

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON SEPTEMBER 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
	Wesley A. Carter	Councilor
	Wanda Durham	Councilor
Absent:	Jason Shirley	Councilor
	Richard Doss	Councilor
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

0:00:31      **Ms. Kim Arrington** said she is excited to have the 35th Annual World Conference come to Carlsbad. She explained Carlsbad was chosen because of the unique experience and partnership between the schools and the community. She said there will be approximately 200 people coming for the Conference. She said out of 47 schools who won the Fidelity Award for being an inviting school, 7 of the schools are from the U. S. and 2 of them are from Carlsbad. She added out of 10 schools that won

the Inviting School Award, 5 were from the U.S. and 3 were from Carlsbad. **Ms. Arrington** said there are a lot of partnerships between the community and the schools and they are excited to bring this to Carlsbad and to participate in the Conference. She said there are several excursions planned for the Conference.

**Ms. Hammel** said this conference is going to open the doors to the world. She said this Conference will show everything that Carlsbad has to offer. She said the excursion is called Heritage Fest, where they will be serving green chile cheeseburgers, 4-H will be doing roping demonstrations, the stores will be open for shopping, there will be vendors, a dance teacher will be teaching the 2-step, and there will be a Fiddler's Fleet night cruise on the Pecos. She added this is a great opportunity for Carlsbad and invited everyone to attend.

0:07:53      **1. APPROVAL OF AGENDA**

**Mayor Janway** asked to pull Item E.3 Consider approval to Award RFP 2017-15, the Management and Maintenance of the IRA Stockwell Softball Complex to Roque Balderrama pending successful negotiation of the Contract.

0:08:05      **Motion**

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

0:08:11      **Vote**

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

0:08:22      **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-38, 1ST QUARTER BUDGET ADJUSTMENTS FOR FY 17-18**

**Mrs. Gonzales** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget highlighting the Lodgers' Tax Promotional Fund.

0:09:20      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2017-38, 1st Quarter Budget Adjustments for FY 17-18

0:09:28      **Vote**

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

0:09:38      **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting held on August 18, 2017
- B. Minutes of the Regular City Council Meeting held on August 22, 2017
- C. Minutes of the Special City Council Meeting held on August 24, 2017

- D. City Personnel Report E. Purchasing:
  - 1) Consider approval to Purchase pursuant to the National Joint Powers Alliance, a 2017 EnviroSight Rover X Sewer Inspection Camera & Equipment for the Waste Water Collections Department
  - 2) Consider approval to Advertise Invitation to Bid, Bird Management Services for all City Buildings
  - 3) Consider approval to Award RFP 2017-15, the Management and Maintenance of the Ira Stockwell Softball Complex to Roque Balderrama pending successful negotiation of a Contract
  - 4) Consider approval to solicit proposals for Golf Pro Shop Management Services for the Lake Carlsbad Golf Course
- F. Contracts and Agreements:
  - 1) Consider approval of Agreement between the City of Carlsbad and Austin Turf and Tractor for a Lease from John Deere for one (1) Bunker & Field Rake, one (1) Z997R Front-End Mower with Collection System, one (1) 1600 Wide Area Mower, one (1) 8800 Terrain-Cut Mower, one (1) HPX Turf Gator, and one (1) TX Turf Gator
- G. Set Date: October 24, 2017
  - 1) An Ordinance Rezoning part of "C-2" Residential District to "R-1" Residential District for an approximately 0.17 Acre property located at 404 West Church Street
- H. Monthly Reports:
  - 1) Monthly Report, Municipal Court Department, August 2017
  - 2) Monthly Report, Personnel Department, August 2017
- I. Board Appointment:
  - 1) Disability Advisory Board; Appoint Bob Brown, Remainder of 4-year term
- J. Miscellaneous:
  - 1) Consider approval of Naming of Baseball Field #3 at the Bob Forrest Youth Sports Complex in honor of Steve Pomroy
  - 2) Consider approval of Naming of Baseball Field #4 at the Bob Forrest Youth Sports Complex in honor of Shane Andrews

0:09:59        **Mayor Janway asked Mr. McCutcheon to discuss Items 3.1 Consider approval to Purchase pursuant to the National Joint Powers Alliance, a 2017 EnviroSight Rover X Sewer Inspection Camera & Equipment for the Waste Water Collections Department; and Item E.4 Consider approval to solicit proposals for Golf Pro Shop Management Services for the Lake Carlsbad Golf Course**

**Mr. McCutcheon** explained Item E.1 was approved in the final budget. He said the request is to purchase a Sewer Inspection Camera and Equipment. He explained the department has an old camera and the cost to repair the camera has become extensive. He said the new camera has additional capabilities and with the amount of issues in waste water collections this is a critical piece of equipment. He said by keeping the system modern and updated it will save money by catching problems before they occur.

**Mr. McCutcheon** explained Item E.4 is to solicit proposals for Golf Pro Management Services. He explained under State procurement code the services must go out for RFP every four years. He said staff has met with Mr. Heaton who has concerns about the contract. He added one of Mr. Heaton's greatest concerns is how the city charges for private cart fees. He explained staff spoke to Mr. Heaton and the Golf Board and have decided a third party that is experienced in golf courses is needed. He said the RFP was sent to a consultant who runs the golf program at NMSU. He said the consultants made suggestions to remove food services and mentioned that cart fees were very low and most courses do not allow private carts. He explained the consultant said across the board the agreement is very good and fair for a small city.

0:14:17        **Mayor Janway asked Mr. Lowe to explain Item J.1 Consider approval of Naming of Baseball Field #3 at the Bob Forrest Youth Sports Complex in honor of Steve Pomroy; and Item J.2 Consider approval of Naming of Baseball Field #4 at the Bob Forrest Youth Sports Complex in honor of Shane Andrews**

**Mr. Lowe** explained the Board would like to dedicate these fields in honor of Shane Andrews and Steve Pomroy. He said Shane was a baseball icon in Carlsbad in the late 80's and early 90's. He explained Shane went on to play Major League Baseball for 8 years and when he returned to Carlsbad he dedicated his time to the youth by coaching Little League Baseball. **Mr. Lowe** explained Steve Pomroy was a key figure in the startup of American Little League in the early 50's and dedicated over 15 years to coaching the youth of Carlsbad.

**Mayor Janway** added that the both of these men are outstanding choices.

0:15:53        **Motion**

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

0:15:59        **Vote**

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

0:16:13        **4. CONSIDER APPROVAL OF RES. NO. 2017-39, A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 903 PRESIDIO STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS**

**Ms. Riordan** explained this is a residential property in a residential neighborhood. She explained the property has an older family structure plus some accessory building. She said the structures are old, vacant, and not maintained. She said the foundation is failing and based on this condition the building does not look salvageable. She

explained the weed, debris, and pit in the backyard are a hazard. She said the opinion of the Building Inspector, the Code Enforcement Officer, and the Fire Marshall are that the property be condemned and the Resolution adopted.

0:19:49 **Mayor Janway** asked if a representative for the property was present, no one appeared.

0:20:05 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Fores to approve Resolution No. 2017-39, a Resolution finding the Buildings or Structures at the property commonly known as 903 Presidio Street to be Ruined, Damaged, and Dilapidated and finding the premises to be covered with Ruins, Rubbish, Wreckage, Weeds, Debris; requiring the Removal of the Buildings, Structures, Ruins, Rubbish, Wreckage, Weeds, and Debris

0:20:11 **Vote**

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

0:20:21 **5. CONSIDER APPROVAL OF RES. NO. 2017-40, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FROM THE FEDERAL TRANSIT ADMINISTRATION, U.S.C. 5311 FOR FUNDING ASSISTANCE FOR FY 2019-2020 FOR THE MUNICIPAL TRANSIT SYSTEM**

**Mr. McCutcheon** explained this is an annual application to apply for this grant. He said the cities portion of the grant is approximately \$580,000, which has been budgeted. He said the federal portion is approximately \$834,000 for a total of \$1.4 million to allow the city to continue to provide Municipal Transit Services.

**Councilor Rodriguez** asked if the grant is an increase or decrease from prior years. **Mr. McCutcheon** said the grant is about the same and has been a great benefit to the city.

0:22:02 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Durham to approve Resolution No. 2017-40, a Resolution Authorizing Filing of an application to the New Mexico Department of Transportation from the Federal Transit Administration, U.S.C. 5311 for Funding Assistance for FY 2019-2020 for the Municipal Transit System

0:22:08 **Vote**

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

0:22:24        **6. CONSIDER APPROVAL OF REVISION OF RESOLUTION NO 2017-36, A RESOLUTION SUPPORTING THE NM DEPARTMENT OF TRANSPORTATION, FOR PARTICIPATION IN THE FY 17/18 COOPERATIVE ROAD IMPROVEMENTS PROGRAM**

**Mr. McCutcheon** explained this Item was previously approved by Council. He explained the NMDOT requested the termination date of December and that is the only thing that has changed.

0:23:13        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve revision of Resolution No. 2017-36, a Resolution supporting the NM Department of Transportation, for participation in the FY 17/18 Cooperative Road Improvements Program

0:23:31        **Vote**

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

0:23:41        **7. CONSIDER APPROVAL OF REQUEST FROM VICTORIA GRIEGO, BEST OF SHOW MAGAZINE REPRESENTATIVE FOR A BEER GARDEN AT THE CAR SHOW EVENT ON SATURDAY, OCTOBER 14, 2017, AT THE BEACH BANDSHELL**

**Mr. McCutcheon** explained this request requires Council approval for the sale of alcohol at the event. He added that Council has approved similar requests in the past.

**Ms. Victoria Griego** explained she is a photographer for Best of Show Magazine. She explained the Magazine would like to bring a car show and cook off to the Beach Bandshell area. She said they would like the Luxe to provide a beer garden between 12:00 and 6:00 p.m. She explained there will be security and wristbands will be required to enter the beer garden.

0:26:32        **Motion**

The motion was made by Councilor Doporto and seconded by Councilor Anaya Flores to approve request from Victoria Griego, Best of Show Magazine Representative for a Beer Garden at the Car Show Event on Saturday, October 14, 2017, at the Beach Bandshell

0:26:44        **Vote**

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

0:26:59        **8. CONSIDER APPROVAL OF ORD. NO. 2017-20, AN ORDINANCE GRANTING A FRANCHISE TO TDS BROADBAND SERVICES LLC FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM**

0:27:19       **A.     Public Hearing**

**Ms. Riordan** explained the city has several franchise agreements with different entities. She explained the agreements allow the business to routinely use the cities rights of way for their cable systems. She said the city has had an agreement with TDS or their predecessor for over 25 years. She explained the agreement is a franchise fee that is paid to the city for use of the cities rights of way, typically the alleys.

0:28:37       **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.**

0:28:58       **B.     Consider Ordinance No. 2017-20**

0:29:05       **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Durham to approve Ordinance No. 2017-20, an Ordinance granting a Franchise to TDS Broadband Services LL C for the construction and operation of a cable system

0:29:09       **Vote**

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

0:29:19       **9.     CONSIDER APPROVAL OF ORDINANCE NO. 2017-21, AN ORD. REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "R-1" RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 36.01 ACRE PROPERTY LOCATED TO THE WEST OF BOYD DRIVE AND SOUTH OF HIDALGO ROAD; APPLICANT: JAMES AND ZOLENE KNOTT**

**Mr. Patterson** explained this request is to change the zoning from Rural Residential to R-1 Residential. He said this zone change will create a spot zone, however, the applicant plans to install housing similar to the housing in the area. He said the Planning Department and the Planning and Zoning Commission recommend approval.

0:30:47       **A.     Public Hearing**

0:30:49       **Mayor Janway asked if anyone would like to speak in favor of the Ordinance**

**Mr. James Knott**, the applicant, said this zone change would allow for better use of the land. He said smaller lots will help spread out the expense in the development. He explained it would be an asset to the community and create affordable housing. He said R-1 zoning is more restrictive then the R-R and allows for smaller lots.

0:32:16       **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.**

0:32:29        **B.        Consider Ordinance No. 2017-21**

0:32:32        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Durham to approve Ordinance No. 2017-21, an Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential District for an approximately 36.01 Acre property located to the West of Boyd Drive and South of Hidalgo Road; Applicant: James and Zolene Knott

0:32:41        **Vote**

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

0:32:55        **10.        CONSIDER APPROVAL TO ACCEPT THE EDDY COUNTY PURCHASE SERVICES AGREEMENT FOR FISCAL YEAR 17-18, IN THE AMOUNT OF \$250,000**

**Mayor Janway** read a statement regarding city services for County residents. He named some of the services: the new convenience station, city parks, Riverwalk Recreation Center, North Mesa and San Jose Senior Centers, the library, the museum, access to public buildings for meetings, the airport, and most importantly EMS and city fire services. He said in the past the city and county had a public service agreement where the city was paid \$700,000 a year for providing these services. He explained for the past 5 or 6 years the amount the county is willing to pay has been reduced and this year is only \$250,000. He added the agreement before Council tonight requires a substantial amount of reporting to track use of city facilities by county residents. He said this reporting has not been a part of the previous agreements and the city does not have the administrative systems in place to measure and report these services. He said the exception to this is the new convenience station, which is used 40% by county residents at city expense. He added that \$250,000 is not adequate for the cost of supporting county resident's use of city facilities and services. He said for example staff calculated the approximate cost of EMS services provided to the county and the cost was over \$1 million a year.

**Mayor Janway** explained tonight the Council has 3 options; rejecting the Agreement, approving the Agreement, or approving the Agreement conditionally on successful renegotiation of the terms by the Mayor and City Administrator.

**Councilor Carter** said this agreement is offensive. He said we have heard about budget concerns from the county, but the city has the same budget concerns. He said the city has cut back without any reduction in services and the public knows no difference as far as services provided. He said the city always does the right thing and are always holding the bag at the end of the day. He would like Council to re bargain and reject this agreement.



**Councilor Doporto** said he agrees. He said the city cannot continue to pick up the slack financially for the county. He said these services are owed to county residents and the county needs to be held responsible. He said the request for reporting is ridiculous.

**Councilor Rodriguez** said the city has a duty to serve and the county is side stepping their responsibility. He agrees that the agreement needs to be renegotiated and come back before Council.

**Councilor Durham** added she agrees and would like to see the renegotiated contract come back before Council.

**Councilor Anaya Flores** said she is in agreement and the issue needs to be remedied.

**Councilor Carter** added if the county is not in agreement the city will need to create a fee structure for the convenience station and fire and EMS services outside the city limits.

**Councilor Estrada** agreed and asked for the agreement to be renegotiated.

0:40:13      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doporto to reject and renegotiate the Eddy County Purchase Services Agreement for Fiscal Year 17-18, in the amount of \$250,000

0:40:36      **Vote**

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

0:40:50      **11. COUNCIL COMMITTEE REPORTS**

**Ms. Jackson-Christopher** explained that Trisha Korbis, Regional Director of EDA, is editing the application that Council approved for 3.7 million to rehab the Cavern Theater. She explained Ms. Korbis is requesting that the amount be reduced and has asked for some clarification. She is working on the modifications with the grant writer and will resubmit to the EDA.

**Mayor Janway** said that Councilor Shirley and Councilor Doss are at an ECA Conference in Washington, DC.

**Councilor Anaya Flores** said she attended a census meeting in Roswell. She said the city needs to get the word out so everyone participates in the next census. She said we need to help our citizens understand that the city will lose federal funding with low participation. She added the census is vital for our community to receive federal money.

Councilor Carter shared that 737 children are playing soccer this year. He said he cannot say enough about the utilization of the Sports Complex and how important the Complex is to Carlsbad.

0:45:23      **12. ADJOURN**

0:45:27      **Motion**

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

0:45:33      **Vote**

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

0:45:46      **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