

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON MARCH 10, 2020 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:	John Lowe	City Administrator
	Wendy Austin	Deputy City Administrator
	KC Cass	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Angie Barrios-Testa	Director of Municipal Services
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Melissa Salcido	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**

0:00:05 Invocation - Pledge of Allegiance

0:00:30 **1. APPROVAL OF AGENDA**

0:00:35 **Motion**

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

0:00:39 **Vote**

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

0:00:57 **2. CONSIDER APPROVAL OF RESOLUTION NO 2020-08, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2019-20 FISCAL YEAR BUDGET**

Ms. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2019-2020 Fiscal Year Budget highlighting the General Fund, the Municipal Transit Fund, the Sports Complex Fund, the Water & Sewer Fund, the Airport Improvement Fund, and the Lodgers' Tax Promotional Fund.

0:04:01 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Resolution No. 2020-08, a Resolution making certain budgetary adjustments to the 2019-20 Fiscal Year Budget

0:04:12 **Vote**

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

0:04:37 **3. CITY OF CARLSBAD FINANCIALS - JANUARY 2020**

Ms. Salcido reviewed the revenues and expenditures as of January 2020 for the General Fund, selected Enterprise Fund and Special Funds contained within the City Budget.

0:06:38 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on February 25, 2020
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for Cavern Theater Rehabilitation - Phase 3
 - 2) Consider Approval to Advertise Invitation to Bid for renovation of San Jose Senior Center at Pate School - Phase 1
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and New Mexico State University Carlsbad for the use of the Walter Gerrells Performing Arts Center
- E. Monthly Reports
 - 1) Human Resources Department February 2020
 - 2) Municipal Court Department February 2020

- F. Board Appointments
 - 1) City of Carlsbad Disability Advisory Board Appoint: Diane Jordan four year term
 - 2) Southeast Regional Transportation Planning Organization (SERTPO) Appoint: Ivan Mike Abell
- G. Set Date: April 14, 2020
 - 1) Consider Approval of Ordinance granting the New Mexico Gas Company, Inc a franchise to construct, operate and maintain a natural gas utility within the City of Carlsbad
- H. Consider Approval of Resolution No 2020-09, a Resolution regarding the renaming of 106 North Mesquite formerly known as the Reintegration Center to the Jeff and Evy Diamond Building

0:07:30 **Councilor Walterscheid** asked to discuss Item C.1 Consider Approval to Advertise Invitation to Bid for Cavern Theater Rehabilitation - Phase 3

Mr. Lowe explained this is a request to Advertise Invitation to Bid for Cavern Theater Rehabilitation for Phase 3. He explained that Phase 3 consists of internal HVAC work, upgrades to the existing restrooms, the additional of a new ADA compliant restroom, the repair and re-line of existing sewer lines, installing a fire suppression system, and work to exterior doors.

Councilor Walterschied asked how many more phases there will be. **Mr. Lowe** said it will depend on the level of funding that is appropriated towards the Theater.

Councilor Walterschied said the question he needs is when the Theater will be finished. **Mr. Lowe** said it will depend on the level of funding that is put towards the Theater each year. He explained if a large amount of funding is appropriated to the Theater it will be completed more quickly. He added the amount of funding determines how many Phases it will take to complete.

Mayor Janway also added the Phases will also be determined by how much the City wants to do to the Theater.

Councilor Shirley asked how much has been spent to date on the Theater. **Mr. Lowe** said he would get him that information.

0:10:05 **Mayor Janway said he would like to discuss Item H. Consider Approval of Resolution No. 2020-09, a Resolution regarding the renaming of 106 North Mesquite formerly known as the Reintegration Center to the Jeff and Evy Diamond Building**

Mayor Janway voiced his support to rename the Reintegration Center to the Jeff and Evy Diamond Building. **Mayor Janway** added that Jeff has been working tirelessly on Mental Health and Treatment Services in Carlsbad and the State, specifically in pushing for a treatment center for women with children. He went on to say that Jeff previously

served on the Carlsbad Municipal School Board, served as a City Councilor and also served on many more committees at the Local, State, and National level. **Mayor Janway** said he has founded organizations focused on fighting Cancer in memory of his and Evy Diamonds son, Shannon. **Mayor Janway** added that Jeff has also worked hard on National Anti-Defamation efforts.

Mayor Janway said Evy Diamond served as an Educator in the community for many years. He explained she was a member of the State Arts Commission and President of numerous local charitable and cultural organizations. **Mayor Janway** said the city was saddened by her passing in 2016 and are happy to honor her memory.

Mayor Janway added the naming of the building is a small way to repay Jeff and Evy for their many years of service to our community. The Councilors all shared their thanks and gratitude to the Diamonds and added they are honored to rename the building.

0:17:46 **Motion**

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

0:17:50 **Vote**

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

0:18:13 **5. LEGISLATIVE UPDATE FROM JERRY FANNING, EDDY COUNTY GOVERNMENT & PUBLIC AFFAIRS DIRECTOR**

Mr. Fanning said the Session went great and with the help of Wendy Austin and John Heaton the Lodgers' Tax Bill was passed. He said there were some challenges but the Bill was supported and passed and will become effective in July 2020. He gave updates on other bills and said he is working on putting together a regional strategy and preparing for next year.

Councilor Rodriguez asked if the anti-fracking rhetoric could be prevented from coming back up. **Mr. Fanning** said he saw a new demeanor of the appreciation of what is happening here in southeast New Mexico and as a result the Fracking Bill never made it out of committee. He said he doesn't believe it can be prevented but he will continue to educate and continue to send the message forward.

Councilor Walterschied asked if there are any thoughts of dividing New Mexico into north and south. **Mr. Fanning** said he does not believe it is a realistic concept.

Councilor Shirley asked what happened with the SERPTO funding. **Mr. Lowe** said SERPTO funding was originally eliminated but it has been reinstated.

0:30:57 **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW VENDORS TO PLACE RV'S AT THE PECOS RIVER VILLAGE DURING A GUN SHOW SCHEDULED FOR MARCH 27-29, 2020 APPLICANT: STEVE PORTER**

Mr. Patterson explained this request is asking for permission to allow for vendors to place RV's at the Pecos River Village Conference Center during a scheduled gun show for March 27-29, 2020. He explained this is the same applicant who requested and was granted permission in January.

0:32:44 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Temporary Use Application to allow vendors to place RV's at the Pecos River Village during a gun show scheduled for March 27-29, 2020; Applicant: Steve Porter

0:32:49 **Vote**

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

0:33:07 **7. CONSIDER APPROVAL OF NEWLY UPDATED DRUG AND ALCOHOL TESTING POLICY RECOMMENDED BY THE FEDERAL TRANSIT ADMINISTRATION FOR THE CARLSBAD MUNICIPAL TRANSIT**

Mr. Moore explained that on an annual basis Transit applies for two federal grants, 5311 and 5339. He said applying for these grants requires that Transit adhere to Federal Transit Administration Regulations and Rules regarding Drug and Alcohol testing policies. He explained this request is more of a format change and he is recommending approval of the updates to Transit's Drug and Alcohol policy.

Councilor Chavez asked if Transit goes by the federal guidelines for testing. **Mr. Moore** said yes, Transit adheres to both city and federal policy.

0:35:03 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the newly updated Drug and Alcohol Testing Policy recommended by the Federal Transit Administration for the Carlsbad Municipal Transit

0:35:10 **Vote**

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

0:35:27 **8. CONSIDER APPROVAL OF RESOLUTION NO 2020-10, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2020/2021 FOR THE CARLSBAD MUNICIPAL TRANSIT**

Mr. Moore explained this Resolution is requesting approval of the application of FY 2020 U.S.C. Section 5339. He explained this program provides public transportation needs for the citizens of Carlsbad. He explained Carlsbad Municipal Transit has an aging fleet of buses and he is trying to get some replacement buses.

Councilor Rodriguez asked if there is any indication on how many vans we will be allowed. **Mr. Moore** said he is applying for funding to replace 7 units that have reached FTA's useful life standards and are considered in need of replacement.

0:37:14 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution No. 2020-10, a Resolution authorizing the filing of an application to the New Mexico Department of Transportation for funding assistance for FY 2020/2021 for the Carlsbad Municipal Transit

0:37:21 **Vote**

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

0:37:47 **9. CONSIDER APPROVAL OF RESOLUTION NO 2020-11, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO TOURISM DEPARTMENT FOR THE FY21 NEW MEXICO CLEAN AND BEAUTIFUL GRANT**

Ms. Mary Garwood explained this is an annual request to apply for the New Mexico Clean & Beautiful (NMCB) Grant FY21. She explained the money received from this grant will go towards funding for the following programs/events: Riverblitz, cleanup supplies, subcontracted group litter pickups, Keep America Beautiful annual affiliate dues, and Travel and registration costs for attending the 2021 annual Keep America Beautiful conference. She said the cost for the Program is estimated to be \$32,062.50.

0:42:32 **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Resolution No. 2020-11, a Resolution authorizing filing of an Application to the New Mexico Tourism Department for the FY21 New Mexico Clean and Beautiful Grant

0:42:37 **Vote**

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

0:42:54 **10. CONSIDER APPROVAL OF ORDINANCE NO 2020-05, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "I" INDUSTRIAL DISTRICT FOR AN APPROXIMATELY 79.251 ACRE PROPERTY, LOCATED AT DANNY STAFFORD LAND DIVISION #1 APPLICANT: HUGHES PROPERTIES LLC/TREY HUGHES**

0:43:24 **A. Public Hearing**

Mr. Patterson explained this is a request for a zone change from "R-R" Rural Residential District to "I" Industrial District for approximately 79.251 acres located along Derrick Road. He explained the applicant is planning to subdivide the property into an Industrial Subdivision to locate oil field related business. He added this zone change will not create a spot zone and the Planning and Zoning Commission recommend approval.

0:44:40 **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**

0:45:00 **B. Consider Approval of Ordinance 2020-05**

0:45:06 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance No. 2020-05, an Ordinance rezoning part of "R-R" Rural Residential District to "I" Industrial District for an approximately 79.251 acre property, located at Danny Stafford Land Division #1 Applicant: Hughes Properties LLC/Trey Hughes

0:45:20 **Vote**

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

0:45:37 **11. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez said he attended a Census meeting in Hobbs last week with the PSP group and added there will be a Census meeting in Carlsbad tomorrow at noon.

0:46:58 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:47:03 **12. ADJOURN**

0:47:10 **Motion**

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

0:47:17 **Vote**

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

0:47:38 **Adjourn**

There being no further business, the meeting was adjourned at 6:48 p.m.

 /s/Dale Janway
Dale Janway, Mayor

ATTEST:

 /s/Nadine Mireles
Nadine Mireles, City Clerk