

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON MAY 25, 2021 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
Wendy Austin	Deputy City Administrator
KC Cass	Deputy City Administrator
Denise Madrid-Boyega	City Attorney
Nadine Mireles	City Clerk
Ted Cordova	Community Dev. Director
Angie Barrios-Testa	Director of Municipal Services
Ron Myers	Director of Utilities
Wayne Hatfield	IT Director
Brent Griffith	IT Technician
Melissa Salcido	Finance Director
Richard Lopez	Fire Chief
Jeff Patterson	Planning Director
Jaime Balencia	Assistant Police Chief
Patrick Cass	Public Works Director
Kyle Marksteiner	Public Information Officer
Charlie Garcia	Police Officer
Sarah Jones	Library Director
Jim Waters	Citizen
Jameson Lucas	Open Minds Awake
Dave Morgan	Museum Director
Joanna Wells	Exec. Director Anti-Drug & Gang Coalition
John Sneathen	Sergeant with PVDTF
Matt Hutchinson	Captain with Sheriff's Office
Danae Johnson Gardner	PSP Councilor

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**

0:00:04 Invocation – Pledge of Allegiance

0:00:29 **Mrs. Barrios-Testa** introduced Sarah Jones, the Public Library Director, who has been with the City of Carlsbad for four years and was promoted to Library Director in February of 2020, before the COVID-19 pandemic started. She said Ms. Jones is a strong and dedicated leader and the city is fortunate to have her in that role.

Ms. Jones thanked Mayor Janway and Council Members for keeping the Library open during the pandemic, as many other libraries were closed and employees furloughed. She gave a PowerPoint presentation highlighting:

- The Mission of the Library
- Core Values
- Services offered
- Community Partners

She said the library also helps new business startups, fill out paperwork and provide tax forms. She said the County Clerk sends people for deeds, claims and liens. She said they help people with the Motor Vehicle Division paperwork or registered for appointments while the MVD office was shut down, study materials and forms to get a real ID. She said since Workforce Solutions has been closed most of the year, the staff has been helping people apply for unemployment benefits and report job searches. She said the Police Department sent a gentleman to the library for assistance in getting a new license. She said the courts will send people for legal forms and legal help resources and help people fill out forms for jury summons. She said they support the schools with homework help, tutors, databases and programming. She said would like to make a difference in the economy, empowerment and enrichment of people in Carlsbad.

She said they are working to be a community partner with the businesses listed:

- XTO - Stay at home stem
- Eddy County Detention Center - books and programs
- Jonahs House - books
- CMS - books and resources

She said when Edison school was opened unexpectedly, there was not a library and the students would be brought to the Library to check out books, learn about literacy and fill part of their day.

She said the Library would like expand on programs, create more partnerships, preserve more history, add to collections and service's and bring big events. She said the Library would like Big Arthur events, Shakespeare in the park, support local business and organizations, book clubs, expand the library outside the building, create a meeting room for community organizations to use, starting a seed library to start a garden, a makers place with Pearl of the Pecos, upgrading security, create unique library collections such as stem kits, circulating Wi-Fi devices, ties for job interviews and working towards preserving local history such as yearbooks. She said not all services are being offered at this time due to limited hours and staff. She said the handout shows all the services that should be offered at a 21st century library. She said the Library is looking to create learning opportunities with the college and other organizations and hoping to build on future innovations. She once again thanked Mayor Janway and Council for their time and support.

Councilor Walterscheid asked about Jed Howard's Collection, **Mayor Janway** answered that would be part of the Museum and will be spoken about later in the meeting.

Mayor Janway told Ms. Jones that was a very good presentation, it is amazing everything that is being done and thanked Ms. Jones.

Mrs. Barrios-Testa thanked Mayor Janway and Council for allowing the Library presentation.

0:09:35 **Mrs. Barrios-Testa** explained the Carlsbad Museum Advisory Board met and approved a proposed change of name and re-branding of the Museum. She said the request will be presented at the June 8, 2021 Council meeting. She said Mr. Dave Morgan, Museum Director, contracted with Jameson Lucas DBA Open Minds Awake, LLC. She said Mr. Lucas is involved with the Historical Society and has been instrumental in the improvements that have been made on the website. She introduced Mr. Lucas to make a presentation.

Mayor Janway welcomed Mr. Lucas. **Mr. Lucas** thanked Mayor Janway, Council and Mrs. Barrios-Testa for allowing him to speak. He said originally the Museum was known as Carlsbad Museum or Carlsbad Municipal Museum until the mid-1980's when the board changed the name and built the new addition. He said he looked at photos of old municipal buildings and focused on Fire Station #1 and the original fire station which is now the Lucky Bull Restaurant. He said he noticed the lettering and created a font. He said it is more than a logo, it is an entire system. He said to make the logo he took the floor plan of the museum and the shape of the state of New Mexico and blended them together. He showed slides of what the logo would look like as a sign on the building and what it would look like on merchandise. He showed a lamp post banner showcasing Roger Meads paintings.

Councilor Chavez asked where Mr. Lucas came up with the colors. He said it was unique and that he liked the colors. **Mr. Lucas** answered he was asked to add color instead of using a black and white picture, he said he used primary colors.

Mayor Janway asked if there were any questions for Mr. Lucas, there were none. He thanked Mr. Lucas for his presentation.

Mrs. Barrios-Testa mentioned there should be gifts for Mayor Janway and Council at their seats from the Museum Board.

0:16:00 **1. APPROVAL OF AGENDA**

0:16:03 **MOTION**

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

0:16:08 **VOTE**

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

0:16:23 **2. CITY OF CARLSBAD FINANCIALS - MARCH 2021**

Mrs. Salcido reviewed the revenues and expenditures as of March 2021 for the General Fund contained within the City Budget.

0:18:02 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 11, 2021
- B. City Personnel Report
- C. Monthly Reports
 - 1) Community Development Department April 2021
 - 2) Municipal Services Department April 2021
 - 3) Utilities Department April 2021

0:18:27 **MOTION**

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

0:18:36 **VOTE**

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

0:18:55 **4. CONSIDER APPROVAL OF RESOLUTION 2021-24, A
RESOLUTION TO DEEM CERTAIN UTILITY ACCOUNTS UNCOLLECTABLE**

Mrs. Salcido explained the request is to approve writing off uncollectable accounts from the year of 2016. She said per State Statute uncollectable accounts can be removed if the account has been uncollectable for a period of more than four years. She said when allowed by law the City can place liens on properties with outstanding balances, the only accounts that are exempt from this are accounts with Letters of No Responsibility. She said the City is not waiving the rights to collect unpaid balances in the future. She said the total amount is less than 1% of the revenue collected for that year. She said in the annual budget there is a 15% budget for uncollectable accounts and this amount is well below that percentage. She said this was presented to the Water & Sewer Commissioners at their May 20, 2021 meeting and was approved by the Commissioners.

Councilor Walterscheid asked Mrs. Salcido why this was done every four years, and not yearly. **Mrs. Salcido** answered that this is done yearly and the City is allowed to go back four years, that is why this year is for the year 2016 and next year in 2022 it will be done for the year 2017.

0:20:40 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution 2021-24, a Resolution to deem certain Utility Accounts Uncollectable

0:20:44 **VOTE**

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

0:20:59 **5. CONSIDER APPROVAL OF RESOLUTION 2021-25, A
RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT
1009 BIRCH LANE OWNER: ULA AND STEVEN GROVES**

Mrs. Madrid-Boyce explained this appears to be an abandoned property owned by Ula and Steven Groves. She said no one has lived on the property for quite some time. She said it is believed Ms. Ula Groves is deceased, however Steven Groves still lives in the area. She said this property has been reported to Code Enforcement by neighbors. She said there are abandoned vehicles, appliances and dead trees on the property. She said the dead trees pose a hazard to passersby. She said Code Enforcement has been dealing with the property since 2016, it seems vagrants and homeless people are attracted to this property. She said the property has been inspected and is not in compliance with applicable codes. She said the Fire Marshal has found it to be an extreme fire hazard. She said there has been no communication with the listed property owner.

Councilor Walterscheid asked Mrs. Madrid-Boyce if the house was in good condition or if is going to be bulldozed. **Mrs. Madrid-Boyce** answered the house has not been inspected, however what is being asked of the property owner is to clean up the outside. She said at some point the house may have to be inspected. She said after the

yard is cleaned up Code Enforcement may inspect the house for code violations. **Councilor Walterscheid** asked why it is not being looked at now while the process is already taking place. She explained sometimes it is hard to see the house until the yard is cleaned up.

0:25:20 **Mayor Janway** asked if there was representative of the property present. There was no representative present.

0:25:27 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2021-25, a Resolution requiring the removal of the weeds and debris at 1009 Birch Lane Owner: Ula and Steven Groves

0:25:31 **VOTE**

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

0:25:48 6. CONSIDER APPROVAL OF RESOLUTION 2021-26, A
RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT
2310 ALGERITA STREET OWNER: JASON AND RANDA DENNISTON

Mrs. Madrid-Boyce explained this house is not abandoned, there are people living there and the property is not being maintained. She said there is junk and debris and vehicles parked along the street. She said Code Enforcement has been trying to make contact with the residents since November of 2020. She said in the most recent photos there looks like there has been some clean-up of the property. She said Code Enforcement and the Fire Department have inspected the property and found it is out of compliance with current code.

Councilor Chavez asked is this is a picture of the front yard or the backyard. **Mrs. Madrid-Boyce** answered she believed it is the front yard. She asked Mr. Patterson if he knew if the photos were from the front or back yard. **Mr. Patterson** answered these are photos of the front of the property.

Councilor Walterscheid asked if the backyard is as bad as the front yard, **Mr. Patterson** answered he hasn't seen the backyard and wasn't sure if Code Enforcement has seen the backyard. **Mrs. Madrid-Boyce** said the photos are only for the front yard.

Councilor Rodriguez said there is not really an alley for access to the backyard.

Randa Denniston, property owner, spoke about the property. She said clean-up of the property was started in November 2020. She said most of the items in the front yard belong to her brother-in-law who no longer lives there. She said she has photos taken today of what the property looks like. She said the back of the house does not look like the front.

Councilor Walterscheid asked her what her plans are for the property, if she plans to clean it up. **Mrs. Denniston** said she has photos from today, if he would like to look at them.

Mayor Janway asked her how long it will take her to clean the property. She showed the photos of property as of today to Mayor Janway, to show the progress. The photos were shown to Councilor members for their input on the vote. Several Councilors commented the property looked good and the Denniston's were making good progress.

Councilor Chavez asked if there were 30 days granted with the passage of the resolution. He asked Mrs. Denniston is she could get it finished up within 30 days. **Mrs. Denniston** asked for specifics as to what else needed to be done in the 30 days. **Mrs. Madrid-Boyce** answered Code Enforcement could come by the property to guide her as to what needs to be done to get it finished. **Mrs. Madrid-Boyce** also said it would need to be accessible to ambulance or fire vehicles if there was a need for them to be there. **Mrs. Madrid-Boyce** asked Mrs. Denniston to leave her telephone number so the City could get in contact with her.

Councilor Estrada asked if Mr. Patterson would be able to help Mrs. Denniston with this, **Mrs. Madrid-Boyce** explained Mr. Patterson could not help, other than providing a business card for contact information. **Councilor Estrada** clarified if someone from Code Enforcement could guide her. **Mr. Patterson** said he would be able to help her.

Councilor Rodriguez said with the progress that has been made, it shouldn't be a problem for her to get the property cleaned up. He said he would like the resolution to pass, and avoid having to start the process again if the property is not cleaned up.

0:34:58 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Resolution 2021-26, a Resolution requiring the removal of the weeds and debris at 2310 Algerita Street Owner: Jason and Randa Denniston

0:35:02 **VOTE**

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

0:35:20 7. COUNCIL COMMITTEE REPORTS

Mr. Lowe said recently our community has been subject to some overdoses. He said he has invited several members of the Police Department, Sheriff's Department, PVDTF and Joanna Wells with the Carlsbad Anti-Drug Gang Coalition to give an update of what they are doing to create awareness in the community to the dangers of drugs and possibility of overdosing. **Mr. Lowe** introduced Assistant Police Chief Jaime Balencia,

Matt Hutchinson with the Sheriff's Department, John Sneathen with PVDTF, and Joanna Wells with the Carlsbad Anti-Drug Gang Coalition.

Assistant Chief Balenica greeted Mayor Janway and Council members and talked about the influx of fentanyl in the community and the dangers and bring awareness to the community. He said Law Enforcement focuses on enforcing all criminal activity and that includes drugs. He said there is a tremendous group of men and women who are out every night and day getting not only fentanyl but other drugs off the streets. He said the Sheriff's Department and PVDTF are out getting drugs off the streets. He said PVDTF consists of Eddy County Sheriff's Department, Carlsbad Police Department, State Police along with other federal agencies that have come into the area recently. He said with the manpower available it is allowing the departments to combat the drug problem. He said with COVID-19 it has put a damper on the awareness to the community. He said Joanna Wells and the Coalition are awesome at what they do. He said Corporal Mike Shott and Corporal Isaac Florez with the Carlsbad Police Department work with the Coalition hand and hand throughout the year. He said they go to the schools and teach the students about the issues associated with drugs. He said they do a lot for Teen Court, however COVID-19 has had an effect on it. He said hopefully soon it will be back on track. He said they meet on a monthly basis and provide education for Teen Court. He said National Night Out or Neighborhood Night Out is the new name, meeting with the hosts helps educate the community. He said the Police Department has a Citizen's Police Academy and they become educated with the program as to what drugs are out on the street, what to look for, what they see. He said there is a Girls on Guard program and provides education on safety. He said there are also canines and the K-9 units and the officers do an awesome job.

Assistant Chief Balencia introduced Sergeant John Sneathen with PVDTF. **Sergeant Sneathen** said methamphetamine was the biggest issue here in our community for the last decade. He said methamphetamine has been the biggest in seizures that related to property crime, violent crime and money wise. He said in the last three years fentanyl has surpassed or is at about the same level as methamphetamine, and is something the department hasn't seen before. He said fentanyl is similar to heroin, it's an opioid and comes in a pill form, a blue pill, and it is labeled as N30 and is an OxyContin pill. He said the pill is extremely potent and has really affected our community. He said he feels everyone knows someone that has dealt with this, he said it has hit everywhere really hard. He said in 2019 they had approximately 2,000 pills seized, it was the first seizure of fentanyl. He said in 2020 there were approximately 3,000 pills seized and it is remaining steady. He said as of 2021 so far there have been 8,000 fentanyl pills seized. He said there was a seizure of 4,000 pills from one person. He said the high death rate has caught a lot of attention all the way to the highest governments, even the DEA has come to us and there is a DEA taskforce. He said there are DEA, ATF, HSI and FBI agents/officers within our county. He said with all the agencies involved they are trying to tie the trafficker to overdose deaths and possibly charge the trafficker with the death. He said it will be a federal charge not a state charge. He said there are two

active cases in Eddy County in reference to overdose deaths. He said it will be a strenuous task with the limited manpower available. He said when overdoses occur investigators will need to drop what they are doing to work on the overdose. He said he feels confident that there will be a couple done and maybe change the culture of the drug dealers on the street. He said the ultimate goal is to slow things down.

Councilor Walterscheid asked in the United States with groups denouncing the police, is your job harder to do and your ability to do things, the way you approach houses and respond to calls. **Sergeant Sneathen** answered he doesn't wear a uniform and he feels the officers in uniform are the ones being targeted. He said yes, it is harder and people don't support police anymore.

Assistant Chief Balencia added he feels the department is extremely blessed working in this area where police are still supported. He said what is shown on TV hasn't been experienced here, and he feels and sees a lot of support from the community.

Councilor Chavez asked Sergeant Sneathen about overdoses and drugs, whether it is the transient population or locals using. **Sergeant Sneathen** answered it is transient and locals and he couldn't say if one or the other is using more.

Joanna Wells, Executive Director for the Anti-Drug and Gang Coalition, said the program has been around since 2004 in Carlsbad. She said the reason they are here is there was a lot of methamphetamine on the rise in the years 2000 and 2001 there was concern from parents of people using drugs who didn't know where to turn to find help or resources. She said it was formed by parents, City Council, and the former Mayor. She said it was to bring agencies together to combat these issues. She said the mission is to improve the quality of life, the vision is to have a drug, gang and crime free community. She said the Coalition is community partners that bring community sectors together to address the needs of the community. She said they look at the needs or problems and what is emerging, then the Coalition creates an action team, then the action team focuses on that issue to determine what needs to be done. She said the Coalition provides evidence based programs to middle school youth addressing risky behaviors and the dangers of substance use and misuse. She said they provide community awareness through presentations, media campaigns and public events. She said Teen Court began in 2011 and the program has been very successful. She said Teen Court is an innovative alternative sentencing program for juvenile offenders of misdemeanor charges and provide youth mentorship for youth interested in law. She said law enforcement provides a drug prevention awareness class for all defendants that go through Teen Court. She said the Coalition offers safe storage and disposal of prescription medication and offer a drug take back twice a year. She said last year the drug disposal was 137 pounds. She said there are surveys done for sixth through twelfth graders on drug use, alcohol and perception of risk. She said that is important to know what is trending right now and the results are done in a couple of months and are provided to law enforcement and the schools. She said there is also a survey for

adults and the results should be ready next month. She said there is a Parents in Action team that was just created, it is on their Facebook page, Carlsbad Coalition Facebook. She said it is online training and resources even if you are not a parent, just an adult that works with youth. She said the Coalition is in the process of creating a youth council called Teens in Action, and will be taking nominations for youth in the community that would like to make a positive impact. She said she would like to start the Teens in Action in July. She said what the program would do is put together community events as alternatives to alcohol, tobacco and other drug use. She said they will have mentorship and leadership development and do awareness campaigns. She said you can nominate a student from sixth grade and up on the website CarlsbadCoalition.com. She said all the information is on the website. She said Officer Galloway will be making a presentation on emerging drug trends, he will be here in December.

Councilor Walterscheid asked if drug use is any worse now for the youth than ten years ago? **Ms. Wells** answered marijuana is still a drug, even if it is legal. She said with the surveys that are done they knew e-cigarettes would be a problem before it was nationally known. She said there is heroin use at the high school. She said they educate teachers and principals on how to confiscate and dispose of those items as they can get drugs on their hands. She said sharps containers are given out to dispose of the items. She said she doesn't have an answer for Councilor Walterscheid's question.

Captain Matt Hutchinson with the Sheriff's Department said in the last several months they have seen overdoses rise in the city and county. He said they are taking a stance in charging people responsible for the distribution that caused the overdose. He said they are willing to investigate and bring charges as a deterrent for others.

Ms. Wells added that there is a significant increase in mental health and attempted suicide among sixth grade and up. She said 52 students reported attempting suicide in the last 12 months more than six times. She said it is a huge problem and would like to have another survey in the fall. She said they are really concerned about the mental health of the youth as it was already high. She said she would like to bring them hope and something to focus on. She added that can be done through community support and encouragement.

Mayor Janway thanked Ms. Wells.

Mayor Janway introduced Danae Johnson Gardner, a Counselor with PSP who specializes in suicides in young people.

Mayor Janway thanked everyone for their presentations and added they were much needed.

Councilor Chavez thanked the officers for what they do and added the Council backs the blue.

1:01:59 **8. ADJOURN**

1:02:01 **MOTION**

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

1:02:06 **VOTE**

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

1:02:27 **Adjourn**

There being no further business, the meeting was adjourned at 7:02 p.m.



Nadine Mireles
Nadine Mireles, City Clerk

Dale Janway
Dale Janway, Mayor