

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JULY 14, 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
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
Absent:	Judith E. Waters	Councilor
Also Present:	John Lowe	City Administrator
	Wendy Austin	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Ken Britt	Community Dev. Director
	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**

0:00:05 Invocation – Pledge of Allegiance

0:00:31 **1. UPDATE ON 2020-21 SCHOOL YEAR BY DR. WASHBURN,
SUPERINTENDENT OF CARLSBAD MUNICIPAL SCHOOLS**

Dr. Washburn explained that the School Board plans to vote on Tuesday, July 21, 2020 on one of two proposals for the upcoming school year. He explained that one option would be to start on August 10, 2020 with full re-entry on August 24, 2020 and the other would be to start on August 24, 2020 with full re-entry on September 8, 2020. He added school could re-open in a hybrid model that would see half the students attending in person on Mondays and Tuesdays, followed by a break for building cleaning on Wednesdays and the other half attending on Thursday and Friday. **Dr. Washburn** added it's going to take courage on the part of staff, the kids, and the parents but it is the right thing to do.

0:19:47 **2. APPROVAL OF AGENDA**

Mayor Janway stated he would like to remove item D.2 from the Agenda. **Mr. Lowe** explained The Combat Challenge would be postponed due to COVID-19.

0:20:56 **Motion**

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

0:21:02 **Vote**

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

0:21:19 **3. CITY OF CARLSBAD FINANCIALS - MAY 2020**

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

0:24:23 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on June 23, 2020
- B. Minutes of the Special City Council Meeting held on July 7, 2020
- C. City Personnel Report
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Creative Carlsbad to act as the Arts Council for the Carlsbad Arts and Cultural District
 - 2) Consider Approval of Agreement between the City of Carlsbad and On Target Challenge for the Firefighter Combat Challenge to be held September 26 and 27, 2020 at Carlsbad Beach Parking lot
 - 3) Consider Approval of Agreement between the City of Carlsbad and NM Department of Finance for an E911 Grant Agreement for the Carlsbad Police Department for the 911 telephone emergency system
 - 4) Consider Approval of Memorandum of Understanding between the City of Carlsbad and Eddy County for the DWI Program for reporting and tracking DWI offender data
- E. Monthly Reports
 - 1) Human Resources Department June 2020
 - 2) Municipal Court Department June 2020
- F. Board Appointments
 - 1) Bob Forrest Youth Sports Complex Reappoint: Leo Estrada, 3-year term, Tim Estrada, 3-year term, Matt Lerloch, 3-year term
 - 2) Carlsbad Golf Course Advisory Board Appoint: Becky Thompson, 4-year term
 - 3) Planning & Zoning Commission Appoint: Janell E. Whitlock, 2-year term, Trent Cornium, 2-year term
 - 4) San Jose Senior Center Advisory Board Appoint: Pat Jones, 4-year term, Franceal Lucia, 4-year term, Julia Williams, 4-year term

5) Veterans Memorial Advisory Board Appoint: Steve Angell, 4-year term, Mark Cage, 4-year term

6) Carlsbad Cemetery Board Appoint: Deanna Taylor, 2-year term

G. Set the Date: August 25, 2020

1) An Ordinance rezoning part of "R-1" Residential 1 District to "R-R" Rural Residential District for an approximately 0.16 acre property, located at 2414 Avenue B

0:24:51 **Mayor Janway asked Mr. Lowe to discuss Item D.1 Consider Approval of Agreement between the City of Carlsbad and Creative Carlsbad to act as the Arts Council for the Carlsbad Arts and Cultural District**

Mr. Lowe explained this is an annual agreement for \$30,000.00 for the purpose of hiring an Executive Director position for the Arts and Cultural District. He added the position is currently held by Julie Chester, who is doing an outstanding job.

0:25:26 **Motion**

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

0:25:33 **Vote**

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

0:25:49 **5. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW A FOOD TRUCK MOBILE SALES (VENDING) ON CITY PROPERTY AT THE RAY ANAYA SAN JOSE PARK, LOCATED AT 300 DIAZ BY TACOS EL CHAPO APPLICANT: ANTONIO ROBLES**

Mr. Robles, owner, introduced himself to Council members. There were questions about garbage service, Mr. Robles stated he would be willing to pay for the service, if required.

0:29:13 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Temporary Use Application to allow a food truck mobile sales (vending) on City property at the Ray Anaya San Jose Park, located at 300 Diaz by Tacos El Chapo Applicant: Antonio Robles

0:29:23 **Vote**

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

0:29:40 **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW BICYCLE VENDING OF PALETA'S MOBILE SALES ON VARIOUS CITY PROPERTIES BY PALETA'S 2 YOU APPLICANT: JOSE CABEZUELA**

Mr. **Patterson** explained this is a request for permission to allow mobile sales of paleta's on various city properties. He said the Planning Department recommends approval with the conditions that the applicant shall not disturb the peace, shall limit vending from 5:00 p.m. - 9:00 p.m. and shall provide a surety bond.

0:31:21 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Temporary Use Application to allow bicycle vending of Paleta's mobile sales on various City properties by Paleta's 2 You Applicant: Jose Cabezuela

0:31:28 **Vote**

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

0:31:42 7. **CONSIDER APPROVAL OF RESOLUTION 2020-27, A RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE CITY OF CARLSBAD AND SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SENMEDD) FOR 2020-21 MEMBERSHIP**

Mr. **Lowe** explained this is an annual membership with SENMEDD for their services. He said SENMEDD works on behalf of the city to provide infrastructure planning, coordinate the ICIP process, and with capital outlay. Mr. **Lowe** added that the funds of \$7,641.00 were approved in the interim budget.

0:32:35 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya-Flores to approve Resolution 2020-27, a Resolution ratifying the Agreement between the City of Carlsbad and Southeastern New Mexico Economic Development District (SENMEDD) for 2020-21 Membership

0:32:41 **Vote**

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

0:32:53 8. **CONSIDER APPROVAL OF RESOLUTION 2020-28, A RESOLUTION REQUIRING THE REMOVAL OF THE BUILDINGS AND DEBRIS AT 1003 AND 1003 1/2 W. FOX STREET OWNER: FRANKIE AND SUSAN JACKSON**

Ms. **Riordan** explained this is a single family residence with contains a storage building on the property. She said that the property has been inspected by Code Enforcement, the Fire Marshal, and the Building Official who all recommend the removal of the structures. Ms. **Riordan** added the owner understands the property is in bad shape and would like the opportunity to make payments to pay for the demolition.

0:34:54 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution 2020-28, a Resolution requiring the removal of the buildings and debris at 1003 and 1003 ½ W. Fox Street Owner: Frankie and Susan Jackson

0:35:01 **Vote**

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

0:35:18 **9. CONSIDER APPROVAL OF RESOLUTION 2020-29, A RESOLUTION ADOPTING THE CITY OF CARLSBAD, NM AFFORDABLE HOUSING PLAN 2020**

Mr. Patterson explained the City received a Grant from the State, through The NM Mortgage Finance Authority to update the Affordable Housing Plan. He added the final step of the grant agreement is adopting the updated Plan.

0:36:40 **Motion**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Chavez to approve Resolution 2020-29, a Resolution adopting the City of Carlsbad, NM Affordable Housing Plan 2020

0:36:50 **Vote**

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

0:37:04 **10. CONSIDER APPROVAL OF ORDINANCE 2020-16, 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 (SENMCCAC)**

0:37:30 **A. Public Hearing**

0:37:31 **Mr. Britt** explained that the city went out for RFP and only received one response from SENMCAC. He said SENMCAC has run the center for the last 8 years and has done a great job. He added this is a much needed service in our community. **Mayor Janway** stated SENMCAC has done an excellent job.

Mayor Janway announced this is Mr. Britt's last council meeting and he will be retiring on July 24, 2020. **Mayor Janway** praised Mr. Britt for a remarkable job that has been greatly appreciated. **Mr. Britt** stated it has been an honor and privilege to serve the community.

0:39:44 **B. Consider Approval of Ordinance**

0:39:49 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve Ordinance 2020-16, 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 (SENMCAC)_

0:39:55 **Vote**

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

0:40:09 **11. CONSIDER APPROVAL OF ORDINANCE 2020-17, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.48 ACRE PROPERTY, LOCATED W OF 2319 LEGION ST & S OF 2317 LEGION ST. APPLICANT/OWNER: RUBEN, DONNA, R.TREY & ROMAN GONSALEZ**

0:40:45 **A. Public Hearing**

0:40:45 **Mr. Patterson** explained this request is for a zone change from "R-1" Residential 1 District to "R-2" Residential 2 District at 2319 Legion Ave. and S. of 2317 Legion Ave. He explained although this change will create a spot zone the Planning Department recommends approval because the objectives of the City of Carlsbad's Comprehensive Plan 2040 apply to this request.

0:42:46 **Councilor Walterscheid** asked what the lots were going to be used for. **Mr. Gonzalez** explained that he plans to build two houses on the property.

0:43:32 **B. Consider Approval of Ordinance**

0:43:39 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Ordinance 2020-17, an Ordinance rezoning part of "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 0.48 acre property, located W of 2319 Legion St & S of 2317 Legion St. Applicant/Owner: Ruben, Donna, R. Trey & Roman Gonzalez with the stipulation that there would be access to the back lot

0:44:03 **Vote**

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

0:44:20 **12. COUNCIL COMMITTEE REPORTS**

0:44:38 **Josh Calder** updated Council regarding Jordan Reyes. He said that all charges have been dismissed.

0:46:37 **13. ADJOURN**

0:46:40 **Motion**

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

0:46:54 **Vote**

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

0:47:09 **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