

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON JUNE 11, 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
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Kadee Rodriguez	Deputy City Clerk
	Ken Britt	Community Dev. Director
	Angie Barrios-Testa	Director of Municipal Services
	KC Cass	Director of Projects
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Tech
	Wendy Austin	Finance Director
	Richard Lopez	Fire Chief
	Trysha Carrasco	Planning Deputy 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	<b>Call Meeting to Order</b>
0:00:01	Invocation - Pledge of Allegiance
0:00:20	<b><u>1. APPROVAL OF AGENDA</u></b>

0:00:23        **Motion**

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

0:00:27        **Vote**

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

0:00:45        **2. CITY OF CARLSBAD FINANCIALS - APRIL 2019**

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

0:03:21        **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 28, 2019
- B. City Personnel Report
- C. Contracts and Agreements
  - 1) Consider Approval of Renewal Agreement between the City of Carlsbad and US Department of the Interior for hazardous fuels management with the Fire department
  - 2) Consider Approval of Agreement between the City of Carlsbad and Boutique Air Inc. for a Portion of the Cavern City Air Terminal for Air Transportation
  - 3) Consider Approval of Agreement between the City of Carlsbad and FTI Consulting for Lobbying and Consulting Services FY 2019-2020
- D. Monthly Reports
  - 1) Human Resources Department May 2019 2) Municipal Court May 2019
- E. Board Appointments
  - 1) Carlsbad Museum & Art Center Board of Trustees Appoint: Larry Pardue 5 year term and Re-Appoint: Allison Hervol 5 year term
  - 2) Carlsbad Lodger's Tax Advisory Board Appoint: Milan Patel 6 year term
  - 3) Planning & Zoning Advisory Board Re-Appoint: Lason Barney 2 year term and Re-Appoint Brigidio Garcia 2 year term
  - 4) Carlsbad Riverwalk Recreation Complex Advisory Board Re-Appoint Richard Carrasco 4 year term, Re-Appoint Bill Rook 4 year term and Re-Appoint Dyllan Dominguez 4 year term
- F. Set the Date: July 23, 2019
  - 1) An Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential 1 District for an approximately 180.88 acre property, located along the West Side of Callaway Drive

0:03:43        **Mayor Janway asked Mr. Hernandez to discuss Item C.2 Consider Approval of Agreement between the City of Carlsbad and Boutique Air Inc., for a portion of the Cavern City Air Terminal for Air Transportation**

**Mr. Hernandez** explained this is a lease agreement with Boutique Air for lease of a portion of the Air Terminal and rental car spaces. He explained this is a 2 year

agreement for \$220 a month for office space and \$80 a month for 8 parking spaces. **Mr. Britt** added the parking spaces are located on the south side of the parking lot.

0:05:00        **Motion**

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

0:05:07        **Vote**

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

0:05:28        **4. CONSIDER APPROVAL OF ANNUAL CITY LIQUOR LICENSE RENEWALS, SUBJECT TO RECEIPT OF NM STATE LIQUOR LICENSE AND PAYMENT OF ANNUAL CITY LIQUOR LICENSE FEE**

**Ms. Mireles** explained that annually the clerk's office requests approval of all City Liquor Licenses. She explained that licenses would be renewed upon the payment of a \$250.00 fee and proof of a State Issued Liquor License.

0:06:53        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve Annual City Liquor License Renewals, subject to receipt of NM State Liquor License and payment of Annual City Liquor License Fee

0:06:59        **Vote**

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

0:07:16        **5. CONSIDER APPROVAL OF REQUEST FOR TEMPORARY SPECIAL BUSINESS LICENSE FROM THE COLD SHOULDER FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY BESIDE THE CARLSBAD WATER PARK**

**Ms. Carrasco** explained this is a request from The Cold Shoulder to allow for mobile sales of shaved ice on city property in the parking lot beside the Water Park.

0:08:31        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Request for a Temporary Special Business License from the Cold Shoulder for mobile sales (vending) of shaved ice on City property beside the Carlsbad Water Park

0:08:36        **Vote**

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

0:08:54      **6. CONSIDER APPROVAL OF RESOLUTION 2019-21, A RESOLUTION TO DEEM CERTAIN UTILITY ACCOUNTS UNCOLLECTABLE**

**Ms. Austin** explained that per State Statute NMSA 3-37-7, an uncollectable account can be removed from the list of accounts receivable, if the account has been uncollectable for a period of more than four years. She said currently the City has 202 uncollectable utility accounts totaling \$37,747.56.

0:10:21      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2019-21, a Resolution to Deem Certain Utility Accounts Uncollectable

0:10:29      **Vote**

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

0:10:49      **7. CONSIDER APPROVAL OF RESOLUTION 2019-22, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CAPITAL OUTLAY GRANT AGREEMENT FROM THE NMED TO PLAN, DESIGN, PURCHASE, EQUIP AND INSTALL A GENERATOR FOR A SEWER LIFT STATION**

**Mr. Myers** explained in February the city applied for a Capital Projects Grant and the Grant was awarded to the city in the amount of \$250,000. He said the money is to be used for the purchase and installation of a backup power generator at a sewer lift station. He explained as part of the Grant process the State requires the approval of a Resolution authorizing the official representatives and designating the Mayor as the authorized representative to sign the grant agreement.

0:12:00      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Resolution No. 2019-22, a Resolution authorizing the acceptance of Capital Outlay Grant Agreement from the NMED to plan, design, purchase, equip and install a Generator for a Sewer Lift Station

0:12:09      **Vote**

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

0:12:27      **8. CONSIDER APPROVAL OF RESOLUTION 2019-23, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF 2019 CAPITAL OUTLAY GRANT AGREEMENT FROM NMDFA TO PLAN, DESIGN AND CONSTRUCT STREET IMPROVEMENTS TO KIRCHER STREET**

**Mr. Cass** explained the State of New Mexico legislature recently appropriated project 19-D3350 in the amount of \$850,000 for Kircher Street improvements. He said the city is

required to pass a Resolution authorizing acceptance of this Capital Outlay Grant Agreement.

0:13:42      **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Estrada to approve Resolution No. 2019-23, a Resolution authorizing the acceptance of 2019 Capital Outlay Grant Agreement from NMDFA to plan, design and construct street improvements to Kircher Street

0:14:14      **Vote**

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

0:14:30      **9. CONSIDER APPROVAL OF RESOLUTION 2019-24, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF 2019 CAPITAL OUTLAY GRANT AGREEMENT FROM NMDFA TO PLAN, DESIGN, CONSTRUCT AND EXTEND A STORM DRAIN ON W. GREENE STREET**

Mr. Cass explained this is also a Capital Outlay Grant in the amount of \$600,000 for the extension of the storm drain on W. Greene St. He added the city is required to pass a Resolution authorizing acceptance of the Capital Outlay Agreement.

0:16:05      **Motion**

The motion was made by Councilor Estrada and seconded by Councilor Rodriguez to approve Resolution No. 2019-24, a Resolution authorizing the acceptance of 2019 Capital Outlay Grant Agreement from NMDFA to plan, design, construct and extend a storm drain on W. Greene Street

0:16:15      **Vote**

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

0:16:33      **10. CONSIDER APPROVAL OF RESOLUTION 2019-25, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 2517 OHIO STREET OWNER: MRS. J.H. MORGAN**

Ms. Riordan explained this is a residential property with a single family residence and a number of accessory structures on the property. She explained the structures are in danger of collapse and staff recommends approval of the Resolution.

0:19:41      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2019-25, a Resolution requiring the removal of the buildings and debris at 2517 Ohio Street, Owner: Mrs. J. H. Morgan

0:19:48 **Vote**

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

0:20:05 **11. CONSIDER APPROVAL OF ORDINANCE 2019- 25, AN ORDINANCE OPTING INTO THE REGULAR LOCAL ELECTION AND RESCINDING RESOLUTION NO. 2018-63**

0:20:22 **A. Public Hearing**

**Ms. Mireles** said the Local Election Act went into effect in 2018. She explained the Act provides the option for each municipality to determine if its elective officers shall be elected on Municipal Officer Election Day or at the Regular Local Election. She said opting into the Regular Local Election will provide uniformity of procedure and convenience for the voters by combining all non-partisan elections. She said because the state is encouraging uniformity there will be no cost to the Municipalities who opt in because the State will incur all election costs. She explained it is staff's recommendation to opt into the Regular Local Election with extended terms with the next Election to be held in November of 2021.

0:21:45 **B. Consider Approval**

0:21:49 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance No. 2019-25, an Ordinance opting into the Regular Local Election and rescinding Resolution No. 2018-63

0:21:54 **Vote**

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

0:22:10 **12. CONSIDER APPROVAL OF ORDINANCE 2019-26, 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 ROAD APPLICANT: L&S VENTURES, LLC**

0:22:36 **A. Public Hearing**

**Ms. Carrasco** explained this request is for a zone change from "I" Industrial to "C-2" Commercial 2 District for approximately 16.162 acres located at 1224 W. Derrick Rd. She explained the Planning and Zoning Commission recommend approval.

**Councilor Walterscheid** asked what is going to be built on the property. **Ms. Carrasco** said she believes Agave Transport has submitted plans for their Regional Office on the property.

0:24:08 **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**

0:24:23 **B. Consider Approval**

0:24:27 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Ordinance No. 2019-25, 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 Road, Applicant: L&S Ventures, LLC

0:24:32 **Vote**

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

0:24:49 **13. CONSIDER APPROVAL OF ORDINANCE 2019-27, 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 ROAD APPLICANT: L&S VENTURES, LLC**

0:25:16 **A. Public Hearing**

**Ms. Carrasco** explained this item goes hand in hand with the previous item. She explained this parcel is located at 1318 W. Derrick and is requesting a zone change from "I" Industrial to "C-2" Commercial 2 District for 9.66 acres. She added the Planning and Zoning Commission recommend approval.

0:25:56 **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**

0:26:16 **B. Consider Approval**

0:26:19 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Ordinance No. 2019-27, 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 Road, Applicant: L&S Ventures, LLC

0:26:29 **Vote**

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

0:26:46      **14. CONSIDER APPROVAL OF ORDINANCE 2019-28, AN ORDINANCE REZONING PART OF "I" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 18.83 ACRE PROPERTY, LOCATED AT 3101 BOYD DRIVE APPLICANT: CONSTRUCTORS INC**

0:27:10      **A. Public Hearing**

**Ms. Carrasco** explained this request for a zone change from "I" Industrial District to "C-2" Commercial 2 District for approximately 18.83 acres located at 3101 Boyd Drive. She explained this zone change will create a spot zone; however it does fit in with the mixed use in the area. She said the Planning and Zoning Commission recommend approval.

0:28:10      **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**

0:28:27      **B. Consider Approval**

0:28:30      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2019-28, an Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 18.83 acre property, located at 3101 Boyd Drive, Applicant: Constructors Inc.

0:28:36      **Vote**

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

0:28:53      **15. CONSIDER APPROVAL OF ORDINANCE 2019-29, 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 APPLICANT: BMK, LLC - BABU PATEL**

0:29:20      **A. Public Hearing**

**Ms. Carrasco** explained this request is for a zone change from "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 2.87 acre property, located at 3804 National Parks Hwy. She said this change would not create a spot zone and the Planning and Zoning Commission recommend approval.

0:30:15      **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**

0:30:28      **B. Consider Approval**



0:30:32        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2019-29, 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., Applicant: BMK, LLC - Babu Patel

0:30:39        **Vote**

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

0:30:55        **16. COUNCIL COMMITTEE REPORTS**

None to report.

0:31:14        **17. ADJOURN**

0:31:19        **Motion**

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

0:31:33        **Vote**

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

0:31:51        **Adjourn**

There being no further business, the meeting was adjourned at 6:32 p.m.

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

ATTEST:

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