

**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 28, 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
	KC Cass	Director of Projects
	Ron Myers	Director of Utilities
	Wendy Austin	Finance Director
	Richard Lopez	Fire Chief
	Trysha Carrasco	Deputy Planning Director
	Jonathan Moyers	Assistant 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

0:00:26 **Mayor Janway welcomed special guests Ms. Therese Rodriguez, Ms. LaVern Shan, and the new superintendent Dr. Gerry Washburn.**

Mr. Washburn explained he is a native New Mexican and is thrilled and blessed to be a part of this community.

0:04:15 **1. APPROVAL OF AGENDA**

0:04:18 **Motion**

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

0:04:22 **Vote**

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

0:04:39 **2. CONSIDER APPROVAL OF RESOLUTION 2019-16, A RESOLUTION FOR THE ACCEPTANCE AND APPROVAL OF THE INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 20, 2018**

Mr. Hernandez explained that Mr. Farley Vener is here to provide the auditor's report for FY 17-18. He explained that Hinkle & Landers has now performed the audit for the past 3 years. He thanked Ms. Austin and her staff for submitting the audit in a timely manner.

0:05:27 **Mr. Vener** gave a summary of the 2018 Audit Report highlighting the following:

- Auditor's Communication - AU-C 260
- Significant Audit Results/Opinion
- Findings/Recommendations
- Review Financial Statement Trends

Mr. Vener pointed out that there were no adverse findings.

0:21:58 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution No. 2019-16, a Resolution for the acceptance and approval of the independent auditor's report for the year ended June 20, 2018

0:22:02 **Vote**

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

0:22:20 **3. CONSIDER APPROVAL OF RESOLUTION 2019-17, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2018-19 FISCAL YEAR BUDGET**

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

0:25:30 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution No. 2019-16, a Resolution for the acceptance and approval of the independent auditor's report for the year ended June 20, 2018

0:25:40 **Vote**

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

0:25:58 **4. CONSIDER APPROVAL OF RESOLUTION 2019-18, A RESOLUTION ADOPTING THE 2019-20 FISCAL YEAR INTERIM BUDGET**

Mr. Hernandez explained that City Administration, Directors and their staff have put a lot of hours into the Budget. He explained the Budget Committee has reviewed the budget and recommends approval. He said Administration feels that staff has submitted a well thought out and reasonable Interim Budget for FY 19-20.

Ms. Austin recognized the Budget Committee for their continued support, guidance, and expertise throughout the budget process. She added she is confident that the current trend in gross receipt tax revenue will continue, allowing the city an opportunity to invest excess funds into further infrastructure projects or other worthwhile projects including debt service reduction. She said with a high degree of collaboration between the Mayor, the Budget Committee, and the Directors she recommends approval of the 2019-20 Fiscal Year Interim Budget.

0:30:54 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2019-18, a Resolution adopting the 2019-20 Fiscal Year Interim Budget

0:30:59 **Vote**

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

0:31:26 **5. Routine and Regular Business**

- A. Minutes of the Regular City Council Meeting held on May 14, 2019
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Award RFP 2019-07 to Cooper Fire Protection Services for Fire Suppression System Design and Installation at the Walter Gerrells Performing Arts Center Auditorium and Annex
- D. Contracts and Agreements
 - 1) Consider Approval of Renewal Agreement between the City of Carlsbad and Carlsbad Community Anti-Drug/Gang Coalition, Inc. for the Provision of Teen Court Services for FY 2019-2020

- 2) Consider Approval of Renewal Agreement between the City of Carlsbad and Southeast New Mexico Community Action Corporation for the lease of Property & Improvements at the Carlsbad Adult Respite Facility
 - 3) Consider Approval of Renewal Agreement between the City of Carlsbad and Rocking WD Services for Bird Abatement and Management Program for city facilities
 - 4) Consider Approval of Agreement between the City of Carlsbad and NMDFA for the 2019 Capital Outlay Appropriation Grant for the ongoing design and construction of Avalon Ranch
- E. Monthly Reports
- 1) Community Development Department April 2019
 - 2) Municipal Services Department April 2019
 - 3) Planning, Engineering & Regulation Department April 2019
 - 4) Utilities Department April 2019
- F. Set the Date: June 11, 2019
- 1) An Ordinance opting into the Election of the Municipal Officers of the City of Carlsbad, New Mexico in the Regular Local Election Pursuant to NMSA 1978, Section 1-22-3.1 (2018) and rescinding Resolution No. 2018-63
- G. Set the Date: July 9, 2019
- 1) An Ordinance rezoning part of "C-1" Commercial 1 District to "R-2" Residential 2 District for an approximately 0.34 acre property, located at 201 South Guadalupe Street
 - 2) An Ordinance rezoning part of "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.31 acre property, located at 325 North Sixth Street
 - 3) An Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.00 acre property, located along the east side of Callaway Drive
 - 4) An Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential 1 District for an approximately 20.23 acre property, located along the west side of Callaway Drive

0:31:49 **Mayor Janway asked Mr. Hernandez to discuss Item C.1 Consider Approval to Award RFP 2019-07 to Cooper Fire Protection Services for Fire Suppression System Design and Installation at the Walter Gerrells Performing Arts Center Auditorium and Annex**

Mr. Hernandez explained that the city solicited proposals for the design and installation of a Fire Suppression System for the Walter Gerrells Performing Arts Center Auditorium and Annex. He explained one bid was received from Cooper Fire Protection Services and staff is requesting approval to Award the RFP to Cooper Fire Protection Services.

0:32:42 **Motion**

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

0:32:49 **Vote**

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

0:33:11 **6. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE FOR AN APPROXIMATELY 7.91 ACRES LOCATED AT 2009 E ORCHARD, CARLSBAD, NM APPLICANT: MEC SERVICES, LLC/MARK CORNER**

Ms. Trysha Carrasco explained this is a request for a Temporary Use to allow Temporary Housing at 2009 E. Orchard. She explained the property is zoned "C-2" Commercial 2 District and is approximately 7.9 acres, however, the applicant is requesting to use 2 acres to place 45 RV spaces. She added the applicant has met the necessary requirements for the use and the Planning and Zoning Commission recommend approval.

0:34:49 **Mr. Mark Corner**, the applicant, said the entire property is over 8 acres and he is looking at using 4 acres for the 46 RV spaces.

Councilor Estrada asked if Mr. Corner intended to put up a solid fence. **Mr. Corner** said there is currently a chain link fence up and he is planning on putting up a solid fence. He said in the requirements it does not state that an R panel fence needs to be installed. **Ms. Carrasco** said the latest requirements that were approved in April require a 6 foot solid fence. **Mr. Corner** said that will not be problem, he added that a solid fence will be a significant investment around a 4 acre property. He asked if the Temporary Use could be renewed after the 5 years. **Mayor Janway** said the Temporary Use can be renewed after 5 years.

0:43:40 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Request for a Temporary Use Application to allow Temporary Housing as a Temporary Use for an approximately 7.91 acres located at 2009 E. Orchard, Carlsbad, NM Applicant: MEC Services, LLC/Mark Corner

0:43:45 **Vote**

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

0:44:05 **7. CONSIDER APPROVAL OF RESOLUTION 2019-19, A RESOLUTION REQUIRING THE REMOVAL OF THE TRASH AND DEBRIS AT 404 E CHURCH STREET OWNER: MARTHA G. ALBA**

Ms. Riordan explained this Resolution is a weed and debris removal. She circulated to Council updated photos that were taken today. She added there has been a significant improvement to the property. She explained staff is pleased with the progress but the removal is not complete.

0:44:57 **Mayor Janway asked if a representative of the property was present.**
Mr. Alba explained that he is working on cleaning up the property and plans to finish the cleanup.

Ms. Riordan explained if Council adopts the Resolution, it will still give the owner 30 days to complete the work.

0:46:53 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2019-19, a Resolution requiring the removal of the trash and debris at 404 E. Church Street, Owner: Martha G. Alba

0:47:24 **Vote**

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

0:48:07 **8. CONSIDER APPROVAL OF RESOLUTION 2019-20, A RESOLUTION REQUIRING THE REMOVAL OF THE TRASH AND DEBRIS AT 1410 W GREENE STREET OWNER: VIRGIE NESBIT**

Ms. Riordan explained this property appears to be occupied and the Resolution is requiring the removal of trash and debris. She said there has been no improvement on this property.

Mayor Janway asked if a representative of the property was present, no one appeared.

0:50:17 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2019-20, a Resolution requiring the removal of the trash and debris at 1410 W. Greene Street; Owner: Virgie Nesbit

0:50:24 **Vote**

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

0:50:45 **9. CONSIDER APPROVAL OF ORDINANCE 2019-24, 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**

0:51:10 **A. Public Hearing**

Mr. Hernandez explained that Council considered and passed an Ordinance in 2017 placing a one year 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 Area. He explained in 2018 an Ordinance was passed extending the moratorium for an additional year. He said at this time the repair of the Brine Well cavern is moving forward and the repair is scheduled to take at least three years to complete. He said city staff is requesting that the moratorium be extended until the remediation is complete and Council approves to lift the moratorium.

0:53:03 **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**

0:53:30 **B. Consider Approval**

0:53:35 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Ordinance 2019-24, 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

0:53:42 **Vote**

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

0:53:58 **10. COUNCIL COMMITTEE REPORTS**

Councilor Shirley invited everyone to attend Cavern Fest on Saturday from 10:00 a.m. to 11:00 p.m. He added there is also a car show and disc golf tournament on Saturday.

Councilor Walterscheid said that Mary Garwood has one of the smallest budgets in the city and one of the biggest projects which is keeping Carlsbad clean and beautiful. He said he would like this to be looked at in the next budget.

Councilor Rodriguez thanked Mary Garwood for her effort in trying to track down 3000 sheets of paper blowing around downtown today.

0:56:50 **11. ADJOURN**

0:56:54 **Motion**

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

0:57:00 **Vote**

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

0:57:17 **Adjourn**

There being no further business, the meeting was adjourned at 6:58 p.m.

_____/s/Dale Janway_____
Dale Janway, Mayor

ATTEST:

_____/s/Nadine Mireles_____
Nadine Mireles, City Clerk