

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JANUARY 9, 2018 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada J. R. Doporto Jason Shirley Richard Doss Wanda Durham	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Ward 3	Vacancy
Also Present:	Steve McCutcheon Michael Hernandez Eileen P. Riordan Nadine Mireles John Lowe Luis Camero Ron Myers Wendy Hammett Richard Lopez Jeff Patterson Kent D. Waller Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Community Dev. Director Director of Engineering Services Director of Utilities Finance Director Fire Chief Planning Director Police Chief 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

0:00:28 **Mayor Janway announced that the Student Advisory Council in attendance tonight.**

Ms. Lavern Shannon introduced the Council and thanked the Mayor and Council for the opportunity to participate on the Student Advisory Council.

0:03:45 **Mayor Janway introduced Ms. Carol Worley and added she does a great job with Packs for Hunger.**

Ms. Worley explained the program began 6 years ago to help feed hungry children. She said the program has grown from feeding 10 children a week to feeding 208 to 220 children per week. She explained during the holidays this year the program distributed over 8000 lbs. of food. She added without the help of the community this would not be possible.

Ms. Worley said last year they held the first Shindig and were able to feed hungry children through the end of the school year. She explained they are having another Shindig on January 26, 2018 at the Carousel House and invited everyone to attend. She said the Shindig will be a lot of fun and everything that is raised will go back into the program. She explained the Chapter's goal is zero, she said it would be wonderful to not have one hungry child in the school system. She thanked the Mayor and Council and said it is a pleasure to work with the city and the school system.

Councilor Anaya Flores thanked Ms. Worley and the organization for all that they do and added they are much appreciated

0:09:10 **1. APPROVAL OF AGENDA**

0:09:13 **Motion**

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

0:09:19 **Vote**

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

0:09:29 **2. CONSIDER APPROVAL OF RESOLUTION NO. 2018-01, 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 Street Improvement Fund.

0:11:46 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Durham to approve Resolution No. 2018-01, a Resolution making certain Budgetary Adjustments to the 2017-2018 Fiscal Year Budget

0:11:58 **Vote**

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

0:12:12 **3. CITY OF CARLSBAD FINANCIAL STATEMENTS-NOVEMBER 2017**

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

Councilor Doss commented that the city continues to see the gross receipts tax increase. **Ms. Hammett** said yes and added that in December the gross receipts tax was up to 3.7 million.

Mr. McCutcheon explained we are seeing an increase on a monthly basis but added across the board the city continues to struggle to meet a balanced budget. He added we are seeing an increase monthly and are hopeful that the increase continues. **Ms. Hammett** added there is an increase but not to the extent where the city will have a balanced budget.

0:14:12 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on December 12, 2017
- B. City Personnel Report
- C. Contracts and Agreements:
 - 1) Consider approval to renew Lease Agreement for John Deere Gators for Wastewater Treatment Plant
- D. Purchasing:
 - 1) Consider approval to Advertise Invitation to Bid for Concrete Slip Resistance Improvements at the Carlsbad Water Park
 - 2) Consider approval to Award CES Contract to Exerplay for Additional Shade for Carlsbad Water Park
 - 3) Consider approval to Advertise Invitation to Bid for HVAC Services for City Facilities
 - 4) Consider approval to Advertise Invitation to Bid for Golf Carts Lease for Lake Carlsbad Golf Course
 - 5) Consider approval to Award Bid No. 2017-33, to Hub International for Workers Compensation Insurance
- E. Monthly Reports:
 - 1) Monthly Report, Municipal Court, December 2017
 - 2) Monthly Report, Personnel, December 2017
 - 3) Monthly Report, Sports & Recreation, November 2017
 - 4) Monthly Report, Utilities, November 2017
- F. Set Date: February 13, 2018
 - 1) Consider Approval of An Ordinance Adopting Amendments To The Carlsbad Code Of Ordinances, Chapter 56 – Zoning Ordinance Fee Schedule, Pursuant To Code Of Ordinances Section 56-150 And Section 3-17-1 And 3-18-1 NMSA 1978.
 - 2) Consider Approval of An Ordinance Rezoning Part of “R-2” Residential District to “C-2” Commercial District for an Approximately 1.03 Acre Property,

Located at 1020 North Mesa Street, Legally Described as Lot 15, Block D. Rio Vista Replat #3. Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I).

3) Consider Approval of an Ordinance Rezoning Part of "C-2" commercial District to "C-1" Commercial District for an Approximately 0.20 Acre Property, Located at 801 North Halagueno Street, Legally Described as Lot 13, Block 178, Evarts Subdivision, Pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150-(B) and 56-140(I).

4) Consider Approval of an Ordinance Authorizing the Sale to BES Properties, LLC of an Approximately 2.7 Acre Portion of Carlsbad Airport Industrial Park commonly known as 5212 Petroleum Drive.

0:14:36 **Mayor Janway asked Mr. McCutcheon to discuss Item D.1 Consider approval to Advertise Invitation to Bid for Concrete Slip Resistance Improvements at the Carlsbad Water Park; and Item D.2 Consider approval to Award CES Contract to Exerplay for Additional Shade for Carlsbad Water Park.**

Mr. McCutcheon explained that Item D.1 is a request to advertise invitation to bid for the concrete slip resistance construction at the Water Park. He explained there have been numerous falls at the water park. He said staff has completed extensive research and look forward to etching the concrete to eliminate the slips and falls.

Mr. McCutcheon explained that Item D.2 is to consider approval to award CES contract to Exerplay for additional shade at the Water Park.

0:16:32 **Motion**

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

0:16:46 **Vote**

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

0:17:00 **5. CONSIDER APPROVAL TO SUBMIT APPLICATION FOR NEW MEXICO ARTS AND CULTURAL DISTRICT DESIGNATION**

Mayor Janway asked Mr. John Lowe and Mr. Ken Britt to discuss the item. He also congratulated Mr. Britt on his new position of Entertainment and Promotions Manager.

Mr. Britt said he appreciates the vote of confidence and is very excited to embrace the new opportunity.

Mr. John Lowe introduced Ms. Karla Hammel, MainStreet and Ms. Julie Chester, Creative Carlsbad. He explained that tonight he is requesting approval to submit an application to New Mexico MainStreet for an Arts and Cultural District Designation for the City of Carlsbad.

Mr. Britt explained that several years ago the Council authorized the submission of an application to designate an Arts and Cultural District but the city was not approved. He explained since that time Ms. Jackson-Christopher laid the ground work for a more successful application. He added with the partners at Creative Carlsbad and MainStreet staff feels confident in submitting this application.

0:20:06 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to approve to Submit Application for New Mexico Arts and Cultural District Designation

0:20:15 **Vote**

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

0:20:32 **6. CONSIDER APPROVAL OF RESOLUTION NO. 2018-02, A RESOLUTION PLACING A SIXTY DAY MORATORIUM ON THE PERMITTING AND INSTALLATION OF NEW OFF-PREMISES SIGNS, INCLUDING BILLBOARD TYPES, WITHIN THE CITY OF CARLSBAD**

Mr. McCutcheon explained there have been several large signs that have been put up within the city. He added Mr. Patterson has researched and there is nothing in our sign ordinance regarding these large signs. He also added there have been Supreme Court rulings that discuss the content of various signs. **Mr. McCutcheon** said staff would like to place a Moratorium on these off-premise signs to review regulations.

Mr. Patterson explained he has received calls from vendors in the sign industry indicating that there would be more requests for billboards to be placed along the main thoroughfares of the city. He added the cities sign ordinance does not address billboards very thoroughly.

Councilor Shirley asked if there are any signs or billboards that are currently permitted that this Resolution would stop. **Mr. Patterson** said an application was submitted today but has not been approved. **Mr. Patterson** added the Moratorium will halt the permitting of applications, so the application received will be put on hold.

Councilor Shirley asked if an applicant has been approved and permitted would the applicant be allowed to move forward. **Mr. Patterson** said yes. **Mr. McCutcheon** added that at this time no permits that have been granted permission will be stopped due to this Resolution.

Ms. Riordan explained that a recent Supreme Court ruling strongly deregulated and limited what municipalities could do to regulate signs. She explained that the cities sign ordinance was essentially demolished by that ruling.

0:26:49 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve Resolution No. 2018-02, a Resolution placing a sixty day Moratorium on the Permitting and Installation of New Off-Premises Signs, including Billboard types, within the City of Carlsbad

0:26:56 **Vote**

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

0:27:07 **7. COUNCIL COMMITTEE REPORTS**

Councilor Doss urged anyone running in the upcoming election to attend the Brine Well Meeting tomorrow at 1:30 p.m. to become familiar with what is going on with the Brine Well.

Councilor Rodriguez said there is also a Lea and Standpipe roadway construction meeting on Thursday at 5:30 p.m. He added there will also be a meeting of the Roadway Integrated Safety Program at the Skeen Whitlock Building.

0:28:13 **8. ADJOURN**

0:28:14 **Motion**

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

0:28:20 **Vote**

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

0:28:46 **Adjourn**

There being no further business, the meeting was adjourned at 6:30 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Nadine Mireles_____
City Clerk