

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON AUGUST 22, 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
	Wanda Durham	Councilor

Absent:

Also Present:	Steve McCutcheon	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**

0:00:02      Invocation - Pledge of Allegiance

0:00:30      **Pastor Dave Rodgers** explained the Carlsbad Anti-Drug and Gang Coalition is restarting the annual National Night Out. He said the National Night Out will be held on the first Tuesday of October, which will be October 3, 2017. He explained the Anti-Drug and Gang Coalition is recruiting neighborhoods to host block parties. He explained the Coalition is requesting support of the Council, and the Police and Fire Departments.

0:02:31 **1. APPROVAL OF AGENDA**

0:02:33 **Motion**

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

0:02:38 **Vote**

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

0:02:51 **2. CITY OF CARLSBAD FINANCIAL REPORT FOR JULY 2017**

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

0:03:56 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on August 8, 2017
- B. City Personnel Report
- C. Purchasing:
  - 1) Consider approval to Advertise Invitation for Bids for the Improvements to the Audio/Visual System for the Walter Gerrells Performing Arts Center Project
  - 2) Consider approval to Advertise Invitation for Request for Proposals for the Lease of the Grubbs Water Line
  - 3) Consider approval to Reject and Re-Advertise Invitation for Bids for the City of Carlsbad Transit Mechanic Shop Construction
  - 4) Consider approval to Advertise Invitation for Bids, the San Jose Phase 5, Re-Construction Project
- D. Contracts and Agreements:
  - 1) Consider approval of Agreement between the City of Carlsbad and the Carlsbad Soccer League for Sport Services at the Bob Forrest Youth Sports Complex
  - 2) Consider approval of Agreement between the City of Carlsbad and On-Target Firefighters Combat Challenge, September 23 and 24, 2017
- E. Set Date: September 26, 2017
  - 1) An Ordinance Granting a Franchise to TDS Broadband Service LLC for the Construction and Operation of a Cable System
  - 2) An Ordinance annexing a portion of Land +/- 0.72 Acres more or less, contiguous to the City of Carlsbad, New Mexico located at 5000 W. Church Street, Carlsbad, NM
  - 3) An Ordinance Establishing "C-1" Commercial District Zoning in Conjunction with the Annexation of 5000 W. Church Street
  - 4) An Ordinance Rezoning Part of "R-R" Rural Residential District to "C-1" Commercial District for an approximately 1.46 acre property located at 5000 W. Church Street, Carlsbad, NM

- 5) An Ordinance Rezoning part of "R-2" Residential District to "C-2" Commercial District for An approximately 0.04 acre property to the North of 807 North Main Street
- 6) An Ordinance Rezoning part of "R-2" Residential District to "C-2" Commercial District for an approximately 0.23 acre property located at 805 & 807 N. Main Street, Carlsbad, NM
- 7) An Ordinance Rezoning part of "R-R" Rural Residential District to "R-1" Residential District for an approximately 13.88 acre property located to the East of Old Cavern Highway and South of Farris Street

F. Monthly Reports:

- 1) Monthly Report, Arts and Culture Department, July 2017
- 2) Monthly Report, Municipal Court Department, July 2017
- 3) Monthly Report, Planning Department, June and July 2017
- 4) Monthly Report, Sports & Recreation Department, July 2017
- 5) Monthly Report, Utilities Department, July 2017

0:04:19 **Mayor Janway asked Mr. McCutcheon to discuss Item C.1 Consider approval to Advertise Invitation for Bids for the Improvements to the Audio/Visual System for the Walter Gerrells Performing Arts Center Project; Item C.2 Consider approval to Advertise Invitation for Request for Proposals for the Lease of the Grubbs Water Line; and Item C.4 Consider approval to Advertise Invitation for Bids, the San Jose Phase 5, Re-Construction Project**

**Mr. McCutcheon** explained that Item C.1 is requesting for approval to advertise for bids on audio/visual equipment for the Walter Gerrells Performing Arts Center. He said the equipment that was previously used was loaned to the city by NMSU. He explained the equipment will be purchased using lodgers' tax funds.

**Mr. McCutcheon** explained that Item C.2 is to consider approval to advertise invitation for request for proposals for the lease of the Grubbs Water Line. He explained the Grubbs Water Line is part of the Double Eagle System that has not been used for some time. He explained when the new line was built a jumper was built but the Grubbs Water Line has not been tied in. He said a water supplier has approached the city to make a deal to use the water line on a per barrel basis. He explained the supplier would be responsible for the maintenance of the line, the agreement would be for 5 years and the city would have a 30 day out clause. He added the city would not supply any water to the line, it would be strictly a use agreement and the city would retain the right a way. He added BLM would also have to approve, because the line is located on BLM.

**Mr. McCutcheon** explained Item C.4 is for approval to advertise invitations for bids for San Jose Phase 5, Re-Construction. He said the project has been ongoing for over 5 years and this would be the final phase of the re-build. He said this project has had a positive effect on the property values and the traffic flow.

0:07:34        **Motion**

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

0:07:42        **Vote**

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

0:08:04        **4.        CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF CARLSBAD AND TYLER TECHNOLOGY FOR MUNIS AND NEW WORLD PUBLIC SAFETY SOFTWARE LICENSES AND SERVICES FOR THE FINANCE AND POLICE DEPARTMENTS**

**Mr. McCutcheon** explained this is a project that staff started to look at a year ago. He said there are two needs in the city, one is a financial need and the other is for a CAD system. He explained both the Police Chief and Fire Chief have been involved in this project. He said this technology will replace a 35 year old system and has been budgeted and approved by the Budget Committee. He said this will be a major benefit in getting the financial information timely and audits completed on time.

0:09:18        **Ms. Hammett** explained staff is requesting approval on two contracts, one for the financial system, and the other for CAD the Computer Aided Dispatch System. She said the current financial system is AS400 and has become antiquated and is beyond its capacity. She said the Tyler system is fully integrated and has built in regulatory reporting, financial reporting, and other analytics.

0:10:04        **Ms. Maddy McCambridge**, Tyler Technologies, welcomed the city to the growing list of New Mexico clients.

0:11:04        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve an Agreement between the City of Carlsbad and Tyler Technology for Munis and New World Public Safety Software Licenses and Services for the Finance and Police Departments

0:11:16        **Vote**

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

0:11:30        **5.        CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 3303 HARVEST LANE, CARLSBAD, NM; APPLICANT: JAY YOAKUM**

Mr. Patterson explained the applicant is requesting to install temporary housing, an RV Park, on Standpipe Road. He said Mr. Yoakum, the applicant, has provided a site

layout and a stamped electrical plan. He added the Planning and Zoning Commission recommended approved of the request with a maximum of 10 spaces.

**Mr. Yoakum** added he has a verbal from the sewage department that the permits would be approved and is just waiting on final approval from the State.

0:13:53        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Durham to approve Request for a Temporary Use Application to allow Temporary Housing as a Temporary Use at 3303 Harvest Lane, Carlsbad, NM; Applicant: Jay Yoakum

0:13:58        **Vote**

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

0:14:24        **6. CONSIDER APPROVAL OF APPEAL OF THE PLANNING AND ZONING COMMISSION'S DECISION TO DENY A CONDITIONAL USE PERMIT REQUEST TO ALLOW AN AUTO MECHANICAL REPAIR BUSINESS AT 2603 LEGION ST., ZONED "R-R" RURAL RESIDENTIAL; APPELLANT: JESUS DEAVILA**

**Mr. Patterson** explained this Item is an appeal of a decision from the Planning and Zoning Commission. He said the appellant is proposing to use 2603 Legion Street as an auto mechanical repair business. He said the Planning and Zoning Commission voted to deny the request and the appellant has requested an appeal.

0:16:05        **Mayor Janway** read a letter he received from Valli Galloway, who is a resident of 2605 Western Way. The letter requested that Council abide by the decision of the Planning and Zoning Commission of the denial of a commercial business at 2603 Legion Street.

0:16:58        **Mayor Janway asked if anyone would like to speak regarding the appeal.**

**Ms. Tina Kincaid** began by reading a letter from the Evans who reside at 2703 Legion Street who are requesting the Council to uphold the decision of the Planning and Zoning Commission.

**Ms. Kincaid** added that the number of cars stored behind the property at 2603 Legion St., creates a hazard and is not a safe environment in a residential neighborhood. She explained her son recently built a new home on the street and is worried about the property values.

**Mr. Jim Lackey** who lives at 2604 Legion Street, said he strongly objects the appeal.

**Mr. Jesus DeAvila** explained he lives at 2603 Legion Avenue. He explained he works on his cars and works on and sells antique cars. He said he is only requesting to have the business at this location for 1 year. He said he closes his business at 6:00 p.m. and if he works after 6:00 p.m. he works only by hand. He added that the Kincaid property is unclean and cluttered. He said he has antique property that he is not going to get rid of, and he does not plan on staying there for over 1 year.

**Mr. Gene Kincaid** said his application states he only sees people by appointment but customers come without appointments. He said this business is not in character with the neighborhood and added he has offered R panel for fencing at another location.

**Ms. Aretta Slate**, 2607 Legion, said she has lived there since 1952. She said Mr. DeAvila lives next door to her and she doesn't hear any noise and does not have a problem with the business. She added there is another business on the street and the traffic that goes to the Kincaid's business drives very fast down the street.

**Ms. Aretta Laughlin**, 2607 Legion, explained she is co-owner who lives with her grandmother. She said she loves Mr. DeAvila as her neighbor. She explained she is a stay at home mom of two small children and Mr. DeAvila is always mindful of her children and she is never bothered by any noise. She said Mr. DeAvila is always kind and respectful for the people in the area.

**Mr. Kincaid** added he sold his business years ago. He said his employees would be unemployed if they would speed down the street. He said his business was different because his customers never brought water wells to his residence.

0:31:24      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Doss to uphold denial of the Appeal of the Planning and Zoning Commission's decision to deny a Conditional Use Permit request to allow an Auto Mechanical Repair Business at 2603 Legion St., zoned "R-R" Rural Residential; Appellant: Jesus DeAvila

0:31:34      **Vote**

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

0:32:27      **7. CONSIDER APPROVAL OF RESOLUTION NO. 2017-32, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

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

0:33:29           **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2017-32, a Resolution declaring certain City property unusable or obsolete

0:33:38           **Vote**

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

0:33:51           **8. CONSIDER APPROVAL OF RESOLUTION NO. 2017-33, A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR REHABILITATION OF THE CAVERN THEATER; AND AUTHORIZING MAYOR DALE JANWAY TO ACT AS THE CITY OF CARLSBAD'S CHIEF EXECUTIVE OFFICER AND AUTHORIZING REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY OF CARLSBAD'S PARTICIPATION IN A U.S. ECONOMIC DEVELOPMENT ADMINISTRATION GRANT PROGRAM**

**Ms. Jackson-Christopher** explained Mr. Keeley, professional grant writer, offered to write the grant and did a beautiful job. She said the grant is requesting 3.7 million to finish the Cavern Theater. She explained if the grant is awarded, the money will be awarded by October 1, 2017 and the Theater could possibly open in late 2019. She added staff is very excited about the opportunity.

**Ms. Hammel** said MainStreet is super excited and in support of the grant.

**Councilor Shirley** thanked them for all of their hard work and is excited staff is applying for the grant.

**Councilor Anaya Flores** added she looks forward to the very first Blues Festival in Carlsbad.

0:38:07           **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Resolution No. 2017-33, a Resolution authorizing the submission of an Application to the U.S. Economic Development Administration for Rehabilitation of the Cavern Theater; and authorizing Mayor Dale Janway to act as the City of Carlsbad's Chief Executive Officer and Authorizing Representative in all matters pertaining to the City of Carlsbad's Participation in a U.S. Economic Development Administration Grant Program

0:38:22           **Vote**

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

0:38:37        **9.        CONSIDER APPROVAL OF RESOLUTION NO. 2017-34, A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 208 S. MESQUITE STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS; OWNER: ALTA MAY PATTERSON, MARGARITA S. CARNERO, ET AL., AND LEE FESSENDEN**

**Ms. Riordan** explained this is a residential property in a residential neighborhood. She said the property is an older vacant structure that has not been maintained in some time. She said the roof and foundation are failing and causing damage to the structure. She explained there has been no successful contact with the property owners. She said staff recommends commendation of the property.

**Mayor Janway asked if a representative of the property was present, no one appeared.**

0:41:39        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution No. 2017-34, a Resolution finding the Buildings or Structures at the Property commonly known as 208 S. Mesquite Street to be Ruined, Damaged, and Dilapidated and finding the premises to be covered with Ruins, Rubbish, Wreckage, Weeds, and Debris; Requiring the removal of the Buildings, Structures, Ruins, Rubbish, Wreckage, Weeds, and Debris; Owner Alta May Patterson, Margarita S. Carnero, et al., and Lee Fessenden

0:41:47        **Vote**

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

0:41:58        **10.        CONSIDER APPROVAL OF RESOLUTION 2017-35, A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)**

**Mr. McCutcheon** explained the ICIP is a planning tool which the State requires. He said the ICIP lists all pertinent projects as required.

0:43:24        **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Resolution No. 2017-35, a Resolution adopting an Infrastructure Capital Improvements Plan (ICIP)

0:43:29        **Vote**

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



0:43:40        **11. CONSIDER APPROVAL OF RESOLUTION 2017-36, A RESOLUTION FOR THE CITY OF CARLSBAD'S PARTICIPATION IN FY 17/18 COOPERATIVE ROAD IMPROVEMENT PROGRAM ADMINISTERED BY THE NM DEPARTMENT OF TRANSPORTATION FOR THE PLAN, DESIGN, CONSTRUCTION, RECONSTRUCTION, PAVEMENT REHABILITATION / IMPROVEMENTS, BLADING AND SHAPING MISCELLANEOUS ROADS, WYOMING STREET, IOWA STREET, LAMONT STREET, MERMOD STREET, GEORGIA STREET**

**Mr. McCutcheon** explained the city attempts to participate in the Cooperative Road Improvement Program every year to receive federal funds from the NMDOT. He said these streets are selected based on a study and calculated with a traffic component. He said staff is requesting approval to participate in the Program.

0:44:55        **Motion**

The motion was made by Councilor Durham and seconded by Councilor Anaya Flores to approve Resolution No. 2017-36, a Resolution for the City of Carlsbad's Participation in FY 17/18 Cooperative Road Improvement Program Administered by the NM Department of Transportation for the plan, design, construction, reconstruction, pavement rehabilitation/improvements, blading and shaping miscellaneous road, Wyoming Street, Iowa Street, Lamont Street, Mermod Street, and Georgia Street

0:45:01        **Vote**

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

0:45:21        **12. CONSIDER APPROVAL OF RESOLUTION 2017-37, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO WATER TRUST BOARD FOR THE 2018 FUNDING**

**Mr. McCutcheon** explained staff received notification that this funding was not going to be available and then at the last minute received notification that the funding would be available. He explained staff applied for funds to continue the Effluent Reuse Project, which allows the city to utilize effluent in the parks. He said the funding has a loan component and staff is requesting approval to submit the application. He explained the project is a good for saving money as well as utilizing a resource.

0:47:01        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2017-37, a Resolution authorizing filing of an Application to the New Mexico Water Trust Board for the 2018 Funding

0:47:18        **Vote**

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

0:47:33      **13. COUNCIL COMMITTEE REPORTS**

**Mayor Janway** proclaimed all Fridays during the 2017-2018 school year as Cavemen and Cavegirl Spirit Day!

0:49:02      **14. ADJOURN**

0:49:05      **Motion**

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

0:49:13      **Vote**

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

0:49:29      **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