

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON JUNE 8, 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 <i>via telephone</i>
	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-Boyea	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
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Mike Smith	Current Argus
	Dan Middleton	Citizen
	Jim Waters	Citizen
	Jason Burns	Eddy County Road Superintendent
	Teresa Rodriguez	Citizen
	Trevor Fray	Resident at 2315 Iris St.
	Regina Campbell	Citizen
	Alvie Kinnaman	Citizen
	Dan Maderias	Citizen
	Whit Storey	Citizen
	Melody Sanjaray	Citizen
	Cameron Weyant	Citizen

Rhonda Hardesty
Amanda Mashaw
Riley Neatherlin
Austin Weyant

Resident at 205 N Third
Dunagan Associates
Citizen
Certified Compost Expert w/NMED

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**

0:00:06 Invocation - Pledge of Allegiance

0:00:18 **Mrs. Austin** gave a handout and explained the ICIP process is now open for public comment. She said there will be a public meeting held on June 9, 2021 and June 10, 2021 at 6 p.m. in Council Chambers. She said Mrs. Barrios-Testa and other city representatives will be available to discuss ICIP and answer any questions related to current proposed projects or potential projects. She said if anyone cannot make it to the meeting they may email or call Mrs.Barrios-Testa. She said the comment period ends June 14, 2021.

0:02:11 **1. APPROVAL OF AGENDA**

0:02:14 **MOTION**

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

0:02:19 **VOTE**

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

0:02:35 **2. CONSIDER APPROVAL OF RESOLUTION 2021-27, 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, the Debt Service Fund and the Solid Waste Fund.

0:03:38 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2021-27, a Resolution making certain budgetary adjustments to the 2020-21 Fiscal Year Budget

0:03:50 VOTE

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

0:04:05 **3. CITY OF CARLSBAD FINANCIALS - APRIL 2021**

Mrs. Salcido reviewed the revenues and expenditures as of April 2021 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:05:25 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 25, 2021
- B. City Personnel Report
- C. Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Eddy County for the Provision of General Services for Eddy County Residents for FY 2021-22
 - 2) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Community Anti-Drug/Gang Coalition, Inc. for the Provision of Teen Court Services for FY 2021-22
 - 3) Consider Approval of Agreement between the City of Carlsbad and NM Department of Finance for an E911 Grant Agreement for the 911 Telephone Emergency System at the Carlsbad Police Department
 - 4) Consider Approval of Memorandum of Agreement between the City of Carlsbad, Eddy County and New Mexico Energy, Minerals and Natural Resources Department for funding request for the Carlsbad Brine Well Remediation Project
 - 5) Consider Approval of Memorandum of Understanding between the City of Carlsbad and Eddy County for the construction of the West Loop relief Route
- D. Monthly Reports
 - 1) Human Resources Department May 2021
 - 2) Municipal Court Department May 2021

0:05:48 **Mayor Janway asked Mr. Lowe to discuss C. 4 Consider Approval of Memorandum of Agreement between the City of Carlsbad, Eddy County and New Mexico Energy, Minerals and Natural Resources Department for funding request for the Carlsbad Brine Well Remediation Project; and Mayor Janway asked Mr. Cass to discuss C. 5 Consider Approval of Memorandum of Understanding between the City of Carlsbad and Eddy County for the construction of the West Loop relief Route**

Mr. Lowe explained New Mexico Energy, Minerals and Natural Resources Department is requesting \$1.5M from the City of Carlsbad and Eddy County to match funds appropriated for the brine well remediation project. He said those funds were allocated by the state in the 2020-2021 legislative session. He said the Eddy County Board of Commissioners approved the memorandum of understanding in their June 1, 2021 regular Commission Meeting.

Mr. Cass explained this memorandum of understanding is to build a west loop relief route. He said the City is responsible for about 1.75 miles of this project, it includes 2 major low water crossings. He said the estimated cost for the City is \$3 million. He said he feels it is a great thing and it is a common sense design at a price that is affordable.

Councilor Estrada said it is way overdue and this is great news. Mr. Cass said this will be a fast track project. Councilor Estrada mentioned Jason Burns is part of the project.

Mayor Janway announced Jason Burns was present and asked Mr. Burns if he would like to make any comments. Mayor Janway added Mr. Burns is the Road Superintendent for Eddy County and is doing a great job.

Jason Burns thanked Mayor Janway and the Councilors for their support of this project and is looking forward to getting this project moving. He said it will be fast paced and if anyone would like updates on the progress, he would be more than happy to come to Council Meetings to give updates.

Councilor Estrada thanked Mr. Burns for his help.

Councilor Walterscheid asked Mr. Burns what took so long. Mr. Burns answered there is only so much he can do in 18 months. Councilor Walterscheid thanked Mr. Burns.

Mr. Cass said without Mr. Burns this project would be dead, and Mr. Burns has taken it from something un-doable to something affordable and much needed.

0:08:40 MOTION

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

0:08:46 VOTE

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

0:09:13 5. CONSIDER APPROVAL OF REQUEST FOR A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF DISPENSER LIQUOR LICENSE NO 1054 FOR MURPHY OIL USA, INC. DBA MURPHY EXPRESS LOCATED AT 2301 S CANAL APPLICANT: MURPHY OIL USA INC.

Mr. Lowe explained that this is a request to transfer of ownership and change in location for a dispenser liquor license, Murphy Express is purchasing a liquor license and is looking for a better location for the proposed license. He said it will be highly unlikely it will be used at this location (2301 S. Canal). He said there was no opposition

at the public hearing on May 24, 2021. He said the broker for Murphy Express, Mr. Jerry Hamm, is on the telephone if there are any questions.

0:10:32 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Request for a Transfer of Ownership and change of location of Dispenser Liquor License No 1054 for Murphy Oil USA, Inc. DBA Murphy Express located at 2301 S Canal Applicant: Murphy Oil USA Inc.

0:10:37 **VOTE**

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

0:10:52 **6. CONSIDER APPROVAL OF ANNUAL CITY LIQUOR LICENSE RENEWALS, SUBJECT TO RECEIPT OF A NM STATE LIQUOR LICENSE**

Mr. Lowe explained state statute requires the Governing Body to annually renew all business owned liquor licenses. He said the licenses are renewed upon approval by the Governing Body, providing proof of their state issued liquor license and a \$250.00 payment to the City of Carlsbad. He said the Governor signed a bill to waive the 2020 liquor license fees which allows the state to assist struggling businesses. He said the City would like to waive liquor license fees of \$250.00 for local business.

0:11:37 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Annual City Liquor License Renewals, subject to receipt of a NM State Liquor License

0:11:43 **VOTE**

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

0:11:57 **7. CONSIDER APPROVAL OF RESOLUTION 2021-28, A RESOLUTION STATING THE REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AUTHORITIES, OR OTHER POLICYMAKING BODIES OF THE CITY OF CARLSBAD**

Mr. Lowe explained state statute requires the Governing Body to adopt an annual resolution stating the requirements for Notice of Public Meetings and added the last amendment to the Open Meetings Act was in 2013.

0:12:37 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve Resolution 2021-28, a Resolution stating the requirements for

Notice of Public Meetings of the Governing Body, Boards, Commissions, Committees, Agencies, authorities, or other Policymaking bodies of the City of Carlsbad

0:12:42 **VOTE**

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

0:12:57 **8. CONSIDER APPROVAL OF RESOLUTION 2021-29, A RESOLUTION RENAMING THE BUILDING AT 418 W FOX STREET FROM THE CARLSBAD MUSEUM AND ART CENTER TO THE CARLSBAD MUSEUM**

Mrs. Barrios-Testa explained Resolution 2021-29 is to approve the renaming of the Carlsbad Museum and Art Center to simply The Carlsbad Museum. She said at the Council Meeting held on May 25, 2021 Mr. Lucas of OMI Agency LLC., presented the concept and design of the re-branding and name change. She said this is to help simplify the name, and to identify the museum in a more practical way. She said the name change will easily be recognized and provide a variety of options for promotional material. She said the Museum Advisory Board supports this name change.

0:14:27 **MOTION**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Resolution 2021-29, a Resolution renaming the building at 418 W Fox Street from the Carlsbad Museum and Art Center to the Carlsbad Museum

0:14:30 **VOTE**

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

0:14:45 **9. CONSIDER APPROVAL OF RESOLUTION 2021-30, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 205 N 3RD STREET OWNER: RHONDA HARDESTY**

Mrs. Madrid-Boyea explained there is a single family residence located on this property. She said the owner is Rhonda Hardesty. She said the property appears to be occupied however, it has not been maintained. She said Code Enforcement has been called to the property multiple times and the property has been a problem since 2017 and has gradually gotten worse. She said there is junk, inoperable vehicles, dog feces, weeds and general debris. She said the property has been inspected by Code Enforcement and the Fire Marshal and remains out of compliance with current code.

Mayor Janway asked Mrs. Rhonda Hardesty if she would like to speak.

Mrs. Hardesty said she sent an email to Mrs. Madrid-Boyea and had hoped it would be shared as she explained her personal problems in the email. **Mrs. Hardesty** requested an extension to bring the property up to safety standards. She said she is aware they are in disgraceful shape and is humiliated and ashamed of the state of the property.

She said she will start the clean-up of the property and will maintain the property once it is cleaned up.

Councilor Walterscheid asked Ms. Hardesty when she intends to start the clean-up process. **Mrs. Hardesty** answered the vehicles and building supplies belong to her husband, however if he fails to clear them out, she is going to haul them off. She said her husband is aware of the property needing to be cleaned. She said Melissa Devlin spoke to Mrs. Hardesty's husband and that is the reason he put the properties in Rhonda Hardesty's name.

Mrs. Madrid-Boyea said she was under the impression Mrs. Hardesty was to read her email to Mayor Janway and Councilors and is the reason the email had not been shared. **Mrs. Hardesty** stated she was not able to read it to the group.

Councilor Chavez asked if this was joint tenancy before it was put into Mrs. Hardesty's name. **Mrs. Hardesty** answered it was in Mr. Hardesty's name only.

0:21:36 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution 2021-30, a Resolution requiring the removal of the weeds and debris at 205 N 3rd Street Owner: Rhonda Hardesty

Mrs. Hardesty explained she has sweet neighbors and they do not mind the mess. She said she did not want to involve them in the City Council discussion as she is humiliated enough. She said she has had some tragedies in her life and was happy when the pandemic happened because she could stay home and not see people. She said she can get some work done daily however the sadness hits her and she has to go in to her safe place which is her home at 205 N. Third St.

Councilor Carter explained to Mrs. Hardesty this resolution gives her 30 days to get the property cleaned up. He asked her to wait until the meeting was over to discuss getting some help for her.

0:25:30 **VOTE**

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

0:26:14 **10. CONSIDER APPROVAL OF RESOLUTION 2021-31, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 207 N 3RD STREET OWNERS: ALBERT HAMMOND AND RHONDA HARDESTY**

Mrs. Madrid-Boyea explained this is similar to 205 N. Third, it is a single family residence that appears to be occupied, however it has not been maintained. She said the owners are listed as Albert Hammond and Rhonda Hardesty. She said that Code Enforcement has been dealing with the property since 2017 and the property continues

to worsen. She said there is outside storage, junk, inoperable vehicles, dog feces, weeds and general debris. She said the property has been inspected by Code Enforcement and the Fire Marshal and remains out of compliance with current code.

Mayor Janway asked Mrs. Hardesty if she had anything else to add. **Mrs. Hardesty** said the property at 207 N. Third is not in that bad of condition.

Mrs. Madrid-Boyea added there are current photos of the property.

0:28:54 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2021-31, a Resolution requiring the removal of the weeds and debris at 207 N 3rd Street Owners: Albert Hammond and Rhonda Hardesty

0:29:00 **VOTE**

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

0:29:16 **11. CONSIDER APPROVAL OF ORDINANCE 2021-13, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.292 ACRE PROPERTY LOCATED AT 2424 BONITA STREET APPLICANT: RILEY NEATHERLIN**

0:29:45 **A. Public Hearing**

Mr. Patterson explained this is a request to change zoning from R-1 Residential 1 District to C-2 Commercial 2 District for 2424 Bonita Street. He said this change would not create a spot zone as there is C-2 zoning south of Bonita Street. He said this fronts on to Eighth Street and it is a commercial building and a zoning change would reflect the use of the property historically. He said the Planning and Zoning Commission voted to approve the request for a zone change.

0:31:07 **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**

0:31:28 **B. Consider Approval of Ordinance 2021-13**

0:31:34 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve Ordinance 2021-13, an Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 0.292 acre property located at 2424 Bonita Street Applicant: Riley Neatherlin

0:31:38 **VOTE**

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

0:31:56 **12. CONSIDER APPROVAL OF ORDINANCE 2021-14, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.176 ACRE PROPERTY LOCATED AT 211 S LAKE STREET APPLICANT: JORDAN ANDERSON**

0:32:19 **A. Public Hearing**

Mr. Patterson said this is a request to change the zoning from C-2 Commercial 2 District to R-2 Residential 2 District for 211 S. Lake St. He said this property does abut property that is zoned R-2 Residential District to the north and will not create a spot zone. He said the property is currently being used as residential and the rezoning would reflect the use of the property. He said the Planning and Zoning Commission recommend approval of this request.

0:33:15 **Mayor Janway asked if anyone would like to speak regarding the Ordinance.**

Amanda Mashaw, with Dunagan Associates approached the podium. She said the owner of the property needs the zone change for sale of the property.

0:33:56 **B. Consider Approval of Ordinance 2021-14**

0:33:58 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance 2021-14, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.176 acre property located at 211 S Lake Street Applicant: Jordan Anderson

0:34:01 **VOTE**

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

0:34:17 **13. CONSIDER APPROVAL OF ORDINANCE 2021-15, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 0.187 ACRE PROPERTY LOCATED AT 2207 W TEXAS STREET APPLICANT: FRANCISCO B. VEGA**

0:34:46 **A. Public Hearing**

Mr. Patterson explained this request would not be out of character for the surrounding properties. He said C-1 Commercial 1 District is a more restrictive commercial zoning. He said the applicant would like to have a mixed usage on this property of residential

and commercial. He said C-1 Commercial 1 District zoning would accomplish the request. He added the Planning and Zoning Commission recommends approval.

0:35:50 **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

0:36:05 **B. Consider Approval of Ordinance 2021-15**

0:36:08 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Walterscheid to approve of Ordinance 2021-15, an Ordinance rezoning part of "C-2" Commercial 2 District to "C-1" Commercial 1 District for an approximately 0.187 acre property located at 2207 W Texas Street Applicant: Francisco B. Vega

0:36:13 **VOTE**

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

0:36:30 **14. CONSIDER APPROVAL OF ORDINANCE 2021-16, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-R" RURAL RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.253 ACRE PROPERTY LOCATED AT 2315 IRIS STREET APPLICANT: TREVOR FRAY**

0:36:58 **A. Public Hearing**

Mr. Patterson explained this property is surrounded by residential property on all sides except the west. He said the west is industrial property, and changing the property to R-R Rural Residential District would create a spot zone. He said the property would retain a residential nature and residential usage would be allowed. He said the Planning and Zoning Commission recommend approval.

Councilor Chavez asked if R-R Rural Residential is more or less restrictive than R-1 Residential 1 District. **Mr. Patterson** answered it depends on what use the applicant is wanting to use it for. He said he believes the applicant would like to create a small farm on the property, therefore R-R Rural Residential would be less restrictive in that area. He said R-R Rural Residential is applied to the outskirts of town on larger pieces of property. He said it would allow some commercial use with conditional use permits.

Councilor Walterscheid asked if there has been any feedback from the neighbors. **Mr. Patterson** answered yes, there is a neighbor that has complained about the property and the state the property is in. He said Code Enforcement has been called to the property and have talked to the owners about keeping the property in good condition.

Councilor Estrada asked if the issues have been resolved. **Mr. Patterson** answered regardless of the zone change, Code Enforcement will continue to monitor the property.

Councilor Chavez asked if this is a personal farm or a business. **Mr. Patterson** answered his understanding is this will be a small Co-op between multiple parties.

Councilor Walterscheid stated if this is made legal it will make matters worse with the neighbors. **Mr. Patterson** answered the complaints about the property don't necessarily have to do with what would be going on with the property. He said the issues will be addressed whether this request is approved or denied. **Mr. Patterson** added the owner and tenants have been responsive to Code Enforce and Planning, Engineering & Regulations Department and has no doubt the issues can be resolved.

Trevor Fray, applicant, spoke concerning the property and said he has been working to keep up the property. He said he has lived there less than a year and has been trying to keep the property in good condition. He said he would like to raise chickens and have a small operation of vegetables to sell at a cottage farm or homestead base and to provide for sale at the farmer's market. He said eventually he would like to provide for the community.

Councilor Rodriguez asked if this was his intent, why not buy in an area that allows for a small farm instead of trying to change the zoning on this property. **Mr. Fray** responded this property is an inheritance and they are trying to do things correctly.

Councilor Walterscheid asked how many chickens he is planning to have on the property. **Mr. Fray** answered he would like to have ten or less. **Councilor Walterscheid** asked if there would be any other "critters". **Mr. Fray** answered nothing other than chickens and he does have dogs, he had a rooster which he has gotten rid of to keep the peace with the neighbors. **Mr. Fray** mentioned there are other roosters in the neighborhood and his property is not too far from city/county limits.

Councilor Walterscheid stated he didn't understand why **Mr. Fray** is trying to make a zone change if there will only be a few chickens and a little garden. **Mr. Fray** answered he is just trying to cover all the bases. **Mr. Fray** said he is willing to have conditions and be rational with the neighbors.

Austin Weyant, Certified Compost Expert with NMED, explained he was asked by Mr. Fray to inspect the operations and make sure the property was in compliance with New Mexico State Law and NMED practices. **Mr. Weyant** said the operations meet NMED solid waste requirements and there are no odors or issues. He said the chicken operation also passed inspection.

Don Medaris, a resident in the area, said the posted sign for the hearing was partially obstructed. He said the property is not ready to raise chickens, he is also afraid of what

it would do the property values in the area. He said the notice posted is for residents within 100 feet of the property. He said of the properties in this radius, one house is vacant and the owner might not be aware this is taking place and the other is an abandoned church.

Whit Storey, has a bachelor's degree in agricultural and community development said there are numerous good things about what Mr. Fray is trying to do. He said the property will benefit the Youth of the community as in 4-H and FFA programs. He feels it teaches children responsibility and how to make a little bit of money.

Melody Sanjaray, Environmental Professional, said Mr. Fray and his partner are involved in working with the youth with disc golf tournaments, and the farmer's market. She said she agreed with Mr. Storey in giving the youth education in self sustainability.

Cameron Weyant friend of Mr. Fray, said Mr. Fray keeps the property clean and if the area loses property value it wouldn't be because of Mr. Fray's property.

Regina Campbell said her dad is the property owner and she was young when she moved in 5 years ago and is now trying to make something better of the property. She said she feels what they are doing to give back to the community will be great when she starts her family and it will benefit everyone.

Mr. Lowe said Mr. Tommy Reddick was not able to make it to the meeting, however he is in favor of the zone change.

0:52:26 **Mayor Janway asked if anyone would like to speak against the Ordinance.**

Alvie Kinnaman, who lives next door, said the only time they clean the property is when the City is called. He said if the yard was kept clean there would be no problem, however the City has to tell them when the yard needs to be cleaned. He said he has lived there for 45 years and Mr. Fray will not be able to grow anything on that property as it is on a rock hill and there is not 6" of dirt.

Councilor Walterscheid asked if Code Enforcement has been called to the property twice. **Mr. Kinnaman** answered he has complained and Code Enforcement has been out. He said they cleaned the yard today knowing the meeting was tonight. He said the weeds were a foot or two foot high.

Mr. Medaris said all these people show nice pictures and say nice things, however none of them live near the property. He said the neighbors will be the ones to deal with this, not the people that don't live there. He said a lot of the neighbors aren't aware of this due to the radius of only notifying properties within 100' of the property.

Councilor Carter asked Mr. Patterson if there is an allowable amount of chickens without the zone change. **Mr. Patterson** said there is a three chicken limit and no rooster in a R-1 Residential 1 District, in a Rural Residential District there is no limit on chickens unless they become a nuisance.

Councilor Estrada asked if there had been calls to Code Enforcement. **Mr. Patterson** answered yes Code Enforcement has been called to the residence, and said the owners and residents have been very responsive. He said Mr. Fray showed photos of the property today and he has addressed a majority of the issues.

0:57:45 **B. Consider Approval of Ordinance 2021-16**

0:57:47 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to deny Ordinance 2021-16, an Ordinance rezoning part of "R-1" Residential 1 District to "R-R" Rural Residential District for an approximately 0.253 acre property located at 2315 Iris Street Applicant: Trevor Fray

0:58:01 **VOTE**

The vote was as follows: Yes - Waters, Carter, Rodriguez, Estrada, Shirley, Walterscheid, Anaya-Flores, Chavez; No - None; Absent - None; the motion carried to deny approval of Ordinance 2021-16.

0:59:08 **15. CONSIDER APPROVAL OF ORDINANCE 2021-17, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-4.47 ACRES MORE OR LESS INCLUDING +/-3.88 ACRES OF REAL PROPERTY AND +/-0.7 ACRES OF STREET RIGHT OF WAY, CONTIGUOUS TO THE CITY OF CARLSBAD LOCATED TO THE EAST OF THE INTERSECTION OF WEST CHERRY LANE AND CALLAWAY DRIVE APPLICANT/OWNER: JOSEPH BANNISTER/GARNER TRUST**

0:59:48 **A. Public Hearing**

Mr. Patterson explained this request is to annex property off of the intersection of Callaway Drive and Cherry Lane. He said the property is adjacent to the current city boundary and the Planning and Zoning Commission recommend approval.

1:00:52 **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

1:01:02 **B. Consider Approval of Ordinance 2021-17**

1:01:06 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Ordinance 2021-17, an Ordinance annexing a portion of land containing +/- 4.47 acres more or less including +/-3.88 acres of real property and +/-0.7 acres of street right of way, contiguous to the City of Carlsbad located to the East of the intersection of West Cherry Lane and Callaway Drive Applicant/Owner: Joseph Bannister/Garner Trust

1:01:10 **VOTE**

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

1:01:31 **16. CONSIDER APPROVAL OF ORDINANCE 2021-18, AN ORDINANCE APPLYING "R-R" RURAL RESIDENTIAL ZONING TO AN APPROXIMATELY 3.88 ACRE PROPERTY LOCATED AT 730 WEST CHERRY LANE AND 1812 INDIAN ROAD APPLICANT/OWNER: JOSEPH BANNISTER/GARNER TRUST**

1:01:56 **A. Public Hearing**

Mr. Patterson explained this request goes hand in hand with the previous request, when a property is annexed outside the city boundary zoning per ordinance needs to be applied. He said the default zoning is Rural-Residential zoning, these are residential properties and fit the current use. He said the Planning and Zoning Commission recommend approval.

1:02:54 **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**

1:03:10 **B. Consider Approval of Ordinance 2021-18**

1:03:11 **MOTION**

The motion was made by Councilor Waters and seconded by Councilor Walterscheid to approve Ordinance 2021-18, an Ordinance applying "R-R" Rural Residential zoning to an approximately 3.88 acre property located at 730 West Cherry Lane and 1812 Indian Road Applicant/Owner: Joseph Bannister/Garner Trust

1:03:16 **VOTE**

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

1:03:33 **17. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez said the Census numbers should be ready soon as there is redistricting that is taking place in Santa Fe. He said when the numbers come in that will give a better understanding of what is being asked of as the City Council.

Mayor Janway said he appreciates Councilor Rodriguez for all his work, being the Chairman for the Census Committee.

1:04:07 **Mayor Janway** asked if anyone in the audience would like to address the Council.

Francisco Vega the applicant for item #13, spoke about items #9 and #10, he said he would like to volunteer to help Mrs. Hardesty with a truck, trailer and any physical labor that he can provide.

Mayor Janway and **City Councilors** thanked Mr. Vega for his offer.

1:05:26 **18. ADJOURN**

1:05:27 **MOTION**

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

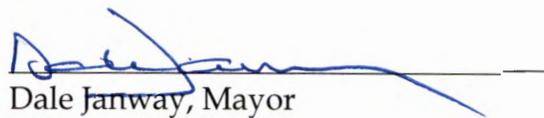
1:05:36 **VOTE**

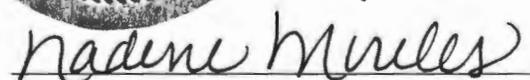
The vote was as follows: Yes - Waters, Carter, Rodriguez, Estrada, Shirley, Walterscheid, Anaya-Flores, Chavez; No - None; Absent - None; the motion carried.

1:05:53 **Adjourn**

There being no further business, the meeting was adjourned at 7:06 p.m.




Dale Janway, Mayor


Nadine Mireles, City Clerk