

**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON MAY 9, 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
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
Absent:	Ward 4	Vacancy
Also Present:	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
	Michael Hernandez	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	D. Kent 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**

0:00:02 Invocation - Pledge of Allegiance

0:00:30 **1. APPROVAL OF AGENDA**

0:00:32 **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve the Agenda

0:00:38 **Vote**

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

0:00:56 **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-19, MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2016-2017 FISCAL YEAR BUDGET (4TH QUARTER BUDGET ADJUSTMENTS)**

Mrs. Gonzales reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget highlighting the General Fund, the Solid Waste Fund, and the WIPP Acceleration Fund.

0:02:10 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2017-19, making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget (4th Quarter Budget Adjustments)

0:02:14 **Vote**

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

0:02:36 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 25, 2017
- B. City Personnel Report
- C. Purchasing:
 - 1) Consider approval to Award Bid No. 2017-10, to Adventure Signs of NM for a LED Entrance Sign at the Cavern City Air Terminal
- D. Contracts and Agreements:
 - 1) Consider approval of Agreement between the City of Carlsbad and ScreenVision Direct for an animated video to advertise the Carlsbad Museum & Art Center
 - 2) Consider approval of Agreement between the City of Carlsbad and John Deere Credit for two (2) 2500E Greens Mowers, one (1) 7200A Trim and Surrounds Mower, one (1) 8700A Fairway Mower, two (2) 9009A Rough Mowers, one (1) Bernhard Anglemaster Grinder, and one (1) set of Tru Surface Rollers for the Municipal Golf Course
 - 3) Consider approval of Agreement between the City of Carlsbad Police and Fire Departments and EMRx LLC, for the provision of Medical Director Services
- E. Set Dates: June 13, 2017
 - 1) An Ordinance Annexing a portion of Land containing 0.47 acres more or less, contiguous to the City of Carlsbad, New Mexico, located at 1821 Caesar Road, legally described as Lot 2, Block 6, Riverside Farms Subdivision, and Part of Caesar Road, Pursuant to the Petition Method provided for in Section 3-7-1 et. Seq., NMSA 1978
 - 2) An Ordinance establishing "R-R" Rural Residential District Zoning in conjunction with the Annexation of approximately 0.47 acres of property, located at 1821 Caesar Road, legally described as Lot 2, Block 6, Riverside Farms Subdivision, pursuant to Section 3-21-1 et. Seq., NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

3) An Ordinance Annexing a portion of Land containing 1,300 acres more or less, contiguous to the City of Carlsbad, New Mexico, located on the East side of National Parks Highway between Derrick Road and the South Line of Township 23S, Range 26E, Section 14, pursuant to the Petition Method provided for in Section 3-7-1 et Seq., NMSA 1978

F. Monthly Reports:

- 1) Municipal Court Monthly Report, April 2017
- 2) Personnel Department Monthly Report, April 2017

0:02:56 **Mayor Janway asked Chief Lopez to discuss Item D.3 Consider approval of Agreement between the City of Carlsbad Police and Fire Departments and EMRx LLC, for the provision of Medical Director Services.**

Chief Lopez explained this is the annual renewal for Medical Director Services. He said this allows the city to provide EMS services to the community and allows EMD for the Carlsbad Police Departments dispatch center to operate.

0:03:45 **Mayor Janway asked Mr. Hendley to discuss Item C.1 Consider approval to Award Bid No. 2017-10, to Adventure Signs of NM for a LED Entrance Sign at the Cavern City Air Terminal.**

Mr. Hendley explained this is for a sign to be erected at the entrance of the Airport. He said the sign will be 20 foot and can be used for advertisement. He thanked Jason Burns for taking the lead and finding a good contractor and saving the city money.

0:05:04 **Councilor Rodriguez asked to discuss Item D.1 Consider approval of Agreement between the City of Carlsbad and ScreenVision Direct for an animated video to advertise the Carlsbad Museum & Art Center.**

Ms. Jackson-Christopher explained this item is regarding a contract between the Musuem and ScreenVision. She said this has been under development for 2 years. She explained an Artist came in with the final project and ScreenVision will do the distribution.

Councilor Rodriguez said there is a choice between early and late screen periods. He said this is the early screening and asked if there were additional costs for the late screening. **Mrs. Jackson-Christopher** said she was not sure because she did not review the cost package. **Councilor Rodriguez** said the general terms of the contract seem to be very limiting to the advertiser, with all control being given to the advertising agent. He said the contract seems very one sided. **Ms. Jackson-Christopher** said it has been a year since she reviewed the contract and does not recall all the details of the contract. **Councilor Shirley** said this is a pretty standard contract for advertising and they are very expensive. He said the terms of this contract will be paid out of lodgers' tax promotional funds. **Mrs. Jackson-Christopher** answered yes and added that the advertising is paying off.

0:09:08 **Motion**

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

0:09:14 **Vote**

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

0:09:34 **4. PRESENTATION OF NATIONAL PUBLIC WORKS WEEK PROCLAMATION**

Mr. Hernandez read the National Public Works Week Proclamation.

Mayor Janway added he appreciates all of the work that Public Works does.

0:11:33 **5. CONSIDER APPROVAL OF A BUSINESS LICENSE REQUESTED BY THE HEIGHTS LIONS CLUB FOR A CARNIVAL AT 300 AND 301 DIAZ STREET (RAY ANAYA/SAN JOSE PLAZA AND PARK)**

Mr. Jay Francis explained he is requesting a change because there is a conflict with the church. He said there are currently two options one being to move the carnival up one week and have it at the plaza so as not to interfere with the Pentecost mass. He said option one is to use San Jose Plaza for the week of May 22 - May 28. He said option two would be May 31 - June 4 at the Pecos River Village Conference Center parking area. He said this year the Lions Club has added to help the Packs for Hunger program.

Mayor Janway said he appreciates all that the Lions Club does for the community.

Mr. Patterson said he does not see any problems with either option but recommends the police and fire department to review the site plan at the Pecos River Village Conference Center to ensure safety will not be a concern.

Councilor Anaya-Flores asked when the Lions Club would find out if the carnival could come to town sooner. **Mr. Francis** said he should hear from the carnival in the next few days.

0:16:04 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve a Business License requested by the Heights Lions Club for a Carnival at 300 and 301 Diaz Street (Ray Anaya/San Jose Plaza and Park); should that not be possible he moves that the Carnival be held at the Pecos River Village Conference Center parking lot

0:16:33 **Vote**

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

0:17:19 **6. CONSIDER APPROVAL OF A BUSINESS LICENSE REQUESTED BY BRADFUTE ENTERPRISES TO CONDUCT DOOR-TO-DOOR SALES OF KIRBY VACUUM CLEANERS**

Mr. Patterson explained this item is a request for a business license to conduct door-to-door sales of Kirby Vacuum Cleaners. He said the applicant has completed all the requirements and paid the fees required. He said the Police Department conducted a background check with a positive review. He said the Planning Department recommends approval with the condition that the door-to-door sales are conducted between the hours of 9:00 a.m. and 7:00 p.m.

Councilor Rodriguez asked how large of a group they will have selling door-to-door. **Mr. Patterson** said he does not know but the applicant is required to have all salesmen come in and provide identification. **Captain Moyers** reported that Bradfute Enterprises has an A scoring with the Better Business Bureau with no complaints.

0:19:46 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve a Business License requested by Bradfute Enterprises to conduct door-to-door sales of Kirby Vacuum Cleaners

0:19:52 **Vote**

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

0:20:11 **7. CONSIDER APPROVAL OF RESOLUTION NO. 2017-20, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE AND OBSOLETE**

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

0:20:57 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Resolution No. 2017-20, a Resolution declaring certain City property unusable and obsolete

0:21:04 **Vote**

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

0:21:19 **8. CONSIDER APPROVAL OF RESOLUTION NO. 2017-21, A REQUEST FROM TEEN COURT OF EDDY COUNTY FOR FISCAL AGENT SERVICES AUTHORIZING THE SUBMITTAL OF THE FY18 APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL**

GOVERNMENT DIVISION, TO PARTICIPATE IN THE JUVENILE ADJUDICATION PROGRAM

Ms. Tiffany Shirley explained that Teen Court has had funding reduced in the last few years and is looking to replace the funding lost. She said this particular grant requires for the municipality to be the fiscal agent for the Juvenile Adjudication Grant.

0:22:49 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2017-21, a request from Teen Court of Eddy County for Fiscal Agent Services authorizing the submittal of the FY18 application to the Department of Finance and Administration, Local Government Division, to participate in the Juvenile Adjudication Program

0:22:55 **Vote**

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

0:23:13 **9. CONSIDER REQUEST FROM CLARA GURROLA GARIBALDI TO RESCIND RESOLUTION NO. 2017-15, REQUIRING THE REMOVAL OF THE BUILDING AND DEBRIS AT 2607 IOWA STREET**

Mr. Patterson explained that Council approved Resolution No. 2017-15 on March 28, 2017, which required the removal of a ruined or dangerous structure at 2607 Iowa Street. He said the structure had been burned and is beyond repair. He explained on May 2, 2017 Ms. Garibaldi provided a written request to protest the Resolution and requested more time to clean the property and rehabilitate the structure. He said the structure is completely burned and all that is left are the exterior rock walls. He explained in the packet are pictures of the structure, police calls to the property, and code enforcement issues at the property. **Mr. Patterson** said the Planning Department, Code Enforcement, the Fire Marshall, and the Building Department recommend that Resolution No. 2017-15 be upheld and enforced as scheduled.

0:26:30 **Mr. KC Cass** explained this property has been looked at many times over the years. He said he receives many complaints from neighbors asking when the city is going to do something about the property. He said there have been 3 fires at the property and the structural integrity is gone. He said he is sympathetic to the family but the property is a danger to the community. He said the property is beyond repair and needs to be removed.

Councilor Doporto asked if the trailer is still on the property. **Mr. Cass** said he was at the property a week ago and the trailer was still there at that time.

0:30:27

Mayor Janway asked if a representative for the property would like to address the Council.

Ms. Hortencia Hernandez, daughter of Clara Gurrola Garibaldi, said she was cleaning the property everyday by herself. She said she is almost finished and is working very hard to clean the property for her mother. She said her mother was living on Singletree but that property burned on October 2nd. She said the City cleaned the Singletree property and charged her mother \$10,000 and her family was left with nothing. She said the family is very confused as to what is going on. She said she has been working on clearing the property since June. She said she is present today to request more time for her mother to clean the property or go to the bank for a loan to pay to have it cleared because they have no money.

0:42:02 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doss to deny the request from Clara Gurrola Garibaldi to rescind Resolution No. 2017-15, requiring the removal of the building and debris at 2607 Iowa Street

0:42:09 **Vote**

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

0:42:40 **Ms. Riordan** explained the Council denied the request so the applicant has 30 days from the service date of April 17, 2017 to clean the property. She added the deadline to have the property cleared is May 17, 2017.

0:44:57 **10. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez commented on the DWI Court function. He said the Mayor gave a good speech and the function showed the courts initiative to have positive disciplinary action towards people who have made some bad decisions. He said he feels the program is worthwhile and was glad to see people graduate from the program.

Councilor Doss encouraged everyone to attend the Airport Function on Thursday afternoon at 4:00 p.m.

Ms Jackson-Christopher said the rooms at the back of the terminal have been repurposed. She explained a professional designer designed exhibits about the Carlsbad Army Airfield in the rooms.

0:46:42 **Mayor Janway asked if anyone in the audience would like to address the Council.**

Mr. Gary Hardesty introduced himself and Trini Carrasco and he said they are members of an ATV riding club. He explained they have a petition, which he read. The petition asked the city to adopt Senate Bill 270, which was signed into law on February of 2016. He said the bill allows for ATV's that are properly equipped in accordance with the law to be street legal. He said side by side ATV's are equipped with safety equipment such as row bars and seat belts. He said even bicycles are allowed on city

streets and highways and the club cannot think of any rational reason for restricting ATV's and feels the restrictions are discriminatory. He showed photos of his machine and those of other members of the riding club. He showed a photo of a bicycle on Blodgett Street, on the Hobbs Highway, and on the truck by pass. He showed a pictures of Pizza Inn's smart car in comparison with his ATV. He also showed photos of a scooter, motorcycle, and a 3 wheeler motorcycle that all are legal. He said he met with Chief Waller who expressed his concerns, one of which was the ambiguity of the law on Senate Bill 270. He said he and other members of the club would be glad to work with the Council to draft an Ordinance to clarify some of the ambiguities.

Councilor Doss asked if the bill was passed by the House. **Mr. Hardesty** said the bill passed and was signed by the governor and went into effect July of 2016. He said the Senate Bill 270 states the bill has to be adopted by the individual county or municipality.

Ms. Riordan explained the bill is allowed to be adopted per municipality basis, so it is not mandatory that the city adopt the bill.

Mayor Janway explained that the item can only be discussed because it is not on the Agenda. **Mr. Hardesty** said a few years ago the city approved the use of golf carts on some city streets. He said he mentioned that to Chief Waller but was told that was not legal. He said there are still people who drive them on the streets back and forth to the Country Club Golf Course.

Councilor Doporto said he likes the idea of approving the bill. He said the only thing that would concern him is the noise of some of these ATV's.

Mayor Janway said the item needs to be placed on the Agenda and revisited. He said staff will research and add to a future agenda.

0:55:56 **11. ADJOURN**

0:56:02 **Motion**

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

0:56:09 **Vote**

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

0:56:23 **Mayor Janway announced that Simon Rubio, School Board Member is in attendance tonight.**

0:56:57 **Adjourn**

There being no further business, the meeting was adjourned at 6:56 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Annette Barrick_____
City Clerk