

**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 23, 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
	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

0:00:32      **1. APPROVAL OF AGENDA**

0:00:35      **MOTION**

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

0:00:40      **VOTE**

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

0:00:56      **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 9, 2020
- B. City Personnel Report
- C. Purchasing

- 1) Consider Approval to Award Bid 2020-10 to Hall Machine & Welding for Fencing Materials for a fence at the Carlsbad Cemetery
- D. Contracts and Agreements
  - 1) Consider Approval of Agreement between the City of Carlsbad and Eddy County for the Provision of General Services for Eddy County Residents
  - 2) Consider Approval of Agreement between the City of Carlsbad and FTI Consulting LLC for Lobbying and Consulting Services
  - 3) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Municipal Schools for Various Services for the 2020-21 Fiscal Year
  - 4) Consider Approval of Grant Agreement between the City of Carlsbad and New Mexico Humanities Council for a CARES Act funding Sub-Award Grant for the Carlsbad Public Library for \$1,500
  - 5) Consider Approval of Agreement between the City of Carlsbad and Chavez Golf Pro Shop, LLC for the lease of a Government Liquor License at the Lake Carlsbad Golf Course
- E. Monthly Reports
  - 1) Community Development Department May 2020
  - 2) Municipal Services Department May 2020
  - 3) Utilities Department May 2020
- F. Board Appointments
  - 1) Carlsbad Riverwalk Recreation Center Appoint Sam Huerta remainder of four year term Reappoint: Roosevelt Armendariz four year term
- G. Set the Date: July 14, 2020
  - 1) An Ordinance authorizing the lease of the property commonly known as the Carlsbad Adult Respite Facility, 201 E Cascades Avenue, to the Southeast New Mexico Community Action Corporation

0:01:19        **Mayor Janway asked Mr. Lowe to discuss Item D.5 Consider Approval of Agreement between the City of Carlsbad and Chavez Golf Pro Shop, LLC for the lease of a Government Liquor License at the Lake Carlsbad Golf Course**  
**Mr. Lowe** explained this is a request to consider a lease agreement with Chavez Golf Shop, LLC for the lease of a Government Liquor License at Lake Carlsbad Golf Course. He explained the State requires an agreement between the municipality and the lessee. He added that staff is recommends an annual renewal for this Government Liquor License Agreement.

0:02:45        **MOTION**  
 The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Routine and Regular Business

0:02:50        **VOTE**  
 The vote was as follows: Yes -Waters, Walterscheid, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent - Anaya Flores; the motion carried.

0:03:08        **3.        CONSIDER APPROVAL TO AWARD BID 2020-11 TO GARDEN MART, INC. FOR ANNUAL TREE TRIMMING AND REMOVAL SERVICES FOR VARIOUS CITY DEPARTMENTS FOR 2020-21 FISCAL YEAR**

**Mr. Lowe** explained this item is to award Bid for annual Tree Trimming and Removal Services to Garden Mart Inc. He explained the city received 4 bids with Garden Mart submitting the lowest bid.

0:04:02        **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve to Award Bid 2020-11 to Garden Mart, Inc. for Annual Tree Trimming and Removal Services for various city departments for 2020-21 Fiscal Year

0:04:08        **VOTE**

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

0:04:23        **4.        CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW A TEMPORARY PATIO AND FOOD TRUCK SALES ALONG MERMOD ST ON CITY PROPERTY IN FRONT OF MILTON'S BREWERY, LOCATED AT 213 W MERMOD ST APPLICANT: MILTON'S BREWERY, LUCAS MIDDLETON**

**Mr. Patterson** explained this request is for permission to allow a temporary patio and a few parking spaces for food vendors in front of Milton's Brewery. He explained the State is allowing limited reopening's for Breweries to allow expansion of Liquor Licensed premises through October 31, 2020. **Mr. Patterson** said the Planning Department recommends approval of the request with the conditions that the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music or other disruptive noise and the applicant must provide a surety bond.

**Councilor Chavez** asked if this Temporary Use would be renewed after October 2020. **Mr. Patterson** said he does not know what the State will do in October, so they may ask for a renewal.

**Councilor Rodriguez** asked if this expansion onto city property would require additional security on Milton's part. **Mr. Patterson** said it is not a requirement and unless there is an issue additional security will not be required.

**Councilor Waters** asked if Milton's would be serving alcohol on the sidewalk. **Mr. Patterson** said yes in a fenced in seating area.

**Councilor Shirley** stated that he believes the security guidelines used support the state laws. **Ms. Riordan** said that is correct. She said in the past what the city has required is a requirement that is based on the size of the event and the number of servers, which is one security guard per 100 individuals. She said this is coming under a provision that

the State is allowing due to the imposed restrictions to allow a larger serving area to allow Breweries the ability to serve closer to capacity.

**Councilor Estrada** asked what the hours of operation would be. **Mr. Patterson** said he believed the hours would be 5:00 p.m. to 9:00 p.m. and added the fenced area would be removed nightly.

0:10:12        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Temporary Use Application to allow a temporary patio and food truck sales along Mermod St. on city property in front of Milton's Brewery, located at 213 W. Mermod St., Applicant: Milton's Brewery, Lucas Middleton

0:10:18        **VOTE**

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

0:10:40        **5. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW TEMPORARY HOUSING AS A TEMPORARY USE AT 4212 STANDPIPE RD., ZONED "R-R" RURAL RESIDENTIAL APPLICANT: RAMONA VILLA**

**Mr. Patterson** explained this request is to consider Temporary Housing as a Temporary Use at 4212 Standpipe Rd. He said the property is zoned "R-R" Rural Residential and is approximately 8.4 acres in size. He explained the applicant has provided a site plan and would like to put in 29 spaces and an office. **Mr. Patterson** said the applicant has stated they have a septic plan approved by NMED. He said the Planning and Zoning Commission recommends approval.

**Councilor Chavez** asked Mr. Patterson why the Planning Department recommends denial. **Mr. Patterson** said the Planning Department has recommended denial due to the down turn and vacancy rate within the already approved temp housing. He said there is currently a lot of vacancies and the Department does not see the need in approving new Temporary Use Applications. **Councilor Chavez** asked if the RV's currently on the property are permitted to be there. **Mr. Patterson** said they are not permitted and will need to be removed if Council does not approve the use.

**Councilor Walterscheid** asked if Council denies the Temporary Use Application can the applicant come back for approval when the need arises. **Mr. Patterson** said yes they can go back through the process.

**Councilor Chavez** asked Ms. Riordan why the Legal Department requested denial. **Ms. Riordan** said she agreed with Mr. Patterson's assessment that this exception was created to address a pressing need and the need has been adequately addressed at this time.

**Councilor Carter** said since this request has been through the process and has a recommendation for approval from the Planning and Zoning Commission he believes this request should be allowed to move forward. He added that moving forward Council and Administration should discuss placing a moratorium on Temporary Use Applications to allow temporary housing as a temporary use.

0:16:01        **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Temporary Use Application to allow temporary housing as a temporary use at 4212 Standpipe Rd., zoned "R-R" Rural Residential; Applicant: Ramona Villa

0:16:07        **VOTE**

The vote was as follows: Yes - Carter, Estrada, Shirley; No - Waters, Walterscheid, Chavez, Rodriguez; Absent - Anaya Flores; the motion failed

0:17:35        **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF ROASTED CORN ON CITY PROPERTY BESIDE THE CARLSBAD WATERPARK APPLICANT: CORN HUB, ELIZABETH SAMANIEGO**

**Mr. Patterson** explained this is a request for permission to allow mobile sales of roasted corn on city property. He said the Planning Department recommends approval with the conditions that the applicant shall not disturb the peace, shall limit vending from 10:00 a.m. - 6 p.m. and shall provide a surety bond.

**Councilor Chavez** asked where this applicant will be located in comparison to the location of Port Jefferson. **Mr. Patterson** said the applicant will be located at the southern end of the beach area fairly close to Port Jefferson. **Councilor Chavez** asked if the city requests any gross revenue from these mobile vendors. **Mr. Patterson** said mobile vendors are required to report GRT's. **Councilor Chavez** asked if the city receives a percentage of their sales. **Mr. Patterson** said no. **Councilor Chavez** said Port Jefferson is being charged \$250.00 a month or 5% of their gross revenue and mobile vendors are only charged \$35 to set up and they are in close proximity of Port Jefferson. **Mr. Patterson** said the agreement with Port Jefferson involves rental fee for the city owned facility. **Councilor Chavez** said in the future he would like to propose that mobile vendors be charged a percentage of their gross revenues. **Councilor Carter** said the reason Port Jefferson is charged a fee is because they are renting the facility from the city. **Councilor Chavez** said the mobile vendors are in close proximity and are taking business away from Port Jefferson.

**Councilor Walterscheid** asked if mobile vendors are required to clean up daily. **Mr. Patterson** said yes and there are regulations that must be followed.

0:23:26        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Temporary Use Application to allow for mobile sales (vending) of roasted corn on City property beside the Carlsbad Waterpark; Applicant: Corn Hub, Elizabeth Samaniego

0:23:39        **VOTE**

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

0:23:54        **7. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF HOT DOGS ON CITY PROPERTY BESIDE THE WATERFALL ON THE CORNER OF CANYON ST & GREENE ST APPLICANT: BIG DOG CURBSIDE GRILL, JUSTIN ANGEL**

Mr. Patterson explained this is a request for permission for mobile vending by Big Dog Curbside Grill to set up on city owned property at the corner of Canyon and Greene St. He said the Planning Department recommends approval with the conditions that the applicant shall not disturb the peace, the applicant shall limit vending from 9:00 a.m. to 3:00 p.m. and that the applicant provide a surety bond.

0:26:09        **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Temporary Use Application to allow for mobile sales (vending) of hot dogs on City property beside the waterfall on the corner of Canyon St. and Greene St.; Applicant: Big Dog Curbside Grill, Justin Angel

0:26:14        **VOTE**

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

0:26:28        **8. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY BESIDE THE WATERPARK APPLICANT: THE COLD SHOULDER, VANESSA RAMIREZ**

Mr. Patterson explained this item is a request to allow for mobile sales of shaved ice on City property near the Carlsbad Waterpark. He said the Planning Department recommends approval with the conditions that the applicant shall not disturb the peace, the applicant shall limit vending from 10:00 a.m. to 6:00 p.m. and that the applicant provide a surety bond.

0:27:59        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Temporary Use Application to allow for mobile sales (vending) of shaved ice

on City property beside the Waterpark; Applicant: The Cold Shoulder, Vanessa Ramirez

0:28:05        **VOTE**

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

0:28:22        **9.        CONSIDER APPROVAL OF ANNUAL CITY LIQUOR LICENSE RENEWALS, SUBJECT TO RECEIPT OF A NM STATE LIQUOR LICENSE AND PAYMENT OF ANNUAL CITY LIQUOR LICENSE FEE OF \$250**

Mr. Lowe explained that State Statute requires the Governing Body to annually renew all business owned liquor licenses. He explained the Licenses are renewed upon the payment of \$250 and proof of a State issued Liquor License.

0:28:55        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Annual City Liquor License Renewals, subject to receipt of a NM State Liquor License and payment of Annual City Liquor License fee of \$250

0:29:04        **VOTE**

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

0:24:14        **10.        CONSIDER APPROVAL OF RESOLUTION 2020-24, A RESOLUTION STATING THE REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AUTHORITIES, OR OTHER POLICYMAKING BODIES OF THE CITY OF CARLSBAD**

Mr. Lowe explained the city is required by State Statute to annually adopt a Resolution stating the requirements for Notice of Public Meetings. He explained the last amendment to the Open Meetings Act was in 2103.

0:26:23        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution 2020-24, a Resolution stating the requirements for Notice of Public Meetings of the Governing Body, Boards, Commissions, Committees, Agencies, Authorities, or Other Policymaking Bodies of the City of Carlsbad

0:30:01        **VOTE**

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

0:30:23        **11. CONSIDER APPROVAL OF RESOLUTION 2020-25, A RESOLUTION AND AGREEMENT BETWEEN THE CITY OF CARLSBAD AND THE NEW MEXICO DEPARTMENT OF TOURISM CLEAN AND BEAUTIFUL PROGRAM FOR BEAUTIFICATION GRANT IN THE AMOUNT OF \$22,150**

**Mr. Lowe** explained this is an annual Agreement with New Mexico Clean and Beautiful. He explained the grant Agreement is in the amount of \$22,150.00 and will be utilized for Riverblitz, clean-up supplies, trash pick-up subcontracts, affiliate dues, and travel expenses for the annual Keep America Beautiful conference.

0:31:20        **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Resolution No. 2020-25, a Resolution and Agreement between the City of Carlsbad and the New Mexico Department of Tourism Clean and Beautiful Program for Beautification Grant in the amount of \$22,150

0:31:25        **VOTE**

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

0:31:41        **12. CONSIDER APPROVAL OF RESOLUTION 2020-26, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 609 N FOURTH STREET OWNER: MARK O. ROSACKER**

**Ms. Riordan** explained this is a residential property with a single-family residence and a large storage building. She explained the property has been inspected by Code Enforcement and the Fire Marshal and they have expressed concerns regarding code compliance, tall weeds and dead trees on the property. **Ms. Riordan** said she spoke to **Mr. Rosacker**, property owner, who said he is trying to make arrangements to have the property cleaned up and would like 60 days to complete.

0:35:45        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2020-26, a Resolution requiring the removal of the weeds and debris at 609 N. Fourth Street within 60 days; Owner: Mark O. Rosacker

0:36:02        **VOTE**

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

0:36:16        **13. COUNCIL COMMITTEE REPORTS**

None to report.

0:36:26        **Mayor Janway asked if anyone in the audience would like to address the Council**



Mr. Richard Farrell said he wishes he had known that W. Riverside Street would become a through street. He said W. Riverside is a neighborhood street with lots of walkers and families with children who live there. He said what's important to the neighborhood is safety and he and other residents would like the city to do everything they can to discourage the Street becoming a thoroughfare. He said he would like to set up a meeting with administration to discuss options for safety and the major failure in planning and notifying residents prior to making the changes. Mayor Janway asked Mr. Farrell to call and set up a meeting with Mr. Lowe.

0:42:40      **14. ADJOURN**

0:42:49      **MOTION**

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


0:43:00      **VOTE**

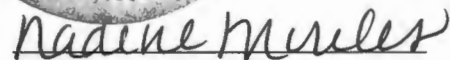
The vote was as follows: Yes -Waters, Walterscheid, Chavez, Carter, Estrada, Rodriguez, Shirley; No - None; Absent - Anaya Flores; the motion carried.

0:43:18      **Adjourn**

There being no further business, the meeting was adjourned at 6:43 p.m.



  
Dale Janway, Mayor

  
Nadine Mireles, City Clerk