

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON NOVEMBER 14, 2017 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada Jason Shirley Wanda Durham	Mayor Councilor <i>via telephone</i> Councilor Councilor Councilor Councilor
Absent:	Ward 3 J. R. Doportto Richard Doss	Vacancy Councilor Councilor
Also Present:	Steve McCutcheon Michael Hernandez Eileen P. Riordan Annette Barrick Patsy Jackson-Christopher Luis Camero Steve Hendley Ron Myers Wendy Hammett Richard Lopez Jeff Patterson Kent D. Waller Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Director of Arts & Culture Director of Engineering Services Director of Parks & Recreation Director of Utilities Finance Director Fire Chief Planning Director Police Chief 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      **Call Meeting to Order**

0:00:01      Invocation - Pledge of Allegiance

0:00:36      **1. APPROVAL OF AGENDA**

0:00:39      **Mayor Janway** said he would like to remove Item No. 5 Appointment of Judi Waters to serve as City Councilor, Ward 3; replacing Councilor Wes Carter's vacant seat.

0:00:44       **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve the Agenda as amended

0:00:50       **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Anaya Flores, Estrada; No - None; Absent- Doporto, Doss; Vacancy - Ward 3; the motion carried.

0:01:13       **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-47, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2017-2018 FISCAL YEAR BUDGET**

**Mrs. Gonzales** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2017-20178 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Non-Promotional Fund, and the Lodgers' Tax Promotional Fund.

0:03:09       **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Resolution No. 2017-47, a Resolution making Certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget

0:03:17       **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Anaya Flores, Estrada; No - None; Absent- Doporto, Doss; Vacancy - Ward 3; the motion carried.

0:03:30       **3. CITY OF CARLSBAD FINANCIAL STATEMENTS-SEPTEMBER 2017**

**Ms. Hammett** provided a summary of the city's cash position for Fiscal Year 2017-2018 ending September 2017. She said the cities beginning cash balance was \$71.5 million with ending cash balance of \$72.4 million. She explained the city's revenues are \$20.5 million and are \$2.7 million favorable to budget and 4% above target. She explained the city's expenditures of \$20.4 million are favorable to budget \$6.1 million and 6% below target.

0:04:52       **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on October 24, 2017
- B. City Personnel Report
- C. Contracts and Agreements:
  - 1) Consider approval of Agreement between the City of Carlsbad and FTI for Lobbyist Services
  - 2) Consider approval of Agreement between the City of Carlsbad and the NM Department of Transportation for Aviation Grant Agreement #18-02, for Airport Pavement Marking Updates
  - 3) Consider approval of a Clinical Affiliation Agreement between the City of Carlsbad and Permian Basin Regional Training Center for EMT Training

- D. Purchasing:
- 1) Consider approval to Award RFP No. 2017-19, to Wexford Golf, Inc. for Management Services for Lake Carlsbad Municipal Golf Shop
  - 2) Consider approval to Award Bid No. 2017-11, to Wade Construction for the Transit Mechanic Shop Construction Project
  - 3) Consider approval to Advertise Invitation for Request for Proposal for the Management Services of the Walter Gerrells Performing Arts Center
  - 4) Consider approval to Advertise Invitation to Bid, General Construction of the Expansion of the Carlsbad Water Park
  - 5) Consider approval to Award Bid No. 2017-26, to Wescon Construction for the Carlsbad Water Park Expansion Project
  - 6) Consider approval to Advertise Invitation for Bids for the Electrical Improvements to the Beach Park Area
  - 7) Consider approval to Award Bid No. 2017-21, to J & H Services for the San Jose Boulevard, Phase 5 Project
  - 8) Consider approval to Reject and Rebid the Maintenance and Management of the City of Carlsbad Ball Parks
  - 9) Consider approval to Advertise Invitation for Bids for Excess Workers Compensation Insurance
  - 10) Consider approval to Advertise Invitation for Request for Proposals for On-Call Demolition, Weed and Debris Removal Services
  - 11) Consider approval to Advertise Invitation for Request for Proposal for Janitorial Services for City Park Restrooms and the Bob Forrest Youth Sports Complex
  - 12) Consider approval to Award Bid No. 2017-20, to Lone Mountain Contracting, Inc. for Repairs to Reservoir 2, located at the west end of Holland Street
  - 13) Consider Approval to Award the Standpipe Road, Phase 1 Project to the apparent low bidder, J & H Services contingent upon the official Award Recommendation by the Contracted County Project Engineer's satisfactory review of the submitted bids
- E. Monthly Reports:
- 1) Monthly Report Carlsbad Municipal Court, October 2017
  - 2) Monthly Report, Personnel, October 2017
  - 3) Monthly Report, Planning, Engineering, and Regulation Department, October 2017
- F. Board and Committee Appointments:
- 1) Carlsbad Police Department's Citizen Advisory Board: Dee Williams, 4-year term
  - 2) Carlsbad Budget Committee: Wanda Durham
  - 3) Carlsbad Executive Committee: Wanda Durham
  - 4) Bob Forrest Youth Sports Complex Advisory Board: Councilor Leo Estrada, remainder of 3-year term

0:05:21        **Mayor Janway** asked **Mr. McCutcheon** to discuss **Items D.1 Consider approval to Award RFP No. 2017-19, to Wesford Golf, Inc. for Management Services for Lake Carlsbad Municipal Golf Shop; Item D.2 Consider approval to Award Bid No. 2017-11, to Wade Construction for the Transit Mechanic Shop Construction Project; Item D.3 Consider approval to Advertise Invitation for Request for Proposal for the Management Services of the Walter Gerrells Performing Arts Center; Item D.5 Consider approval to Award Bid No. 2017-26 to Wescon Construction for the Carlsbad Water Park Expansion Project; and Item D.13 Consider Approval to Award the Standpipe Road, Phase 1 Project to the apparent low bidder, J & H Services contingent upon the official Award Recommendation by the contracted County Project Engineer's satisfactory review of the submitted bids**

**Mr. McCutcheon** explained Item D.1 is requesting approval to Award RFP 2017-19 to Wexford Golf, Inc. for Management Services at the Lake Carlsbad Municipal Golf Shop. He explained every four years the city is required to go out for RFP for all city services. He said there were originally three bidders, one withdrew, and the golf board was asked to rate the remaining two bidders. He explained once the bids were reviewed the vote was strongly in favor of Wexford Golf.

**Mr. Dean Bair**, Golf Board Chairman, said he is proud of the Board. He said the Board acted in a very professional fashion in reviewing the bid information. He said the process was very open with a lot of discussion. He said he has had some limited discussion with Wexford and he is excited. He said he expects positive changes over the next couple of years.

0:10:47        **Mr. McCutcheon** explained Item D.2 is asking for consideration to Award Bid No. 2017-11, to Wade Construction for construction of the Transit Mechanic Shop. He explained this has been a four year project. He said staff has been able to obtain a grant and hire a mechanic. He said staff is excited to get a shop and are excited to get the project going.

**Mr. McCutcheon** explained that Item D.3 is for approval to Advertise Invitation for Request for Proposal for Management Services at the Walter Gerrells Performing Arts Center. He explained that Items D.4 Advertise Invitation to Bid, General Construction of the expansion of the Carlsbad Water Park and Item D.5 Approval to Award Bid No. 2017-26, to Wescon Construction for the Water Park Expansion Project are two parts of the expansion of the Water Park. He explained there will be a new larger slide installed and modifications made to the pool. He said these projects have been budgeted and this will be a nice expansion and additional to the Water Park.

**Mr. McCutcheon** explained that Item D.13 is to Award the Standpipe Road, Phase 1 Project to J & H Services. He explained Standpipe Road, Phase 1 is the signalization and the turn lanes.

0:15:44        **Motion**

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

0:15:50        **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Anaya Flores, Estrada; No - None; Absent- Doportto, Doss; Vacancy - Ward 3; the motion carried.

0:16:35        **6. CONSIDER APPROVAL OF REQUEST FROM ESPEJO HELICOPTERS TO ALLOW A TEMPORARY HELIPAD TO BE LOCATED AT 610 RIVERWALK DRIVE**

**Mr. Patterson** explained this item is a request for permission to locate a temporary Helipad in a parking lot by the Pecos River Village near Project Playground. He explained the applicant submitted an application and the Planning and Zoning Commission approved a conditional use permit. He said the applicant appeared at the November 6, 2017, Planning and Zoning Commission meeting and they voted to approve with conditions.

**Mayor Janway** asked what the hours of operation would be. **Mr. Patterson** said the applicant stated he projected the hours would be 5:00 p.m. to 10:00 p.m. every evening.

**Mr. Caleb Wade** explained he is from Carlsbad and Espejo Helicopters is based out of Corpus Christi. He said he would like the citizens of Carlsbad to experience the night view during the holidays. He said the ride would be from 10 to 15 minutes along the river towards the flumes and cut across town to view Christmas lights. He explained he plans to start at 5:00 p.m. with the last flight being at 9:30 p.m. with time to clean up and put everything away. He said he will begin with 7 days a week and play it by ear to determine the best days to operate.

**Councilor Rodriguez** asked about liability and insurance. **Mr. Wade** said he has insurance that would also cover the City. **Councilor Rodriguez** asked if there is a plan in the event of a conflict with a life flight. **Mr. Wade** said he will be in communication with all air traffic throughout Carlsbad while flying. He added the life flight is a more important flight and will have the right of way so he will be well out of the way.

**Councilor Rodriguez** asked if the flights would be registered with the FAA. **Mr. Wade** said the FAA knows he will be operating in the area but the air space is uncontrolled so they will not be aware of exactly what he is doing at all times. **Councilor Rodriguez** asked if he was going to sink the tethers into the black top. **Mr. Wade** said he is planning to use temporary fence panels with weights at the bottom, so when he leaves the parking lot there will be no footprint.

**Councilor Shirley** said he has received concerns about the noise. He asked if residents are standing outside near the Elks if they would have a problem hearing. **Mr. Wade** said if the wind was blowing in that direction they may hear a small hum.

**Councilor Durham** said she lives in the area of the emergency helicopter routes and she can hear them but if she's outside she can still have a normal conversation with no disruptions.

**Mayor Janway** asked what the price for each ride would cost. **Mr. Wade** said the price would be \$60.00 per seat with three passengers per ride.

0:26:00        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve request from Espejo Helicopters to allow a Temporary Helipad to be located at 610 Riverwalk Drive

0:26:08        **Vote**

The vote was as follows: Yes - Rodriguez, Shirley, Durham, Estrada; No - Anaya Flores; Absent- Doporto, Doss; the motion carried.

0:26:33        **7. CONSIDER APPROVAL OF RESOLUTION NO. 2017-48, A RESOLUTION ACCEPTING THE DONATION BY THE CARLSBAD SCHOOL DISTRICT OF THE PROPERTY AND IMPROVEMENTS COMMONLY KNOWN AS PATE ELEMENTARY SCHOOL, 120 KIRCHER STREET, CARLSBAD, NM AND AUTHORIZING THE MAYOR AND THE CITY ADMINISTRATOR TO EXECUTE ALL NECESSARY DOCUMENTS**

**Mr. McCutcheon** explained staff has been working with the schools for a potential place to move the San Jose Senior Center. He said staff is very excited that the School Board approved the donation. He explained the Resolution will be included in the packet sent to DFA for approval to donate from one government to another. He added the approval from the State Board of Finance can take about 6 months.

**Mayor Janway** thanked Councilor Rodriguez for his help with this donation.

0:28:47        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution No. 2017-48, a Resolution accepting the Donation by the Carlsbad School District of the Property and Improvements commonly known as Pate Elementary School, 120 Kircher Street, Carlsbad, NM and Authorizing the Mayor and the City Administrator to Execute all necessary documents

0:28:54        **Vote**

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

0:29:09        **8. CONSIDER APPROVAL OF RESOLUTION NO. 2017-49, A RESOLUTION SUPPORTING THE SUBMITTAL OF AN APPLICATION FOR TRANSPORTATION ROADWAY IMPROVEMENT FUNDING ADMINISTERED**

**BY NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION OF NORTH 8TH STREET**

**Mr. McCutcheon** explained that 8th Street is in bad repair. He said staff looked at the possibility of repairing the street by patching the road, placing a fog seal on the road, and redefining the lanes, but it was determined that would not help. He said this is a request for roadway improvement funding to resurface 8th Street. He said the rehab is a critical need in the city.

0:30:35        **Motion**

The motion was made by Councilor Durham and seconded by Councilor Estrada to approve Resolution No. 2017-49, a Resolution Supporting the Submittal of an Application for Transportation Roadway Improvement Funding administered by New Mexico Department of Transportation for the Rehabilitation of North 8th Street

0:30:45        **Vote**

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

0:30:56        **9. CONSIDER APPROVAL OF RESOLUTION NO. 2017-50, A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE SOUTH HALAGUENO STREET STORM WATER COLLECTION**

**Mr. McCutcheon** explained staff has asked the legislation for funding to address drainage issues. He said when the drainage area was built there were lookouts and connections installed for this area of town. He said this request is to NMFA for financial assistance in the final design on the storm water collection project.

0:32:04        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Resolution No. 2017-50, a Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the South Halagueno Street Storm Water Collection

0:32:10        **Vote**

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

0:32:20        **10. CONSIDER APPROVAL OF RESOLUTION NO. 2017-51, A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE TATUM WATERLINE EXTENSION PER**

**Mr. McCutcheon** explained this is a request for a grant to begin the preliminary engineering to tie in the Tatum waterline to the Double Eagle System. He said this would be considered Double Eagle/Tatum Project #4. He explained this is the next major step to move the city's water project forward.

0:33:40        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Resolution No. 2017-51, a Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Tatum Waterline Extension PER

0:33:46        **Vote**

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

0:34:03        **11. CONSIDER APPROVAL OF ORDINANCE NO. 2017-10, AN ORDINANCE REVISING CHAPTER 6 OF THE CODE OF ORDINANCES REGARDING ANIMALS**

**Chief Waller** explained that Lieutenant Moyers, Animal Control Supervisor Tina Dorado, and Ms. Jennifer Donner have taken the time to review and update the Ordinance. He explained a lot of time has been spent on the update and they have come up with a good Ordinance that makes sense and is easy to understand.

0:36:54        **A. Remove from Table**

0:36:59        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to Remove from Table

0:37:08        **Vote**

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

0:37:20        **B. Public Hearing**

**Lieutenant Moyers** reviewed some of the changes which include animal restraints, vicious animals, Pet Store regulations, and allowing dogs in parks.

**Chief Waller** said the biggest area of issue was no dogs allowed in the park. He said the Ordinance has been updated to allow dogs on leashes, with the owners responsible for cleaning up after the dogs. **Councilor Rodriguez** said he sees a lot of grey in the area of animals not potentially vicious and feels that will be hard to enforce. **Chief Waller** said the department deals with that daily on domestic issues and witnesses. He said Animal Control will have to do the same type of investigation. **Lieutenant Moyers**



added that piece of the Ordinance allows Animal Control to take into consideration how the animal may have been treated.

0:44:20        **Mayor Janway asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:44:46        **C.     Consider Ordinance No. 2017-10**

0:44:53        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Ordinance No. 2017-10, an Ordinance Revising Chapter 5 of the Code of Ordinances regarding Animals

0:45:02        **Vote**

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

0:45:27        **12.    COUNCIL COMMITTEE REPORTS**

**Councilor Durham** thanked the First Responders who attended the Salute to your Health in connection with the Age Friendly compliance. She added the Salute to your Health was a real success thanks to the city, the Chamber of Commerce, and all of the Health Providers in Carlsbad.

**Councilor Rodriguez** commented on the Veterans Memorial Event over the weekend, he said the induction of Alejandra Ruiz into the Hall of Fame is a wonderful exhibit.

**Mayor Janway** said he felt the ceremony was wonderful and added Mr. Dicky Harrell was also inducted into the Hall of Fame.

**Mayor Janway** congratulated Kadee Rodriguez, who will become the Deputy City Clerk, and Nadine Mireles, who will become the City Clerk. He added that they are both working on their certifications. **Mayor Janway** also announced that John Lowe is now the Community Development Director and will replace Ms. Jackson-Christopher and Mr. Hendley.

0:48:35        **13.    ADJOURN**

0:48:40        **Motion**

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

0:48:49        **Vote**

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

0:49:07      **Adjourn**

There being no further business, the meeting was adjourned at 6:48 p.m.

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

ATTEST:

\_\_\_\_\_/s/Nadine Mireles\_\_\_\_\_  
City Clerk