

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JULY 9, 2019 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada Jason Shirley Judith E. Waters Wesley A. Carter Mark C. Walterscheid	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Jason O. Chavez	Councilor
Also Present:	John Lowe Eileen P. Riordan Nadine Mireles Ken Britt Angie Barrios-Testa KC Cass Ron Myers Wayne Hatfield Wendy Austin Richard Lopez Jeff Patterson Shane Skinner Patrick Cass	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

0:00:32 **1. APPROVAL OF AGENDA**

0:00:35 **Motion**
The motion was made by Councilor Carter and seconded by Councilor Estrada to approve the Agenda

0:00:39 **Vote**

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

0:00:58 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 25, 2019
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Eddy County for Professional Services Agreement for Eddy County Residents for FY 2019-2020
 - 2) Consider Approval of Agreement between the City of Carlsbad and NMDFA Local Government Division Enhanced 911 ACT Grant Program
 - 3) Consider Approval of Agreement between the City of Carlsbad and ISC, Inc (dba Venture Technologies) to provide proactive support and maintenance for E-911 Equipment
- D. Purchasing
 - 1) Consider Approval to Advertise Request for Proposal for Professional Lobbying and Consulting Services for the City with the New Mexico State Legislature
- E. Monthly Reports
 - 1) Human Resources Department June 2019
 - 2) Municipal Court June 2019
- F. Board Appointments
 - 1) City of Carlsbad Disability Advisory Board Appoint Don Neighbors
Remainder 4 year term

0:01:20 **Mayor Janway asked Mr. Lowe to discuss Item C.1 Consider Approval of Agreement between the City of Carlsbad and Eddy County for Professional Services Agreement for Eddy County Residents for FY 2019-2020 and Chief Skinner to discuss Item C.2 Consider Approval of Agreement between the City of Carlsbad and NMDFA Local Government Division Enhanced 911 ACT Grant Program and Item C.3 Consider Approval of Agreement between the City of Carlsbad and ISC, Inc. (dba Venture Technologies) to provide proactive support and maintenance for E-911 Equipment.**

Mr. Lowe explained that Item C.1 is an annual PSA agreement with Eddy County. He added the big change this year is the amount the County will pay the City has increased from \$250,000 to \$500,000.

Chief Skinner explained items C.2 and C.3 are basic essentials for our 911 Agreements with the State. He said Item C.2 the 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number to achieve a faster response time which minimizes the loss of life and property. He added the State Board of Finance awarded the City \$165,050 for FY2019-2020.

Chief Skinner explained that C.3 is a Maintenance Agreement with ISC, Inc. and Voiance to enhance 911 services. He said this is a standard agreement that continues to give fast and timely response services for 911.

0:04:09 **Motion**

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

0:04:14 **Vote**

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

0:04:35 **3. CONSIDER APPROVAL OF LIQUOR LICENSE APPLICATION FOR A RESTAURANT BEER/WINE LIQUOR LICENSE FOR MIYABI JAPANESE STEAKHOUSE & SUSHI BAR FOR PROPOSED LOCATION 1511 S CANAL ST. APPLICANT: JIN FENG YE**

0:04:56 **A. Public Hearing**

Mr. Lowe explained that a Liquor License Hearing was held on June 26, 2019. He said two people came in support of the License and no one appeared in opposition.

0:05:31 **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**

0:05:45 **B. Consider Approval**

0:05:49 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Liquor License Application for a Restaurant Beer/Wine Liquor License for Miyabi Japanese Steakhouse & Sushi Bar for proposed location 1511 S. Canal St., Applicant: Jin Feng Ye

0:05:55 **Vote**

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

0:06:12 **4. CONSIDER APPROVAL OF BUSINESS LICENSE TO CONDUCT DOOR TO DOOR SALES AND INSTALLATION OF SMART HOME AUTOMATION AND SECURITY SERVICES BY SMART HOME PROS, INC. (VIVINT) CONTACT LEXY SWINEHART**

Mr. Patterson explained this is a request to allow door to door sales and installation of Smart Home Automation and Security Services by Smart Home Pros Inc. (Vivint). He said Smart Home Pros Inc., has provided all of the required information to obtain the

license. He added the Police Department provided a background check with a positive review and the Planning Department recommends approval of the request for door to door solicitation.

0:07:46 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Walterscheid to approve Business License to conduct Door to Door Sales and Installation of Smart Home Automation and Security Services by Smart Home Pros, Inc. (Vivint) contact Lexy Swinehart

0:07:53 **Vote**

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

0:08:11 **5. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MAINSTREET AND CREATIVE CARLSBAD TO SERVE ALCOHOL (BEER & WINE) ON CITY STREETS DURING THE STRANDED CONCERT AT THE CAVERN THEATER ON JULY 27, 2019**

Mr. Patterson explained this is a request by the City of Carlsbad in cooperation with Carlsbad Mainstreet and Creative Carlsbad to have a Beer Garden provided by a licensed alcohol server at the Stranded Concert at the Cavern Theatre on July 27, 2019.

Councilor Shirley asked who would be the server providing the alcohol. **Ms. Hammil** said they have asked Milton's because they are in the MainStreet District

0:10:24 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Request from Carlsbad Mainstreet and Creative Carlsbad to serve alcohol (beer & wine) on City Streets during the Stranded concert at the Cavern Theater on July 27, 2019

0:10:31 **Vote**

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

0:10:52 **6. CONSIDER APPROVAL OF RESOLUTION 2019-28, A RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE CITY OF CARLSBAD AND SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SENMEDD) FOR 2019-2020 MEMBERSHIP**

Mr. Lowe explained this request is for approval of Resolution No. 2019-28, an agreement between the City and SENMEDD for 2019-2020 membership. He explained the City has an annual membership with SENMEDD for their services. He added the SENMEDD will assist the City with Infrastructure Planning, Coordinate the ICIP

process and with Capital Outlay. He said if approved the agreement begins on July 1, 2019 thru June 30, 2020 for the amount of \$7641.00.

0:11:41 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Rodriguez to approve Resolution No. 2019-28, a Resolution Ratifying the Agreement between the City of Carlsbad and Southeastern New Mexico Economic Development District (SENMEDD) for 2019-2020 Membership

0:11:47 **Vote**

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

0:12:05 **7. CONSIDER APPROVAL OF ORDINANCE 2019-30, 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 APPLICANT: WINDY SHELTON COLE**

Mr. Patterson explained this is a request for a Zone Change from "C-1" Commercial 1 District to "R-2" Residential 2 District for an approximately 0.34 acre parcel, located at 201 S. Guadalupe St. He explained the property surrounding the property is zoned C-2 to the northeast and zoned R-2 to the south and west and the change will not create a spot zone.

0:13:19 **A. Public Hearing**

0:13:21 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Ms. Windy Cole, property owner, said she is requesting the zone change to sale the property.

0:13:51 **Mayor Janway asked if anyone would like to speak against the Ordinance, no one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session**

0:14:00 **B. Consider Approval of Ordinance 2019-30**

0:14:05 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2019-30, 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, Applicant: Windy Shelton Cole

0:14:12 **Vote**

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

0:14:33 **8. CONSIDER APPROVAL OF ORDINANCE 2019-31, 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 APPLICANT: SPRINGS FARMS SUBDIVISION INC.**

0:15:00 **A. Public Hearing**

Mr. Patterson explained this item is a request for a zone change from "R-R" Industrial District to "C-2" Commercial 2 District for approximately 10.00 acres for 5 commercial lots located along the east side of Callaway Drive. He explained the surrounding properties are zoned "R-R" and this change would create a spot zone, however, the Planning Department understands the nature of the development and recommends approval.

0:16:06 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance**

Mr. Dunagan explained this request is part of a larger scale development. He said he feels there is a need for commercial development along the river. He said there is not enough space along Pierce Street and people are looking for more commercial opportunities.

Councilor Carter asked if any deed restrictions or covenants would be included. **Mr. Dunagan** said there will be deed restrictions that will apply and only allow those type of uses in C-2 zone.

0:19:03 **Mayor Janway asked if anyone would like to speak against the Ordinance, no one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session**

0:19:11 **B. Consider Approval of Ordinance 2019-31**

0:19:17 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2019-31, 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, Applicant: Springs Farms Subdivision, Inc.

0:19:23 **Vote**

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

0:19:41 **9. CONSIDER APPROVAL OF ORDINANCE 2019-32, 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 APPLICANT: SANDRA JO BALLARD**

0:20:08 **A. Public Hearing**

Mr. Patterson explained this a request for a zone change from "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.30 acre parcel, located at 325 N. Sixth St. He explained the applicant appeared before Council on December 11, 2018 at that time Council failed to vote on a motion to approve or deny the request. He said the applicant now better understands the process and has produced a plan to not allow on street parking. He said the Planning and Zoning Commission recommend approval.

Councilor Walterscheid asked if the applicant feels as though the parking will be sufficient. **Mr. Patterson** said the applicant meets the parking requirements of the Ordinance and the Planning Department has asked the applicant to sign the property indicating to customers that there is no on street parking allowed for the business.

0:22:04 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance**

Ms. Sandra Ballard explained that in December she did not have an official survey of the property. She said the concerns brought up in December were parking and the amount of traffic the business would bring. She said they are requesting to build a training center at 325 N. Sixth. She said normally they have 5 to 8 people per training class. She explained she will post signs stating that all vehicles visiting Mobile Safety must be parked inside the fence or they will be towed. She said she believes she has addressed all the previous issues and would take any questions.

Councilor Rodriguez asked Ms. Ballard if the smoking area could be moved as far from the school as possible. **Ms. Ballard** said she could print signs with designated smoking areas away from the school.

0:29:31 **Ms. Jessica Haser**, Manager and Trainer at Mobile Safety, said she is requesting approval of the Ordinance. She said with a new facility she will be able to do more hands on training.

Ms. Tiffany Dominguez said she has two children who attend Hillcrest School and she doesn't see the new training facility as a problem. She said she feels it would be better to have a business there rather than a vacant lot.

Mr. John Ballard, applicant's father, said his daughter will do a good job and this will be a good service for Carlsbad.

0:31:36 **Mayor Janway** asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session

0:31:45 **B. Consider Approval of Ordinance 2019-32**

0:31:51 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Ordinance No. 2019-32, 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, Applicant: Sandra Jo Ballard

0:31:57 **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Waters, Walterscheid, Carter; No - Anaya Flores; Absent - Chavez; the motion carried.

0:32:26 **10. COUNCIL COMMITTEE REPORTS**

Councilor Walterscheid said the first Carlsbad Clean up Task Force meeting was held today. He explained that Mr. Sepich said this task force is for the citizens of Carlsbad. He said it's about the citizens taking care of the community. He said the Task Force will hold a Public Meeting on July 25th at 3:00 p.m.

Mayor Janway commended the Fire Department, Police Department, and the Public Works Department for the great job they all did over the 4th of July weekend.

Mr. Lowe also thanked the Lifeguards for the service they provide for the community. He thanked all staff and added it takes a team effort for these festivities.

Councilor Rodriguez called attention to the firefighters that were hurt in Roswell and encouraged all to drop any spare change into the boots around town and to pray for them.

0:36:07 **11. ADJOURN**

0:36:12 **Motion**

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

0:36:18 **Vote**

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

0:36:39 **Adjourn**

There being no further business, the meeting was adjourned at 6:37 p.m.

 /s/Dale Janway
Dale Janway, Mayor

ATTEST:

 /s/Nadine Mireles
Nadine Mireles, City Clerk