

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON FEBRUARY 9, 2021 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor
	Jason Shirley	Councilor <i>via telephone</i>
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
	Lisa A. Anaya Flores	Councilor
Absent:	Leo B. Estrada	Councilor
Also Present:	John Lowe	City Administrator
	Melissa Salcido	Director of Finance
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Jeff Patterson	Planning Director
	Brent Griffith	IT Technician
	Charlie Garcia	Police Officer
	Wes Nichols	Deputy Director of Utilities

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**

0:00:05 Invocation - Pledge of Allegiance

0:00:50 **1. APPROVAL OF AGENDA**

0:00:52 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya-Flores to approve the Agenda

0:00:55 **Vote**

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

0:01:14 **2. CONSIDER APPROVAL OF RESOLUTION 2021-07, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2020-21 FISCAL YEAR BUDGET**

Mrs. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2020-2021 Fiscal Year Budget highlighting the General fund and the Capital Projects Fund.

0:02:13 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Approval of Resolution 2021-07, a Resolution making certain Budgetary Adjustments to the 2020-21 Fiscal Year Budget

0:02:18 **Vote**

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

0:02:35 **3. CITY OF CARLSBAD FINANCIALS - DECEMBER 2020**

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

0:03:59 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on January 26, 2021
- B. City Personnel Report
- C. Purchasing
 - 1) Consider approval to Advertise Request for Proposal for Digital Entrance Signs for three primary entrances to Carlsbad
- D. Monthly Reports
 - 1) Human Resources Department January 2021
 - 2) Municipal Court Department January 2021
- E. Set the Date: March 9, 2021
 - 1) Ordinance amending Article IV – Wellhead and Water Facilities Protection Section 52-153 through 52-155 and Section 52-158 of the Code of Ordinances
 - 2) Ordinance authorizing the correction of Lease Description, Amendment and Ratification of an Oil and Gas Lease with SPC Resources LLC
 - 3) Resolution authorizing the renaming of 120 Kircher Street formerly known as Pate Elementary School to the Alejandro Ruiz Senior Center

0:04:19 **Mayor Janway asked Mr. Lowe to discuss C.1 Consider approval to Advertise Request for Proposal for Digital Entrance Signs for three primary entrances to Carlsbad and asked Mayor Pro Tem Rodriguez to discuss E.3 Resolution authorizing the renaming of 120 Kircher Street formerly known as Pate Elementary School to the Alejandro Ruiz Senior Center**

Mr. Lowe explained the city is requesting approval to go out for RFP for digital signs to be placed at the 3 primary entrances into Carlsbad. He said they will be placed at the Hobbs Highway entrance, Artesia Highway entrance and at the Airport on National Parks Highway. He said they will be two-sided LED signs and they will be purchased with lodgers' tax promotional fund

Mayor Pro Tem Rodriguez explained Mr. Alejandro Ruiz is a War Hero. He said Mr. Ruiz preserved the lives of the men in his company. He said he would like the Pate School Senior Center named for Mr. Alejandro Ruiz, due to him putting himself in personal danger and great risk. He said Mr. Ruiz is a local hero. **Mayor Janway** said Mr. Ruiz is in the Hall of Fame and a Medal of Honor recipient. **Mayor Janway** said he is the only Medal of Honor recipient in New Mexico, what a great man. **Mr. Lowe** stated this is a Set the Date item and will be heard at the March 9, 2021 council meeting.

0:06:20 **Motion**

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

0:06:21 **Vote**

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

0:06:42 **5. CONSIDER APPROVAL OF REQUEST FROM GEORGE BLAKELY FOR WATER SERVICE OUTSIDE CITY LIMITS FOR PROPERTY LOCATED AT 2007 CONNIE ROAD**

Mr. Lowe explained this request was presented to the Water and Sewer Commission on January 21, 2021, with the recommendation for approval with the stipulation of starting the process of annexation into the city limits. **Mr. Lowe** stated after research, this property does not qualify for annexation due to state statues. **Mr. Lowe** said Mr. Blakely would like to provide water to a residence and a RV park with 14 spaces

0:07:51 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Request from George Blakely for Water Service Outside City Limits for property located at 2007 Connie Road

0:07:57 **Vote**

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

0:08:21 **6. CONSIDER APPROVAL OF ORDINANCE 2021-01, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 0.167 ACRE PROPERTY LOCATED AT 511 SOUTH ALAMEDA STREET APPLICANT: KEVIN SHAFER**

0:08:28 **A. Public Hearing**

Mr. Patterson explained this has been a residential use zone and the change will create a spot zone. He said the applicant is proposing to keep the residential nature of the property. He said approving this zoning would keep that residential nature. He said this was brought before Planning and Zoning Commission at the January 4, 2021 meeting, the change was recommended for approval.

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

Mr. Kevin Shafer, property owner, explained he has 2 properties on this block and would like to downgrade 1 property and upgrade the other. He said this property is near a church and the other property is on a corner with no neighbors.

Mayor Janway asked if anyone else 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

0:11:10 **B. Consider approval of Ordinance**

0:11:33 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Approval of Ordinance 2021-01, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 0.167 acre property located at 511 South Alameda Street Applicant: Kevin Shafer

0:11:37 **Vote**

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

0:12:05 **7. CONSIDER APPROVAL OF ORDINANCE 2021-02, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.168 ACRE PROPERTY LOCATED AT 501 SOUTH ALAMEDA STREET APPLICANT: KEVIN SHAFER**

0:12:10 **A. Public Hearing**

Mr. Patterson explained all residences in this areas are zoned R-2 Residential District, changing this will create a spot zone. He said the Planning and Zoning Commission considered this item at the January 4, 2021 meeting and recommended denial.

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

Mr. Kevin Shafer, property owner, said this is 3 houses down from the 1st property he asked for a downgrade for. He asked that this property be upgraded being that is not

beside the church and is on a corner. He explained there are only 3 houses on the block and he owns 501 and 511 S. Alameda. He stated he feels having a C-2 Commercial 2 District next to a church does not make sense, as a C-1 Commercial 1 District he already has a shop there and makes more sense for this property to be commercial than the property next to the church.

Mayor Janway asked if anyone else 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

0:14:41 **B. Consider approval of Ordinance**

0:15:02 **Councilor Chavez** asked Mr. Shafer if he owns a house on the block, **Mr. Shafer** explained there is not a house there but a shop, he also said the property at 501 S. Alameda has always been a commercial property. **Councilor Carter** asked if the church, the girl scouts building and the fire department are operating as residential. **Mr. Patterson** answered yes, the fire department and church are able to operate in any zoning. **Councilor Carter** said he doesn't want to create a spot zone as he feels the Planning and Zoning Commission have put a lot of time and thought into their work. He asked if there is any type of permit that would allow Mr. Shafer to use as it is. **Mr. Patterson** said the type of business Mr. Shafer wants to locate there precludes most other zoning.

Mr. Shafer stated his business is a cleaning business and he would like to park his pressure washers there to keep them from being stolen. He said the property is already being used for parking. **Mr. Shafer** explained there is now a mobile home on the property that is zoned C-1 Commercial 1 District. **Mr. Patterson** explained what Mr. Shafer is asking for at 501 S. Alameda is a C-2 Commercial 2 District or Industrial Zoning. **Mr. Shafer** said he would only be parking smaller vehicles and pressure washers. **Councilor Carter** asked if he was operating a business there or just using the property for parking. **Mr. Shafer** said that the property is only being used for parking. **Councilor Carter** said he has seen pictures where semi's are parked near the sidewalk. **Mr. Shafer** gave his word there would never be any industrial items at the property. He said he has a truck yard in Seven Rivers for his industrial items. **Councilor Chavez** asked if this property was zoned C-2 Commercial 2 District if that would allow him to park semi's there, **Mr. Patterson** answered yes. **Mr. Shafer** asked if C-1 Commercial 1 District could be considered. **Councilor Carter** asked if C-1 Commercial 1 District is more restrictive than a C-2 Commercial 2 District. **Mr. Patterson** answered yes. **Councilor Chavez** asked if that would limit Mr. Shafer from parking industrial sized vehicles on the property. **Mr. Patterson** answered yes, it would allow commercial vehicles to be parked on the property. **Councilor Chavez** asked to define commercial vehicles. **Mr. Patterson** said 1/2 ton and 1 ton pickups, but would prohibit the parking of semi trucks.

0:22:11 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Chavez to approve Ordinance 2021-02, an Ordinance rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 0.168 acre property located at 501 South Alameda Street Applicant: Kevin Shafer, with the stipulation it is downgraded to a C-1 Commercial 1 District instead of C-2 Commercial 2 District

0:22:24 **Vote**

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

0:23:07 **8. COUNCIL COMMITTEE REPORTS**

None to report

Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared

0:23:21 **9. ADJOURN**

0:23:21 **Motion**

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

0:23:26 **Vote**


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

0:23:49 **Adjourn**

There being no further business, the meeting was adjourned at 6:23 p.m.




Dale Janway, Mayor


Nadine Mireles, City Clerk