

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JANUARY 22, 2019 AT 6:00 P.M.**

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| 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 |
| | Wendy Austin | Finance Director |
| | Richard Lopez | Fire Chief |
| | Jeff Patterson | 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

0:00:34 **1. APPROVAL OF AGENDA**

Mayor Janway explained the applicant for Item No. 5. Consider Approval of Ordinance No. 2019-04, an Ordinance rezoning part of "R- R Rural Residential District to "R-2" Residential 2 District for an approximately 10.408 Acre Property, located along the East

side of Boyd Drive and North of Hidalgo Road; Applicant: White Oak Development, has requested to pull the Item because he is not able to make the meeting tonight.

0:00:49 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve the Agenda as amended

0:00:57 **Vote**

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

0:01:15 **2. CITY OF CARLSBAD FINANCIALS - NOVEMBER 2018**

Mrs. Austin reviewed the revenues and expenditures as of November 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:03:22 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on January 8, 2019
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid to install Rooftop Anchors and Fall Protection Equipment at the Waste Water Treatment Plant
 - 2) Consider Approval to Award Bid 2018-21 to Valley Fence Company for Airport Security Gate and Fencing at Cavern City Air Terminal
 - 3) Consider Approval to Award RFP 2018-29 for dual contracts to Smith Engineering and Wood Environmental for On-Call Construction Materials Assurance Testing Services for various City Construction Projects
 - 4) Consider Approval to Reject and solicit offers for the sale of City Property located at 5000 W Church
- D. Monthly Reports
 - 1) Community Development Department December 2018
 - 2) Municipal Court Department December 2018
 - 3) Municipal Services Department December 2018
 - 4) Planning, Engineering, Regulations Department December 2018
 - 5) Utilities Department December 2018
- E. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and NMDFA for the Community Development Block Grant for the renovation of San Jose Senior Center located at the property formerly known as Pate School
- F. Board Appointments
 - 1) Carlsbad Golf Advisory Board Appoint Steve Hendley remainder 4 year term
 - 2) SNMEDD/COG Board Reappoint Councilor Lisa Anaya Flores 2 year term
 - 3) Carlsbad Parks & Recreation Advisory Board Appoint Ben Freston 4 year term

0:03:45 **Mayor Janway asked Mr. Hernandez to discuss Item C. 4 Consider Approval to Reject and solicit offers for the sale of City Property located at 500 W. Church and Mrs. Testa to discuss Item E.1 Consider Approval of Agreement between the City of Carlsbad and NMDFA for the Community Development Block Grant for the renovation of San Jose Senior Center located at the property formerly known as Pate School**

Mr. Hernandez explained the city received 2 sealed bids on the property. He explained the property appraised for \$371,000 and the bids received were for \$50,000 and \$35,000. He said staff would like to reject the bids received and pursue other offers in the open market.

Mrs. Testa explained she is requesting approval of the Community Development Block Grant for the renovation of San Jose Senior Center formerly Pate School. She said the project has been approved for funding in the amount of \$500,000 with a \$50,000 cash match from the city.

0:05:54 **Motion**

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

0:06:02 **Vote**

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

0:06:21 **4. CONSIDER APPROVAL OF REQUEST FROM DAWSON GEOPHYSICAL COMPANY FOR TRNCO PETROLEUM CORP TO CONDUCT A 3-D SEISMIC STUDY IN A SELECT AREA WITHIN THE CITY LIMITS**

Mr. Hernandez explained Dawson Geophysical met with city staff in December 2018 to discuss a 3-D seismic study in southern Carlsbad. He added that Dawson has done similar work in Carlsbad in the past. He explained the city has contracted with Wood Environmental to evaluate the proposed work and what kind of affect the study will have on the Brine Well.

Councilor Rodriguez asked should there be any conflict with the Brine Well Remediation contractor what would be the plan for resolution. **Mr. Dearsley** said they would meet and if necessary Dawson would step back. **Councilor Rodriguez** asked if that wording was in the contract. **Mr. Dearsley** said he could add to the permit wording stating if there is a situation Dawson would step back.

Mr. Mike Rucker, Wood PLC, said he has been working on the Brine Well Project since 2010. He said issue of vibrations is one of distance and the baseline vibrations that the well sees are the heavy trucks daily. He said the vibrations from the study will be at about the same level of vibrations as the trucks and Wood PLC does not foresee a problem with the study.

0:12:07 **Mayor Janway asked for a brief update on the Brine Well Remediation.** **Mr. Rucker** explained that Wood PLC is in the process of installing instrumentation core holes. He explained if the roof begins to move the micro seismic system will pick up the movement. He said the seismic activity has been low and the new system will allow for better listening. He said through the core holes they are able to get good rock samples that form the roof. He said they will begin scheduling to start mobilization for drilling the holes and the grouting process, which will begin in mid-summer.

0:20:19 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Request from Dawson Geophysical Company for TRNCO Petroleum Corp to conduct a 3-D Seismic Study in a select area within the City Limits

0:20:28 **Vote**

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

0:20:46 **5. CONSIDER APPROVAL OF ORDINANCE 2019-04, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 10.408 ACRE PROPERTY, LOCATED ALONG THE EAST SIDE OF BOYD DRIVE AND NORTH OF HIDALGO ROAD APPLICANT: WHITE OAK DEVELOPMENT**

Pulled from the Agenda per the request of the Applicant.

0:20:47 **6. CONSIDER APPROVAL OF ORDINANCE 2019-05, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY .304 ACRE PROPERTY, LOCATED AT 107 KIRCHER STREET APPLICANT: JAYDEN JENKINS**

0:21:16 **A. Public Hearing**

Mr. Patterson explained this is a request for a zone change from "C-2" Commercial 2 District to "R-2" Residential multi-family zoning and will not create a spot zone. He said the Planning and Zoning Commission recommend approval.

0:22:25 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Jenkins explained the zone change for the two parcels on the west were approved last year, and this is the final step to begin the housing project.

0:23:00 **Mayor Janway asked if anyone else 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.**

0:23:13 **B. Consider Approval of Ordinance 2019-05**

0:23:19 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2019-05, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately .304 acre property, located at 107 Kircher Street, Applicant: Jayden Jenkins

0:23:25 **Vote**

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

0:23:44 **7. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez said the Martin Luther King, Jr. banquet on Saturday night was a very nice event.

Mayor Janway added that the march on Monday was very good honoring Anthony Foreman.

Councilor Rodriguez said members of staff and Council will be attending the Bat Brigade this weekend.

0:25:51 **8. ADJOURN**

0:25:56 **Motion**

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

0:26:06 **Vote**

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

0:26:26 **Adjourn**

There being no further business, the meeting was adjourned at 6:28 p.m.

/s/Dale Janway
Dale Janway, Mayor

ATTEST:

/s/Nadine Mireles
Nadine Mireles, City Clerk