

**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 25, 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
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Jeff Patterson	Planning Director
	Brent Griffith	IT Technician

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**

0:00:02 Invocation - Pledge of Allegiance

0:00:29 **1. APPROVAL OF AGENDA**

0:00:31 **Motion**

The motion was made by Councilor Estrada and seconded by Councilor Carter 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; Absent- None; the motion carried

0:00:52 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on August 11, 2020
- B. City Personnel Report

- C. Purchasing
 - 1) Consider approval to advertise Invitation to Bid for Cherry Lane Sewer Line Project
- D. Monthly Reports
 - 1) Community Development Department July 2020
 - 2) Municipal Court Department July 2020
 - 3) Municipal Services Department July 2020
 - 4) Transportation and Facilities Department June 2020
 - 5) Utilities Department July 2020
- E. Board Appointments
 - 1) Carlsbad Parks and Recreation Advisory Board Reappoint Denton McCullough, four-year term, Reappoint Kelley Reid, four-year term
 - 2) Carlsbad Museum & Art Center Board of Trustees Appoint Larry Henderson, five-year term
 - 3) Carlsbad Police Citizen Advisory Board Appoint Jackie Yeager four-year term
 - 4) Carlsbad Board of Solid Waste Commissioners Appoint Chad Ingram, four-year term
 - 5) Veteran’s Memorial Advisory Board Appoint Mickey Miller, four-year term
- F. Set Date: October 27, 2020
 - 1) Consider approval of Ordinance rezoning part of “R-1” Residential 1 District to “C-2” Commercial 2 District for an approximately 0.21 acre property located at 2401 W Church Street
 - 2) Consider approval of Ordinance rezoning part of “I” Industrial District to “C-2” Commercial 2 District for an approximately 0.14 acre property located at 1012 S Main Street

0:01:13 **Mayor Janway asked Mr. Lowe to discuss C. 1. Consider approval to advertise Invitation to Bid for Cherry Lane Sewer Line Project**

Mr. Lowe explained Souder Miller & Associates provided design services for the construction of a new sewer line on W. Cherry Lane, this will help alleviate some of the capacity issues on the north side of Carlsbad, and provide additional capacity for future developments in north Carlsbad. **Mr. Lowe** explained the cost of the project is approximately \$1.7 million.

Councilor Chavez asked if this construction was in the County. **Mr. Lowe** said yes, and added the City is finalizing a right-of-way with Eddy County to put the sewer line on County property.

0:02:21 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Routine and Regular Business

0:02:25 **Vote**

The vote was as follows: Yes - Walterscheid, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; Anaya-Flores did not vote, the motion carried

0:03:04 **3. CONSIDER APPROVAL OF RESOLUTION 2020-34, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2022-2023**

Mr. Lowe explained this is a request from the Transit Department to file a Section 5311 Grant, with NMDOT for FY 2022. He explained the Grant will supplement 80% of administrative costs of the program, 50% of the operating cost and 80% of the capital costs. He explained the Grant would provide \$874,000.00 in funding for the Transit system and the City would be responsible for approximately \$583,000.00 for the program.

0:04:05 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2020-34, a Resolution authorizing filing of an application to the New Mexico Department of Transportation for funding assistance for FY 2022-2023

0:04:12 **Vote**

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

0:04:35 **4. CONSIDER APPROVAL OF ORDINANCE 2020-18, 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 APPLICANT: AMY LEYVA**

0:05:01 **A. Public Hearing**

Mr. Patterson explained this is a request for a zone change from R-1 Residential District to R-R Rural Residential and would create a spot zone as the surrounding neighborhood is zoned R-1 Residential District. He explained per the applicant they intend to create a dog training and boarding business which would need to be zoned R-R Rural Residential for this purpose. He said The Planning Commission recommended approval at the July 6, 2020 meeting.

Councilor Rodriguez asked if the property met the minimum square footage for this type of business. **Mr. Patterson** explained the property did not.

Councilor Rodriguez asked if this business could have been approved under a Special Use Permit. **Mr. Patterson** said it doesn't qualify for a Special Use Permit. **Councilor**

Rodriguez asked if it could be approved with a Conditional Use Permit. **Mr. Patterson** said no, due to the boarding of dogs overnight.

Mayor Janway asked if anyone would like speak in favor of the Ordinance.

Amy Leyva appeared before Council to explain she would board for a maximum of two clients. She also explained she has advertised and has a waiting list of clients. She said she has spoken to her neighbors and her neighborhood is dog friendly.

Councilor Walterscheid stated those would not be her pets, but pets of clients might bark all night. **Councilor Walterscheid** also said it would not be good in a neighborhood near so many houses. **Ms. Leyva** explained she would only keep dogs that have completed three basic obedience sessions. **Ms. Leyva** said she would only board overnight when owners are out of town, which would be rare. **Councilor Estrada** asked how many dogs she owns. **Ms. Leyva** stated she owns two german shepherds and would only have a maximum of two dogs, in addition to her two dogs for a total of four dogs. **Councilor Shirley** stated the business model is good, is changing to R-R Rural Residential the only way? **Mr. Patterson** stated the caveat is the overnight boarding.

Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

0:11:26 **B. Consider Approval of Ordinance 2020-18**

0:11:32 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to deny due to it creating a spot zone and the minimal requirements for R-R Rural Residential lot have not been met.

0:11:54 **Vote**

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

0:12:35 **5. COUNCIL COMMITTEE REPORTS**

Councilor Shirley stated the Single Family Dwelling Committee met and feels the committee made some progress and have given **Mr. Patterson** some homework. He said the committee plans to meet again and added the progress is slow but it is progress. **Mayor Janway** stated he appreciates the work.

Mayor Janway asked if there was anyone present that would like to address the Council. No one appeared.

0:13:21 **6. ADJOURN**

0:13:21 **Motion**

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

0:13:29 **Vote**

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

0:13:47 **Adjourn**

There being no further business, the meeting was adjourned at 6:14 p.m.

/s/Dale Janway
Dale Janway, Mayor

ATTEST:

/s/Nadine Mireles
Nadine Mireles, City Clerk