

**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 28, 2020 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor via telephone
	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
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Shane Skinner	Police Chief

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

0:00:34 **1. APPROVAL OF AGENDA**

0:00:34 **Motion**

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

0:00:36 **Vote**

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

0:01:00 **2. CITY OF CARLSBAD FINANCIALS - JUNE 2020**

0:01:12 **Mrs. Austin** gave a summary of the City’s cash position for June 2020. She said there is an upward trend in GRT for FY 2019-2020, she added Capital costs are below target due to the Brine Well repair and paying off Water & Sewer Bonds.

0:03:12 **3. CONSIDER APPROVAL OF RESOLUTION 2020-30, A RESOLUTION APPROVING THE 4TH QUARTER FINANCIAL REPORT AS OF JUNE 30, 2020**

0:03:25 **Mrs. Austin** explained DFA requires the 4th Quarter report to be approved by Resolution and submitted with the Final Budget.

0:04:07 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Resolution 2020-30, a Resolution approving the 4th Quarter Financial Report as of June 30, 2020

0:04:09 **Vote**

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

0:04:33 **4. CONSIDER APPROVAL OF RESOLUTION 2020-31, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2019-20 FISCAL YEAR BUDGET**

0:04:46 **Mrs. Austin** explained the health insurance fund expenditures exceeded budget, due to large claims in the last few weeks. She said the fund was exceeded by \$321,000.00, with an ending balance of \$1.6M in the health insurance fund. **Mrs. Austin** recommends approval of this Resolution to be in compliance with DFA reporting requirements and General Accepted Accounting Principles

0:05:39 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2020-31, a Resolution making certain budgetary adjustments to the 2019-20 Fiscal Year Budget

0:05:51 **Vote**

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

0:06:09 **5. CONSIDER APPROVAL OF RESOLUTION 2020-32, A RESOLUTION APPROVING THE CITY OF CARLSBAD 2020-21FY FINAL BUDGET**

0:06:22 **Mrs. Austin** explained the Final budget for FY 2020-21, is very conservative due to the downturn of the oil and gas market and COVID-19. She explained the City has reserves for such times, and directors used care and consideration in making budget requests. She added the City budgeted 27% reduction in revenues from the FY2019-2020 budget.

0:08:04 **Councilor Rodriguez** stated this is a very tough budget year and he thanked everyone who worked on the budget.

0:08:58 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution 2020-32, a Resolution approving the City of Carlsbad 2020-21FY Final Budget

0:09:05 **Vote**

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

0:09:47 **6. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 14, 2020
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Award Bid 2020-12 to Advance Pest & Weed Management for Pest Control Services for all City Facilities
- D. Contracts and Agreements
 - 1) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere for a four-year lease for a John Deere Gator Tx Turf 2020 for the Parks Department
- E. Monthly Reports
 - 1) Community Development Department June 2020
 - 2) Municipal Services Department June 2020
 - 3) Utilities Department June 2020
- F. Board Appointments
 - 1) Carlsbad Planning & Zoning Commission Reappoint: James McCormick, 2-year term, Brad Nesser, 2-year term
 - 2) Veteran's Memorial Board Reappoint: Kay Hill, 4-year term
 - 3) Arbor Day Advisory Board Reappoint: Mary Garwood, 4-year term
 - 4) Carlsbad Cemetery Board Reappoint: Amy Calderon, 2-year term
 - 5) Carlsbad Museum Board Appoint: Francene Hoffman, 5-year term
 - 6) Carlsbad Board of Water and Sewer Commissioners Appoint: John Bowen, 6-year term
- G. Set the Date: September 8, 2020

- 1) An Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.11 acre property located at 703 W Greene Street
- 2) An Ordinance rezoning part of "C-2" Commercial 2 District to "I" Industrial District for an approximately 1.33 acre property, located at 1120 S Canyon Street
- 3) An Ordinance rezoning part of "R-2" Residential 2 District to "C-1" Commercial 1 District for an approximately 0.84 acre property, located at 1250 N Pate Street
- 4) An Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 10.75 acre property located approximately at the intersection of Skyline Drive and US Highway 285

0:10:10 **Mayor Janway asked Mr. Lowe to discuss item C.1 Consider Approval to Award Bid 2020-12 to Advance Pest & Weed Management for Pest Control Services for all City Facilities**

0:10:11 **Mr. Lowe** explained the city conducted a bid to procure pest control services for all city facilities. He said the City received four bids with Advanced Pest & Weed management being the lowest bidder.

0:10:49 **Motion**

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

0:10:55 **Vote**

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

0:11:14 **7. INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN
PRELIMINARY LIST PRESENTATION FOR FY 2022/2026 FOR COUNCIL REVIEW
AND RECOMMENDATIONS FOR CHANGES**

0:11:31 **Mr. Lowe** explained this is the Preliminary Plan for ICIP, each year the governing body is given the opportunity to review and provide recommendations on the plan before consideration of the formal resolution which will be in two weeks. He explained each project on the list has been prioritized and there is a narrative associated with each project. He added the next step would be to provide recommendations or feedback, it will come back before the Council on August 11, 2020 for consideration of the Resolution to approve the plan.

0:12:17 **8. CONSIDER APPROVAL OF WHETHER TO PROCEED WITH
AMENDING THE CITY'S UNIFORM TRAFFIC ORDINANCE TO PERMIT
RECREATIONAL OFF-HIGHWAY VEHICLES (OHV) OR ALL-TERRAIN
VEHICLES (ATV) ON CITY- OWNED AND CONTROLLED STREETS**

0:12:33 **Mr. Lowe** explained in 2016 State Law was amended to permit local authorities to consider whether to allow OHV's or ATV's to operate on city owned and controlled streets.

0:13:11 **Councilor Carter** stated this was brought up in 2017 and at that time the recommendation was to not move forward with the ordinance. He said he would like to have the discussion today before making a statement.

0:13:50 **Chief Skinner** stated when he was Chief in Iowa, they voted to allow ATV's and OHV's and there were many issues. He added here in Carlsbad we have enough traffic issues without adding ATV's and OHV's. He explained there would be sightline issues and more traffic and noise complaints. **Chief Skinner** said he is not an advocate of approving the ordinance.

0:18:58 **Councilor Walterscheid** asked Chief Skinner what the outcome in Iowa was. **Chief Skinner** stated they voted to repeal the ordinance in Iowa.

0:20:30 **Councilor Chavez** asked Chief Skinner if the legal age for ATV drivers is 16. **Chief Skinner** stated that is the legal age, yet he sees young children operating these vehicles. **Chief Skinner** stated the percentage of illegal ATV and OHV drivers is very high.

0:22:15 **Councilor Rodriguez** stated these vehicles have off road rated tires, they offer minimal protection for drivers and passengers. He added there is no license or license plate required. He said he does not feel that OHV's and ATV's are safe to be driven on city streets.

0:24:09 **Mayor Janway** asked if a representative for the ATV ordinance was present. No one appeared.

0:24:20 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to deny Approval of whether to proceed with amending the City's Uniform Traffic Ordinance to permit recreational off-highway vehicles (OHV) or all-terrain vehicles (ATV) on City- owned and controlled streets.

Councilor Shirley added he was in favor of approving the ordinance, but after the discussion he is in agreement with denying the ordinance.

0:25:16 **Vote**

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

0:25:46 **9. CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF CARLSBAD AND LONGWOOD RB PIPELINE TO INSTALL A 12' STEEL GAS/OIL PIPELINE AND 12" POLY WATER PIPELINE ON CITY PROPERTY OUTSIDE THE CITY LIMITS**

0:25:58 **Mr. Lowe** explained Longwood RB Pipeline is requesting a general surface agreement to install a 12' Steel Gas/Oil Pipeline and 12" Poly Water Pipeline on City property outside the City Limits. He said Longwood would pay \$270.00 per rod for a total of \$196,360.20 to the City.

0:26:52 **Mr. Brooks, with Longwood RB Pipeline** thanked the Council for their consideration of the project.

0:27:14 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Agreement between the City of Carlsbad and Longwood RB Pipeline to install a 12' Steel Gas/Oil Pipeline and 12" Poly Water Pipeline on City property outside the City Limits

0:27:19 **Vote**

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

0:27:39 **10. CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF CARLSBAD AND SAN MATEO BLACK RIVER TO INSTALL A 12" STEEL OIL PIPELINE ON CITY PROPERTY OUTSIDE THE CITY LIMITS**

0:27:51 **Mr. Lowe** explained San Mateo is requesting a general surface agreement to install a 12" Steel Oil Pipeline on City property outside the City Limits. He said San Mateo Black River will pay \$270.00 per rod for a total of \$87,266.70 to The City.

0:28:34 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve the Agreement between the City of Carlsbad and San Mateo Black River to install a 12" Steel Oil Pipeline on City property outside the City Limits

0:28:47 **Vote**

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

0:29:08 **11. COUNCIL COMMITTEE REPORTS**

0:29:19 **Mayor Janway** stated he would like to appoint a single family dwelling ordinance committee

0:29:24 **Mr. Lowe** added he gets phone calls about the number of vehicles parked at homes. He said the public would like to know if there are any regulations regarding what is allowed and what is not allowed.

0:30:12 **Mayor Janway** appointed Councilor Shirley, Chairman, Deputy City Administrator KC Cass, Councilor Chavez and Councilor Waters to the Committee

0:30:25 **Mayor Janway asked if anyone in the audience would like to address Council. No one appeared.**

0:30:57 **12. ADJOURN**

0:31:00 **Motion**

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

0:31:09 **Vote**

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

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