

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON MARCH 26, 2019 AT 6:00 P.M.**

Present:	Dale Janway Edward T. Rodriguez Leo B. Estrada Jason O. Chavez Jason Shirley Judith E. Waters Wesley A. Carter Mark C. Walterscheid	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Lisa A. Anaya Flores	Councilor
Also Present:	Michael Hernandez John Lowe Eileen P. Riordan Nadine Mireles Ken Britt Angie Barrios-Testa KC Cass Ron Myers Sam Plumlee Wendy Austin Richard Lopez Jeff Patterson Shane Skinner Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Community Dev. Director Director of Municipal Services Director of Projects Director of Utilities IT Director 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**

0:00:02      Invocation - Pledge of Allegiance

0:00:36      **Mayor Janway** announced that today is the 20 year Anniversary of the opening of WIPP. He said WIPP has been an international model for transuranic waste disposal. He added WIPP will also be celebrating its 20th Anniversary with an ice cream social at 3:00 p.m., April 6, 2018 on the courthouse lawn.

**Mayor Janway** asked the WIPP guests to come to the podium where Councilor Chavez read the Proclamation.

0:07:54      **1. APPROVAL OF AGENDA**

0:07:56      **Motion**

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

0:07:59      **Vote**

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

0:08:16      **2. CITY OF CARLSBAD FINANCIALS - FEBRUARY 2019**

**Mrs. Austin** reviewed the revenues and expenditures as of February 2019 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:10:36      **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 12, 2019
- B. City Personnel Report
- C. Purchasing
  - 1) Consider Approval to Advertise Invitation to Bid for Display for Rehabilitation of Potash Mining Equipment at the Potash Park
  - 2) Consider Approval to Advertise Invitation to Bid for Ornamental Iron Fence surrounding the Potash Park
- D. Monthly Reports
  - 1) Community Development Department February 2019
  - 2) Municipal Services Department February 2019
  - 3) Utilities Department February 2019
- E. Board Appointments
  - 1) Carlsbad Police Department Citizen Advisory Board Appoint: David Redford 4 year term
  - 2) Carlsbad Museum & Art Center Board of Trustees Appoint: Mannie Bemis remainder 4 year term

0:10:57      **Motion**

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

0:11:05      **Vote**

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

0:11:22      **4.      CONSIDER APPROVAL OF RESTAURANT SERVICES CONTRACT BETWEEN CARLSBAD CHAMBER OF COMMERCE AND PJ & B'S RIO CAFÉ FOR A CONCESSION SUBLET AT PECOS RIVER VILLAGE CONFERENCE CENTER**

**Ms. Testa** explained this request is to approve a restaurant services contract by and between the Carlsbad Chamber of Commerce, Inc. and PJ & B's Rio Cafe for a concessions sublet at Pecos River Village Conference Center.

0:13:20      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Restaurant Services Contract between Carlsbad Chamber of Commerce and PJ & B's Rio Cafe for a concession sublet at Pecos River Village Conference Center

0:13:25      **Vote**

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

0:13:37      **5.      CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN**

**Mr. Hernandez** explained this is a renewal of a Business License for Courtesy Sporting and Pawn. He explained due to the nature of this business the renewal is brought before Council each year for approval. **Mr. Hernandez** added that Captain Jared Florez verified that Courtesy Sporting and Pawn carries an A+ business rating with no reported problems.

0:14:17      **Motion**

The motion was made by Councilor Waters and seconded by Councilor Shirley to approve Renewal of Business License for Courtesy Sporting and Pawn

0:14:24      **Vote**

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

0:14:38      **6.      CONSIDER APPROVAL OF REQUEST FROM TOWN & COUNTRY TO CONNECT TO THE MUNICIPAL SEWER SYSTEM FOR SEWER OUTSIDE CITY LIMITS FOR PROPERTY LOCATED AT 1716 N CANAL**

**Mr. Myers** explained this is a request from Town & Country to connect to the city's sewer system. He explained the property owner would be responsible for all costs to extend the sewer system from Cherry Lane to their property and all work would have to conform to the city's current infrastructure specifications. **Mr. Myers** added the property owners would also be required to comply with all county requirements.

0:18:38        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Request from Town & Country to connect to the Municipal Sewer System for sewer outside City Limits for property located at 1716 N. Canal

0:18:41        **Vote**

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

0:18:59        **7. CONSIDER APPROVAL OF RESOLUTION NO 2019-10, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO TOURISM DEPARTMENT FOR THE FY20 NEW MEXICO CLEAN AND BEAUTIFUL GRANT**

**Mr. Hernandez** explained staff is requesting to apply for the New Mexico Clean and Beautiful Grant FY20. He explained the grant would be submitted for \$22,650.00, with the city having a 25% match of \$5,662.50 for a total of \$28,312.50. He said the city applies for this grant each year and the proceeds will be applied to Riverblitz clean up, litter pickups, Keep America Beautiful, and travel for the annual conference.

0:19:59        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution No. 2019-10, a Resolution authorizing filing of an application to the New Mexico Tourism Department for the FY20 New Mexico Clean and Beautiful Grant

0:20:03        **Vote**

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

0:20:21        **8. CONSIDER APPROVAL OF REQUEST FROM BAR O'B HORSESHOE ART FOR SPECIAL LICENSE TO ALLOW RETAIL SALES IN A PORTION OF RIGHT-OF-WAY ALONG 1511 W PIERCE STREET**

**Mr. Patterson** explained this application is a request for a special license to allow retail sales in a portion of public right-of-way along Pierce St. He explained the applicant has a current business registration as well as a temporary license to setup on Carlsbad National Bank property. **Mr. Patterson** explained that the applicant was actually setting up in state right-of-way, which is not allowed.

0:23:06        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to deny request from Bar O'B Horseshoe Art for Special License to allow retail sales in a portion of right-of-way along 1511 W. Pierce Street

0:23:20 **Vote**

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

0:23:42 **Mayor Janway** explained to Mr. O'Brien that he could set up and sale on Carlsbad National Bank property but was not allowed to sale from the right-of-way. **Mr. O'Brien** said he started this business three years ago. He explained he obtained a business license and received permission from Mr. Jenkins at Carlsbad National Bank. He said code enforcement stopped and asked for his license and he provided his business license and Ms. Devlin told him he needed a parking lot permit. He explained he obtained the parking lot permit and now three years later he is being told he cannot sale in the right-of-way and feels he is being treated unfairly.

0:26:27 **9. CONSIDER APPROVAL OF ORDINANCE 2019-10, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 4.61 ACRE PROPERTY LOCATED AT 625 PARK DRIVE APPLICANT: CITY OF CARLSBAD**

0:26:53 **A. Public Hearing**

**Mr. Patterson** explained this request is for a zone change from "C-2" Commercial 2 District to "C-1" Commercial 1 District for approximately 4.61 acre parcel located at 625 Park Drive. He explained the City of Carlsbad is the applicant and this zone change is for part of a proposed development for the property.

0:27:47 **Mayor Janway 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**

0:28:02 **B. Consider Approval**

0:28:05 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Ordinance No. 2019-10, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 4.61 acre property located at 625 Park Drive Applicant: City of Carlsbad

0:28:12 **Vote**

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

0:28:28 **10. CONSIDER APPROVAL OF ORDINANCE 2019-11, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 16.77 ACRE PROPERTY**

**LOCATED AT CASCADES AVE APPLICANT: DEPARTMENT OF DEVELOPMENT**

0:28:51      **A.      Public Hearing**

**Mr. Patterson** explained this request is for a zone change from "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 16.77 acre parcel located at Cascade Avenue. He said the application goes hand in hand with the previous item and includes the remainder of the property that the city does not hold. He said the zone change will allow a more appropriate range of uses for the development being proposed. He added the Planning and Zoning Commission recommend approval.

0:29:49      **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Craig Stevens**, Carlsbad Department of Development, said the Department encourages the zone change. He said there is a development that they would like to begin building and it will be great for this area of town. He explained the development is interested in adding 300 housing units.

0:30:35      **Mayor Janway 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**

0:30:42      **B.      Consider Approval**

0:30:45      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Ordinance No. 2019-11, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 16.77 acre property located at Cascades Ave Applicant: Department of Development

0:30:50      **Vote**

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

0:31:09      **11.      CONSIDER APPROVAL OF ORDINANCE 2019-12, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 10.408 ACRE PROPERTY LOCATED ALONG THE EAST SIDE OF BOYD DRIVE AND NORTH OF HIDALGO ROAD APPLICANT: WHITE OAK DEVELOPMENT**

0:31:35      **A.      Public Hearing**

**Mr. Patterson** explained this request is for a zone change from "R-R" Rural Residential District to "R-2" Residential 2 District for approximately 10.408 acre property. He said

the applicant plans to build an apartment complex on the property. He added the Planning and Zoning Commission recommends approval.

**Councilor Walterscheid** asked if the increase in traffic would create an issue at the intersection of Boyd and Hidalgo. **Mr. Patterson** said there will be an increase in traffic and he believes the city has a plan in place to address the intersection. **Mr. Hernandez** explained that the city is currently in an agreement with an engineering contractor to take a look at redesigning the intersection of Boyd and Hidalgo. He added that Boyd Drive is tentatively on the schedule to upgrade from the intersection of Radio Boulevard to the intersection of National Parks Highway.

0:34:23        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Ms. Shannon Carr** said she is in favor of the rezoning and that the area desperately needs multi-family housing.

0:35:09        **Mayor Janway 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**

0:35:18        **B. Consider Approval**

0:35:21        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Ordinance No. 2019-12, an Ordinance rezoning part of "R-R" Rural Residential District to "R-2" Residential 2 District for an approximately 10.408 acre property located along the East side of Boyd Drive and North of Hidalgo Road Applicant: White Oak Development

0:35:27        **Vote**

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

0:35:42        **12. CONSIDER APPROVAL OF ORDINANCE 2019-13, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 10.00 ACRE PROPERTY LOCATED AT 3305 BOYD DRIVE APPLICANT: DAVID MALEY**

0:36:05        **A. Public Hearing**

**Mr. Patterson** explained this request is to change the zoning of the subject property from "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.00 acre parcel. He said the applicant would like to locate a business on the property which will require "C-2" zoning. He added the Planning and Zoning Commission recommends approval.

0:37:03        **Mayor Janway 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**

0:37:17        **B.     Consider Approval**

0:37:21        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance No. 2019-13, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.00 acre property located at 3305 Boyd Drive, Applicant: David Maley

0:37:25        **Vote**

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

0:37:41        **13.     CONSIDER APPROVAL OF ORDINANCE 2019-14, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-3.31 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD FOR PROPERTY LOCATED AT 2710 DONA ANA STREET APPLICANT: MARCELO & ERMINIA NAVARRETTE**

0:38:07        **A.     Public Hearing**

**Mr. Patterson** explained the applicant has submitted a petition for annexation of approximately 3.31 acres located at 2710 Dona Ana St. He added the property is contiguous to the city's municipal boundary. **Mr. Patterson** said the Planning and Zoning Commission recommend approval.

0:39:44        **Mayor Janway 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**

0:39:58        **B.     Consider Approval**

0:40:01        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2019-14, an Ordinance annexing a portion of land containing +/-3.31 acres more or less, contiguous to the City of Carlsbad for property located at 2710 Dona Ana Street, Applicant: Marcelo & Erminia Navarrette

0:40:09        **Vote**

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



0:40:23      **14.      CONSIDER APPROVAL OF ORDINANCE 2019-15, AN ORDINANCE APPLYING "R-R" RURAL RESIDENTIAL DISTRICT TO AN APPROXIMATELY 3.31 ACRE PROPERTY LOCATED AT 2710 DONA ANA STREET APPLICANT: MARCELO & ERMINIA NAVARRETTE**

0:40:45      A.      Public Hearing

Mr. Patterson explained this item goes with the previous annexation. He said it is required that the city apply zoning to approved annexations. He explained the applicant is requesting "R-R" Rural Residential District zoning and plans to use the property as a residence. **Mr. Patterson** added the Planning and Zoning Commission recommend approval.

0:41:35      **Mayor Janway 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**

0:41:48      B.      Consider Approval

0:41:51      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2019-15, an Ordinance applying "R-R" Rural Residential District to an approximately 3.31 acre property located at 2710 Dona Ana Street, Applicant: Marcelo & Erminia Navarrette

0:41:59      **Vote**

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

0:42:14      **15.      CONSIDER APPROVAL OF ORDINANCE 2019-16, AN ORDINANCE ADOPTING AMENDMENTS TO CARLSBAD CODE OF ORDINANCES, CHAPTER 47- SUBDIVISION REGULATIONS**

0:42:30      A.      Public Hearing

**Mr. Patterson** explained this Ordinance is to amend Chapter 47 of the Subdivision Ordinance to incorporate Bulk Platting Process for large scale Master Planned Developments. He explained this would allow for large scale developments that have been through the master planning process to be eligible to subdivide the property without requiring immediate infrastructure installation.

**Councilor Rodriguez** asked if this amendment would work well in areas of mixed zoning. **Mr. Patterson** said this provision is restricted for developments that have produced a master plan stating where the uses will be on the property.

0:45:34        **Mayor Janway 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**

0:45:50        **B.     Consider Approval**

0:45:54        **Motion**

The motion was made by Councilor Waters and seconded by Councilor Estrada to approve Ordinance No. 2019-16, an Ordinance adopting Amendments to the Carlsbad Code of Ordinances, Chapter 47 - Subdivision Regulations

0:45:59        **Vote**

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

0:46:14        **16.     CONSIDER APPROVAL OF ORDINANCE 2019-17, AN ORDINANCE ADOPTING AMENDMENTS TO CARLSBAD CODE OF ORDINANCES, CHAPTER 56 - ZONING ORDINANCE**

0:46:30        **A.     Public Hearing**

**Councilor Carter** explained that the committee did their due diligence and feels the amendments address the concerns.

**Mr. Patterson** added that this is an evolving policy and these amendments will assist in moving forward in the most responsible way.

**Councilor Shirley** asked if the minimum acreage remained at 2 acres. **Mr. Patterson** answered, yes. **Councilor Shirley** asked if the variance process remains. **Mr. Patterson** said in the proposed amendments the acreage requirement is not subject to the variance process. He said all Temporary Use Permit applications for Temporary Housing must fully meet the acreage requirements to apply. **Councilor Shirley** asked if there is a process in place for the need of temporary housing. **Mr. Patterson** said at this time the method in place is to contact park operators to gauge the vacancy rate, combined with visits to the property.

0:54:09        **Mayor Janway 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**

0:54:22        **B.     Consider Approval**

0:54:26        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Chavez to approve Ordinance No. 2019-17, an Ordinance adopting Amendments to Carlsbad Code of Ordinances, Chapter 56 - Zoning Ordinance

0:54:34        **Vote**

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

0:54:51        **17. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** said the initial training meeting with the Census Committee was held today. He said the Committee has a lot of work to do and will work diligently towards April 1, 2020 for the Census Count.

**Mayor Janway** announced congresswoman Xochitl Torres Small will be in Carlsbad on April 17th to discuss the census.

0:55:56        **18. ADJOURN**

0:56:00        **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to Adjourn

0:56:05        **Vote**

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

0:56:23        **Adjourn**

There being no further business, the meeting was adjourned at 6:59 p.m.

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

ATTEST:

\_\_\_\_\_/s/Nadine Mireles\_\_\_\_\_  
Nadine Mireles, City Clerk