

**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 14, 2020 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor <i>via telephone</i>
	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
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Wendy Austin	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Trysha Ortiz	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**

0:00:04 Invocation - Pledge of Allegiance

0:00:35 *Mayor Janway stated that Councilor Anaya Flores would be joining by telephone.*

0:00:39 **1. APPROVAL OF AGENDA**

0:00:43 **Motion**

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

0:00:48 **Vote**

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

0:01:06 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on December 10, 2019
- B. Minutes of the Special City Council Meeting held on December 19, 2019
- C. City Personnel Report
- D. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for an Equipment Storage Building to be placed at the Carlsbad Cemetery
 - 2) Consider Approval to Advertise Invitation to Bid for the remodel of a Non-Commercial Kitchen at the Pecos River Village Conference Center
- E. Monthly Reports
 - 1) Community Development Department November 2019
 - 2) Human Resources Department December 2019
 - 3) Municipal Court Department December 2019
 - 4) Municipal Services Department November 2019
 - 5) Transportation and Facilities Department October and November 2019
 - 6) Utilities Department November 2019
- F. Board Appointments
 - 1) North Mesa Senior Center Advisory Board Re-appoint Beth Fredericks 4 year term
 - 2) Carlsbad Riverwalk Recreation Center Advisory Board Appoint: Roosevelt Armendariz, remainder of 4 year term, Appoint: Nathaniel Alanzo, remainder of 4 year term, Appoint: Elsa Hernandez, 4 year term
 - 3) Southeastern NM Economic Development District COG SNMEDD/COG Appoint: Councilor Lisa Anaya-Flores, 2 year term
- G. Set the Date: February 11, 2020
 - 1) Consider Approval of Ordinance authorizing the lease of the property located at 701 N Guadalupe to the Carlsbad Alano Club for the provision of support services for people in the Carlsbad Area with addiction issues and for those affected by addiction
- H. Set the Date: February 25, 2020
 - 1) Consider Approval of Ordinance rezoning part of "R-2" Residential 2 District to "R-R" Rural Residential District for an approximately 6.775 acre property located at Copperstone Estates Phase III Subdivision

0:01:30 **Mayor Janway asked Mr. Hernandez to explain Item D.2 Consider approval to Advertise Invitation to Bid for the remodel of a Non-Commercial Kitchen at the Pecos River Village Conference Center**

Mr. Hernandez explained staff is requesting approval to solicit bids for a remodel of the non-commercial kitchen at the Pecos River Village Conference Center.

0:02:14 **Motion**

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

0:02:19 **Vote**

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

0:02:46 **3. CONSIDER APPROVAL OF APPLICATION FOR A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY FOR ROSY'S MEXICAN RESTAURANT LOCATED AT 106 W BONBRIGHT**

Mr. Hernandez explained this is a request for approval for a restaurant Beer and Wine Liquor License for Rosy's Mexican Restaurant. He stated a public hearing was held on January 8, 2020 and there was no opposition at the hearing.

0:03:36 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Application for a restaurant Beer and Wine Liquor License with on premises consumption only for Rosy's Mexican Restaurant located at 106 W. Bonbright

0:03:41 **Vote**

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

0:04:01 **4. CONSIDER APPROVAL OF REQUEST TO TRANSFER OUTSIDE CITY LIMITS WATER SERVICE FROM A. DUENEZ TO B. BORUNDA FOR PROPERTY LOCATED AT 1915 CONNIE ROAD**

Mr. Myers explained this request is to transfer a water account for a property located outside the City limits. He said the property has been served city water for years at the rate of 2 1/2 times higher than the city rates. He explained the new property owners would like to transfer the account into their names. He added the Water and Sewer Commissioners approved the request and staff is requesting Council approval.

0:05:15 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Estrada to approve request to transfer outside City Limits Water Service from A. Duenez to B. Borunda for property located at 1915 Connie Road

0:05:18 **Vote**

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

0:05:19 **5. CONSIDER APPROVAL TO REVIEW AND PROCEED WITH RESOLUTION NO 2019-56, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 910 SANDIA OWNER: JIM YEAGER**

Ms. Riordan explained this property was previously recommended for condemnation and Mr. Yeager filed an appeal. She stated Council heard the appeal on December 10, 2019 and Council granted additional time with conditions. She explained Council requested that the structure be secured and that the owner provide a written review of the property from a licensed contractor, a time line, and a financial plan. **Ms. Riordan** explained the property has been secured but nothing more has been presented to staff.

0:08:05 **Mayor Janway asked if anyone would like to speak regarding the Resolution.**

Ms. Patricia White and Mr. Alfred Carrasco, CD General Contracting, came forward. **Mr. Carrasco** said he provided a proposal for work on the property. **Ms. Riordan** asked Mr. Carrasco if he was a licensed contractor. **Mr. Carrasco** responded yes. **Ms. Riordan** asked when Mr. Carrasco inspected the premises. **Mr. Carrasco** said he and David Hernandez inspected the property on November 15, 2019 and added the work would completed within six months. **Ms. White** said she has not been able to get a financial plan but added that everything has already been paid for and all the material has been purchased.

0:11:59 **Mayor Janway asked if anyone else would like to speak regarding the Resolution, no one appeared.**

0:13:13 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve to proceed with Resolution No. 2019-56, a resolution requiring the removal of the building and debris at 910 Sandia; Owner: Jim Yeager

0:13:46 **Vote**

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

0:16:10 **6. CONSIDER APPROVAL OF RESOLUTION NO 2020-01, A RESOLUTION SUPPORTING CERTAIN AMENDMENTS TO THE LODGERS TAX LAW**

Ms. Austin explained that city leaders and state legislators have worked in collaboration with the State's Legal Counsel Services to create a bill that amends the current Lodgers' Tax Law. She explained this is a bipartisan bill that corrects a tax loophole to better support New Mexico cities and counties. She added that city staff are

recommending approval of the Resolution supporting certain amendments to the Lodgers' Tax Law.

0:19:13 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Resolution No. 2020-01, a Resolution supporting certain amendments to the Lodgers' Tax Law

0:19:19 **Vote**

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

0:19:41 **7. CONSIDER APPROVAL OF RESOLUTION NO 2020-02, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 506 N SEVENTH STREET OWNER: ESTATE OF LINO RODRIGUEZ CARE OF JOSE & MERCEDES FUENTES**

Ms. Riordan explained this property is located in a residential area and there are no structures on the property. She explained there are several dead trees on the property, along with tall, dry weeds, and debris. She explained the concern is a fire hazard and staff recommends approval of the Resolution.

0:21:03 **Mayor Janway asked if a representative for the property was present, no one appeared.**

0:21:12 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution No. 2020-02, a Resolution requiring the removal of the weeds and debris at 506 N. Seventh Street; Owner: Estate of Lino Rodriguez care of Jose & Mercedes Fuentes

0:21:18 **Vote**

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

0:21:35 **8. CONSIDER APPROVAL OF RESOLUTION NO 2020-03, A RESOLUTION REQUIRING THE REMOVAL OF WEEDS AND DEBRIS AT 914 N PATE OWNER: DIANA MEEK**

Ms. Riordan explained this property is located in a residential area and appears to be vacant. She stated that the concern is a large dead tree along with tree limbs and dry weeds and grass around the property. She explained Code Enforcement has spoken to Ms. Meeks, property owner, who stated she lived out of state and could not maintain the property or cut down the tree.

0:23:21 **Mayor Janway asked if a representative for the property was present, no one appeared.**

0:24:13 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2020-03, a Resolution requiring the removal of weeds and debris at 914 N. Pate; Owner: Diana Meek

0:24:18 **Vote**

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

0:24:34 **9. CONSIDER APPROVAL OF ORDINANCE NO 2020-01, AN 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**

Mr. Patterson explained this request is for a zone change from "C-2" Commercial 2 District to "R-2" Residential 2 District. He explained "R-2" Residential 2 District is intended to accommodate higher density residential. He said the applicant plans to build a small apartment complex on the property. He added this change in zoning will not create a spot zone. He stated the item was heard by the Planning and Zoning Commission and the Commission recommends approval.

0:26:04 **A. Public Hearing**

0:26:07 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Ron Priestly, TAJ Investment Properties Partner, said the plan is to build a 14 unit apartment complex on the property. He stated there are two lots there that are adjacent to each other and the plan is to dissolve the lot line and use one for parking and the other for the apartments. He said the plan is to build affordable two bedroom units that are very functional.

Councilor Chavez asked if there will be enough parking for the units. **Mr. Priestly** said the parking will be a bit snug but there will be just enough per code.

0:27:32 **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 in regular session.**

0:27:42 **B. Consider Approval**

0:27:48 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance No. 2020-01, an 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

0:27:53 **Vote**

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

0:28:13 **10. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez said there is a Census Committee meeting planned for January 27. He said he has attended two state meetings and today some state level census people were able to come to tour Carlsbad and the man camps. He said the purpose of the trip was to make them aware of the situation we have here in Carlsbad.

0:30:10 **Mayor Janway asked if anyone present would like to address the Council, no one appeared.**

0:30:18 **11. ADJOURN**

0:30:23 **Motion**

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

0:30:29 **Vote**

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

0:30:50 **Adjourn**

There being no further business, the meeting was adjourned at 6:31 p.m.

/s/Dale Janway
Dale Janway, Mayor

ATTEST:

/s/Nadine Mireles
Nadine Mireles, City Clerk