

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON SEPTEMBER 8, 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
	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
	Trysha Ortiz	Deputy 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**

0:01:09 **1. APPROVAL OF AGENDA**

0:01:11 **Motion**

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

0:01:13 **Vote**

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

0:01:33 **2. CONSIDER APPROVAL OF RESOLUTION 2020-35, A
RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2020-
21 FISCAL YEAR BUDGET**

Mrs. Austin reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2020-2021 Fiscal Year Budget highlighting the General Fund, and the Water and Sewer Fund.

Mayor Janway asked if there were any questions or comments. There were none.

0:04:56 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Resolution 2020-35, a Resolution making certain Budgetary Adjustments to the 2020-21 Fiscal Year Budget

0:05:02 **Vote**

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

0:05:18 **3. CITY OF CARLSBAD FINANCIALS - JULY 2020**

Mrs. Austin provided a summary of the City's cash position as of July 2020, the first accounting period of FY 2020-2021. She stated the City's revenues are 2% above target, labor costs are 1% below target, and operating costs are on target. She explained the City's capital costs are 2% below target and overall the City has decreased its cash balance by \$1.5M from the previous Fiscal Year.

Mayor Janway asked if there were any questions or comments. There were none.

0:06:49 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on August 25, 2020
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of an extension to Agreement between the City of Carlsbad and Becky Thompson for Concession Services at the Bob Forrest Youth Sports Complex
 - 2) Consider Approval of Agreement between the City of Carlsbad and New Mexico Department of Transportation for an Aviation Airport Maintenance Grant for the Cavern City Air Terminal
 - 3) Consider Approval of Agreement between the City of Carlsbad and EMSRx, LLC for Medical Director Services for the Carlsbad Fire and Police Departments for FY 2020-21
- D. Monthly Reports
 - 1) Human Resources Department August 2020
 - 2) Municipal Court Department August 2020

0:07:11 **Mayor Janway asked Mr. Lowe to explain items C.2. Consider Approval of Agreement between the City of Carlsbad and New Mexico Department of Transportation for an Aviation Airport Maintenance Grant for the Cavern City Air Terminal and C.3. Consider Approval of Agreement between the City of Carlsbad and EMSRx, LLC for Medical Director Services for the Carlsbad Fire and Police Departments for FY 2020-21**

Mr. Lowe explained item C.2 is a request to accept a grant with NMDOT in the amount of \$20,000.00 for Airport Maintenance the City will match \$2,222.00

Mr. Lowe explained item C.3 is a request to accept an agreement with EMS RX to provide medical director services to the City Police and Fire Departments. He explained the State of New Mexico requires a licensed physician to provide these services. He said there is a monthly fee of \$2,000.00, and the agreement will terminate on April 30, 2021.

Mayor Janway asked if there were any questions or comments from council, there were none.

0:08:03 **Motion**

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

0:08:07 **Vote**

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

0:08:28 **5. CONSIDER APPROVAL OF ACCEPTANCE OF CARES ACT FUNDING SUB-AWARD FOR A SMALL BUSINESS CONTINUITY GRANT FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR \$1,151,798**

Mr. Lowe explained the City was notified by the New Mexico Department of Finance Authority for an award of \$1.15 million to assist in Administration of a Small Business Continuity Grant under the CARES Act. He explained to qualify as a small business with fifty or fewer employees, headquartered in New Mexico, with annual revenues of \$2 million or less, and with a start date no later than March 1, 2019. He said the grant period is from March 1, 2020 to December 30, 2020.

Mayor Janway asked if there were any questions or comments, there were none.

0:09:45 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve the acceptance of CARES Act funding sub-award for a Small Business Continuity Grant from the Department of Finance and Administration for \$1,151,798

0:09:51 **Vote**

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

0:10:09 **6. CONSIDER APPROVAL OF BUSINESS LICENSE APPLICATION TO CONDUCT DOOR-TO-DOOR SOLICITATIONS FOR LANDSCAPING SERVICES BY PLANTED LANDSCAPING, CONTACT HAYDEN HAMILTON**

Ms. Ortiz stated this is a new Landscaping business that would like to conduct door to door solicitation. She explained the Carlsbad Police Department conducted a background check and recommend approval of the door to door solicitation.

Councilor Walterscheid stated he has never heard of the business. **Ms. Hayden Hamilton**, the applicant stated this was a new business that was started in August 2020.

Councilor Walterscheid asked what type of work the business will be doing. **Ms. Hamilton** explained the business will do landscaping, lawn care, sod, rock design, weed eating, and trash hauling. She added they will do it all.

Councilor Estrada asked what the hours of door to door solicitation will be. **Ms. Hamilton** explained the hours of door to door solicitation would be 9:00 a.m. to 5:00 p.m.

Councilor Walterscheid stated he is not in favor of door to door solicitation.

Mayor Janway asked if there were any questions from Council or the audience. There were none.

0:13:09 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Anaya-Flores to approve of Business License Application to conduct door-to-door solicitations for landscaping services by Planted Landscaping, Contact Hayden Hamilton

0:13:13 **Vote**

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

0:13:46 **7. CONSIDER APPROVAL OF ORDINANCE 2020-19, 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 ST APPLICANT: JORDAN ANDERSON**

0:14:07 **A. Public Hearing**

Ms. Ortiz explained the applicant is requesting a zone change from "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.11 acre at 703 W. Greene St. She explained the change would create a spot zone however the zone change would bring the property into compliance since there is a residence on the property. She said the change was recommended for approval by the Planning and Zoning Commission

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

0:15:19 **B. Consider Approval of Ordinance 2020-19**

0:15:22 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve Ordinance 2020-19, 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 St Applicant: Jordan Anderson

0:15:26 **Vote**

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

0:15:44 **8. CONSIDER APPROVAL OF ORDINANCE 2020-20, 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 APPLICANT: CLINT BENNETT**

0:16:09 **A. Public Hearing**

Ms. Ortiz explained this request is to rezone part of "C-2" Commercial 2 District to "I" Industrial District for an approximately 1.33 acre property located at 1120 S Canyon. She said this would not create a zone change and the Planning and Zoning Commission recommended approval.

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

0:17:13 **B. Consider Approval of Ordinance 2020-20**

0:17:17 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance 2020-20, 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 Applicant: Clint Bennett

0:17:24 **Vote**

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

0:17:46 **9. CONSIDER APPROVAL OF ORDINANCE 2020-21, 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 ST APPLICANT: NK5 INVESTMENTS LLC**

0:18:15 **A. Public Hearing**

Ms. Ortiz explained the applicant is requesting a zone change from "R-2" Residential 2 District to "C-1" Commercial 1 District for an approximately 0.84 acre property, located at 1250 N Pate St. She said although this change will create a spot zone, the change will remain consistent with the current and surrounding uses. She said the Planning and Zoning Commission recommended approval of this change.

Councilor Rodriguez asked if the building currently there is a Doctor's Office and if there were any plans for those businesses to change. **Ms. Ortiz** explained there are apartments and a hotel in the surrounding area and there are no planned changes.

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

0:20:14 **B. Consider Approval of Ordinance 2020-21**

0:20:20 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Ordinance 2020-21, 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 St Applicant: NK5 Investments LLC

0:20:27 **Vote**

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

0:20:46 **10. CONSIDER APPROVAL OF ORDINANCE 2020-22, 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 & US HIGHWAY 285 APPLICANT: CARLSBAD DEVELOPERS, INC./TREY HUGHES

0:21:15 **A. Public Hearing**

Ms. Ortiz explained the applicant is requesting a zone change from "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 & US Highway 285. She added this zone change will create a spot zone and the Planning and Zoning Commission recommend approval of the zone change.

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

0:22:17 **B. Consider Approval of Ordinance 2020-22**

0:22:23 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve Ordinance 2020-22, 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 & US Highway 285

0:22:29 **Vote**

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

0:22:59 **11. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez gave an update on the Census, explaining there is a court date on September 17, 2020 to determine whether the Census will terminate early or last to the end of the month.

0:23:28 **Mayor Janway asked if anyone would like to address Council. No one appeared.**

0:23:38 **12. ADJOURN**

0:23:41 **Motion**

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

0:23:45 **Vote**

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

