

**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 13, 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 <i>via telephone</i>
	Richard Doss	Councilor <i>via telephone</i>
	Wanda Durham	Councilor

Absent:

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
	Ron Myers	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**

0:00:00      Start Audio Recording

0:00:01      Invocation - Pledge of Allegiance

0:00:32      **Mayor Janway announced that Councilor Shirley and Councilor Doss are attending via phone.**

0:00:45        **Mayor Janway announced that there are special guests in attendance tonight, Ms. Stella Davis, Chairman of the County Commission, Mr. Guy Lutman, Former Commissioner, and Mr. Jeff Diamond, former City Councilor.**

0:01:03        **1.        APPROVAL OF AGENDA**

0:01:06        **Motion**

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

0:01:09        **Vote**

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

0:01:29        **2.        CONSIDER APPROVAL OF RESOLUTION NO. 2017-24, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2016-2017 FISCAL YEAR BUDGET**

**Mrs. Gonzales** reviewed the revenues and expenditures making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Promotional Fund, and the NM Finance Authority Fund.

0:02:53        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve Resolution No. 2017-24, a Resolution making certain Budgetary Adjustments to the 2016-2017 Fiscal Year Budget

0:03:02        **Vote**

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

0:03:20        **3.        ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting held on May 18, 2017
- B. Minutes of the Regular City Council Meeting held on May 23, 2017
- C. Minutes of the Special City Council Meeting held on May 25, 2017
- D. City Personnel Report
- E. Purchasing:
  - 1) Consider approval to Award RFP No. 2017-09, General Engineering Services to Molzen-Corbin & Associates for Airport Improvement Projects
  - 2) Consider approval to Award RFP No. 2017-03, Annual Audit Prep Services and Consulting to RPC CPA and Consultants
  - 3) Consider approval to Advertise Invitation for Bids for the City Transit Mechanic Shop Construction Project
- F. Contracts and Agreements:

1) Consider approval of Second Renewal of Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening/Closing Services at the Carlsbad Cemeteries as amended in the 2016 Renewal Agreement

2) Consider approval of Agreement with the State of New Mexico Interpretive and Voiance Language Services and for E-911

3) Consider approval of Maintenance Agreement between the City of Carlsbad Police Department and ISC, Inc. for Maintenance and Service for the E-911 equipment

G. Set Dates: July 25, 2017

1) Ordinance Annexing a portion of Land containing +/- 34.70 Acres more or less, contiguous to the City of Carlsbad, NM, located at 1401 W. Derrick Rd., legally described as NW/4, Section 1, Township 23S, Range 26E, Pursuant to the Petition Method provided for in Section 3-7-1 et. Seq., NMSA 1978

2) Ordinance establishing "C-2" Commercial District Zoning in conjunction with the Annexation of approximately 34.70 acres of property, located at 1401 W. Derrick Rd., legally described as NW/4, Section 1, Township 23S, Range 26E, Pursuant to the Section 3-21-1 et. Seq., NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

H. Monthly Reports:

1) Municipal Court Monthly Report, May 2017

2) Personnel Department Monthly Report, April 2017

3) Transportation and Facilities Department Monthly Report, March 2017

0:03:41 **Mayor Janway asked Mr. Hernandez to discuss Item E.3 Consider approval to Advertise Invitation for Bids for the City Transit Mechanic Shop Construction Project; and Item F.1 Consider approval of Second Renewal of Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening/Closing Services at the Carlsbad Cemeteries as amended in the 2016 Renewal Agreement**

**Mr. Hernandez** explained Item E.3 is to upgrade the existing garage's electrical and mechanical components to meet all applicable codes and statutes of a commercial mechanic shop. He said this is a federal transit grant administered by the NMDOT and is an 80/20 split between the federal grant and the city.

**Mr. Hernandez** explained that Item F.1 is to consider approval of second renewal of agreement between the city and Orlando M. Garza for grounds maintenance and Grave Opening/Closing services at the cemeteries. He said Mr. Garza has been doing the work since July of 2015. He explained that city staff that oversees the cemetery indicates that Mr. Garza does an excellent job and staff is asking for a renewal of the contract.

**Mayor Janway** added Mr. Garza has done a great job maintaining the cemetery.

0:05:20        **Mayor Janway asked Ms. Hammett to discuss Item E.2 Consider approval to Award RFP No. 2017-03, Annual Audit Prep Services and Consulting to RPC CPA and Consultants**

**Ms. Hammett** explained the city posted an RFP for audit prep on March 15. She explained the city solicited bids by advertisement, online through the vendor registry, and mailed the RFP to surrounding area CPA's and CPA firms. She explained the city received 4 proposals and RPC scored highest with 99.4 points.

0:06:46        **Motion**

The motion was made by Councilor Durham and seconded by Councilor Anaya Flores to approve Routine and Regular Business

0:06:55        **Vote**

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

0:07:16        **4. CONSIDER APPROVAL FOR MATCHING FUNDS FOR THE BRINE WELL REMEDIATION IN THE AMOUNT OF \$125,000 AS REQUESTED BY THE NM STATE LEGISLATURE**

**Mayor Janway** said he is aware that no one is thrilled about this request, but added that the city must be committed to do whatever possible to support the State to remedy this issue. He said the Brine Well Remediation Advisory Authority will officially form on July 1, 2017. He explained the State's allocation of \$250,000 is dependent on the city and county each allocating \$125,000. He said the state has started researching the preparation of an RFP, with a goal of moving forward once the board officially convenes in July. He said this money will be used for design build for the request for proposals for remediation of the Brine Well. He said while the city maintains the resolution of the Brine Well is a state issue, the city has to do what we can to keep the momentum going as we work to resolve this issue.

**Councilor Doss** explained the Budget Committee has approved this funding request. He noted that the state because of their prior actions of approving the well, monitoring the well, collecting the royalties from the well, and shutting the well down is fully responsible for the remediation of the well. He said at this time he feels the city has no option but to be prudent and responsible and to participate with the state to remediate the problem.

0:09:56        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Anaya Flores to approve the Matching Funds for the Brine Well Remediation in the amount of \$125,000 as requested by the NM State Legislature

0:10:03       **Vote**

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

0:10:23       **5. CONSIDER APPROVAL TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO ACCEPT THE CROSSROADS FACILITY FROM CARLSBAD MENTAL HEALTH ASSOCIATION UPON NEGOTIATION OF A SATISFACTORY TRANSFER**

**Mayor Janway** said last year Representative Cathrynn Brown did an amazing job obtaining capital outlay funding for the restoration of a facility that will serve as a rehabilitation center for women with children. He said the city was saddened when the Crossroads program closed its doors. He said Crossroads was known for its high success rate in helping women turn their lives around, defeat addiction, and become contributing members of society. He explained a task force was formed and they recommended restoring the Crossroads program a high priority. He said the board that formerly ran Carlsbad Mental Health has offered to donate the property where Crossroads was located for continued use in mental and behavior health. He explained the city would serve as landlord and develop a contract similar to that of the Battered Women's Shelter.

0:12:43       **Mr. Jeff Diamond** explained that opioid dependence has become a real problem and has opened a pathway to heroin use. He said heroin is in large supply in our area and around the country. He said this program is designed for women with young children who will be given vocational training and rehabilitation services. He explained this program will be a locked down facility where women can stay until they reach sobriety and develop skills to take out into the community. **Mr. Diamond** thanked the Mayor for his efforts in obtaining the property. He said the subcommittee of the Mental Health Task Force will meet on Thursday. He said operating capital will be needed, but added Representative Brown was able to get \$485,000 for rehab of the building. He said the program will be called Avalon Ranch and the task force will solicit loans to operate until funding is received from the state.

0:16:35       **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve to authorize the Mayor and/or City Administrator to accept the Crossroads Facility from Carlsbad Mental Health Association upon negotiation of a satisfactory transfer

0:16:45       **Vote**

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

0:17:13        **6.        CONSIDER APPROVAL OF ANNUAL CITY LIQUOR LICENSE RENEWALS FOR FY17-18, SUBJECT TO RECEIPT OF NM STATE LIQUOR LICENSE AND PAYMENT OF ANNUAL CITY LIQUOR LICENSE FEE**

**Ms. Barrick** explained this is the annual liquor license renewals. She said upon payment and proof of state liquor license the city license will be renewed.

0:18:04        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve the Annual City Liquor License Renewals for FY17-18, subject to receipt of NM State Liquor License and payment of Annual City Liquor License Fees

0:18:10        **Vote**

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

0:18:29        **7.        CONSIDER APPROVAL OF ORDINANCE NO. 2017-14, 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; APPLICANT: ESTER RUIZ**

**Mr. Patterson** explained that 1821 Caesar Road is located contiguous to the City limits of Carlsbad along E. Wood Avenue. He said the property would be residential in nature. He explained city utilities are available to extend to the property at the cost of the owner. He said the Planning and Zoning Commission and the Planning Department recommend approval.

0:20:23        **A.        Public Hearing**

0:20:27        **Mayor Janway** asked if anyone would like to speak in favor of the Ordinance.

**Mr. and Mrs. Ruiz** came forward and said they would like to put a home on the property and live there.

0:21:02        **Mayor** 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.

0:21:16        **B.        Consider Ordinance No. 2017-14**

0:21:22        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2017-14, 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., NM SA 1978; Applicant: Ester Ruiz

0:21:27        **Vote**

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

0:21:46        **8. CONSIDER APPROVAL OF ORDINANCE NO. 2017-15, 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; APPLICANT: ESTER RUIZ**

**Mr. Patterson** explained that the applicant is requesting Rural Residential zoning for 1821 Caesar Road. He explained the zone changes will not create a spot zone. He added the Planning and Zoning Commission and the Planning Department recommend approval.

0:23:06        **A. Public Hearing**

0:23:08        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Ruiz** asked for approval of the zone change so he can live on the property.

0:23:36        **Mayor 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.**

0:23:47        **B. Consider Ordinance No. 2017-15**

0:23:52        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Ordinance No. 2017-15, 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; Applicant: Ester Ruiz

0:23:58        **Vote**

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

0:24:18        **9.        CONSIDER APPROVAL OF ORDINANCE NO. 2017-16, 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; HERMES DEVELOPMENT, LLC, GARY LANE**

**Mr. Patterson** explained this item is a re-submittal of an annexation plat for the Montclair Development. He said this is a master planned community that is requesting Planned Unit Development zoning. He said the land owner decided to alter the annexation plat that was presented last year. He explained the applicant is moving the southern border 300 feet to the north, as such; the applicant had to go back through the process. He said the Planning and Zoning Commission and the Planning Department recommend approval.

**Councilor Doporto** asked if the area being forced to be annexed has city water. **Mr. Patterson** said he does not believe there is city water served in any part of this land being annexed. **Mr. Hernandez** added the city does not currently serve any water south of Derrick Road. **Councilor Doporto** asked if the area is served by Otis water. **Mr. Hernandez** answered no, the property is outside of the Otis serving area.

0:28:15        **A.        Public Hearing**

0:28:18        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Gary Lane**, Hermes Development, said the reason the property line was moved north was in order to have a local grower come in to grow their own trees to be used to landscape the development. He said the development is working diligently to obtain city utilities.

0:31:17        **Mayor Janway asked if anyone would like to speak against the Ordinance.**

**Mr. Guy Lutman** said he has lived in the area for 20 years and over the past 8 or 9 years numerous plans have come with impressive projects. He asked for clarification from Mr. Lane as to what exactly will be built by the developer. He asked is this a development company that is soliciting for investors, will the property be piecemeal. He added his main concern is what happens if the development does not get investments. He said another concern is if the developer has identified all the gas lines in the area.

**Mr. Brent Hunt** asked how this annexation will benefit him and his property. He said he is currently self-sufficient and does not need to be in the city limits.



**Mr. Lane** explained the difference between the prior development plans and today is that the previous developers did not own the land. He explained the developers have already spent thousands of dollars on engineering plans, final water and sewer plans, and final PUD plans. He said the developers have identified uses. He explained it will take some time to complete. He explained it will be a 10 year project that will be completed slowly and methodically. **Mr. Lane** tried to answer Mr. Hunt's question and said he is not sure but if the property owner is self-sufficient he would not have to hook up to the utilities. He added the developer has spent over \$750,000 in planning and the infrastructure budget for the entire development is over \$15 million. **Mr. Lane** said Souder Miller Associates has been in touch with the gas companies and they will work closely with the owners of the gas lines.

0:44:29        **Mayor 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.**

0:44:31        **B.        Consider Ordinance No. 2017-16**

0:44:39        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doporto to approve Ordinance No. 2017-16, 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., NM SA 1978; Hermes Development, LLC, Gary Lane

0:44:45        **Vote**

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

0:45:09        **10.        COUNCIL COMMITTEE REPORTS**

**Councilor Doss** is currently in Washington and said he and Mr. McCutcheon have a meeting tomorrow with the Assistant Director of DOE. He said he has some meetings set up with BLM and with Essential Air Service. **Mayor Janway** added that he and Councilor Rodriguez will be traveling to Washington tomorrow to join in the meetings.

**Mayor Janway** said he would like to appoint an Off Road Committee. He appointed Councilor Carter to be the chairman, with members Chief Waller, Councilor Estrada, Eileen Riordan, and Gary Hardesty. He asked that the committee come back to the Council with a recommendation in 60 days.

0:47:02      **11. ADJOURN**

0:47:06      **Motion**

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

0:47:13      **Vote**

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

0:47:38      **Adjourn**

There being no further business, the meeting was adjourned at 6:49 p.m.

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

ATTEST:

\_\_\_\_\_/s/Annette Barrick\_\_\_\_\_  
City Clerk