

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON DECEMBER 8, 2020 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor <i>via telephone</i>
	Jason Shirley	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor <i>via telephone</i>
	Mark C. Walterscheid	Councilor
	Lisa A. Anaya Flores	Councilor

Absent:

Also Present:	John Lowe	City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Jeff Patterson	Planning Director
	Brent Griffith	IT
	Eydie Harrell	Code Enforcement
	Charlie Garcia	Police Officer

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**

0:00:07      Invocation – Pledge of Allegiance

0:00:55      **Mr. Simpson** stated Boutique is flying all flights. He stated daily flights include 2 round trips to Albuquerque and 1 round trip to Dallas. He said the Dallas flights have gone down about 20-30 percent. He explained the Albuquerque flights have taken a bigger hit, down 40-50 percent.

**Councilor Walterscheid** stated he used the airline frequently and has been left in Carlsbad once and in Albuquerque once.

**Councilor Walterscheid** asked if there would be anything done to resolve this issue. **Mr. Simpson** stated the company strives for 100 percent reliability. He said the

company tries to help when these issues arise. He said to contact him if the needs were not appropriately met.

**Councilor Walterscheid** stated the statistics don't look good. **Mr. Simpson** explained the company is going above the requirements to take care of their clients and will continue to work on it. **Mr. Simpson** added every airline is struggling in this pandemic.

0:06:42      **1. APPROVAL OF AGENDA**

0:06:44      **Motion**

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

0:06:50      **Vote**

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

0:07:07      **2. CONSIDER APPROVAL OF RESOLUTION 2020-43, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2020-21 FISCAL YEAR BUDGET**

**Mrs. Salcido** explained the first adjustment is for an increase of capital in the amount of \$75,000.00 in the Executive Department for the purchase of Diamond Drive. She said the second adjustment is for revenue and operating costs in public safety by \$4,500.00 for a donation from the Wal-Mart Grant Foundation for Shop with a Hero.

0:08:02      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2020-43, a Resolution making certain budgetary adjustments to the 2020-21 Fiscal Year Budget

0:08:07      **Vote**

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

0:08:27      **3. CITY OF CARLSBAD FINANCIALS - OCTOBER 2020**

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

0:09:50      **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on November 10, 2020
- B. City Personnel Report
- C. Purchasing

- 1) Consider Approval to Advertise Invitation to Bid for Old Cavern Highway Waterline Project
  - 2) Consider Approval to Award RFP 2020-18 for On-call Engineering Services to multiple firms for Engineering Services for City Projects
- D. Contracts and Agreements
- 1) Consider Approval of Agreement between the City of Carlsbad and Department of Justice for a STOP School Violence Grant Program for the Carlsbad Police Department
  - 2) Consider Approval of Agreement between the City of Carlsbad and New Mexico State Library for FY21 State Grant-in-Aid Public Library Agreement
  - 3) Consider Approval of Memorandum of Agreement between the City of Carlsbad and Eddy County regarding the property commonly known as Cherry Lane Park
- E. Monthly Reports
- 1) Community Development Department October 2020
  - 2) Human Resources Department November 2020
  - 3) Municipal Court Department November 2020
  - 4) Municipal Services Department October 2020
  - 5) Transportation and Facilities Department September 2020
  - 6) Utilities Department October 2020

0:10:13        **Mayor Janway asked Chief Skinner to give a summary of D.1 an Agreement between the City of Carlsbad and Department of Justice for a STOP School Violence Grant Program for the Carlsbad Police Department**  
**Chief Skinner** stated this is a federal grant of \$346,625.00, for educating and training on the prevention of school violence. He explained this grant is for September 2020 through October 2023, although there is no school at this time, it will allow the Police Department to use the grant money for education and training.

**Councilor Walterscheid** asked if we were awarded the grant. **Chief Skinner** stated we were awarded the grant. **Councilor Walterscheid** asked if it could still be used during COVID-19 pandemic, **Chief Skinner** said yes it is good for almost three years.

0:12:25        **Mayor Janway asked Mr. Lowe to discuss D.3 a Memorandum of Agreement between the City of Carlsbad and Eddy County regarding the property commonly known as Cherry Lane Park**  
**Mr. Lowe** explained that Eddy County asked the City to take ownership of the park with the stipulation it remains a recreational park. He added the City would be responsible for the operation of the park. He said Eddy County approved the transfer at their November 17, 2020 meeting. He said DFA will need to approve the transfer if approved by City Council.

**Councilor Walterscheid** asked **Mr. Lowe** if the park will become a liability for the City, and if Eddy County should be helping, as it will save them money and resources. **Mr.**

**Low** stated the City is well equipped to take on this job, the park is small and will benefit the residents in the area and the City. **Mr. Lowe** stated he doesn't feel taking on the park will be a problem.

0:14:06      **Motion**

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

0:14:13      **Vote**

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

0:14:36      **5. CONSIDER APPROVAL OF RESOLUTION 2020-44, A RESOLUTION SUPPORTING EFFORTS TO REPEAL THE STATE TAX ON SOCIAL SECURITY INCOME**

**Mr. Lowe** explained New Mexico is one of only thirteen states to impose tax on social security, social security is the sole source of income for 1 in 3 New Mexico seniors, and it costs the seniors about \$700.00 a year in taxes. He stated approval of this resolution would go to the state legislature in January 2021.

**Mayor Janway** added Representative Brown is carrying this legislation, and said it is double taxation.

0:15:27      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution 2020-44, a Resolution supporting efforts to repeal the State Tax on Social Security Income

0:15:34      **Vote**

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

0:15:53      **6. CONSIDER APPROVAL OF RESOLUTION 2020-45, A RESOLUTION REQUIRING THE REMOVAL OF THE DEBRIS AT 508 AND 510 S OLIVE STREET OWNERS: JERRY AND BRENDA NORTHCUTT**

**Ms. Riordan** explained this is a large lot with a single family residence with an out building that the owners are not maintaining. She said Code Enforcement has been dealing with this property and it has been brought to Council previously. She said the owners are deceased, but their daughter lives at the property. She explained it is recommended by Code Enforcement, the Fire Marshall and the Legal Department to condemn this property. She added if the resolution is adopted the owners will have 30 days to clean up the property or the City will come in and clean it.

**Ed Bryant**, a neighbor, stated the property is a blight on the neighborhood. He added the residents' burn very noxious items, and purposely irritate Mr. Bryant. He said at times they have blocked the alleyway, people often urinate outside, and there is a lot of drug traffic. He added he has counted ten cats coming out of the living room window.

**Mr. Bryant** pleaded with Council to do something with this property.

**Councilor Anaya-Flores** stated she has sat with the neighbors across the street from this address, and the burning smell was strong.

**Mr. Bryant** stated there are not many children in this area, but there are senior citizens and the smoke is not good for their respiratory system. He stated it would be greatly appreciated if something would be done regarding this property.

**Mayor Janway** asked **Chief Skinner** to speak with Mr. Bryant after the meeting and see what can be done.

0:24:10      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Walterscheid to approve Resolution 2020-45, a Resolution requiring the removal of the debris at 508 and 510 S Olive Street Owners: Jerry and Brenda Northcutt

0:24:25      **Vote**

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

0:24:45      **7. CONSIDER APPROVAL OF ORDINANCE 2020-25, AN ORDINANCE AUTHORIZING THE LEASE OF PROPERTY AT THE CAVERN CITY AIR TERMINAL TO BMB EQUIPMENT HOLDING, LLC FOR PLACEMENT AND USE OF AN AVIATION HANGER**

0:25:05      **A. Public Hearing**

0:25:07      **Mr. Lowe** explained BMB Equipment already lease's space at the airport and would like to expand the area and add an access road to their property. He said it would be a 30 year lease, with a monthly lease payment of \$1,068.00 that would increase by 3% every three years. He said the price was determined by a qualified appraiser. He added they would like to add a hangar and access road off of Airway Drive.

**Councilor Walterscheid** asked if it worked out to \$ .10/sq. ft., **Mr. Lowe** answered yes.

**Councilor Walterscheid** asked if that was compatible to other airports, like Lubbock, or Denver. **Mr. Lowe** said it is the same amount as Roswell and Hobbs, Lubbock and Denver were not looked into.

0:26:30 **Mayor Janway** asked if anyone else would like to speak regarding the Ordinance, no one appeared

0:26:40 **B. Consider Approval**

0:26:41 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance 2020-25, an Ordinance authorizing the lease of property at the Cavern City Air Terminal to BMB Equipment Holding, LLC for placement and use of an Aviation Hanger

0:26:46 **Vote**

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

0:27:05 **8. CONSIDER APPROVAL OF ORDINANCE 2020-26, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.228 ACRE PROPERTY LOCATED AT 1708 W CENTER ST APPLICANT/OWNER: NOAH HOMES, LLC/DAVE ANDERSON**

0:27:33 **A. Public Hearing**

0:27:36 **Mr. Patterson** explained the applicant is requesting to rezone part of "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 0.228 acre property located at 1708 W Center St. He said this change would create a spot zone, but would remain as residential zoning. He said the Planning and Zoning Commission recommend approval.

0:28:25 **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

0:28:40 **B. Consider Approval**

0:28:42 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve Ordinance 2020-26, an Ordinance rezoning part of "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 0.228 acre property located at 1708 W Center St Applicant/Owner: Noah Homes, LLC/Dave Anderson

0:28:50 **Vote**

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

0:29:08 **9. COUNCIL COMMITTEE REPORTS**

0:29:16 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:29:25 **10. ADJOURN**

0:29:26 **Motion**

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

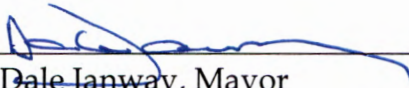
0:29:32 **Vote**

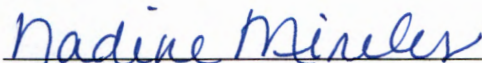
The vote was as follows: Yes - Anaya-Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters, Walterscheid; No - None; Absent - None; the motion carried.

0:29:51 **Adjourn**

There being no further business, the meeting was adjourned at 6:29 p.m.



  
Dale Janway, Mayor

  
Nadine Mireles, City Clerk