

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON OCTOBER 23, 2018 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor <i>via telephone</i>
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor
	Jason Shirley	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor

Absent:

Also Present:	Michael Hernandez	City Administrator
	John Lowe	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Ken Britt	Community Dev. Director
	Coby Crouch	Director of Projects
	Ron Myers	Director of Utilities
	Sam Plumlee	IT Director
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	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

0:00:33 **1. APPROVAL OF AGENDA**

0:00:36 **Motion**

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

0:00:40 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:00:59 **2. CITY OF CARLSBAD FINANCIAL STATEMENTS - SEPTEMBER 2018**

Ms. Hammett reviewed the revenues and expenditures as of September 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:03:07 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on October 9, 2018
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation for Bid for Rapid Extraction Module Vehicle (Supervisors Truck) for City of Carlsbad Fire Department
- D. Monthly Reports
 - 1) Community Development Department, September 2018
 - 2) Planning, Engineering & Regulations Department, September 2018
 - 3) Transportation and Facilities, August 2018
 - 4) Utilities Department, September 2018
- E. Board and Committee Appointments
 - 1) Carlsbad Police Department Citizen Advisory Board - Re-Appoint A.C. Rodriguez 4 year term
 - 2) City of Carlsbad Tree Advisory Board - Re-Appoint John Barry 4 year term
- F. Set Date: December 11, 2018
 - 1) Consider Approval of an Ordinance Rezoning Part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 0.30 acre property, located at 317 North Sixth Street, legally described as Quarter: NE Section 2, Township 22S, Range 26E, TR 42 in SENE Map# 219-72, Pursuant to Section 3-21-1 ET. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances
 - 2) Consider Approval of an Ordinance Rezoning Part of "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.40 acre property, located at 412 E Church St., legally described as Lots 21 & 23, Block 113, Kerr Park Amended 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) Consider Approval of an Ordinance Rezoning Part of "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.69 acre property, located at 309 Crestview Street, legally described as Lots 1, 3, 5, 7, and 9, Block 3, Southridge Subdivision, Pursuant to Section 3-21-1 ET. Seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances.

0:03:28 **Mayor Janway asked Chief Lopez to discuss Item C.1 Consider Approval to Advertise Invitation for Bid for Rapid Extraction Module Vehicle (Supervisors Truck) for City of Carlsbad Fire Department**

Chief Lopez explained this item is an Invitation for Bid for a Rapid Extraction Module Vehicle that would be deployed on wildland fires. He said the department is reimbursed by the Forestry Department and would like to purchase needed equipment with the surplus funds.

0:05:12 **Motion**

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

0:05:19 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:05:41 **4. CONSIDER APPROVAL TO APPOINT AN INTERIM MUNICIPAL COURT JUDGE FOR 2019**

Mr. Hernandez explained in March of 2018, Council approved Ms. Janell Whitlock to serve as Interim Municipal Judge in the absence of the Municipal Judge. He said the approval ends in 2018 and staff is requesting approval to reappoint Ms. Whitlock as the Interim Municipal Judge for 2019.

0:06:34 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve to appoint an Interim Municipal Court Judge for 2019

0:06:39 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:06:58 **5. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION FOR EXPANSION OF TEMPORARY HOUSING AS A TEMPORARY USE AT 1012 AIRPORT AVE, LEGALLY DESCRIBED AS JOEL SUBDIVISION, BLOCK B, LOT 4,5,6,7,8,9,10,11, ZONED "C-2" COMMERCIAL 2 DISTRICT APPLICANT/OWNER: CINDY & GARY TAYLOR & JOE D. JENKINS**

Mr. Patterson explained this request is to expand the existing temporary RV Park located at 1012 Airport Ave. He said they would like to expand from 9 spaces to 37 spaces. He said the Planning and Zoning Commission and the Planning Department recommend approval.

Councilor Chavez asked what the total acreage of the Park will be. **Mr. Patterson** said the total acreage will be 1.77 acre. **Councilor Chavez** asked why these are being brought to Council if the Ordinance states the minimum for a Temporary Use is 2 acres

minimum. **Mr. Patterson** explained as the Ordinance is stated the applicant is allowed the variance process and the applicants were granted a variance by the Planning and Zoning Commission.

Mr. Gary and Cindy Taylor said they were present to answer any questions and are requesting approval. **Mr. Taylor** added if you look at the total acreage of the property it is over 2 acres. **Ms. Taylor** said they live on the property and take very good care of it and have never had any problems with the occupants.

Mayor Janway said the Taylors have done a great job and have improved the area.

0:14:31 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Request for Temporary Use Application for expansion of Temporary Housing as a Temporary Use at 1012 Airport Ave, legally described as Joel Subdivision, Block B, Lot 4,5,6,7,8,9,10,11, Zoned "C-2" Commercial 2 District Applicant/Owner: Cindy & Gary Taylor & Joe D. Jenkins

0:14:36 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:14:59 **6. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 2608 TULIP ST., LEGALLY DESCRIBED AS COTTONWOODS MEADOWS UNIT 1 SUBDIVISION, LOT 1, BLOCK 7 ZONED "R-R" RURAL RESIDENTIAL DISTRICT APPLICANT/OWNER: JIMMY PADILLA**

Mr. Patterson explained this request is to allow temporary housing as a temporary use at 2608 Tulip St. He said the approximate size of the property is approximately 5.17 acres. He said the Planning and Zoning Commission and the Planning Department recommend approval.

Councilor Chavez asked if the ingress and egress requires more than one exit. **Mr. Patterson** said if there is adequate turn around for emergency vehicles one is allowed.

0:17:24 **Mr. Padilla** said he knows there is a need for housing and he is requesting approval.

0:18:45 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 2608 Tulip St., legally described as Cottonwoods Meadows Unit 1 Subdivision, Lot 1, Block 7 zoned "R-R" Rural Residential District Applicant/Owner: Jimmy Padilla

0:18:50 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:19:13 **7. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 1009 MALAGA AVE, LEGALLY DESCRIBED AS JOEL SUBDIVISION, LOT 12, BLOCK B ZONED "C-2" COMMERCIAL 2 DISTRICT APPLICANT/OWNER: CHARLES & DORIS THOMPSON & PAUL A. THOMPSON**

Mr. Patterson explained this is a request to allow a Temporary RV Park at 1009 Malaga Avenue. He said the property is approximately 1.10 acres and the applicant has requested a variance and the variance was approved by the Planning and Zoning Commission.

Councilor Chavez asked why the properties continue to get smaller and why the variances are approved. **Mr. Patterson** said if it is the will of the Council staff can amend the Ordinance to remove Temporary RV Parks from the variance process. **Councilor Chavez** said he would like to make the recommendation to staff to remove the variance process and Councilor Estrada agreed. **Councilor Rodriguez** asked if he could add to the recommendation that a minimal spacing for each spot be added. **Mr. Patterson** said staff can outline in the Ordinance a minimum size for each space.

0:23:29 **Mr. Paul Thompson** said he is speaking on behalf of himself and his parents. He said the income would be beneficial to his parents and added the lot is small but they have followed all the guidelines for spacing and setbacks.

0:28:00 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 1009 Malaga Ave, legally described as Joel Subdivision, Lot 12, Block B zoned "C-2" Commercial 2 District Applicant/Owner: Charles & Doris Thompson & Paul A. Thompson

0:28:08 **Vote**

The vote was as follows: Yes -Anaya Flores, Carter, Rodriguez, Shirley, Waters, Walterscheid; No - Chavez, Estrada; Absent- None; the motion carried.

0:28:37 **8. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 1524 S CANAL ST., ZONED "C-2" COMMERCIAL 2 DISTRICT APPLICANT/OWNER: KATHY LAREZ**

Mr. Patterson explained this request is for a Temporary RV Park to be located at 1524 S. Canal St. He added the acreage of the property is 0.83 acre. He said the site plan does not meet the requirements and does not indicate how the utilities will be supplied to

each space. He said the Planning and Zoning Commission approved a variance for lack of acreage.

0:30:35 **Motion to Deny**

Councilor Rodriguez made the motion to deny this not based solely on the minimal requirement of spacing but on inadequacy of presentation and paperwork, I move to deny.

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to deny the Request for Temporary Use Application to allow Temporary Housing as a Temporary Use at 1524 S. Canal St., zoned "C-2" Commercial 2 District
Applicant/Owner: Kathy Larez

0:30:57 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:31:23 **9. CONSIDER APPROVAL TO CANCEL THE REGULAR SCHEDULED CITY COUNCIL MEETINGS ON NOVEMBER 27, 2018 AND DECEMBER 25, 2018**

0:31:59 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Estrada to approve to cancel the regular scheduled City Council Meetings on November 27, 2018 and December 25, 2018

0:32:15 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:32:38 **10. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez commended Mayor Janway for the articles in the paper recently. He said the articles were very informative to the constituents.

Mayor Janway commended Councilor Shirley and Councilor Rodriguez for their public comments at the WIPP Volume of Record Permit Hearings.

Mayor Janway asked Chief Lopez for an update on Fire Station No. 4 and No. 6. **Chief Lopez** said the design is complete for Station No. 6 and he would like to have the design out for bid by December. He added when Fire Station No. 6 is complete, the department will move out of Station No. 4 and Chief Skinner can give an update on his move to Station No. 4.

Councilor Estrada asked for an update on Standpipe and San Jose Road. **Mr. Crouch** explained the county will begin work on Derrick Road in November and the project timespan is approximately two months.

Mr. Crouch explained the contractor has completed the asphalt paving on San Jose and is currently working on adjusting manholes and water valves that are in the road. He said striping is scheduled for November 5, 2018 and once complete the road will be open. He said Constructors has given the date of November 16, 2018 to have Standpipe Road open.

0:39:37 **Mayor Janway** appointed a Mayors Committee for Temporary Housing and to review the 2 acre requirement. He appointed Councilor Carter, chairman, Councilor Rodriguez, Councilor Chavez, and Mr. Patterson.

0:40:18 **11. ADJOURN**

0:40:25 **Motion**

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

0:40:34 **Vote**

The vote was as follows: Yes -Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent- None; the motion carried.

0:40:55 **Adjourn**

There being no further business, the meeting was adjourned at 6:42 p.m.

_____/s/Dale Janway_____
Dale Janway, Mayor

ATTEST:

_____/s/Nadine Mireles_____
Nadine Mireles, City Clerk