

**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 24, 2020 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	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:	Lisa A. Anaya Flores	Councilor
Also Present:	John Lowe	City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Ken Britt	Community Dev. Director
	Brent Griffith	IT Technician
	Jeff Patterson	Planning Director
	Ray Benevidez	Certified Building Official

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**

0:00:15      Invocation - Pledge of Allegiance

0:00:51      **Mayor Janway** gave a quick update on the City's response to the threat of Corona virus as well as the State's Public Health Orders. **Mayor Janway** stated the city is deeply committed to continuing to provide the public with essential services which include transit, water, and other utilities. **Mayor Janway** explained the Governor has issued a Stay at Home Order which included information on facilities that needed to be closed and the list includes all parks and golf courses. **Mayor Janway** thanked Jessica Onsurez, publisher with the Current Argus, for all the help she has given the city during this time.

0:02:51        **1. APPROVAL OF AGENDA**

0:02:54        **Motion**

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

0:02:58        **Vote**

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

0:03:15        **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 10, 2020
- B. City Personnel Report
- C. Purchasing
  - 1) Consider Approval to Award Bid 2020-03 to EDMO Distributors for Digital Radio Test Set for Public Works Electrical Department
- D. Contracts and Agreements
  - 1) Consider Approval of Grant Agreement between the City of Carlsbad and the Federal Aviation Administration (FAA) for the reconstruction of runway 14R/32L at the Cavern City Municipal Airport
- E. Monthly Reports
  - 1) Community Development Department February 2020
  - 2) Municipal Services Department February 2020
  - 3) Utilities Department February 2020
- F. Set Date: June 9, 2020
  - 1) Consider Approval of Ordinance rezoning part of "C-2" Commercial 2 District to "R-1" Residential 1 District for an approximately 0.50 acre property located at 108 N Fifth Street
  - 2) Consider Approval of Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 0.50 acre property located at 212 S Alameda Street
  - 3) Consider Approval of Ordinance rezoning part of "R-R" Rural Residential District to "I" Industrial District for an approximately 82.45 acre property located at 1400 San Jose Blvd and extending southwest into Dark Canyon Drainage

0:03:38        **Mayor Janway asked Mr. Ken Britt to discuss Item D.1 Consider Approval of Grant Agreement between the City of Carlsbad and the Federal Aviation Administration (FAA) for the reconstruction of runway 14R/32L at the Cavern City Municipal Airport**

**Mr. Britt** explained the city has been awarded a grant from the FAA to being the design process of the reconstruction of Runway 14R/32L at the Cavern City Municipal Airport.

0:04:41       **Motion**

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

0:04:47       **Vote**

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

0:05:09       **3. CONSIDER APPROVAL OF RESOLUTION NO 2020-12, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

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

0:05:43       **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterschied to approve Resolution No. 2020-12, a Resolution declaring certain city property unusable or obsolete

0:05:47       **Vote**

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

0:06:03       **4. CONSIDER APPROVAL OF RESOLUTION NO 2020-13, A RESOLUTION APPROVING CONTRIBUTION FROM LEA COUNTY TO EDDY-LEA ENERGY ALLIANCE AND APPROVING EQUALIZATION OF LEA COUNTY'S MEMBERSHIP INTEREST PERCENTAGE**

**Mr. Lowe** explained Lea County seeks the approval of the City of Carlsbad for Lea County to contribute \$25,000 to make its total contribution equal to those of each of the remaining Members of ELEA. He added Lea County seeks approval of the City of Carlsbad that its percentage of interest in ELEA is restored to 25%, being the same percentage of interest of each of the remaining members.

**Councilor Shirley** explained that Lea County has gone through some transition on the ELEA Board that caused some confusion. He recommends restoring their equal interest.

0:07:03       **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Resolution No. 2020-13, a Resolution approving contribution from Lea County to Eddy-Lea Energy Alliance and approving equalization of Lea County's membership interest percentage

0:07:08           **Vote**

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

0:07:26           **5. CONSIDER APPROVAL OF APPEAL OF RESOLUTION NO 2020-07, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 511 S ALAMEDA APPELLANT: PRISCILLA RODRIGUEZ**

**Ms. Riordan** explained this is an appeal of Resolution No. 2020-07 that was adopted at the February 25, 2020 Council meeting. She explained Ms. Priscilla Rodriguez is asking for an appeal of the Councils decision and for an extension to finish cleaning up the property. **Ms. Riordan** explained that the property is being worked on and several of the smaller accessory structures and some of the debris has been removed.

**Councilor Walterscheid** asked when this was first brought before Council. **Ms. Riordan** said it was first brought to Council one month ago. **Mr. Ray Benevidez** added that the first time he went out to inspect the property was in October of 2019. He said he found the property in exceedingly poor condition. He said he understands the accessory structures have been removed but he did not see an asbestos report or a demolition permit.

0:12:18           **Ms. Rodriguez** explained she does not really know how to go about with the property. She explained that the property was left to her by her uncle. She said she would like to remove all the structures and place a mobile home on the property.

0:15:08           **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to deny the appeal of Resolution No. 2020-07, a Resolution requiring the removal of buildings and debris at 511 S. Alameda; Appellant: Priscillia Rodriguez

0:15:22           **Vote**

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

0:15:41           **6. CONSIDER APPROVAL OF AN APPEAL OF THE DECISION BY THE PLANNING AND ZONING COMMISSION TO DENY A VARIANCE REQUEST TO REDUCE THE MINIMUM REQUIREMENT OF 3 ACRES FOR A MOBILE HOME PARK TO AN APPROXIMATELY 1.85 ACRE PROPERTY LOCATED AT 214 N FIFTH STREET ZONED "R-1" RESIDENTIAL 1 DISTRICT APPELLANT: JIN FENG YE**

**Mr. Patterson** explained this is an appeal of the decision by the Planning and Zoning Commission to deny a Variance request to reduce the minimum requirement of 3 acres for a Mobile Home Park to approximately 1.85 acres. **Mr. Patterson** stated that the applicant has also asked for a zoning change on the property that is pending.

**Councilor Carter** asked what the zone change would allow. **Mr. Patterson** said the zone change would allow the applicant to place multiple dwelling units on the property. He added the zone change would also allow for the placement of doublewide homes on the property.

**Councilor Chavez** asked if the zone change is approved how many doublewides would be allowed to be placed on the property. **Mr. Patterson** said the calculations would say 32 dwellings could be placed on the property but with setbacks and drive aisles that would not be possible.

0:19:39 **Ms. Donna Davis**, representing the owner, said that at this time the owner is looking at placing smaller houses on the property and feels the development will bring the property value in the area up.

**Councilor Carter** asked what they are planning to place on the property. **Ms. Davis** said little houses. She said they originally were going to place doublewides on the property but it would be difficult to move them in and out of the property.

**Councilor Chavez** asked what variance is needed for the little houses. **Mr. Patterson** said if they are approved for R-2 zoning they would not need a variance. **Councilor Rodriguez** added he is concerned that Council is talking about a zone change but are being asked to consider a variance.

0:25:46 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to deny the appeal and to uphold the decision by the Planning and Zoning Commission to deny a variance request to reduce the minimum requirement of 3 acres for a Mobile Home Park to an approximately 1.85 acre property located at 214 N. Fifth Street zoned "R-1" Residential 1 District; Appellant: Jin Feng Ye

0:25:55 **Vote**

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

0:29:05 **7. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez said the Census has been placed on a 2 week hiatus. He added the Census Committee cannot congregate, hire, or train any workers for at least another week and added that the stay at home order will determine further steps. **Mayor Janway** thanked Councilor Rodriguez for all of his work thus far.

0:30:35 **Mayor Janway** asked if anyone in the audience would like to address the Council. **No one appeared.**

0:30:46        **8. ADJOURN**

0:30:54        **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to Adjourn

0:31:00        **Vote**

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

0:31:18        **Adjourn**

There being no further business, the meeting was adjourned at 6:32 p.m.

\_\_\_\_\_/s/Dale Janway\_\_\_\_\_  
Dale Janway, Mayor

ATTEST:

\_\_\_\_\_/s/Nadine Mireles\_\_\_\_\_  
Nadine Mireles, City Clerk