

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON AUGUST 11, 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	via telephone
	Jason Shirley	Councilor	
	Judith E. Waters	Councilor	
	Wesley A. Carter	Councilor	
	Mark C. Walterscheid	Councilor	

Absent:

Also Present:	John Lowe	City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Jeff Patterson	Planning Director
	Brent Griffith	IT

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 Estrada to approve the Agenda

0:00:40 **Vote**

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

0:00:58 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 28, 2020
- B. City Personnel Report

- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for street reconstruction of Kircher Street from San Jose Blvd to National Parks Highway
 - 2) Consider Approval to Advertise Invitation to Bid for the reconstruction of the intersection at Boyd Drive and Hidalgo Road
 - 3) Consider Approval to Advertise Invitation to Bid to purchase a Plasma Cutting Table for Public Works Garage
 - 4) Consider Approval to Advertise Invitation to Bid to purchase two Mast Assemblies for Solid Waste ARC trucks
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Soccer League for Sports Services at the Bob Forrest Youth Sports Complex E. Monthly Reports 1) Human Resources Department July 2020
 - 2) Transportation & Facilities Department April 2020
 - 3) Transportation & Facilities Department May 2020
- F. Board Appointments
 - 1) Carlsbad Golf Advisory Board Reappoint Jack Litschke, four-year term, Reappoint John Caraway, four-year term, Appoint Matt Castro, four-year term, Appoint Kris Torres four-year term
 - 2) Carlsbad Museum Advisory Board Reappoint David Prell, five-year term, Reappoint Mike Medrano, five-year term

0:01:18 **Mayor Janway asked Mr. Lowe to briefly discuss C.2 Consider Approval to Advertise Invitation to Bid for the reconstruction of the intersection at Boyd Drive and Hidalgo Road**

Mr. Lowe stated the project will increase traffic flow at the intersection. He said there will be a dedicated left and dedicated right with a straight lane and ADA sidewalks. He explained the project will also alleviate storm water flooding. **Mr. Lowe** added Smith Engineering has completed the engineering and the City is ready to proceed with the bid.

0:02:12 **Motion**

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

0:02:18 **Vote**

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

0:02:38 **3. CONSIDER APPROVAL OF RESOLUTION 2020-33, A RESOLUTION ADOPTING THE FY 2022-2026 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)**

Mr. Lowe explained the preliminary ICIP project list was presented at the July 28, 2020 Council Meeting, staff is requesting approval, the list will be sent to the State of New

Mexico once it is adopted by Council. He added the report is due by September 18, 2020

0:03:27 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve Resolution 2020-33, a Resolution adopting the FY 2022-2026 Infrastructure Capital Improvement Plan (ICIP)

0:03:34 **Vote**

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

0:03:49 **4. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW A TEMPORARY PATIO ALONG FOX ST. ON CITY PROPERTY IN FRONT OF THE LUCKY BULL, LOCATED AT 220 W FOX ST. APPLICANT: JEREMY MOLINAR**

Mr. Patterson explained this is a request by Lucky Bull for a temporary patio on City property. He said the Planning Department, recommends approval of the request at 222 W. Fox St. with the conditions they must not disturb the peace and must provide a surety bond. He said the approval would last through October 31, 2020, when the State order expires.

Councilor Rodriguez asked what the process would be when the order expires, **Mr. Patterson** explained the City would contact the business and request the removal of the temporary patio when the State order expires. He explained Code Enforcement would be sent to seek further action if the business doesn't comply.

Mr. Lowe added the State of New Mexico is allowing patios at this time to help businesses.

0:06:14 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya-Flores to approve Temporary Use Application to allow a temporary patio along Fox St. on City property in front of The Lucky Bull, located at 220 W Fox St. Applicant: Jeremy Molinar

0:06:21 **Vote**

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

0:06:37 **5. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE/BUSINESS LICENSE TO CONDUCT DOOR TO DOOR SALES AND INSTALLATION OF SOLAR ENERGY SYSTEMS BY MERAKI-SOLUTIONS CONTACT: ANGEL MAYNEZ**

Mr. Patterson explained this is a temporary business license to conduct door to door for sales and installation of Solar Systems by Meraki Solutions, there a was a background check done by the Police Department. He said The Planning Department recommends approval with the condition that solicitation would end at 9 p.m. every night.

Councilor Walterscheid asked if the company knows their stuff, i.e. solar things, calculations. **Adrian Posbosh**, a supervisor for the company stated they have several locations in New Mexico. He said they work with national installers, they are DCP ready and are very familiar with Xcel, and they also have engineers on staff. **Councilor Waters** stated 9 p.m. was a little late for door to door sales. **Mr. Posbosh** explained the sales people will only work until dark.

0:10:49 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve the Request for a Temporary Use/Business License to conduct door to door sales and installation of Solar Energy Systems by Meraki-Solutions Contact: Angel Maynez

0:10:56 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, , Shirley, Waters, with the stipulation not after dark; No- Rodriguez, no door to door in the time of COVID-19; the motion carried

0:11:31 **6. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE/BUSINESS LICENSE TO CONDUCT DOOR TO DOOR SALES AND INSTALLATION OF SMART HOME AUTOMATION AND SECURITY SERVICES BY SMART HOME PROS INC. (VIVINT) CONTACT: BRADLEY DOWNEY**

Mr. Patterson explained this is a request for a business license to conduct door to door sales of Smart Home Automation and Security Services. He said Vivint has been in Carlsbad for a couple of years and there have been no complaints received by the Planning Department. He said the Planning Department recommends approval of this request.

Councilor Waters asked what the hours of door to door sales would be. **Mr. Patterson** explained the city ordinance allows door to door solicitation until 9 p.m. nightly. **Councilor Waters** stated 9 p.m. was too late. **Mr. Patterson** stated if Council would like earlier hours that is within their purview to add to the motion.

Councilor Walterscheid asked why they need to go door to door, being they have been in the Carlsbad area for years. **Mr. Patterson** stated he couldn't speak on behalf of the applicant.

0:13:46 **Motion**

The motion was made by Councilor Waters and seconded by Councilor Shirley to approve the Request for a Temporary Use/Business License to conduct door to door sales and installation of Smart Home Automation and Security Services by Smart Home Pros Inc. (Vivint) Contact: Bradley Downey, with the stipulation they are only to solicit during daylight hours

0:14:16 **Vote**

The vote was as follows: Yes - Anaya Flores, Chavez, Carter, Estrada, Shirley, Waters; No Walterscheid, Rodriguez due to COVID-19; the motion carried.

0:14:53 **7. COUNCIL COMMITTEE REPORTS**

Councilor Shirley advised the Single Family Dwelling Ordinance Committee met on Friday there was a discussion about problems and solutions. He said there were no decisions made. He explained The Committee agreed they have homework to do and will meet again August 21, 2020.

Councilor Rodriguez who is on the Census Committee, stated he received an email that the deadline for the Census had been changed to September 30, 2020. He explained that means, one month less, and added we are not quite ready for this.

Mayor Janway asked if anyone present would like to address the Council, no one appeared.

0:16:03 **8. ADJOURN**

0:16:07 **Motion**

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

0:16:11 **Vote**

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

0:18:17 **Adjourn**

There being no further business, the meeting was adjourned at 6:18 p.m.

_____/s/Dale Janway_____
Dale Janway, Mayor

ATTEST:

_____/s/Nadine Mireles_____
Nadine Mireles, City Clerk