

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON FEBRUARY 12, 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
	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**

0:00:04 Invocation - Pledge of Allegiance

0:00:36 **1. APPROVAL OF AGENDA**

0:00:39 **Mayor Janway** requested to pull Item No. 7 Consider Approval of Resolution No. 2019-05, a Resolution requiring the removal of trash and debris at 204, 206, 208, and 210 N. First Street, Owner: Dell & Grace Teague.

0:00:50 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve the Agenda as amended

0:01:00 **Vote**

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

0:01:19 **2. CONSIDER APPROVAL OF RESOLUTION NO 2019-03, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2018-19 FISCAL YEAR BUDGET**

Mrs. Austin reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2018-2019 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Non Promotional Fund, the CIEP Fund, and the Water & Sewer Fund.

0:04:05 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2019-03, a Resolution making certain budgetary adjustments to the 2018-19 Fiscal Year Budget

0:04:10 **Vote**

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

0:04:28 **3. CITY OF CARLSBAD FINANCIALS - DECEMBER 2018**

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

0:06:18 **Mayor Janway acknowledged special guests in attendance Boy Scout Troop 212.**

0:06:56 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on January 22, 2019
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for Painting Services for the Pecos River Village Conference Center
 - 2) Consider Approval to Advertise Request for Proposal for Professional Design Services for the new San Jose Senior Center
 - 3) Consider Approval to Award RFP 2018-24, to Eric Chavez for Golf Shop Management Services for Lake Carlsbad Golf Course
- D. Contracts and Agreements

- 1) Consider Approval of Agreement between the City of Carlsbad and Shorthorn Little League for League Services at the Bob Forrest Youth Sports Complex
 - 2) Consider Approval of Agreement between the City of Carlsbad and Carlsbad National Little League for League Services at Bob Forrest Youth Sports Complex
 - 3) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Little Girls Softball for League Services at Bob Forrest Youth Sports Complex
- E. Monthly Reports
- 1) Human Resources Department January 2019
 - 2) Municipal Court January 2019
 - 3) Transportation & Facilities Department December 2018
- F. Set Date: March 26, 2019
- 1) Consider Approval of Ordinance, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 4.61 acre property located at 625 Park Drive
 - 2) Consider Approval of Ordinance, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 16.77 acre property located at Cascades Ave
 - 3) Consider Approval of Ordinance, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.00 acre property located at 3305 Boyd Drive
 - 4) Consider Approval of Ordinance, an Ordinance annexing a portion of land containing +/-3.31 acres more or less located at 2710 Dona Ana Street
 - 5) Consider Approval of Ordinance, an Ordinance applying "R-R" Rural Residential District to an approximately 3.31 acre property located at 2710 Dona Ana Street
 - 6) Consider Approval of Ordinance, 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
 - 7) Consider Approval of Ordinance, an Ordinance adopting amendments to the Carlsbad Code of Ordinances, Chapter 56 - Zoning Ordinance
 - 8) Consider Approval of Ordinance, an Ordinance adopting amendments to the Carlsbad Code of Ordinances, Chapter 47 - Subdivision Regulations
- G. Board Appointments
- 1) Southeast Regional Transportation Planning Organization (SERTPO) Policy Committee Jeff Patterson, Technical Committee K.C. Cass
- H. Naming of Nick Salcido Fitness Park

0:07:18 **Mayor Janway asked Mrs. Testa to discuss Item C.2 Consider Approval to Advertise Request for Proposal for Professional Design Services for the new San Jose Senior Center and Mr. Britt to discuss Item C.3 Consider Approval to Award RFP 2018-24, to Eric Chavez for Golf Shop Management Services for Lake Carlsbad Golf Course**

Mrs. Testa explained item C.2 is a Request for Proposals for the design of the San Jose renovation project, formerly Pate School. She added this project will be funded by the CDBG Program.

Mr. Britt explained item C.3 is to Award RFP No. 2018-24 to Eric Chavez for Golf Shop Management Services for Lake Carlsbad Golf Course. He added the award is contingent upon successful negotiation of a contract with City Administration.

0:10:13 **Councilor Chavez** noted that he is not related to Eric Chavez, Golf Pro.

0:10:33 **Motion**

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

0:10:38 **Vote**

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

0:10:56 **5. CONSIDER APPROVAL TO VACATE APPROXIMATELY 0.011 ACRES OF STREET RIGHT-OF-WAY LOCATED ALONG THE NORTH SIDE OF 511 LUCKEY ST., APPLICANT: PALMA CONSTRUCTION**

Mr. Patterson explained this item is to request to vacate 0.011 acres of right-of-way along Luckey Street. He said Mr. Palma constructed five apartments and built into the city's right-of-way. He added that the Planning and Zoning Commission recommend approval.

Mr. Palma explained at the final stage of the project, he found they had built into the city's right-of-way.

Mr. Hernandez asked Mr. Palma if he plans to construct a new ADA compliant sidewalk. **Mr. Palma** said he can extend the sidewalk out 12 inches to replace the 12 inches that are being lost.

Mr. Cass said the sidewalk needs to be addressed. He explained the city needs to keep the sidewalks clear and ADA compliant. He said he is not sure if adding a foot to the sidewalk is the ultimate solution. He said he strongly recommends that an ADA compliant sidewalk be installed.

Ms. Riordan asked if the city vacates this section of the right-of-way, would the steps still be on the cities property line. **Mr. Cass** said no, they would not. **Mr. Cass** said it is imperative to build a sidewalk that clearly delineates city owned sidewalk that is ADA compliant.

Councilor Rodriguez asked Mr. Palma if he would agree to the recommendation. **Mr. Palma** said he would do whatever it takes to fix the problem.

0:24:59 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve to vacate approximately 0.011 acres of street Right-of-Way located along the North side of 511 Luckey St., Applicant: Palma Construction contingent upon proper construction of an ADA compliant sidewalk made to the city's specifications

0:25:12 **Vote**

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

0:25:33 **6. CONSIDER APPROVAL OF RESOLUTION 2019-04, A RESOLUTION CREATING THE CENSUS 2020 COMPLETE COUNT COMMITTEE TO ASSIST THE CITY OF CARLSBAD FOR THE CENSUS 2020**

Mr. Patterson explained the city has begun its preparation for Census 2020 including meeting with Census Bureau Representatives. He said the Census Bureau recommends that each Municipality create a Census Complete Count Committees. He explained the job of the Committee is to primarily head up the city's efforts in public outreach to educate the citizens about the Census and inform the citizens of the importance of the upcoming count.

Mayor Janway added that the Committee will be named at the next City Council Meeting.

0:27:57 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Resolution No. 2019-04, a Resolution creating the Census 2020 Complete Count Committee to assist the City of Carlsbad for the Census 2020

0:28:02 **Vote**

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

0:28:21 **7. CONSIDER APPROVAL OF RESOLUTION NO 2019-05, A RESOLUTION REQUIRING THE REMOVAL OF TRASH AND DEBRIS AT 204, 206, 208 AND 210 N. FIRST STREET. OWNER: DELL & GRACE TEAGUE**

Item No. 7 removed from Agenda

0:28:21 **8. CONSIDER APPROVAL OF ORDINANCE 2019-06, AN ORDINANCE REGARDING THE BOARD OF TRUSTEES OF THE CARLSBAD PUBLIC LIBRARY AMENDING SECTION 26-34 OF THE CARLSBAD CITY CODE**

CHANGING THE FREQUENCY OF MEETINGS FROM MONTHLY TO EVERY OTHER MONTH

0:28:45 **A. Public Hearing**

Mrs. Testa explained the Carlsbad Library Advisory Board believes it is sufficient to meet the administrative needs of the Library by changing the meeting frequency to once every other month.

0:30:24 **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.**

0:30:39 **B. Consider Approval of Ordinance 2019-06**

0:30:47 **Motion**

The motion was made by Councilor Waters and seconded by Councilor Walterscheid to approve Ordinance No. 2019-06, an Ordinance regarding the Board of Trustees of the Carlsbad Public Library amending Section 23-34 of the Carlsbad City Code changing the frequency of meetings from monthly to every other month

0:30:52 **Vote**

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

0:31:08 **9. CONSIDER APPROVAL OF ORDINANCE 2019-07, AN ORDINANCE AMENDING SECTION 50-3(A) OF THE CITY OF CARLSBAD CODE OF ORDINANCES REGARDING PENALTY ASSESSMENTS FOR THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE, 2010 COMPILATION AND AMENDING ORDINANCE 2011-10, REGARDING THE OPERATION OF A HAND-HELD MOBILE TELEPHONE TO MAKE A VIOLATION OF THE ORDINANCE A PENALTY ASSESSMENT OFFENSE**

0:31:48 **A. Public Hearing**

Ms. Riordan explained the proposed amendments to the Uniform Traffic Code's Penalty Assessment List.

Chief Skinner added that not offering the Penalty Assessment was becoming burdensome to staff and to our citizens.

Councilor Whitlock added that a lot of time went into the Penalty Assessment list and that the citizens will still have the option to appear in court.

0:42:47 **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.**

0:43:00 **B. Consider Approval of Ordinance 2019-07**

0:43:06 **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Shirley to approve Ordinance No. 2019-07, an Ordinance amending Section 50-3(a) of the City of Carlsbad Code of Ordinances regarding Penalty Assessments for the New Mexico Uniform Traffic Ordinance, 2010 Compilation and Amending Ordinance 2011-10, regarding the operation of a hand-held mobile telephone to make a violation of the Ordinance a Penalty Assessment Offense

0:43:13 **Vote**

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

0:43:39 **10. COUNCIL COMMITTEE REPORTS**

None to report.

0:43:57 **11. ADJOURN**

0:44:03 **Motion**

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

0:44:11 **Vote**

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

0:44:37 **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