

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON DECEMBER 12, 2017 AT 6:00 P.M.**

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

0:00:01      Invocation - Pledge of Allegiance

0:00:29      **1. APPROVAL OF AGENDA**

**Mayor Janway** asked to move Item E.6 Consider approval to Award Bid No. 2017-28, to Rocking M Services for Janitorial Services for City Parks Restrooms to become Item 10.

0:00:37      **Motion**

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

0:00:42       **Vote**

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

0:00:55       **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-52, 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 2017-2018 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Promotional Fund, and the Airport Improvement Fund.

0:02:34       **Motion**

The motion was made by Councilor Doss and seconded by Councilor Durham to approve Resolution No. 2017-52, a Resolution making certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget

0:02:44       **Vote**

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

0:02:58       **3. CITY OF CARLSBAD FINANCIAL STATEMENTS FOR OCTOBER 2017**

**Ms. Hammett** reviewed the revenues and expenditures as of October 2017 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:04:13       **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on November 14, 2017
- B. Minutes of the Special City Council Meeting held on November 21, 2017
- C. City Personnel Report
- D. Contracts and Agreements:
  - 1) Consider approval of Service Agreement between the City of Carlsbad and Carlsbad Municipal Schools for FY 2017-2018
  - 2) Consider approval to renew Lease Agreement for John Deere HX-15 Mowing Unit for Airport
- E. Purchasing:
  - 1) Consider approval to Advertise Invitation to Bid the Cavern Theatre Electrical Project
  - 2) Consider approval to Advertise Invitation to Bid the Hall Street Lift Station
  - 3) Consider approval to Award CES Contract to GWC Construction for Asbestos Abatement for the Avalon Ranch Mental Health Facility Project
  - 4) Consider approval to Award Bid No. 2017-25, to Coats Pump & Supply Inc. for Water Well Service pending successful contract negotiations

- 5) Consider approval to Award Bid No. 2017-26, to Wescon Construction for Alternate 1, (a second slide) for the Carlsbad Water Park Expansion
  - 6) Consider approval to Award Bid No. 2017-28, to Rocking M Services for Janitorial Services for City Parks Restrooms
  - 7) Consider approval to Award Bid No. 2017-29, to Constructors Inc. for Structural Demolition Services pending successful negotiation of a contract
  - 8) Consider approval to Award Bid No. 2017-30, to Rocking WD Services for Weed and Debris Removal Services pending successful negotiation of a contract
  - 9) Consider approval to Award Bid No. 2017-32, to Wade Construction for the General Construction of the Water Park Expansion Project
- F. Monthly Reports:
- 1) Monthly Report, Arts & Culture, October 2017
  - 2) Monthly Report, Municipal Court, November 2017
  - 3) Monthly Report, Personnel, November 2017
  - 4) Monthly Report, Sports & Recreation, October 2017
  - 5) Monthly Report, Transportation & Facilities, September 2017
  - 6) Monthly Report, Utilities, October 2017
- G. Board and Committee Appointments:
- 1) Carlsbad Public Library Board of Trustees: Jo Calvani, remainder 4-year term
- H. Set Date: January 23, 2018
- 1) Consider an Ordinance regarding the Bob Forrest Sports Complex Advisory Board regarding meeting frequency

0:04:36        **Mayor Janway asked Mr. McCutcheon to discuss Item E. 3 Consider approval to Award CES Contract to GWC Construction for Asbestos Abatement for the Avalon Ranch Mental Health Facility Project; and Item D.1 Consider approval of Service Agreement between the City of Carlsbad and Carlsbad Municipal Schools for FY 2017-2018**

**Mr. McCutcheon** explained Item E.3 is to consider approval to Award a CES contract to GWC Construction for Asbestos removal at the Avalon Ranch Mental Health Facility. He explained the asbestos removal is the first action that has to take place in the remodel. He said as soon as the Asbestos removal is complete the remodel work will begin.

**Mr. McCutcheon** explained that Item D.1 is the approval of the Annual Service Agreement between the city and Carlsbad Municipal Schools. He explained this is the same Agreement that the city has entered into in the past with no changes.

0:06:26        **Motion**

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

0:06:33           **Vote**

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

0:06:51           **5.        SWEARING IN OF CITY CLERK AND DEPUTY CITY CLERK**

**Mrs. Barrick** swore in Nadine Mireles and Kadee Rodriguez.

0:08:26           **6.        CONSIDER APPROVAL OF LAKE CARLSBAD MUNICIPAL GOLF COURSE ADVISORY BOARD RECOMMENDATION TO ADOPT NEW RATES**

**Mr. Hendley** explained the Golf Course Advisory Board has recommended raising some fees at the Municipal Golf Course. He said the Board has recommended that the seasonal fees be raised by \$5.00 and that the Golf Cart Trail Fee go from \$280.00 to \$360.00. He added the Golf Course fees are still very affordable.

**Councilor Shirley** asked approximately how much the Golf Course is in the red every year. **Mr. Hendley** said approximately \$700,000 per year.

0:10:35           **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Lake Carlsbad Municipal Golf Course Advisory Board Recommendation to Adopt New Rates

0:10:43           **Vote**

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

0:11:00           **7.        CONSIDER APPROVAL OF RESOLUTION NO. 2017-53, A RESOLUTION CALLING FOR THE MARCH 6, 2018 REGULAR MUNICIPAL ELECTION**

**Mrs. Mireles** announced the Regular Municipal Election will be held on March 6, 2018. She explained the offices to be elected and the terms of office. She said the city will again use consolidated voting centers. She explained Absentee Voting begins on January 30, 2018 and Early Voting will begin February 14, 2018. She added the last day to register to vote is February 6, 2018. She explained that Declarations of Candidacy shall be filed on January 9, 2018 and added that Candidate Packets are ready and can be picked up beginning tomorrow, December 13, 2017, in the Clerk's Office.

0:13:47           **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Doporto to approve Resolution No. 2017-53, a Resolution calling for the March 6, 2018 Regular Municipal Election

0:13:52       **Vote**

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

0:14:03       **8. CONSIDER APPROVAL OF RESOLUTION NO. 2017-54, A RESOLUTION MAKING CERTAIN CITY PROPERTY OBSOLETE AND UNUSABLE**

**Mr. McCutcheon** explained this is the standard Resolution for following statute to dispose of obsolete and unusable City property.

0:14:47       **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Resolution No. 2017-54, a Resolution making certain City Property Obsolete and Unusable

0:14:54       **Vote**

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

0:15:09       **9. CONSIDER APPROVAL OF RESOLUTION NO. 2017-55, A RESOLUTION IN SUPPORT OF THE REMEDIATION OF THE SOUTH Y BRINE WELL AND TO SUPPORT FUNDING**

**Mayor Janway** read a statement explaining the remediation of the Brine Well Cavity is of utmost importance and a big step towards protecting the citizens of Carlsbad and Eddy County. He explained this Resolution will help our Legislators successfully pursue Capital Outlay Funding which is a key component for the remediation of the South Y Brine Well. He thanked everyone who has been working hard on this process and added there has been a lot of progress and added Council will continue to make sure this issue is a top priority at all levels.

0:16:35       **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Durham to approve Resolution No. 2017-55, a Resolution in Support of the Remediation of the South Y Brine Well and to Support Funding

**Councilor Doss** commented that he agrees on the importance of this action. He said it has been reported that there is some activity around the Brine Well, where there are some holes that have opened to the west side. He said he appreciates all the work our legislatures and committee have done to remediate the problem.

0:16:40       **Vote**

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

0:17:55      **10.      CONSIDER APPROVAL TO AWARD BID NO. 2017-28, TO ROCKING M SERVICES FOR JANITORIAL SERVICES FOR CITY PARKS RESTROOMS**

**Mr. McCutcheon** explained this is a bid for a four year contract for Janitorial Services at various city parks. He explained a protest has been filed regarding this bid. He added under State Procurement rules, staff has found that janitorial is not considered Professional Services; therefore, it becomes a bid process which is price driven. He explained there were two bidders, Ultra Clean and Rocking M Services. He added the only requirement for the bid was that the bidders have a current business license.

0:19:39      **Mr. Matt Fletcher** said he would like to address why staff opts at different times to do a BID versus an RFP. He explained there is no mandate in the State Procurement Code that either has to be conducted unless it is for engineering, architectural or other construction related services. He said those services must be completed by the RFP process and without cost being the factor. He explained RFP's are typically used for Professional Services or other services where price is only one of several factors being considered. **Mr. Fletcher** went on to explain that the nature of janitorial work is not highly specialized and does not require any special licensing.

**Councilor Doporto** asked if the Award would go back out for Bid if it is not successfully negotiated. **Mr. Fletcher** said if an agreement with the selected contractor cannot be met, the Award would go to the next bidder upon a successfully negotiated contract.

0:23:47      **Mr. Robert Jacquez**, owner of Ultra Clean Carpet and Janitorial Service, began by stating that the Janitorial Service posted on the city website was requesting an RFP. He said his grounds for protest are that Ultra Clean Carpet and Janitorial Service has been in business for 18 years. He explained 16 years ago he was one of the first companies to bid on the Janitorial Services, however, there were requirements in order to be considered a qualified Janitorial Service. He said because Ultra Clean had not been in business for long he was not able to qualify. He said in 2013 Ultra Clean was able to meet all requirements and was awarded the Janitorial Services contract. He said this year the same process was not used and he feels that has made the process unfair. He said this process has created a loop hole where someone can purchase a business license the day before a bid is subject to close and bid on the RFP. He said this process could put the residents of Carlsbad in jeopardy of contracting a blood borne pathogen, staph infection, or other contagious illnesses. He said it is important to know what you are doing when cleaning public bathrooms.

0:27:50      **Councilor Rodriguez** asked if the Item could be voted on while under protest. **Mr. McCutcheon** said yes, if the Item is approved and if the protest has validity, the Item will return to Council.

**Councilor Doss** asked who would hear the protest. **Mr. McCutcheon** said Mr. Fletcher the Procurement Officer and Ms. Riordan

0:28:06      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doss to approve to Award Bid No. 2017-28, to Rocking M Services for Janitorial Services for City Parks Restrooms

0:28:33      **Vote**

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

0:29:51      **11.      COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** reported that the Bat Brigade will be January 28, 2018 through January 30, 2018. He said the Brine Well must be resolved and encouraged all of Council to attend if possible.

**Councilor Rodriguez** said that Cave Karst is planning to build a climbing wall, which will be a nice addition to the area. He also said a new fast food restaurant, called Project Royalty, will be coming into the area.

**Councilor Rodriguez** also announced that NMSU-Carlsbad is working on a training curriculum related to Oil and Gas for available positions in the oilfield and for companies that require advanced education and or certification.

0:31:19      **Mr. Rodriguez** added that TFE Record Center received their 36CFR123 Certification, which is a facilities standard for records storage facilities. He said this Certification expands the types of businesses TFE can retain records for, which means increased business and associated jobs. **Mr. Rodriguez** also said the County's IRB for construction of a cryogenic plant in Eddy County, passed.

**Mayor Janway** welcomed Dr. Greg Rodriguez, Superintendent of Carlsbad Municipal Schools.

**Mayor Janway** announced this would be the last Council meeting for city employees retiring. He thanked Steve Hendley, Patsy Jackson-Christopher, and Annette Barrick for their outstanding work and dedication to the city.

**Councilor Doss** reported on the Energy Community Alliance, which is a group of Nuclear Communities around the country. He said he will be attending a meeting in January in Las Vegas, Nevada and that he is now the Board Secretary for the Alliance. He explained the Alliance meets once a month via conference call to discuss things in the Nuclear Community. He said one of the prime topics is the WIPP site and when more shipments will be taken.

0:34:55 **Mr. McCutcheon** reported that he, Mayor Janway and Mr. Heaton went to Santa Fe to continue to work on the Brine Well issue. He explained they met with Keith Gardner, Governor Martinez's chief of staff, the Governor's Attorney, Senator Leavell, Representative Brown, and Representative Townsend. He said they had good discussions and potential sources of money have been identified. He said they also met with Senator John Arthur Smith, Head of the Finance Committee, to discuss various options. **Mr. McCutcheon** added the holes mentioned by Councilor Doss are of grave concern and are the first visual evidence of a problem, but are not unexpected. He added the tilt meters that are checking for our community's safety are working very well but it is time to be diligent.

**Councilor Doss** asked for an update on the Emergency Response Plan, in the event that the Brine Well does collapse. **Chief Lopez** said his department continues to prepare in the event of the well collapsing. He said the department is preparing for evacuations, on securing the area, and will utilize all resources. **Councilor Doss** asked if there have been any drills in the event of a collapse. **Chief Lopez** said there have been many table top discussions. He added they are working on a plan to quickly evacuate the area.

0:40:33 **Mr. McCollough** said that he would like to request that the city consider acquiring Puckett School, for use as a community center. He explained Hall Addition is a disadvantaged neighborhood and adding a community center would help to give the kids in the area something to do.

0:42:00 **12. ADJOURN**

0:42:03 **Motion**

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

0:42:11 **Vote**

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

0:42:31 **Adjourn**

There being no further business, the meeting was adjourned at 6:43 p.m.

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

ATTEST:

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