

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON APRIL 23, 2019 AT 6:00 P.M.**

Present:	Dale Janway Edward T. Rodriguez Leo B. Estrada Jason O. Chavez Judith E. Waters Wesley A. Carter Mark C. Walterscheid	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Lisa A. Anaya Flores Jason Shirley	Councilor 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**

0:00:01      Invocation - Pledge of Allegiance

0:00:37      **1. APPROVAL OF AGENDA**

0:00:39      **Motion**

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

0:00:44       **Vote**

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

0:01:04       **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 9, 2019
- B. City Personnel Report
- C. Purchasing
  - 1) Consider Approval to Reject and Rebid for the Addition and Remodel of Fire Station #6 located at the Cavern City Air Terminal
  - 2) Consider Approval to Conduct Annual Bids for the 2019-2020 Fiscal Year for Concrete, Tree Trimming and Pest Control Services
  - 3) Consider Approval to Award RFP No 2019-03 to Mitchell and Cruse Architecture, LLC for Professional Design services for the new San Jose Senior Center
  - 4) Consider Approval to Award RFP No 2019-08 to Aquatic Consultants Inc. for Professional Aquatic Management Services for the effluent ponds at the Carlsbad Municipal Golf Course
- D. Contracts and Agreements
  - 1) Consider Approval of Third Renewal of Professional Services Agreement between the City of Carlsbad and Chaparral Claims & Investigations, LLC for Claims Administration and Adjustment Services
- E. Monthly Reports
  - 1) Community Development Department March 2019
  - 2) Municipal Court March 2019
  - 3) Municipal Services Department March 2019
  - 4) PER Department March 2019
  - 5) Utilities Department March 2019
- F. Set Date: May 28, 2019
  - 1) An Ordinance extending a moratorium on the acceptance, review and issuance of all building and subdivision permits in the area known as the I&W Brine Well main cavern and partial salt removal areas
- G. Set Date: June 11, 2019
  - 1) An Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 9.66 acre property, located at 1318 W. Derrick Rd
  - 2) An Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 16.162 acre property, located at 1224 W. Derrick Rd
  - 3) An Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 2.87 acre property, located at 3804 National Parks Hwy
  - 4) An Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2

0:01:26        **Mayor Janway asked Mr. Hernandez to discuss item C.1 Consider Approval to Reject and Rebid for the Addition and Remodel of Fire Station #6 located at the Cavern City Air Terminal.**

**Mr. Hernandez** explained staff is requesting approval to reject and rebid the proposals that were received for the remodel of Fire Station #6. He explained the city has \$1.9 million total budgeted for the remodel and the lowest bid came in at \$2.4 million. He explained the projects team has met with the architect to work on cutting the price and get the remodel within the \$1.9 million budget.

0:02:20        **Motion**

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

0:02:26        **Vote**

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

0:02:43        **3.        CONSIDER APPROVAL OF REQUEST FOR A BUSINESS LICENSE BY THE HEIGHTS LION CLUB FOR A CARNIVAL AT 300 AND 301 DIAZ STREET (RAY ANAYA/SAN JOSE PLAZA AND PARK)**

**Mr. Patterson** explained the Heights Lions Club is requesting a special business license to hold a carnival at 300 and 301 Diaz Street. He said this is a yearly event held by the Lions Club. He said all the ordinance requirements have been met and the Planning Department recommends approval.

0:03:48        **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Request for a Business License by the Heights Lions Club for a Carnival at 300 and 301 Diaz Street

0:03:52        **Vote**

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

0:04:05        **4.        CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE FOR AN APPROXIMATELY 2.17 ACRES AT 3402 HIDALGO, CARLSBAD, NM; APPLICANT: ROBERT CULVER**

**Mr. Patterson** explained request is to allow Temporary Housing as a Temporary Use at 3402 Hidalgo Road. He said the previous property owner had 4 spaces approved for temporary RV lodging. He said the property has been sold and the new owner would like to expand the park to 16 lodging spaces. He said the Planning and Zoning Commission and the Planning Department recommend approval of the Temporary Use Application.

0:05:28        **Motion**

The motion was made by Councilor Estrada and seconded by Councilor Chavez to approve request for a Temporary Use Application to allow Temporary Housing as a Temporary Use for an approximately 2.17 acres at 3402 Hidalgo, Carlsbad, NM; Applicant: Robert Culver

0:05:37        **Vote**

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

0:05:50        **5. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE FOR AN APPROXIMATELY 3.44 ACRES AT 2605 & 2607 VIOLET, CARLSBAD, NM; APPLICANT: COLIN GRIMES**

**Mr. Patterson** explained this is a request to allow Temporary Housing as a Temporary Use at 2605 & 2607 Violet Street. He explained the property is located off of an alley access. He said the applicant has provided a site plan showing he will meet all of the requirements. He added the city will look at naming the alley so the property will be addressed properly. He said the Planning Department and the Planning and Zoning Commission recommend approval.

0:08:48        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Request for a Temporary Use Application to allow Temporary Housing as a Temporary Use for an approximately 3.44 acres at 2605 & 2607 Violet, Carlsbad, NM; Applicant: Colin Grimes

0:08:56        **Vote**

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

0:09:11        **6. CONSIDER APPROVAL OF RESOLUTION NO 2019-14, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDING AND DEBRIS AT 1829 W TEXAS STREET OWNER: JIMMY G. AND HEATHER WILCOX**

**Ms. Riordan** explained this property is near the southeast corner of Texas and Third Street. She explained in July of 2018 there was a fire on the property causing significant structural damages. She explained Code Enforcement has contacted the owners to have the property cleaned and the property remains very unsightly and unsafe. **Ms. Riordan** explained staff has been in contact with an individual who wishes to buy the property. She added staff's recommendation is regardless of the change in ownership, that Council adopts the Resolution. She said the Resolution as drafted allows 30 days to bring the property into compliance.

**Mr. Jesus DeAvila** explained he just signed the contract to purchase the property. He explained he spoke to Mr. KC Cass and was told to contact an asbestos company before he can be issued a permit to remove the structure. **Mr. Cass** explained there was a very significant fire at the property. He said the fire left over half of the property completely structurally deficient and in danger of collapse. He said the biggest immediate concern to the public is the open nature and people or children wandering into the property.

**Mr. De Avila** added that his plan is to remove all the structures, flatten out the property, and put up a privacy fence around the property. **Mr. Cass** added if additional time is given he recommends a construction type fence be put up around the property.

0:18:35        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution No. 2019-14, a Resolution requiring the removal of the building and debris at 1829 W. Texas Street Owner: Jimmy G and Heather Wilcox

0:19:11        **Vote**

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

0:20:44        **7. CONSIDER APPROVAL OF ORDINANCE 2019-21, AN ORDINANCE ADOPTING AMENDMENTS TO THE CARLSBAD CODE OF ORDINANCES, CHAPTER 20 - FIRE PREVENTION AND PROTECTION ORDINANCE**

0:21:00        **A. Public Hearing**

**Mr. Patterson** explained a recent annexation was approved by Council at the intersection of Standpipe Rd. and W. Lea St. which forced annexed several properties into the city. He explained the properties that were force annexed currently house fireworks stands. He explained the city's current Fire Prevention and Protection Ordinance prohibits the sale of most fireworks within the city limits. **Mr. Patterson** said he was directed to review the Ordinance and bring forward amendments that would allow these force annexed properties to continue the sale of prohibited fireworks and continue their business. He added the Planning Department, the Fire Department, and the City Attorney's Office worked on the amendments and present them tonight for Council's consideration and approval.

0:22:54        **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

**Mr. Jenkins** asked if the properties are sold to a new owner would the sale of fireworks be allowed by the new owner. **Ms. Riordan** explained as the Ordinance is drafted, a sale would not affect the sale of fireworks as long as the sale was to an immediate family member. She added if the sale was outside the immediate family the permission

would end. **Mr. Jenkins** asked if the stands would be allowed to shoot off ariel fireworks? Ms. Riordan said no. **Mr. Jenkins** asked if a city permit would be required. **Ms. Riordan** said yes

0:25:32 **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

0:25:44 **B. Consider Approval**

0:25:46 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2019-21, an Ordinance adopting amendments to the Carlsbad Code of Ordinances, Chapter 20 - Fire Prevention and Protection Ordinance

0:25:52 **Vote**

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

0:26:06 **8. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** said the Census Committee had a very good meeting with Xochitl Torres Small. He added a lot of good information was exchanged.

**Councilor Chavez** said he will be visiting Washington, DC next week to meet with New Mexico Representatives to discuss city business, the oil field, and the WIPP project.

**Mayor Janway** added that Congresswoman Small has an office in city hall and said it will be staffed two to three days per week.

0:27:39 **9. ADJOURN**

0:27:41 **Motion**

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

0:27:47 **Vote**

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

