STEVENS
City, State, ZIP+4®	CARLSBAD, NM 88220
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7018 0680 0000 9318 5552

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
CARLSBAD, NM 88220 <b>OFFICIAL USE</b>	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05
	
Sent To	CARLSBAD IRRIGATION DISTRICT
Street and	5117 GRANDI RD
City, State, ZIP+4®	CARLSBAD, NM 88220
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Date:

5/10/19

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: SPRINGS FARM 212 W CARLSBAD 575  
SUBDIVISION INC STEVENS NM 88220 7062957

Subject Site Location: SAC 215, R 27E, Callaway Drive

The proposed action is a:

☒ Zoning Change from RR to RR East of Callaway Drive 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:

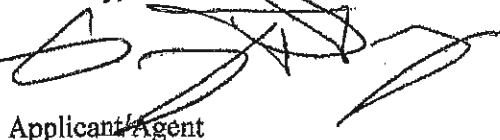
☐ Home Occupation: \_\_\_\_\_

☐ Other Use: \_\_\_\_\_

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: JUNE 3, 2019Time: 5:00pmPlace: City Annex Planning Room114 S. Halagueno St.Carlsbad, NM 88220The 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 at575-885-1185 or via email at [jepatterson@cityofcarlsbadnm.com](mailto:jepatterson@cityofcarlsbadnm.com).

Sincerely,



Applicant/Agent

SPRINGS FARM SUBDIVISION INC

## Spring Farms Land Division Zone Change

### Entire Parcel for Zone Change

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***CARLSBAD, NM 88220***

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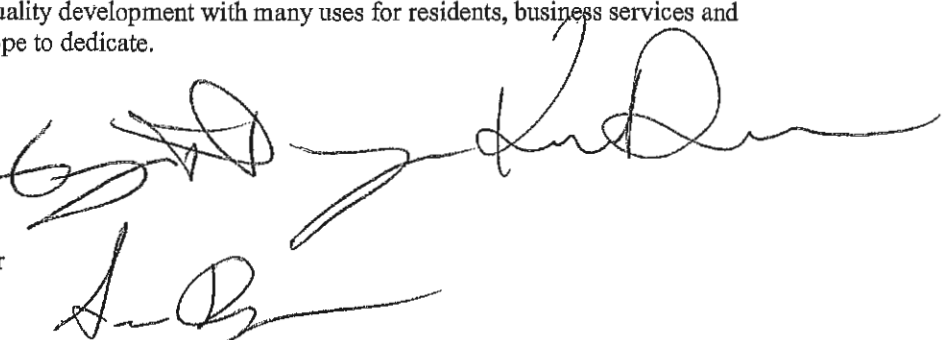
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George T. Dunagan, President  
Kerri Dunagan, Vice President  
Sean Dunagan, Secretary/Treasurer





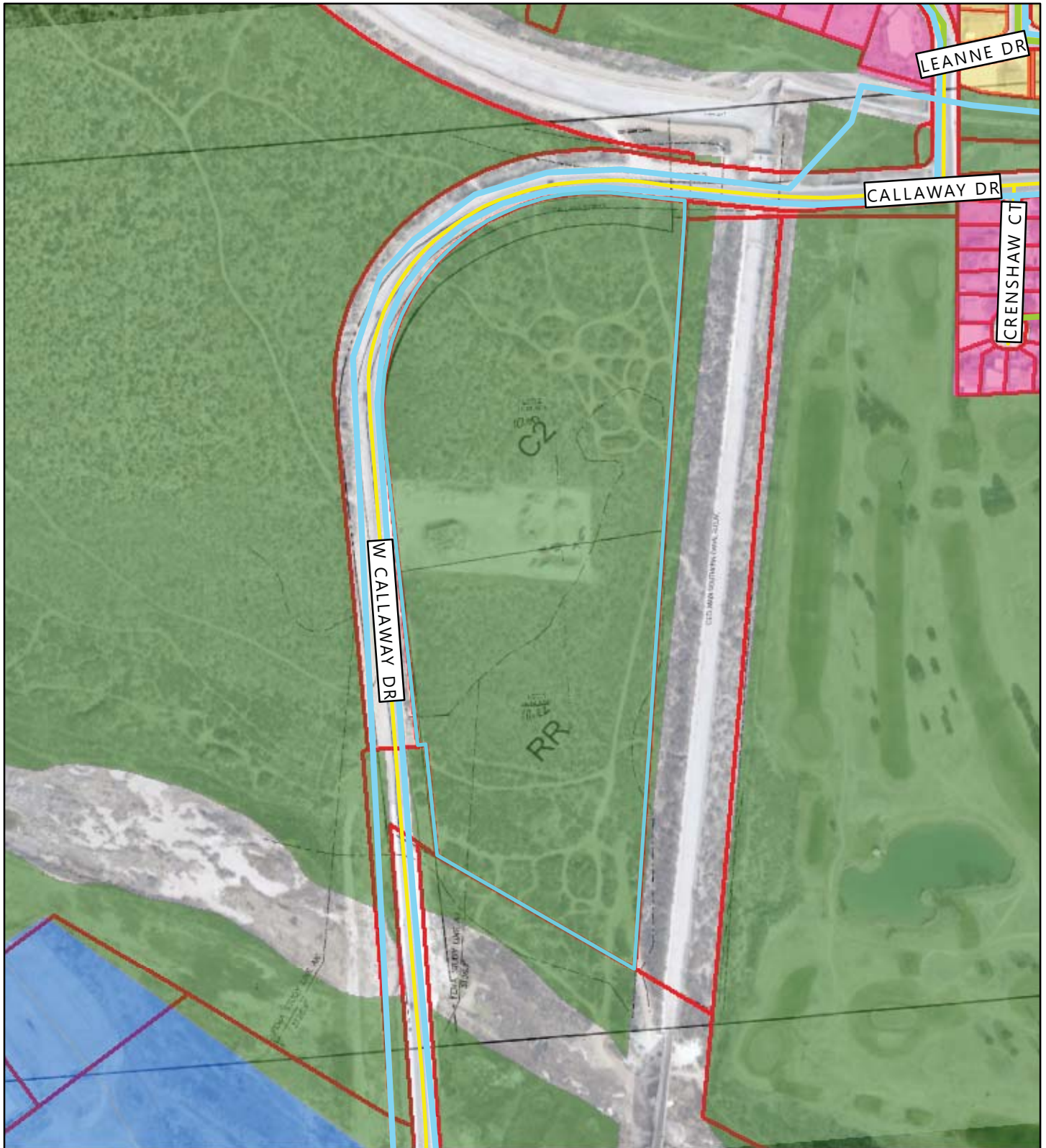
1:3,600









1 inch = 300 feet

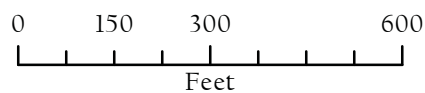
# Zone Change Spring Farm

Map # 1863\_ed02

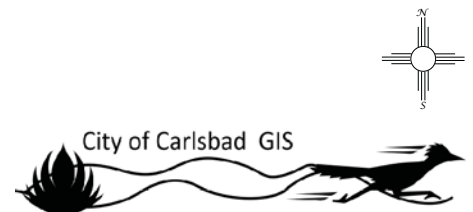
Date: 5/30/2019



- |  |   |
|--|---|
|  Water Lines |  C-2 |
|  Sewer Lines |  PUD |
|  Roads       |  R-1 |
|  Parcel      |  R-R |



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





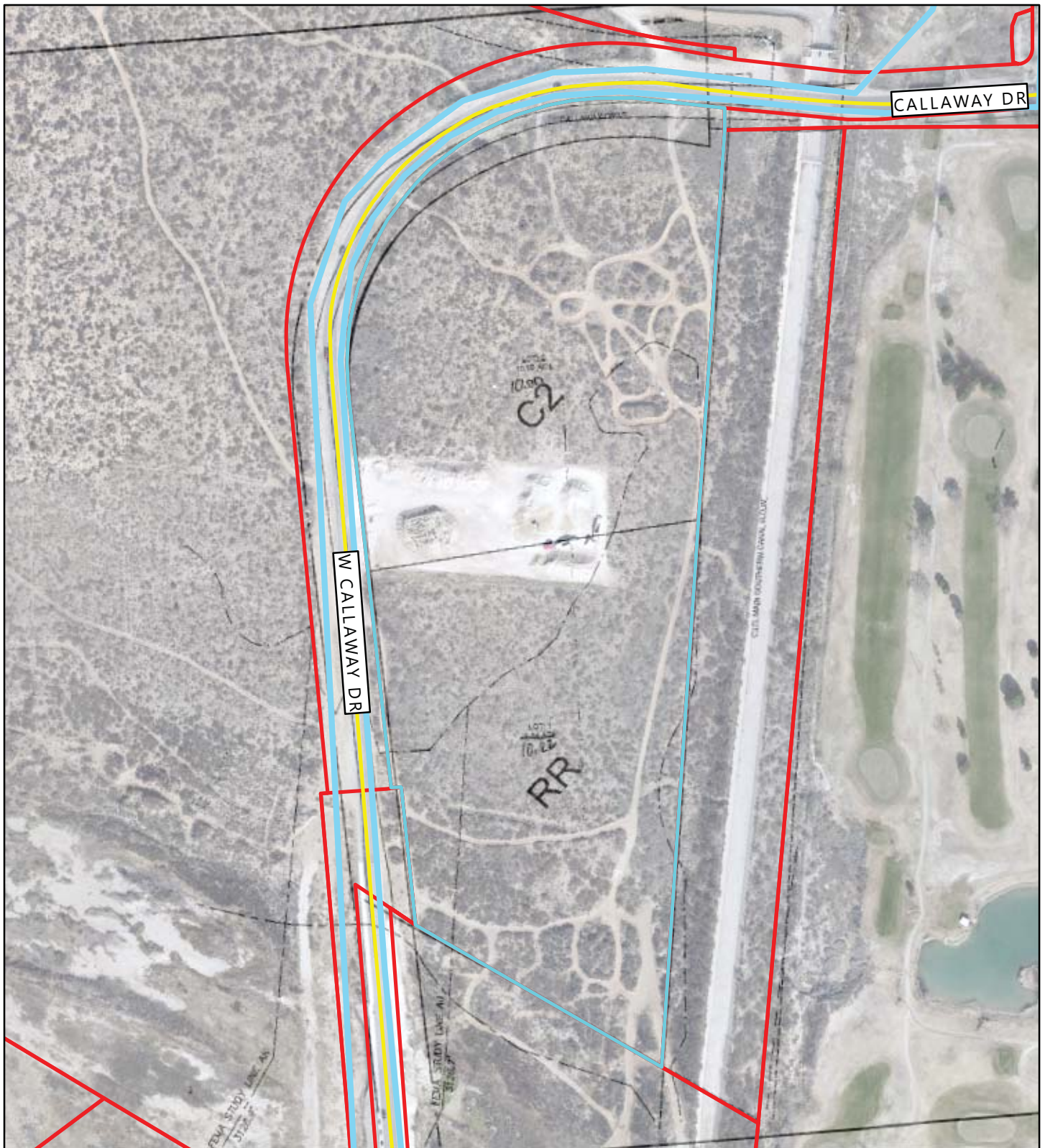
1:2,880

1 inch = 240 feet

Zone Change  
Spring Farm

Map # 1863\_ed01

Date: 5/30/2019

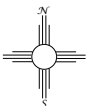


Water Lines

Roads

Parcel

0 120 240 480  
Feet



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.

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



City of Carlsbad, NM  
DN: cn=Jeff Patterson, o=City of Carlsbad, NM,  
ou=Director of Planning, Engineering, and Regulation,  
email=jepatterson@cityofcarlsbadnm.com, c=US  
Date: 20190701 12:05:46 -0600

**Meeting Date: 7/9/2019**

<b>DEPARTMENT:</b> Planning, Engineering & Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 6/28/2019
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**SUBJECT:** Request for Zone Change from "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.30 acre parcel, located at 325 N Sixth St. legally described as Quarter: NE S: 27: 22S R: 26E TR 42 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:  
Sandra Jo Ballard  
PO Box 1813  
Carlsbad, NM 88221

***\*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 has submitted a petition for a Zone Change for an approximately 0.30 acre parcel, located at 325 N Sixth St. legally described as Quarter: NE S: 2 T: 22S R: 26E TR 42 from "R-1" Residential 1 District to "C-1" Commercial 1 District, pursuant to Section 3-7-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. The zoning to the west, east, south, and north is "R-1" Residential 1 District. This zoning change would result in a spot zone.

The applicant requested a zoning change for the subject property previously, with this request being heard at the December 11, 2018, Council meeting. The Sec. 56-150(b)(6) of the Zoning Ordinance states the following:

**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.***

At the December 11, 2018, meeting, the City Council considered this item, but failed to vote on a motion to approve or deny the request. According to the Planning Department and City Attorney, the City considered this item as **denied**. However, considering the Council failed to hold a vote to approve or deny the item, the Planning Department and City Attorney consider this item as **denied without findings**, thus making this item eligible to be brought again before the City Council for consideration within the one year prohibition.

Sec. 56-40(d) of the Zoning Ordinance states:

**(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.

**Permitted uses in "C-1" Commercial 1 District:**

***Permitted Residential Uses***

Business Residence, Employee Housing, Manufactured Home/Multi-Section, Multi-Generational Dwelling, Multi-Family Dwelling, Rooming/Boarding House, Single Family Housing, Duplexes, Community Home, Community Living Setting, Congregate Residence, Residential Care Facility.

#### *Permitted Commercial Uses*

Business Office, Professional Office, Parking Structure/Lot, Miniature Golf, Playing Field/Court, Swimming Pool, Theater/Dance Hall, Small Engine Repair, Artisan/Craftsman Shop, Bar, Small Brewery, Catering, Convenience Store, Small Distillery, Farmers/Flea Market, Feed Store, Financial Services, Medical Lab, Outdoor Sales, Personal Service, Restaurant, Retail Sales Establishment/Neighborhood Scale, Self-Storage/RV Storage, Vet Clinic, Temporary Carnivals, Temporary Garage/Yard sales, Temporary Real Estate Office, Temporary RV – Night Watchman, Mobile Restaurant.

#### *Permitted Industrial Uses*

Solar Energy Conversion System/Solar Panels, Windmills.

#### *Permitted Other Uses*

Bus/Community Stop, Carpool Lot.

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.

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.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At the June 3, 2019, Planning and Zoning Commission meeting, the Commission considered this request and voted to recommend approval of this request with a vote of five (5) in favor, none (0) against, and none (0) absent.

**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/cond.		
Utilities Department	x			Building & Regulation Division			x
Culture & Rec. Dept.			x	Carlsbad Irrigation District			x

**DEPARTMENT COMMENTS:**

Public Works: No comments.

Utilities Department: Questions or concerns regarding City Utilities can be addressed with the Utilities dept. at 1502 W. Stevens or call 575-885-6313.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend approval with the following conditions:

1. The applicant understands that the location does not allow for on-street parking of any kind. All parking must be inside the property.
2. The property use is compliant with the approved uses of "C-1" Commercial 1 District.

Police Department: No comments.

Culture & Rec. Dept.: No comments.

Engineering Services: No comments.

Carlsbad Irrigation District: No comments.

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 Deputy

City Administrator /s/ John Lowe

Date: 07-02-19

ATTACHMENTS: Application materials, Ordinance, P & Z Minutes.



ORDINANCE NO. 2019- 32

AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 0.31 ACRE PROPERTY, LOCATED AT 325 NORTH SIXTH STREET, LEGALLY DESCRIBED AS QUARTER: NE SECTION 2, TOWNSHIP 22S, RANGE 26E, TR 42 IN SENE MAP# 219-72, 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-1" Residential 1 District to "C-1" Commercial 1 District, for an approximately 0.31 acre property, located 325 N. 6<sup>th</sup> St., Carlsbad, NM, legally described as:

QUARTER: NE SECTION 2, TOWNSHIP 22S, RANGE 26E, TR 42 IN SENE

MAP# 219-72

INTRODUCED, PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of July, 2019.

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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**

**Monday, June 3, 2019, at 5:00 p.m.**

**Meeting Held in the Annex Planning Room  
114 S. Halagueno**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, June 3, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held May 6, 2019.
4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.
7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.
8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from "C-1" Commercial 1 District to "R-2" Residential 2 District
10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from "R-1" Residential 1 District to "C-1" Commercial 1 District
11. Consider a recommendation to Council for a Zone Change request for approximately 20.23 acres located west of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "R-1" Residential 1 District
12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "C-2" Commercial 2 District



13. Consider approval of a Preliminary Plat for Spring Farm Subdivision
14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision
15. Report regarding Summary Review Subdivisions.
16. Adjourn.

## **PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, July 1, 2019 at 5:00 p.m.

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

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, JUNE 3, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
BRAD NESSER  
LASON BARNEY  
BRIGIDO GARCIA  
JAMES McCORMICK**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA CARRASCO  
RON MYERS**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR  
DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**SEAN DUNAGAN  
GEORGE DUNAGAN  
KERRI DUNAGAN  
KAREN SUMERS  
DENISE A. MADRID BOYEA  
JAMES GREER  
RACHEL HAND  
DAVID STOREY  
RACHAEL BALLARD  
SANDY BALLARD  
JESSICA HASER  
TANYA MOORE  
TANNER HOOT  
TARRANT BLAKE  
WINDY COLE  
WESLEY CARTER  
GARY WADDELL  
MATT BYERS  
SHANE CARPENTER  
CLAUDIA MARTINEZ**

**2112 WESTRIDGE  
212 W. STEVENS  
1411 ORCHARD LANE  
1421 DESERT WILLOW  
1906 SENTRY CIRCLE  
2103 QUAIL HOLLOW  
3803 STANDPIPE RD.  
ROSWELL, NM  
314 W. MERMOD  
314 W. MERMOD  
314 W. MERMOD  
502 CENTER AVE.  
502 CENTER AVE.  
1809 MOUNTAIN SHADOW  
201 S. GUADALUPE  
1111 N. MESA  
4203 BOYD DR.  
1405 S. COUNTRY CLUB CIRCLE  
3221 NATIONAL PARKS HWY.  
904 W. FOX ST.**

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

0:00:02      Start Recording [5:12:11 PM]

0:00:10      **1.      Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—**Mr. Garcia, Mr. Barney, Mr. McCormick, Mr. Knott, Mr. Nesser**. Absent—None.

0:00:33      **2. Approval of Agenda.**

**Mr. Patterson** makes a change to Item Number 11; it should read approximately 171 acres, instead of 20.23 acres.

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

0:01:14      **3. Approval of Minutes from the Meeting held May 6, 2019.**

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

0:02:03      **4. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium.

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

0:03:04      **5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium. **Ms. Carrasco** explains the request. **Ms. Martinez** is requesting a 6' fence in her front-setback. **Ms. Martinez** said she needs the fence higher to keep her dogs in the yard. Her current fence is not high enough. She has four Mastiffs. She will apply for all permits to put up fence. The new fence will be wrought iron, as wood and other types of fence have not worked for her.

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

**Ms. Carrasco** informs the applicant she will have to apply for all appropriate building permits and contact Ray Benavides, the Building Official.

0:08:08      **6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.**

The applicant, **Tonya Moore**, comes to the podium. **Ms. Carrasco** explains the request for a conditional use permit for placement of a single wide trailer for on-site security purposes at 514 Center Avenue. Planning Staff recommends approval. **Ms. Moore** explains they would like to have someone there 24 hours a day for extra security. Floor opened for Public comment, there was none.

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

**Ms. Carrasco** tells the applicant to work with the Building Department to get the proper permits.

0:10:41        **7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.**

The applicant, **Rachel Hand**, comes to the podium. **Ms. Carrasco** explains the request. The Planning Department recommends approval as long as the applicant works with appropriate staff for any needs for water, sewer or solid waste; and any sort of state requirements or licenses. **Ms. Hand** explains she has been operating the barbershop since March 29, having already received a business registration. All her state licenses are in place, and her portable building is approved by the state for her purposes. No public comment.

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

**Ms. Carrasco** tells the applicant she will receive a letter of approval, and the conditional use permit will stay with the applicant, not the property.

0:14:48        **8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

**Shane Carpenter** comes to the podium. **Mr. Carrasco** explains the request for a permit for Temporary Housing for Megapower Electric’s employees, but recommends that the request be tabled pending a better site plan. **Mr. Carpenter** is aware of that the Planning Department needs a scaled site plan.

**Mr. McCormick** made a motion to table this item and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent– None. The motion carried.

0:16:34        **9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from “C-1” Commercial 1 District to “R-2” Residential 2 District**

**Windy Cole** comes to the podium. **Ms. Carrasco** explains the request is to change the property from Commercial to Residential. The applicant would like the Zone Change approved so she can sell the property. There was no public comment.

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

**Ms. Carrasco** states this item will come before Council on July 9, 2019 and the **Ms. Cole** will receive a letter confirming this.

0:19:30        **10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from “R-1” Residential 1 District to “C-1” Commercial 1 District**

The applicant, **Sandy Ballard**, attended. **Mr. Patterson** explained the request; and that this item has been brought before Council last fall, with Council being unable to make a determination. The ordinance allows for the applicants to bring this request forward again within one year. The Planning Department recommends approval of this request, with some conditions; one of which is no on-street parking because of the proximity to a school. **Ms. Ballard** runs a training and drug testing facility at 314 W. Mermod, and are trying to move the training facility portion to 325 N. Sixth Street, which has 17 spots for parking; She has also spoken to the Superintendent of the school about placing the training facility there, and he will speak to the mayor. They will not conduct drug-testing at this facility. The people who will attend the training facility have already passed their drug test. This will alleviate some of the traffic problems at their location on Mermod Street. Floor opened for public comment. **Jessica Haser** comes to the podium; she states she is the training manager for Mobile Safety; and she could be more thorough with a quieter area for the training portion.

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

**Mr. Patterson** states this item will appear before City Council on July 9, 2019, and she will receive a letter as a reminder.

0:27:48      **11. Consider a recommendation to Council for a Zone Change request for approximately 171 acres located west of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “R-1” Residential 1 District**

**George Dunagan** comes to the podium. **Mr. Patterson** explains this request and is the same applicant as last item. The Planning Dept. recommends approval of this request. **Mr. Dunagan** explains this is one of three items to come before the Commission at this time. The letter he wrote outlines what the plans are for the entire property, which is being called the Flumes Subdivision. He is planning on developing 171 acres, which will have about 354 homes; 145 single family homes in the first phase. The City has a planned widening for Callaway Drive from two lanes to three lanes. They will be developing commercial C-2 lots on the East side of Callaway Drive on the North portion, about 10 acres; and leaving the South portion Rural Residential. As part of the development, a nature park will be dedicated to the city on the West side of the Callaway Bridge, which will be called Carter Park. They will not allow man camps or RV parks in the commercial portion. **Mr. Dunagan** states his timeline is twelve to eighteen months. Floor is opened to public comment. **Tarrant Blake** comes to the podium. Her concern is the traffic and the speed of the drivers. She noted problems with work trucks, blowing dirt, and encroachment on wildlife; driving it into the neighborhood. She estimates 350 homes would make 600 more drivers on Callaway Drive. Her biggest concern is the traffic on Callaway Drive in the residential area, and if sidewalks would be built along with the widening of the road. **James Greer** comes to the podium. He states he is a resident of Quail Hollow from the beginning; and all construction creates dust problems. He has been in construction all his life and is in favor of the development of both sides of Callaway Road.

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

**Ms. Carrasco** tells the applicant that this item will be scheduled to appear before Council on July 23, 2019.

0:45:07      **12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “C-2” Commercial 2 District**

**Mr. Patterson** explained this request. The applicant would like to develop the property in a commercial nature, primarily to serve the surrounding residential properties. The Planning Department recommends approval of this request. **Mr. Dunagan** explains they are going to control what goes into the C-2 and have deed restrictions. He says there is a lot of need for limited commercial in this area. No public comment. **Mr. Barney** asks what is considered limited commercial. **Mr. Dunagan** states convenience stores and small retail.

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

**Mr. Patterson** tells the applicant this item is scheduled to appear before Council on July 9, 2019.

0:49:36      **13. Consider approval of a Preliminary Plat for Spring Farm Subdivision**

**Ms. Patterson** explained this request, potentially creating 354 new single family residential lots on 171 acres, and commercially developing about 10 acres. The City has already initiated meetings with the applicant and engineer to make sure the City's needs are met. Planning Staff would recommend approval, with the conditions: the developer and engineer shall submit final construction plans for approval by City staff, a master drainage and draining plan, a traffic study and analysis on Callaway Drive and submit results to City's Planning Department, and continue to work with the City's staff on infrastructure installed and its design, and monitor installation. **Mr. Dunagan** wants to get the plans and development going, so he took the preliminary plat approach. He stated it would probably be around 18 months before the plans are finally developed. No public comment.

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

1:00:35      **14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision**

**Mr. Knott** recuses himself. **Mr. Patterson** explains the request, which would create 150 single family residential lots. The City has already had preliminary meetings to go over the plans with the applicant. The applicant, **Mr. Knott** comes to the podium. Planning Staff would recommend approval of this request, with conditions that the engineer and developer work with the City staff as to the infrastructure and the City's infrastructure inspector monitor the installation of the infrastructure, and the City approve the infrastructure once installed. **David Storey** from Souder Miller & Associates from Roswell, comes to the podium. They are the engineering firm for **Mr. Knott**. **Mr. Knott** explains he has been in the manufactured home business for all of his life, and believes this development will be very competitive in the market. **Mr. Storey** states they are always working on and upgrading the plans, and has submitted an updated plat to the City recently. Floor opened for public comment. **Gary Waddell** comes forward to express his support.

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

1:06:30      **15. Report regarding Summary Review Subdivisions.**

**Ms. Carrasco** presented the Summary Review plats. Nothing unusual was noted.

1:09:59      **16.    Adjourn.**

There being no other business, the meeting was adjourned.

1:10:06      Stop Recording [6:22:17 PM]

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Chairman

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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 eight (8) 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.

**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: 4-16-19Existing Zoning: R-1Fee Paid (\$100.00): 100.00 JWProposed Zoning: C1**APPLICANT INFORMATION:**

Sandra Jo Ballard PO Box 1813  
NAME ADDRESS

Carlsbad NM 88220 5752340393  
CITY STATE ZIP PHONE EMAIL

mobilesafetyandconsultation@gmail.com

**PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):**

Rachael Ann-Marie Lassiter Ballard 1144 BLACK RIVER VILLAGE Rd  
NAME ADDRESS

CARLSBAD NM 88220 575 7060312 1RACHAEL.BALLARD@gmail.com  
CITY STATE ZIP PHONE EMAIL

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

→ AND SANDRA JO BALLARD - SAME INFO AS RACHAEL BALLARD

**LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (INCLUDE A MEETS AND BOUNDS  
DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):**

325 N. 6<sup>th</sup> Street Carlsbad, NM  
ADDRESS LOT BLOCK SUBDIVISION

QUARTER : NE 5 : 2 T : 22 S R : 26 E TR 42 IN SENE  
 MAP # 219-72 LOC 317 N SIXTH ET AL

**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.: \_\_\_\_\_

## 11-15-16

## 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.

  
\_\_\_\_\_  
APPLICANT SIGNATURE

4-16-19  
DATE

Sign issued by: Judy Webster  
Staff Member

Date: 4/16/2019

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: Sandy Ballard 325 N. 6th St. (575) 234-0393  
Name Address Phone  
Subject Site Location: 325 N. 6th St. Carlsbad, NM.

The proposed action is a:

☒ Zoning Change from R-1 to C-1 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: June 3, 2019Time: **5:00pm**Place: **City Annex Planning Room****114 S. 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



9535 2269 1000 0360 9102

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Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☒ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$6.85

Sent To Adrian & Gloria Munoz  
Street and Apt. No., or PO Box No. 2310 Hillcrest  
City, State, ZIP+4® Carlsbad, N.M. 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$6.85

Sent To Adriana Lopez  
Street and Apt. No., or PO Box No. 310 N. 6th St.  
City, State, ZIP+4® Carlsbad, N.M. 88220

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$6.85

Sent To Richard & Rebecca Dominguez  
Street and Apt. No., or PO Box No. 1613 Culpepper  
City, State, ZIP+4® Carlsbad, N.M. 88220

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$6.85

Sent To Alex & Annabelle Lucero  
Street and Apt. No., or PO Box No. 408 N. 6th  
City, State, ZIP+4® Carlsbad, N.M. 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$6.85

Sent To Ramon & Elosa Munoz  
Street and Apt. No., or PO Box No. 2310 Hillcrest  
City, State, ZIP+4® Carlsbad, N.M. 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instruction





314 West Mermod  
Carlsbad, NM 88220  
575.234.0393

04.15.2019

Dear Planning, Engineering, and Regulation Board Members,

My name is Sandy Ballard and I co-own Mobile Safety. Our main business is OSHA/MSHA safety training and drug testing collections. While we also do DOT physicals, breathing air equipment rentals, monitor bump testing, and respirator fit testing. With the growth in oilfield business we have exploded with new clients. Our current office at 314 W. Mermod gets a lot of traffic and it was not designed for parking long periods of time that training requires. Most of the services we offer are on a walk-in basis and very quick. On the other hand, all training is scheduled, we control the amount of people we have in the class, and we can let them know of any special issues such as parking locations, etc. that they need to know in advance.

The lot on the corner of Hillcrest and 6<sup>th</sup> streets has been in my family for over 100 years. The last time a house was on the property was when my Aunt Kathy Hood lived there. She moved out in 1969 and shortly after, the house burned. The lot has been vacant for 50 years and the neighbor on Hillcrest used it to park old junk cars as well as many people would park there and throw liquor bottles all over the ground. We bought the property in December of 2017. My Grandma and Grandad, Alice and Harley Ballard left the property to their 6 children. My dad John and Kathy are the only living children, so it ended up belonging to 21 people because of heirship. With all that had to be done it took 2 years for the sale to finally go through.

The lot is currently zoned as R-1 residential. I want to rezone it to C-1 commercial so that we can move just the training portion of our business to that location. I previously attended the Planning and Zoning meeting on 10.23.18 and the rezone was passed. It then moved to the City Council meeting for final approval on 12.11.2018 where it received an initial motion but never received a 2<sup>nd</sup> motion to move for a final vote. I spoke with Mayor Dale Janway and Mike Hernandez, the City Administrator in February who advised that the motion died at the City Council meeting and since it didn't receive a further motion, I would be able to apply again before the 1 year waiting period. At the time of the meeting I did not have information on the number of parking spaces and the building specifications which was the main topic of conversation. Since then I have obtained a certified drawing which shows the amount of parking that is required by Carlsbad zoning regulations and much more information. I have also obtained signs about parking on the street or at the school and how towing would be enforced. In that same meeting with Mr. Hernandez, the City Attorney, and Mayor Janway told me that I



could also obtain letter from residents and businesses in the area showing their approval of the zone change and the business that we would conduct there. Those are attached in this packet.

I have worked exceptionally hard to meet all the requirements and to go above and beyond what is required to not only add value to the property but to make improvements to that area as well. I have included in this packet much of the information needed that will explain our purpose.

We would like to use the property on Hillcrest and 6<sup>th</sup> streets for an OSHA/MSHA safety training center. We obtained a city building permit and approval for the fence in October of 2018 to show that we will ensure parking inside the fence only. Our main training is held every Tuesday and Thursday from 7AM to 3PM with an hour lunch. This building would not be used other days unless we have something special come up and we would only use it for training purposes and storage. We will have **17** parking spaces inside the fence and will ensure that is where our patron's park. There will be no large trucks allowed at the property other than regular pickups and cars. We will make sure that upon scheduling they know we have no gang truck or semi-truck parking or parking for vehicles with trailers.

Parking and excess traffic of larger vehicles seems to be the only concern. Most 6<sup>th</sup> to Texas streets on both sides are either Churches, Schools, or businesses and I believe we would only add value to this area and not create any additional hazards. I am providing this information in hopes that you will approve of this zone change. By doing so we will also generate money in Carlsbad that stays in Carlsbad. Without a training center this advanced people would have to go to other cities such as the Midland/Odessa area to receive the types of training with the quality we offer.

I know this letter to you is quite lengthy, but I felt the more information you had the more informed decision you could make. I appreciate your time and if you have any additional questions that I can answer I would be pleased to do so.

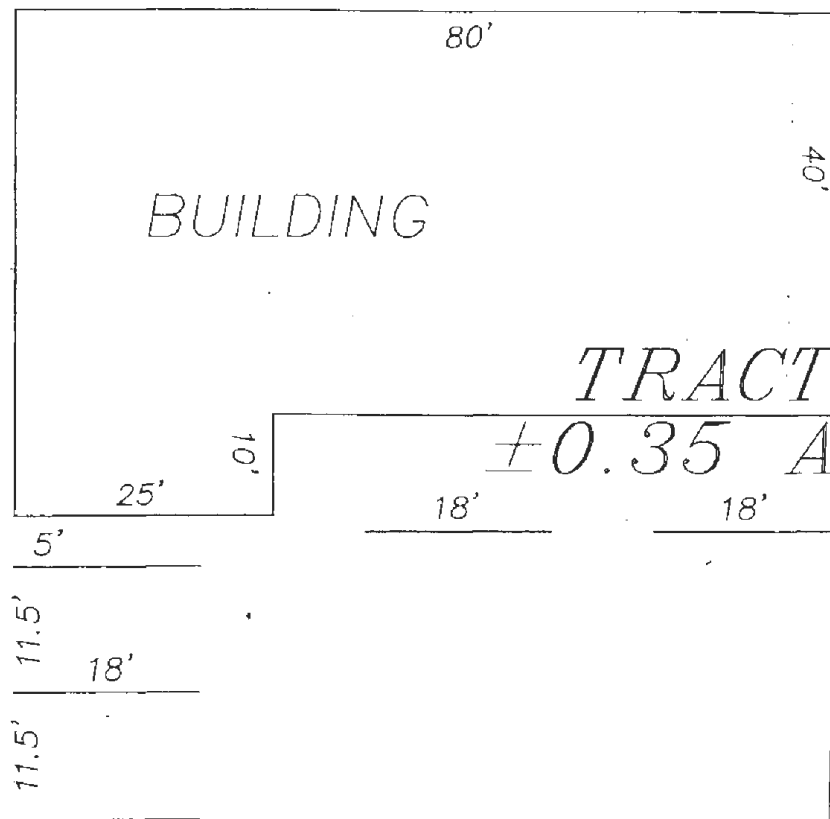
Thank You for your consideration,



Sandy Ballard

BUILDING

TRACT 42  
±0.35 ACRES



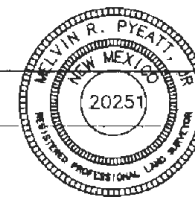
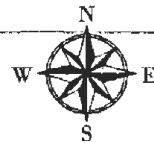
23'

23'

18'

18'

11.5'



2/18/19



**The NO PARKING signs will be placed on the fence at both entrances. They are 2X3 feet.**





MOBILE SAFETY - 2'X3' TOWING ENFORCED



**Notes**

Will measure approx. 36" (w) x24" (h)  
Artwork produced by: KF

**PLEASE PROOF CAREFULLY!** Once you approve this proof, full responsibility for the accuracy of the copy, size and positioning of the imprint is **YOURS**. Please pay particular attention to spelling, capitalization, addresses and phone numbers. Please note that our standard production time is 7 to 10 business days **AFTER** art is approved.

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**View of the property with Hilcrest school on the left side**









**Our current  
training room**



**Our 2<sup>nd</sup> training room**



We pride ourselves on improving the area. We have even decorated our alley with plants.





**Our training is high quality with a lot of hands-on opportunities**





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Scaffolds

Safeland Training/PEC  
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IS Network Account help  
Concierge Safety Packages



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Loader, Backhoe

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First Aid - Emergency Oxygen  
Bloodborne Pathogens



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At our office, your office, or in the field



Directions



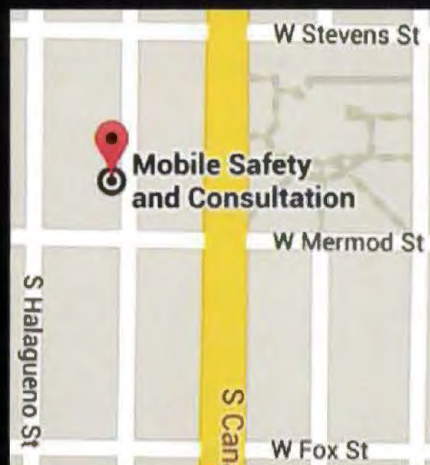
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**575.706.4228**

**After Hours 855.214.5186**

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**Carlsbad, NM 88220**

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**First Aid**  
— APPROVED —  
**TRAINING CENTER**





**Our training is high quality with a lot of hands-on opportunities**



Date: 4-11-19

My name is Joshua Caswell and I  
reside at 224 W Texas St. in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Joshua Caswell

Date: 4-8-19

26

My name is Erin Roberts and I  
reside at 115 S. 4th in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Erin Roberts

Date: 4-11-19

My name is Justin Lee and I  
reside at 2303 West TX in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Justin Lee



Date: 4-11-19

My name is RAY PETERS and I  
reside at 2233 W. TEXAS ST. (DESERT SKY CONST.) in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Ray Peters

Date: 4-11-19

My name is Brooke Barnett and I  
reside at 106 N 12<sup>th</sup> (CROSSROAD Apts.) in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Brooke Barnett

Date: 4-11-2019

My name is Johnny Rodriguez and I  
reside at 2401 Jackson Street in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Johnny Rodriguez

Date: 4-11-19

My name is Marilyn Roberts and I  
reside at 115 South 4th Street in  
Carlsbad, NM.

I am supporting Mobile Safety and Consultation with the training  
center to be located at 325 N 6<sup>th</sup> Street in Carlsbad, NM.

I have reviewed the business floorplan, hours of operation and business  
protocol.

Sincerely,

Marilyn Roberts

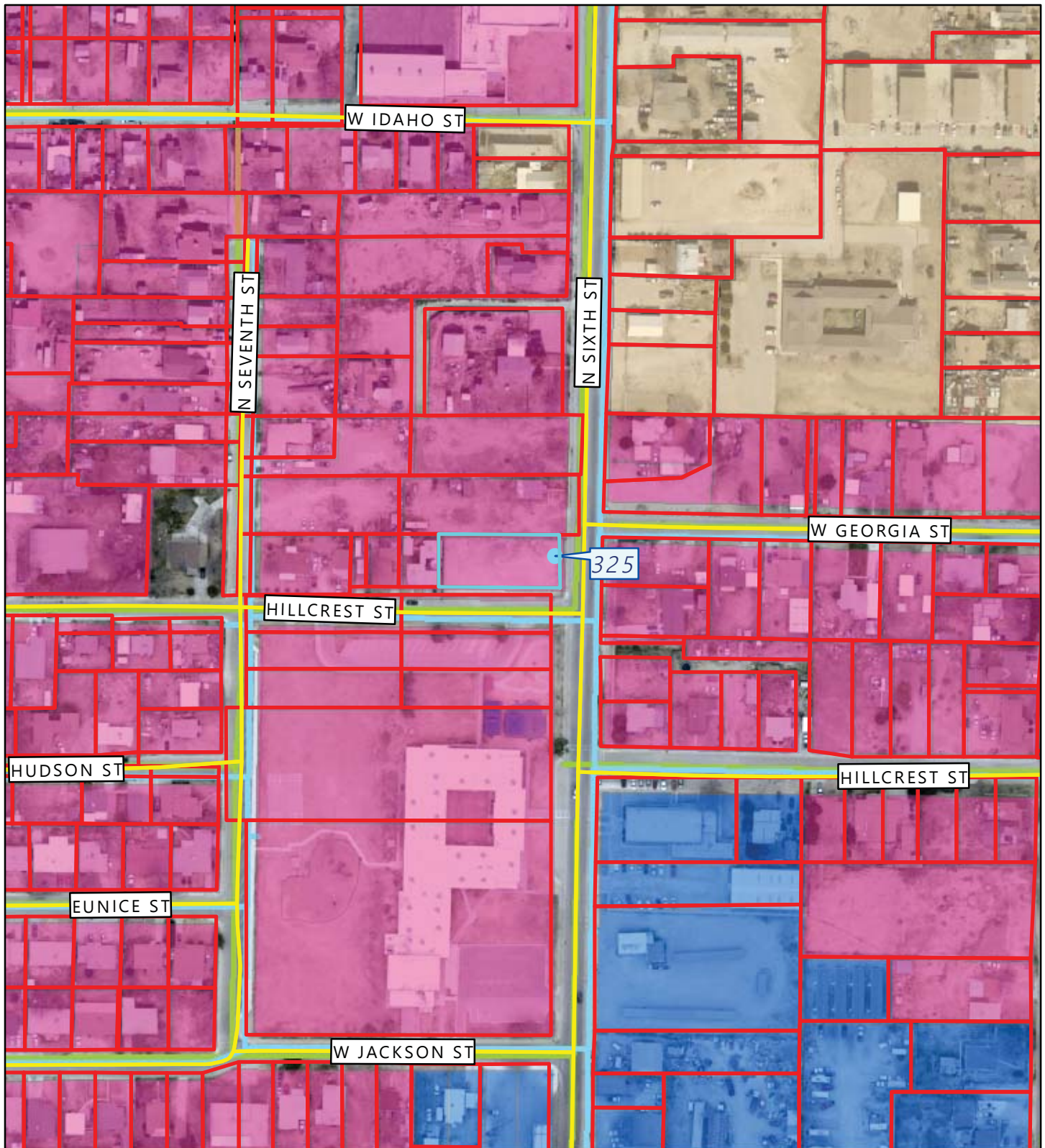
1:2,400

1 inch = 200 feet

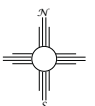
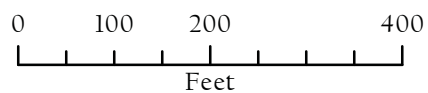
Zone Change  
325 N. Sixth St.

Map # 1838\_ed02

Date: 5/16/2019



- |           |               |               |
|-----------|---------------|---------------|
| ● Address | <b>Zoning</b> | — Water Lines |
| — Roads   | ■ C-2         | — Sewer Lines |
| □ Parcel  | ■ R-1         |               |
|           | ■ R-2         |               |



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



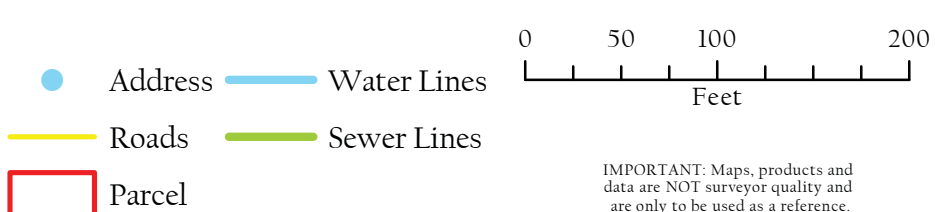
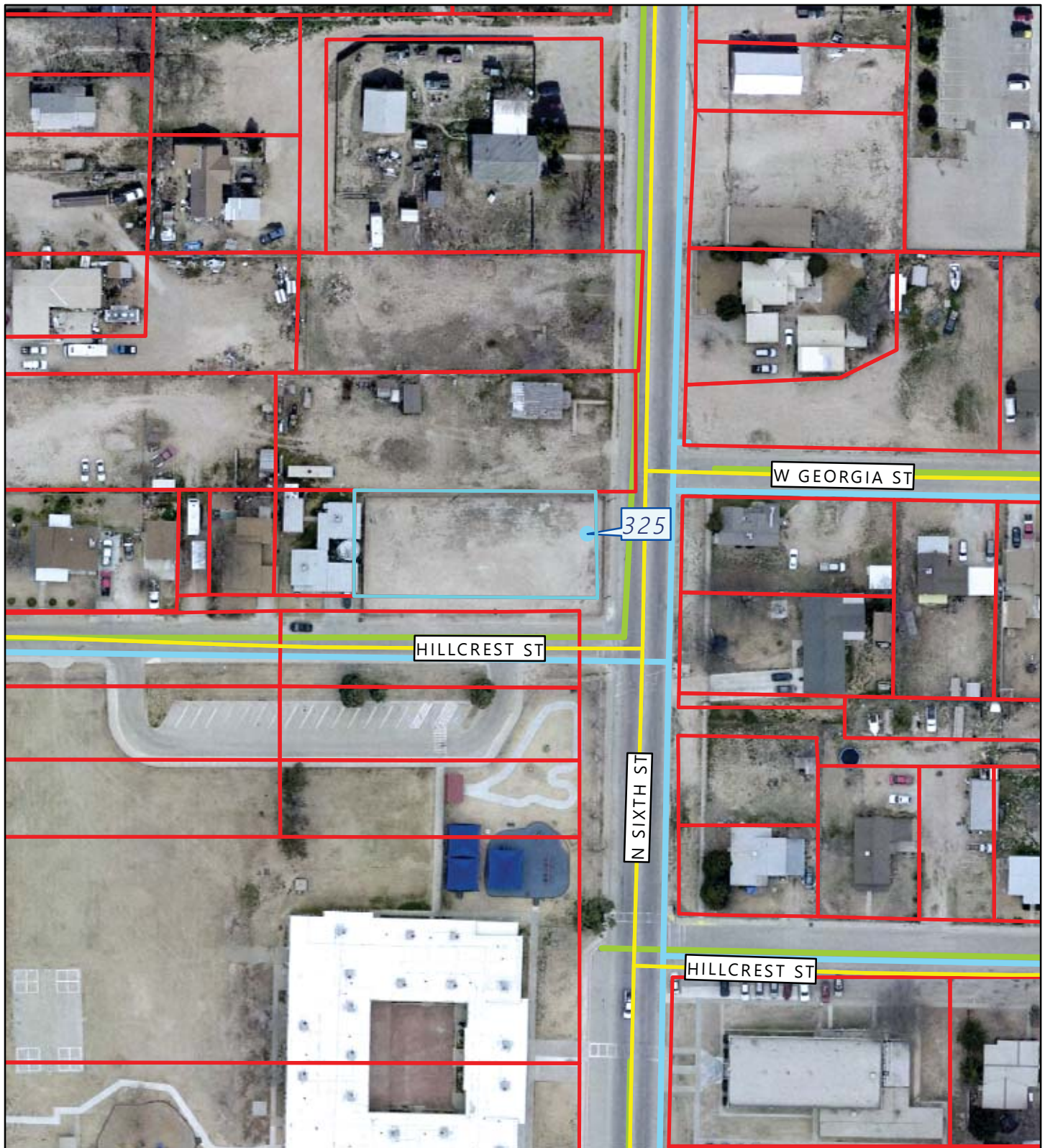


1:1,200  
1 inch = 100 feet

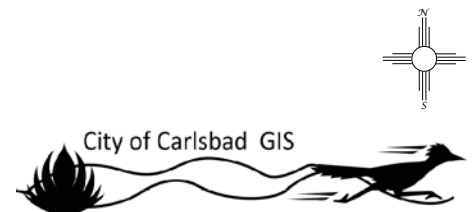
Zone Change  
325 N. Sixth St.

Map # 1838\_ed01

Date: 5/16/2019



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





# Committee Reports

**ADJOURN**