

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON MAY 14, 2019 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	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
	Angie Barrios-Testa	Director of Municipal Services
	KC Cass	Director of Projects
	Ron Myers	Director of Utilities
	Sam Plumlee	IT Director
	Brent Griffith	IT Technician
	LaVelta Jenkins	Assistant City Treasurer
	Mellissa Salcido	Grants Administrator
	Richard Lopez	Fire Chief
	Scot Bendixsen	HR Director
	Jeff Patterson	Planning Director
	Trysha Carrasco	Deputy 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

0:00:31 **Presentation of National Public Works Week Proclamation**
Mr. Hernandez read the Proclamation presented to the Public Works Department. He proclaimed the week of May 19 - 25, 2019 as National Public Works Week.

Mr. Pat Cass explained staff will provide a lunch to Public Work employees on May 23, 2019 at the new pavilion at the Bandshell from 12:00 - 1:00 p.m. and invited the Mayor and Council to attend.

0:02:57 **1. APPROVAL OF AGENDA**

0:03:00 **Motion**
The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve the Agenda

0:03:06 **Vote**
The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:03:23 **2. CONSIDER APPROVAL OF RESOLUTION NO 2019-15, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2018-19 FISCAL YEAR BUDGET**

Mrs. Gonzalez reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2018-2019 Fiscal Year Budget highlighting the General Fund, the Workers Comp Fund, the CIEP Fund, the Airport Fund, and the Water & Sewer Fund.

0:05:00 **Motion**
The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Resolution No. 2019-15, a Resolution making certain budgetary adjustments to the 2018-19 Fiscal Year Budget

0:05:13 **Vote**
The vote was as follows: Yes - Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid, Anaya Flores, Chavez; No - None; Absent - None; the motion carried.

0:05:33 **3. CITY OF CARLSBAD FINANCIALS - MARCH 2019**

Ms. Salcido reviewed the revenues and expenditures as of March 2019 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:07:35 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 23, 2019
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid the sale of various city owned properties

- 2) Consider Approval to Advertise Request for Proposal for Double Eagle Waterline Section 2 Lease
 - 3) Consider Approval to Advertise Request for Proposal for Cemetery Maintenance and Operational Services for City of Carlsbad Cemeteries
 - 4) Consider Approval to Award Bid 2019-09 to Watchdog Painting LLC for rehabilitation of Potash Mining Equipment for display at the Potash Park
 - 5) Consider Approval to Award Bid 2019-10 to Guadalupe Mounting Fencing Company for an Ornamental fence surrounding Potash Park and a separate Rescue Hoist display
- D. Contracts and Agreements
- 1) Consider Approval of Memorandum of Agreement between the City of Carlsbad and Eddy County to joint file an Application to NM Department of Transportation, Traffic Safety Division for funding the Community DWI Program
- E. Monthly Reports
- 1) Municipal Court April 2019
 - 2) Human Resources April 2019
 - 3) Transportation & Facilities Department March 2019
- F. Board Appointments
- 1) Carlsbad Board of Water & Sewer Commissioners Appoint: Dennis Miehl remainder 6 year term
 - 2) Carlsbad Museum & Art Center Board of Trustees Appoint: Allison Hervol 5 year term

0:07:58 **Mayor Janway asked Mr. Hernandez to discuss Item C.1 Consider Approval to Advertise Invitation to Bid the sale of various city owned properties**
Mr. Hernandez said to help with the infill development in Carlsbad, city staff has identified numerous lots owned by the city that will be sold by public bid, with the property being offered to the highest bidder.

Councilor Rodriguez asked if the twelve properties would be bid for together or separately. **Mr. Hernandez** said the properties would be bid on separately.

0:09:35 **Motion**

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

0:09:41 **Vote**

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

0:10:03 **5. CONSIDER APPROVAL OF SEPTAGE DISCHARGE FEE UPDATE FROM \$0.08 A GALLON TO \$0.10 A GALLON AT THE WASTE WATER TREATMENT PLANT**

Mr. Myers explained on May 13, 2014 City Council approved Regulations establishing administrative policies and fees for the discharge of approved liquid wastes into the sanitary sewer system. He explained the Utilities Department is requesting to amend section 7.2 of this policy, updating the discharge fee from \$0.08/gallon to \$0.10/gallon. He explained the proposal was presented to the Board of Water and Sewer Commissioners and they are recommending approval.

0:11:45 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Septage discharge fee update from \$0.08 a gallon to \$0.10 a gallon at the Waste Water Treatment Plant

0:11:46 **Vote**

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

0:12:08 **6. CONSIDER APPROVAL OF REQUEST FOR OUTSIDE CITY LIMITS WATER SERVICE FROM DONNA DAVIS FOR PROPERTY LOCATED AT 217-1 GRASSBURR LANE**

Mr. Myers explained this request is for water service outside the city limits at 217-1 Grassburr Lane. He explained this request was presented to the Water & Sewer Commissioners and they recommend approval. He added that the property owners will be responsible for all costs associated with this service outside the city limits.

0:13:20 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Request for Outside City Limits Water Service from Donna Davis for property located at 217-1 Grassburr Lane

0:13:25 **Vote**

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

0:13:42 **7. CONSIDER APPROVAL OF REQUEST FOR OUTSIDE CITY LIMITS WATER SERVICE FROM DONNA DAVIS FOR PROPERTY LOCATED AT 217-4 GRASSBURR LANE**

Mr. Myers explained this property is located next to the property in the previous request and the property owner is requesting water outside the city limits. He said the Board of Water & Sewer Commissioners recommended approval. He added the property owner will be responsible for all the costs associated with the service.

0:14:25 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Request for Outside City Limits Water Service from Donna Davis for property located at 217-4 Grassburr Lane

0:14:30 **Vote**

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

0:14:49 **8. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MAINSTREET TO SERVE ALCOHOL (BEER & WINE) ON CITY STREETS DURING CAVERN FEST**

Mr. Patterson explained this is a request from Carlsbad MainStreet to serve beer and wine at the Cavern Fest on June 1, 2019 from 4:00 p.m. to 9:30 p.m. He said Milton's Brewing, a licensed alcohol server, will set up a "Beer Garden" which will be cordoned off from the festival with a controlled entrance. He added the City of Carlsbad's Transit Department will provide safe-rides free of charge, early in the evening until the close of the event.

Ms. Karla Hammill thanked the Mayor and Council for supporting Cavern Fest. She also thanked city staff for all of their help with the event.

Councilor Chavez asked how many people attend the event. **Ms. Hammill** said there is upward of 10,000 people who attend Cavern Fest throughout the day.

0:19:35 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Request from Carlsbad MainStreet to serve alcohol (beer & wine) on City streets during Cavern Fest

0:19:43 **Vote**

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

0:20:02 **9. CONSIDER APPROVAL OF ORDINANCE 2019-22, AN ORDINANCE AUTHORIZING THE SALE OF THE REAL PROPERTY COMMONLY KNOWN AS 5000 WEST CHURCH STREET TO BRANSON PROPERTIES, LLC FOR \$90,000**

0:20:21 **A. Public Hearing**

Ms. Riordan explained this property was deeded to the city when the city was looking for a site for a facility to treat families with substance abuse issues. She explained the property was inspected, and it was determined that it would require extensive and costly repairs. She explained the property was appraised at \$371,000. She said because

the property was not suitable for city use, the city offered the property for sale. She explained after offering the property for sale for 6 months the top offer is \$90,000. **Ms. Riordan** said staff is recommending approval of the offer of \$90,000.

0:24:43 **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**

0:24:57 **B. Consider Approval**

0:25:00 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Ordinance No. 2019-22, an Ordinance authorizing the sale of the real property commonly known as 5000 West Church Street to Branson Properties, LLC for \$90,000

0:25:06 **Vote**

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

0:25:29 *Councilor Walterscheid excused himself from Council for the next Agenda item.*

0:25:35 **10. CONSIDER APPROVAL OF ORDINANCE 2019-23, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-R" RURAL RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 2.87 ACRE PROPERTY, LOCATED AT 502 E. HAMILTON STREET, APPLICANT: MARK WALTERSCHEID**

0:26:06 **A. Public Hearing**

Mr. Patterson explained this request is a zone change from "R-1" Residential 1 District to "R-R" Rural Residential District for approximately 2.87 acre parcel. He explained the applicant would like to have a horse on the property. Mr. Patterson said the approval of this request would create a spot zone; however the property would still fit the residential use of the area.

0:27:35 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Walterscheid explained he is requesting the zone change so he may have a horse on his property.

0:30:04 **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**

0:30:16 **B. Consider Approval**

0:30:27 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Ordinance No. 2019-23, an Ordinance rezoning part of "R-1" Residential 1 District to "R-R" Rural Residential District for an approximately 2.87 acre property, located at 502 E. Hamilton Street, Applicant: Mark Walterscheid

0:30:32 **Vote**

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

0:31:09 **11. COUNCIL COMMITTEE REPORTS**

Ms. Testa extended an invitation to the Mayor and Council to attend the ICIP Public Meeting being held on May 15th. She explained staff is holding public meetings to begin the process for FY 2021 - 2025. She added a public meeting was held last night and there was a good turnout.

Ms. Testa reported that the Law Enforcement Torch Run, coordinated by the Police Department was held this past Saturday. She said the run began at the police station and relayed to Artesia. She said there were Special Olympic athletes that participated making it a great event. She thanked the Mayor for the support.

Mayor Janway added that Officer Garcia helped to get this event started years ago and Lieutenant Testa did a great job.

0:34:33 **Councilor Chavez** said that he and Councilor Shirley recently visited Washington, DC. He explained they met with many Senators and discussed the WIPP budget, obtaining battery operated mining equipment, funding for more capital projects, and the Oil and Gas Industry. He added they informed those who they spoke to that this part of the state produces 44% of the state's revenue.

Councilor Shirley added that the meetings in Washington, DC were very productive. He said they met with oil and gas executives and informed the executives that they have a pro-active partner in Carlsbad and the community supports the industry.

0:36:25 **12. ADJOURN**

0:36:30 **Motion**

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

0:36:37 **Vote**

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

Mayor Janway added that he is appointing Councilor Walterscheid to a Carlsbad City Wide Clean Up Task Force. He appointed the vice chair to Valerie Branson and David Sepich, and Mary Garwood as the coordinator. He explained the city is trying to get city wide support to clean up the city.

0:38:14 **Adjourn**

There being no further business, the meeting was adjourned at 6:39 p.m.

_____/s/Dale Janway_____
Dale Janway, Mayor

ATTEST:

_____/s/Nadine Mireles_____
Nadine Mireles, City Clerk