

**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 22, 2019 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor <i>via telephone</i>
	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
	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
	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	<u>1. APPROVAL OF AGENDA</u>

0:00:34 **Motion**

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

0:00:37 **Vote**

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

0:00:57 **2. CITY OF CARLSBAD FINANCIALS - MAY 2019**

Mrs. 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.

0:03:27 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 11, 2019
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of Renewal Agreement between the City of Carlsbad and Carlsbad Municipal Schools for Various Services for FY 2019-20
 - 2) Consider Approval to extend Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Maintenance and Grave Opening and Closing Services at the City of Carlsbad Cemeteries
- D. Purchasing
 - 1) Consider Approval to Award Bid 2019-15 to Rocking WD Services for Pest Control Annual Bid
 - 2) Consider Approval to Award Bid 2019-16 to Collins Tree Service for Tree Trimming Services Annual Bid
 - 3) Consider Approval to Award Bid 2019-17 to Thunder Run Concrete for Ready Mix Concrete Annual Bid
 - 4) Consider Approval to Award Bid to Greer Construction through a CES contract for Cavern Theater Rehabilitation Phase 2
- E. Monthly Reports
 - 1) Community Development Department May 2019
 - 2) Municipal Services Department May 2019
 - 3) PER Department May 2019
 - 4) Utilities Department May 2019
- F. Board Appointments
 - 1) Carlsbad Cemetery Board Re-Appoint Suzanne Carlsen 2 year term
 - 2) Carlsbad Senior Recreation Center Advisory Board at North Mesa Center Re-Appoint Jay Redman 4 year term, Re-Appoint: Sally Garner 4 year term
 - 3) SENMEDD/COG (SERTPO) Appoint Jeff Patterson, KC Cass
 - 4) Carlsbad Board of Water & Sewer Commissioners Re-Appoint Craig Stephens 6 year term
 - 5) Carlsbad Veteran's Memorial Board Appoint Kay Hill 4 year term

6) Carlsbad Parks & Recreation Advisory Board Appoint Eric Brunnemann remainder 4 year term

G. Set the Date: August 13, 2019

1) An Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 0.115 acre property, located at 701 W. Greene St

2) An Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential 1 District for an approximately 0.90 acre property, located at 4501 Old Cavern Hwy

3) An Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 3.88 acre property, located at 2411 E. Greene St.

0:03:50 **Mayor Janway asked Mr. Hernandez to discuss Item C.1 Consider Approval of Renewal Agreement between the City of Carlsbad and Carlsbad Municipal Schools for various services for FY 2019-20; and Item D.4 Consider Approval to Award Bid to Greer Construction through a CES contract for Cavern Theater Rehabilitation Phase 2**

Mr. Hernandez explained that Item C.1 is a renewal of an annual agreement between the city and Carlsbad Municipal Schools. He said this agreement is for various services provided by Carlsbad Municipal Schools.

Councilor Chavez asked if there was a particular reason why the price of swimming lessons at the natatorium increased from \$40 last year to \$80 this year. He added this is a significant increase in price for a service that helps saves kids' lives. **Dr. Washburn**, Carlsbad Municipal Schools Superintendent, said he would look into the price increase and get back with him.

Dr. Washburn thanked the city for their support and added the program is a great partnership and without the city's help some of these programs could not be offered.

0:06:18 **Mr. Hernandez** explained that Item D.4 is for approval to award Bid to Greer Construction through a CES contract for the Cavern Theater Rehabilitation Project Phase 2. He explained the estimated cost for Phase 2 is \$750,000 and consists of a TPO Roof, an HVAC System, plumbing, ADA restrooms, fire suppression, and a security system. He said the city is requesting to award through CES contract to Greer Construction. He explained Greer Construction was the contractor of Phase 1 and are most familiar with the facility.

Councilor Walterscheid asked why the city goes through CES and not a direct bid. **Mr. Hernandez** explained most larger items are completed through the bid process. He explained CES contract allows the city to choose a specific contractor that may not be in the bid process. He also explained with a project like this the city wants to ensure quality and Greer provides that. **Councilor Shirley** asked for clarification, if the

payout of this bid is coming out of Lodgers' Tax Non Promotional funds. **Mr. Hernandez** said, yes.

0:08:38 **Councilor Walterscheid** said he would like to discuss Item C.2. He explained this item is personal to him. He said that in the future the city needs to look at what is there, what has been performed, and the outcome. He said he thinks contracts should be performance based and feels the city is missing the boat on a lot of issues. He said when someone makes a mistake they should not be allowed to do it again. **Councilor Walterscheid** said the city department responsible for the contract really needs to be aware of what is going on and hold people to a higher standard. He added the misuse of chemicals has led to the tree problems at the cemetery and no one is being held accountable.

Mr. Hernandez added for clarification that this item is for a one month extension to allow sufficient time to review and grade the RFP's. He said the award of the contract will probably be brought to Council at the second meeting in July.

0:12:28 **Motion**

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

0:12:32 **Vote**

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

0:12:55 **4. CONSIDER APPROVAL OF RESOLUTION 2019-26, A RESOLUTION REQUIRING THE REMOVAL OF THE TRASH AND DEBRIS AT 2415 TULIP OWNER: DONNIE GOSSETT**

Ms. Riordan explained this property has a single family residence and several accessory structures on it. She said the property does not appear to be occupied or maintained. She said there is a large amount of outside storage on the property of a vast variety of items. She added that Code Enforcement has been in contact with the owner both verbally and through written notices and there does not appear to be any improvement to the property.

Councilor Estrada asked Mr. Patterson if has talked to the owner, Donnie Gossett, about the issue. **Mr. Patterson** said yes. **Councilor Estrada** asked if Mr. Gossett has made any improvement at all. **Mr. Patterson** said it does appear that to be any improvements to the property. **Councilor Estrada** said he knows Mr. Gossett and it seems as if he would try to clean it up. **Mr. Patterson** said to his knowledge, Mr. Gossett has not done anything to bring the property into compliance, and that is why the property is before Council today.

Ms. Riordan added that Code Enforcement shows that Mr. Gossett was given written notices twice last year and Code Enforcement spoke to Mr. Gossett in May, June, and November of 2018. She added it appears that Code Enforcement has been talking to him for over a year with no significant improvement. She said Code Enforcement tries very hard to get voluntary compliance before bringing the item to Council.

Mr. Patterson said typically when a property appears before Council, Code Enforcement has tried multiple times to get compliance through the owner.

0:17:17 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve Resolution No. 2019-26, a Resolution requiring the removal of the trash and debris at 2415 Tulip; Owner: Donnie Gossett

0:17:23 **Vote**

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

0:17:42 **5. CONSIDER APPROVAL OF RESOLUTION 2019-27, A RESOLUTION IN SUPPORT OF THE HOLTEC CONSOLIDATED INTERIM STORAGE FACILITY AND DIRECTING THE EDDY-LEA ENERGY ALLIANCE TO SUBMIT LETTERS OF RESPONSE**

Mayor Janway gave words of support for the Holtec Project, the plan for consolidated interim storage which this community has been working on for more than a decade. He explained Resolution No. 2019-27, will direct the Eddy Lea Energy Alliance to write a response to the governor and also encourage us as a City to do the same.

Councilor Shirley explained that this the project is foreign to a lot of us, but it is not foreign to Holtec. He said Holtec has done this safely all over the world and they have a great track record. He said the cask that stores the fuel pellets are ceramic casks that have been enriched and are beyond safe. He said if there are any questions, please educate and explain the project.

0:21:19 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Resolution No. 2019-27, a Resolution in support of the Holtec Consolidated Interim Storage Facility and directing the Eddy-Lea Energy Alliance to submit letters of response

0:21:29 **Vote**

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

0:21:49 **6. COUNCIL COMMITTEE REPORTS**

Mayor Janway introduced and welcomed Brandon Kerr the manager of Facilities Engineering, Real Estate and Facility Service from Conoco Phillips.

Councilor Anaya Flores suggested having a cask on display to educate the community on the safety and history of Holtec.

0:23:21 **7. ADJOURN**

0:23:27 **Motion**

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

0:23:35 **Vote**

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

0:23:56 **Adjourn**

There being no further business, the meeting was adjourned at 6:26 p.m.

_____/s/Dale Janway_____
Dale Janway, Mayor

ATTEST:

_____/s/Nadine Mireles_____
Nadine Mireles, City Clerk