

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON DECEMBER 10, 2019 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada Jason O. Chavez Jason Shirley Wesley A. Carter Mark C. Walterscheid	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Judith E. Waters	Councilors
Also Present:	Michael Hernandez John Lowe Eileen P. Riordan Nadine Mireles Angie Barrios-Testa KC Cass Ron Myers Wayne Hatfield Brent Griffith Wendy Austin Richard Lopez Jeff Patterson Trysha Ortiz Shane Skinner Patrick Cass	City Administrator Deputy City Administrator City Attorney City Clerk Director of Municipal Services Director of Projects Director of Utilities IT Director IT Technician Finance Director Fire Chief Planning Director Deputy 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**

0:00:03      Invocation - Pledge of Allegiance

0:00:39      **Mayor Janway welcomed Mr. Eric Spencer, Ms. Laverne Shan and the Student Advisory Board.**

**Ms. Shan** introduced the students on the Board and gave them each a certificate of recognition.

0:04:01        **1.        APPROVAL OF AGENDA**

0:04:05        **Motion**

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

0:04:09        **Vote**

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

0:04:38        **2.        CONSIDER APPROVAL OF RESOLUTION NO 2019-57, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2019-20 FISCAL YEAR BUDGET**

Mrs. Gonzalez reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2019-2020 Fiscal Year Budget highlighting the General Fund, the Capital Projects Fund, the Airport Improvements Fund, the Streets Improvement fund, and the Lodgers' Tax-Promotional Fund.

0:07:38        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2019-57, a Resolution making certain budgetary adjustments to the 2019-20 Fiscal Year Budget

0:07:59        **Vote**

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

0:08:19        **3.        ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on November 12, 2019
- B. City Personnel Report
- C. Purchasing
  - 1) Consider Approval to Reject and Rebid RFP 2019-19 for sale of water from Tatum Well Field
  - 2) Consider Approval to Award Bid 2019-20 for replacement of Dam Gates at Upper Tansil Dam on the Pecos River to Smithco Construction Inc.
- D. Contracts and Agreements
  - 1) Consider Approval of Agreement between the City of Carlsbad and Precision Fireworks LLC for July 4 Fireworks show
  - 2) Consider Approval of Agreement between the City of Carlsbad and On Target Challenge for the Firefighter Combat Challenge to be held on June 5 and 6, 2020 during Cavernfest
- E. Monthly Reports
  - 1) Human Resources Department November 2019
  - 2) Municipal Court Department November 2019

- 3) Municipal Services Department October 2019
- F. Set the Date: January 14, 2020
- 1) Consider Approval of Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.40 acre property, located at 511 W. Lea St

0:08:40 **Mayor Janway asked Mr. Hernandez to discuss Item C.2 Consider Approval to Award Bid 2019-20 for replacement of Dam Gates at Upper Tansil Dam on the Pecos River to Smithco Construction, Inc.; and Chief Lopez to discuss D.1 Consider Approval of Agreement between the City of Carlsbad and Precision Fireworks LLC for July 4th Fireworks Show**

**Mr. Hernandez** explained this item is to Award Bid 2019-20 for replacement of Dam Gates at Upper Tansil Dam on the Pecos River. He explained the city received three bids and the lowest bid was \$818,517.13 from Smithco.

**Chief Lopez** explained last year in Roswell there was a tragedy and a fire firefighter lost his life building a fireworks show. He said this has made staff reevaluate the process and staff has found a safer way to display the fireworks show.

0:13:26 **Motion**

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

0:13:32 **Vote**

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

0:13:49 **4. CONSIDER APPROVAL OF LIQUOR LICENSE APPLICATIONS FOR A SMALL BREWER LIQUOR LICENSE AND A WHOLESALER "BEER" LIQUOR LICENSE FOR MILTON'S BREWING, LLC LOCATED AT 213 A MERMOD**

**Mr. Hernandez** explained that a public hearing was held on December 4, 2019 for a Small Brewer Liquor License and a Wholesaler "Beer" Liquor License for Milton's Brewing, LLC. He added there was no opposition at the hearing and staff is recommending approval.

0:14:42 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve Liquor License Applications for a Small Brewer Liquor License and a Wholesaler "Beer" Liquor License for Milton's Brewing, LLC located at 213A Mermod

0:14:47 **Vote**

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

0:15:02      **5. CONSIDER APPROVAL OF DONATION OF OBSOLETE EQUIPMENT 2010 AMBULANCE TO ROSWELL FIRE DEPARTMENT**

**Chief Lopez** explained the fire department is removing a 2010 Ambulance from the fleet inventory due to maintenance issues. He said this ambulance is costing the city money to maintain and the ambulance will benefit the Roswell Fire Department.

0:17:12      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Donation of obsolete equipment a 2010 Ambulance to Roswell Fire Department

0:17:19      **Vote**

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

0:17:34      **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW VENDORS TO PLACE RV'S AT THE PECOS RIVER VILLAGE CONFERENCE CENTER DURING A GUN SHOW SCHEDULED FOR JANUARY 10 TO 12, 2020 APPLICANT: STEVE PORTER**

**Mr. Patterson** explained this request is to allow a vendor to place five RV's in the parking lot at the Pecos River Village Conference Center during a scheduled gun show. He said the Planning Department requests approval upon the following conditions. The applicant shall not disturb the peace, the RV's shall remain self-contained and removed on or by January 12, 2020, the applicant must obtain a temporary use permit, and the applicant must obtain a Business License.

**Councilor Walterscheid** asked if this is going to be something that the city is going to start doing. **Mr. Patterson** said this is quite common for these types of events and each decision will be at the will of the Mayor and Council. **Councilor Shirley** asked if there is a penalty assessed if the area is not cleaned up after use. **Mr. Patterson** said there will not be a penalty assessed but it could hurt the applicant's use of city property in the future.

0:21:23      **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Temporary Use Application to allow vendors to place RV's at the Pecos River Village Conference Center during a Gun Show scheduled for January 10 to 12, 2020; Applicant: Steve Porter

0:21:28      **Vote**

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

0:21:42        **7.        CONSIDER APPROVAL TO ACCEPT FY20 GRANT AWARD FOR \$40,000 FROM NEW MEXICO MORTGAGE FINANCE AUTHORITY FOR REVISION OF THE CITY OF CARLSBAD'S AFFORDABLE HOUSING PLAN**

**Mr. Patterson** explained this is a request to accept a grant award in the amount of \$40,000 from the New Mexico Mortgage Finance Authority to revise the city's Affordable Housing Plan.

0:23:37        **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve to accept FY20 Grant Award for \$40,000 from New Mexico Mortgage Finance Authority for revision of the City of Carlsbad's Affordable Housing Plan

0:23:58        **Vote**

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

0:24:15        **8.        CONSIDER APPROVAL OF THE APPEAL OF RESOLUTION 2019-56, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 910 SANDIA APPELLANT: JIM YEAGER**

**Ms. Riordan** explained request is an appeal of Resolution No. 2019-56 which requires removal of the buildings and debris at 910 Sandia. She explained she received the appeal and a notarized affidavit has been received giving Ms. Patricia White permission to represent Mr. Yeager in his absence.

0:28:26        **Ms. Patricia White** explained that she and Mr. Yeager would like the opportunity to make this property a home. She said they would like to remodel the home and add value to the neighborhood.

**Councilor Shirley** asked how long they would need and if they have had met with a contractor. **Ms. White** said she was not aware that an engineer was needed to look at the foundation and added that she would certainly meet with an engineer and that would determine the timeframe. She explained she has talked to two contractors and was told that the work would not be long.

**Councilor Chavez** asked Ms. Riordan how many times this property has been served. **Ms. Riordan** explained that Mr. Yeager acquired title of the property in July of 2019. She explained the previous owner was contacted on multiple occasions before the property was purchased by Mr. Yeager.

**Councilor Walterscheid** asked Ms. White if they had the funds available to rehabilitate the home. **Ms. White** answered yes, and said they are prepared to move quickly.

**Councilor Carter** said he would like to see this come back to Council in January. He said he would like to see the property secured immediately, a review from a general

contractor, a proposed timeline, and a financial plan. He stated he would be in favor of the property being rehabbed if it is possible.

0:34:40        **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to bring this appeal of Resolution No. 2019-56, a Resolution requiring the removal of the buildings and debris at 910 Sandia, Appellant: Jim Yeager back to Council in January with the property secured, with a review from a general contractor, a timeline, and a financial plan for the renovation

0:34:54        **Mayor Janway asked if anyone would like to comment on the appeal.**  
**Mr. Mario Salinas** said he has been putting up with the property for 20 years and recommends that Council deny the appeal.

**Mr. Zach Downing**, Contractor, said he looked at the property and the structure has a good frame worth approximately \$30,000. He said he tried to reach the owners and he feels if the owner cannot afford to fix the property, they should be given the opportunity to sale the property to someone who can fix it. He said that property can be rehabilitated to be equally as valuable as the surrounding properties.

**Ms. Brandy Aranda**, sister of Ms. White, said they have the funds to renovate the property and they have been in contact with a licensed contractor.

**Mr. KC Cass** said the property has some issues beyond the surface. He said the building department agrees that a structural engineer needs to look at the integrity of the structure to ensure the property will meet code when renovations are complete.

0:48:13        **Vote**

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

0:49:01        **9. CONSIDER APPROVAL OF RESOLUTION 2019-58, A RESOLUTION URGING THE NEW MEXICO LEGISLATURE TO REPEAL THE STATE TAX ON SOCIAL SECURITY BENEFITS FOR NEW MEXICO SENIORS**

**Ms. Riordan** explained this Resolution is urging both the State Legislature and the Governor to repeal the income tax that New Mexico places on Social Security benefits of New Mexico Seniors. She explained a Social Security tax is a form of double taxation because you were taxed on your wages and then are being taxed again on the benefits.

0:50:31        **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Resolution No. 2019-58, a Resolution urging the New Mexico Legislature to repeal the state tax on Social Security benefits for New Mexico Seniors

0:50:37           **Vote**

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

0:50:51           **10.    CONSIDER APPROVAL OF RESOLUTION 2019-59, A RESOLUTION REQUIRING THE REMOVAL OF THE TRASH AND DEBRIS AT 2312 AVENUE A OWNER: JOHN PAPSUN**

**Ms. Riordan** explained this Resolution is requiring the removal of trash and debris at 2312 Avenue A. She said that Code Enforcement has been dealing with the property since August of 2019. She added that the property has not been brought into compliance and staff recommends adopting the Resolution.

0:54:01           **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution No. 2019-59, a Resolution requiring the removal of the trash and debris at 2312 Avenue A; Owner: John Papsun

0:54:08           **Vote**

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

0:54:24           **11.    CONSIDER APPROVAL OF RESOLUTION 2019-60, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 306 S. GUADALUPE ST OWNERS: BEN AND MARIA YTURRALDE**

**Ms. Riordan** explained this Resolution is requiring the removal of the buildings and debris at 306 S. Guadalupe Street. She said the property suffered an extensive fire in January of 2019 and staff recommends demolition of the property.

**Mr. Benjamin Yturalde** said in June he sold the home to Carlos Reyes under a Real Estate Contract and he continues to hold the note. **Ms. Riordan** said under New Mexico Law with a Real Estate Contract, the title has not been fully transferred to the new owner, it is on an installment process. She explained at this point they would both be considered to have an interest in the property.

**Mr. Carlos Reyes** said he is cleaning up the property. He said he received the approval of the asbestos test and it will be completed this week, once completed he will get a demolition permit.

**Ms. Riordan** asked how much time he needed to have the work completed. **Mr. Reyes** said if all goes as planned he could have the demolition complete in 30 days.

1:02:55           **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Resolution No. 2019-60, a Resolution requiring the removal of the buildings

and debris at 306 S. Guadalupe St. Owners: Ben and Maria Yturralde and to amend the Resolution allowing 60 days to complete the removal

1:03:42        **Vote**

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

1:04:05        **12. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** said a meeting was held with Representative Torres Small that was very beneficial. **Councilor Rodriguez** announced that there is a meeting scheduled for Monday, December 16th with the Census 2020 group. He added his concern for the man camps and an accurate count for the Census 2020.

**Councilor Shirley** said he and Councilor Chavez attended the Energy Communities Alliance Meeting in Nashville. He said the meeting had great presentations and discussions regarding nuclear, WIPP, and Holtec projects. He added that Councilor Chavez was elected the ECA member at large, so Carlsbad will have representation on the executive board of ECA. **Mayor Janway** congratulated Councilor Chavez.

**Mayor Janway** said there is a Mayor's Committee for the West Bypass. He said Susan Crockett is the chair, and the members would include vice chair Councilor Estrada, John Lowe, Jason Burns, Dr. Washburn, and Mr. Lee White.

1:06:07        **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

1:06:19        **13. ADJOURN**

1:06:24        **Motion**

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

1:06:30        **Vote**

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



1:06:47      **Adjourn**

There being no further business, the meeting was adjourned at 7:09 p.m.

          /s/Dale Janway            
Dale Janway, Mayor

ATTEST:

          /s/Nadine Mireles            
Nadine Mireles, City Clerk