

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON OCTOBER 22, 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
	Kadee Rodriguez	Deputy City Clerk
	Angie Barrios-Testa	Director of Municipal Services
	KC Cass	Director of Projects
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Director
	Wendy Austin	Finance Director
	Duane Cunningham	Assistant Fire Chief
	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
0:00:02	Invocation - Pledge of Allegiance
0:00:53	Mr. KC Cass gave a brief update on Hwy 31/285 meeting.

0:05:25 **Chief Skinner** gave a brief summary on the mock casualty training that was held at Carlsbad Intermediate School.

0:11:52 **1. APPROVAL OF AGENDA**

0:11:55 **Motion**

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

0:12:00 **Vote**

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

0:12:17 **2. NOTIFICATION FOR THE CANCELLATION OF CITY COUNCIL MEETINGS FOR NOVEMBER 26 AND DECEMBER 24, 2019**

Mr. Hernandez explained due to the Holidays there will only be one Council Meeting in November and one in December.

0:12:57 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on October 8, 2019
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Branson Properties, LLC for ground space lease at the Cavern City Air Terminal
- D. Monthly Reports
 - 1) Community Development Department September 2019
 - 2) Municipal Services Department September 2019
 - 3) Utilities Department September 2019

0:14:25 **Motion**

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

0:14:32 **Vote**

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

0:14:54 **4. CONSIDER APPROVAL OF RESOLUTION 2019-53, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

Mr. Hernandez explained this is the standard Resolution for following statute to dispose of obsolete and unusable City property.

0:15:40 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Resolution No. 2019-53, a Resolution declaring certain City Property Unusable and Obsolete

0:15:46 **Vote**

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

0:16:05 **5. CONSIDER APPROVAL OF RESOLUTION 2019-54, A RESOLUTION SUPPORTING THE PARTICIPATION IN THE LOCAL GOVERNMENT PROJECT FUND PROGRAM ADMINISTERED BY NM DEPARTMENT OF TRANSPORTATION FOR GRANT APPROPRIATION FOR CHERRY LANE IMPROVEMENTS**

Mr. KC Cass explained this Resolution is required to fund this Local Government Transportation Project Fund Grant for Cherry Lane Improvements. He added the Grant is in the amount of \$950,000.00.

0:21:23 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution No. 2019-54, a Resolution supporting the participation in the Local Government Project Fund program administered by NM Department of Transportation for Grant appropriation for Cherry Lane Improvements

0:21:31 **Vote**

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

0:21:47 **6. CONSIDER APPROVAL OF ORDINANCE 2019-41, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.32 ACRE PROPERTY LOCATED AT 109 N WALNUT ST APPLICANT: JESUS MORALES**

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

Ms. Carrasco explained this request is for a zone change from "R-2" Residential 2 District to "C-2" Commercial 2 District for approximately 0.32 acres. She explained the Planning staff recommended denial as this change would create a use spot zone. She added the Planning and Zoning Commission recommended approval.

Councilor Chavez asked if the zone change would create a spot zone. **Ms. Carrasco** responded, not necessarily because the property would be adjacent to another C-2 property, however the surrounding area is residential in nature.

0:24:35 **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 into regular session**

0:24:53 **B. Consider Approval of Ordinance 2019-41**

0:25:02 **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Anaya Flores to deny Ordinance No. 2019-41, an Ordinance rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 0.32 acre property located at 109 N. Walnut St., Applicant: Jesus Morales

0:25:13 **Vote**

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

0:25:40 **7. CONSIDER APPROVAL OF ORDINANCE 2019-42, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 1.86 ACRE PROPERTY LOCATED AT 4214 S SPENCER ST APPLICANT: RAYMOND GARDNER**

0:26:08 **A. Public Hearing**

Ms. Carrasco explained this request is for a zone change from "R-R" Rural Residential to "C-2" Commercial 2 District. **Ms. Carrasco** explained that the acreage stated is incorrect and said the actual acreage of the property is 2.78 acres. She explained the Planning and Zoning Department recommends approval.

0:28:06 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Raymond Gardner explained the property surrounding his property is commercial. He explained he would like to sale his property and he feels it would be easier with the change of zoning. **Ms. Gardner** showed the Council a picture of the surrounding area.

0:33:16 **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 into regular session**

0:33:30 **B. Consider Approval of Ordinance 2019-42**

0:33:35 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to deny Ordinance No. 2019-42, an Ordinance rezoning part of "R-R" Rural Residential

District to "C-2" Commercial 2 District for an approximately 2.78 acre property located at 4214 S. Spencer St., Applicant: Raymond Gardner

0:34:11 **Vote**

The vote was as follows: Yes - Rodriguez, Anaya Flores, Chavez; No - Shirley, Waters, Walterscheid, Carter, Estrada; Absent - None; the motion did not pass

0:34:57 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve Ordinance No. 2019-42, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 2.78 acre property located at 4214 S. Spencer St., Applicant: Raymond Gardner

0:35:06 **Vote**

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

0:35:48 **8. CONSIDER APPROVAL OF ORDINANCE 2019-43, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.861 ACRE PROPERTY LOCATED TO THE EAST OF 4019 NATIONAL PARKS HWY APPLICANT: ARROWSTONE, LLC**

0:36:20 **A. Public Hearing**

Ms. Carrasco explained this request is for a zone change from "R-R" Rural Residential to "C-2" Commercial 2 District for an approximately 0.861 acre property. She said this zone change will not create a zone change and the Planning and Zoning Commission recommend approval.

0:38:16 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Zachary Theus, Project Engineer, explained the applicant is currently building a hotel on the property to the east and these lots will be utilized as part of that development.

0:39:25 **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 into regular session.**

0:39:34 **B. Consider Approval of Ordinance 2019-43**

0:39:41 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve Ordinance No. 2019-43, an Ordinance rezoning part of "R-R" Rural Residential

District to "C-2" Commercial 2 District for an approximately 0.861 acre property located to the East of 4019 National Parks Hwy., Applicant Arrowstone, LLC

0:39:46 **Vote**

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

0:40:03 **9. CONSIDER APPROVAL OF ORDINANCE 2019-44, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 21.86 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION BETWEEN BOYD DRIVE AND HIDALGO ROAD APPLICANT: ARROWSTONE LLC**

0:40:33 **A. Public Hearing**

Ms. Carrasco explained this is a request for a zone change from "R-R" Rural Residential District to "R-2" Residential District for an approximately 21.86 acre parcel. She explained the developer would like to place an apartment complex on the property. She explained the zone change will not create a spot zone and the Planning and Zoning Commission recommend approval.

0:41:55 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Zachary Theus, Crestline Building, explained this apartment project would be very similar in design and scope as Copperstone Apartments.

Councilor Chavez asked how many units the complex will have. **Mr. Theus** said the first phase will be approximately 130 units and approximately 400 to 420 total with all phases complete.

Councilor Shirley asked if there was a timeframe for Phase 1 to be complete. **Mr. Theus** said if the plans can be submitted in January, Phase 1 could be completed by August 2020.

0:43:57 **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 into regular session.**

0:44:06 **B. Consider Approval of Ordinance 2019-44**

0:44:14 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance No. 2019-44, an Ordinance rezoning part of "R-R" Rural Residential District to "R-2" Residential 2 District for an approximately 21.86 acre property located

at the Northeast Corner of the intersection between Boyd Drive and Hidalgo Road
Applicant: Arrowstone, LLC

0:44:21 **Vote**

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

0:44:40 10. Council Committee Reports

Councilor Rodriguez reminded everyone to vote on Tuesday, November 5, 2019.

Mayor Janway said the Brine Well Mediation Authority will meet on Friday, October 25, 2019 at 9:00 a.m.

Mayor Janway announced Albertsons will have ribbon cutting tomorrow, October 23rd at 9:00 a.m. and invited everyone to attend.

0:45:34 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:45:41 **11. ADJOURN**

0:45:48 **Motion**

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

0:45:54 **Vote**

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

0:46:17 **Adjourn**

There being no further business, the meeting was adjourned at 6:46 p.m.

/s/Dale Janway
Dale Janway, Mayor

ATTEST:

/s/Nadine Mireles
Nadine Mireles, City Clerk