

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JUNE 9, 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
Absent:	Mark C. Walterscheid	Councilor
Also Present:	John Lowe	City Administrator
	Wendy Austin	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Brent Griffith	IT Technician
	Jeff Patterson	Planning 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

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

Mayor Janway announced he would like to pull Item D.3 Consider Approval of Agreement between the City of Carlsbad, City of Artesia, and Eddy County for Public and Government Affairs Services from Routine and Regular Business and add it as Item No. 9.

0:00:39 **Motion**

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

0:00:45 **Vote**

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

0:01:01 **2. CONSIDER APPROVAL OF RESOLUTION 2020-23, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2019-2020 FISCAL YEAR BUDGET**

Mrs. Austin reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2019-2020 Fiscal Year Budget highlighting the General Fund.

0:02:44 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution No. 2020-23, a Resolution making certain budgetary adjustments to the 2019-2020 Fiscal Year budget

0:02:49 **Vote**

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

0:03:04 **3. CITY OF CARLSBAD FINANCIALS - APRIL 2020**

Mrs. Austin reviewed the revenues and expenditures as of April 2020 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:06:22 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 26, 2020
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Award Bid 2020-08 to Prime Solutions for a Rotary Fan Press Skid System at the Waste Water Treatment Plant
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Community Anti-Drug/Gang Coalition, Inc. for the Provision of Teen Court Services for the 2020-21 Fiscal Year
 - 2) Consider Approval of Agreement between the City of Carlsbad and Rocking WD Services, LLC for Bird Exclusion and Abatement Services for City Facilities
 - 3) Consider Approval of Agreement between the City of Carlsbad, City of Artesia and Eddy County for Public and Government Affairs Services
 - 4) Consider Approval of Grant Agreement between the City of Carlsbad and Department of Justice for a Coronavirus Emergency Supplemental Funding Program for the Carlsbad Police Department
- E. Monthly Reports
 - 1) Human Resources Department May 2020
 - 2) Municipal Court Department May 2020

0:06:44 **Mayor Janway asked Mr. Lowe to discuss Item D.4 Consider approval of Grant Agreement between the City of Carlsbad and Department of Justice for a**

Coronavirus Emergency Supplemental Funding Program for the Carlsbad Police Department

Mr. Lowe explained that Item D.4 is a request to approve an agreement between the City of Carlsbad and the Department of Justice. He said this agreement is in the amount of \$36,914 to assist local units of government in preventing, preparing for, and responding to the Coronavirus.

0:07:23 Motion

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

0:07:30 Vote

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

0:07:47 5. CONSIDER APPROVAL OF ORDINANCE 2020-12, AN ORDINANCE REPEALING AND REPLACING ARTICLE IV SECTION 48-76 THROUGH 48-100 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO, REGARDING LODGERS' TAX MONIES

0:08:10 A. Public Hearing

Mrs. Austin explained this Ordinance repeals and replaces the city's current Lodgers' Tax Ordinance. She explained the State of New Mexico enacted state statutes that authorized the imposition of occupancy taxes on lodgings with municipalities and counties. She added the Lodgers' Tax Act was amended by the 2020 Legislature to clarify some items in the definitions section and make changes to the exemptions from and uses of the Lodgers' Tax.

Councilor Shirley thanked Mrs. Austin for working so hard and leading the charge on these amendments.

Mayor Janway also thanked Mrs. Austin for the outstanding job and effort that she put into these amendments.

Councilor Rodriguez added this is a good way to utilize the oil and gas industry, to put money back into the maintenance of the city's infrastructure.

0:12:24 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

0:12:41 B. Consider Approval of Ordinance

0:12:48 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Ordinance No. 2020-12, an Ordinance repealing and replacing Article IV Section 48-76 through 48-100 of the Code of Ordinance, City of Carlsbad, New Mexico, regarding Lodgers' Tax Monies

0:12:55 **Vote**

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

0:13:16 **6. CONSIDER APPROVAL OF ORDINANCE 2020-13, AN 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 ST APPLICANT: DAVE MORGAN**

0:13:42 **A. Public Hearing**

Mr. Patterson explained this item is requesting a zone change from "C-2" Commercial 2 District to "C-1" Commercial 1 District at 212 S. Alameda St. He said currently there are apartments on the property and the zone change will not create a spot zone. He added that the applicant has expressed the desire to locate a bed and breakfast type lodging on the property. **Mr. Patterson** explained the Planning and Zoning Commission recommends approval of the zone change.

0:14:59 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Dave Morgan, property owner, explained this is part of a short term plan to turn the property into a full service bed and breakfast.

0:16:16 **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**

0:16:25 **B. Consider Approval of Ordinance**

0:16:30 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance 2020-13, an 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 St.; Applicant: Dave Morgan

0:16:38 **Vote**

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

0:17:01 **7. CONSIDER APPROVAL OF ORDINANCE 2020-14, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.75 ACRE PROPERTY LOCATED AT 208 W SAN JOSE BLVD APPLICANT: CRAFTON COMMUNICATIONS, INC**

0:17:24 **A. Public Hearing**

Mr. Patterson explained this request is a request to change the zoning at 208 W. San Jose Blvd., from "R-1" Residential District to "C-2" Commercial 2 District. He explained the applicant would like to locate a communications tower on the property. He added the Planning and Zoning Commission recommends approval of the zone change.

Councilor Chavez asked if the conditional use permit states that the permit is only allowing a tower. **Mr. Patterson** said the permit states that they are allowed to erect the tower on the property but does not limit the property to only the tower.

0:19:34 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Doug Henderson, Crafton Communications, Inc., joining by phone said he does not have anything to add but is available for any questions. He said Crafton Communications is very proud of this system and will serve the south half of Carlsbad very well.

0:20:28 **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**

0:20:33 **B. Consider Approval of Ordinance**

0:20:38 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Ordinance No. 2020-14, an Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 2.75 acre property located at 208 W. San Jose Blvd., Applicant: Crafton Communications, Inc.

0:20:46 **Vote**

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

0:21:10 **8. CONSIDER APPROVAL OF ORDINANCE 2020-15, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "I" INDUSTRIAL DISTRICT FOR AN APPROXIMATELY 14.08 ACRE PROPERTY, LOCATED AT 1400 SAN JOSE BLVD APPLICANT: MELISSA ACOSTA**

0:21:34 **A. Public Hearing**

Mr. Patterson explained this item is to change the zoning from the subject property from "R-R" Rural Residential District to "I" Industrial District. He explained this zone change will create a spot zone, however, it would conform to the industrial usage taking place on the property currently. **Mr. Patterson** added that the Planning and Zoning Commission recommends denial of the zone change.

0:24:00 **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**

0:24:13 **B. Consider Approval of Ordinance**

Councilor Chavez asked Mr. Patterson why he is recommending denial of the zone change. **Mr. Patterson** said he does not think Industrial zoning would be a good fit with the surrounding properties in the area. He said changing the zoning will open up the property to heavier industrial usage. He added there is a lot of residential in the area and a city park that is well attended.

Councilor Chavez also asked Ms. Riordan why the Legal Department also recommends denial. **Ms. Riordan** said she concurs with the Planning Departments reasoning. She added this change would primarily be an industrial zone in the middle of a primarily residential and undeveloped area. She explained there is commercial zoning in the area but no industrial zoning in the general area. She added she is also concerned about what sort of traffic would be generated with the zone change.

0:27:21 **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Estrada to deny Ordinance No. 2020-15, an Ordinance rezoning part of "R-R" Rural Residential District to "I" Industrial District for an approximately 14.08 acre property, located at 1400 San Jose Blvd., Applicant: Melissa Acosta

0:27:34 **Vote**

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

0:28:11 **9. CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF CARLSBAD, CITY OF ARTESIA AND EDDY COUNTY FOR PUBLIC AND GOVERNMENT AFFAIRS SERVICES**

Councilor Shirley said moving forward he would like to see more reporting and added he is excited about moving forward with the MOU.

Mr. Lowe explained that Eddy County presented the renewal to the City of Carlsbad with the same funding proportions as the previous MOU with the City of Artesia at 12.5% (\$18,705), City of Carlsbad at 37.5% (\$56,250), and Eddy County at 50% (\$75,000)

per contract year. **Mr. Lowe** added that Mr. Fanning is working with the City of Carlsbad with the upcoming special session on June 18th and what the parameters of that special session will be. He added the City of Carlsbad will meet with Mr. Fanning on Thursday, June 11, 2020 to begin the discussions before the special session.

0:30:35 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya Flores to approve Agreement between the City of Carlsbad, City of Artesia and Eddy County for Public and Government Affairs Services

0:30:42 **Vote**

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

0:31:02 **10. COUNCIL COMMITTEE REPORTS**

None to Report

0:31:11 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:31:18 **11. ADJOURN**

0:31:22 **Motion**

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

0:31:31 **Vote**

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

0:31:49 **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