

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY CONCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX  
BUILDING ON AUGUST 10, 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
	Mark C. Walterscheid	Councilor
Absent:	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
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
	Trysha Ortiz	Deputy Planning Director
	Charlie Garcia	Police Officer
	Ashly Key	Carlsbad Mainstreet
	Kathleen Davis	Pearl of the Pecos
	Missy Courier	Strategies 360 Consultant
	Michael Hernandez	Citizen

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

0:00:25 **1. APPROVAL OF AGENDA**

0:00:29 **MOTION**

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

0:00:33 **VOTE**

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

0:00:45 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 27, 2021
- B. City Personnel Report
- C. Agreements
  - 1) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Mainstreet to Act as the Program Manager for the Pearl of the Pecos Arts and Cultural District
  - 2) Consider Approval of Agreement between the City of Carlsbad and Robert Jacquez dba Ultra Clean Carpet for the Cleaning of City Restrooms & Janitorial Services
- D. Monthly Reports
  - 1) Human Resources Department July 2021
  - 2) Municipal Court Department July 2021
- E. Board Appointments
  - 1) Carlsbad Cemetery Board Reappoint Suzanne Carlsen two-year term, Reappoint Richard Van Dyke two-year term, Reappoint Desiree Kicker two-year term
  - 2) Planning & Zoning Advisory Board Appoint Valerie Branson two-year term
  - 3) Carlsbad Police Department’s Citizen Advisory Board Appoint Jeff Ortega four-year term
  - 4) Walter Gerrells Performing Arts & Exhibition Center Advisory Board Appoint Jeri Strong four-year term, Appoint Elaine Finley four-year term
  - 5) Carlsbad Golf Course Advisory Board Appoint Paul Cox four-year term, Appoint Janie Martin four-year term, Appoin: David Guerin four-year term, Appoint Mike Fulkerson four-year term

0:01:14 **Mayor Janway asked Councilor Shirley to discuss C.1 Consider Approval of Agreement between the City of Carlsbad and Carlsbad Mainstreet to Act as the Program Manager for the Pearl of the Pecos Arts and Cultural District and Mr. Lowe to discuss C.2 Consider Approval of Agreement between the City of Carlsbad**

**and Robert Jacquez dba Ultra Clean Carpet for the Cleaning of City Restrooms & Janitorial Services**

Councilor Shirley explained this agreement is to make Pearl of the Pecos Arts and Culture District part of Carlsbad Mainstreet. He said every arts and culture district in the state of New Mexico falls under their Mainstreet. He said it makes sense to make this move as the districts align almost exactly, their missions are very similar and projects overlap. He said Kathleen Davis would be able to talk more about it and answer any questions. He said money would not change, it would just be a shift of titles.

Mr. Lowe explained this is an agreement with Ultra Clean to clean city restrooms at parks and ball fields. He said Ultra Clean has had the contract in the past and did a satisfactory job.

0:03:12      **MOTION**

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

0:03:17      **VOTE**

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

0:03:34      **3. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE/BUSINESS LICENSE TO CONDUCT DOOR TO DOOR SALES AND HANG ADVERTISEMENTS FOR ENM CONSTRUCTION & ROOFING CONTACT: JANICE D CARTER**

Mr. Patterson explained ENM Construction & Roofing is requesting approval for a business license. He said the applicant has provided all necessary materials for the application such as a surety bond, however the Police Department was unable to identify enough relevant information to assemble an adequate investigation report. He said the company is not an accredited member of the Better Business Bureau. He said only three reviews were found for the company and the Planning Department recommends denial of this request due to the lack of material for an investigative report.

Mayor Janway asked if there was a representative present. Ms. Janice D. Carter explained the request is for approval of distributing door hangers for advertisement purposes. She said she has not been able to pay for the Better Business Bureau, she said she is barely keeping the business going and therefore that is why she is requesting approval for advertising by door hangers. She said her company has been doing roofing in the area since 2003. She said she has a very long reference list and was not aware there was a problem obtaining a background check.

**Councilor Rodriguez** asked Ms. Carter if she has the references and business as described why all of sudden does she need to advertise. **Ms. Carter** said she has been advertising and this was a new idea. She said she didn't realize she would need to go before Council, as she was only applying for a permit to distribute door hangers.

**Mayor Janway** asked if there were any more questions. There were none.

**Councilor Shirley** said this company has been in Carlsbad a little while, although there is not a lot online for this applicant, he feels due diligence has been done by the Planning Department.

0:07:27        **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Anaya-Flores to approve a Request for a Temporary Use/ Business License to conduct door to door sales and hang advertisements for ENM Construction & Roofing Contact: Janice D Carter

0:07:34        **Mayor Janway** reminded everyone there needs to be four "yes" votes for the motion to pass, to be approved.

0:07:42        **VOTE**

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

0:08:14        **4.    INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN**  
**PRELIMINARY LIST PRESENTATION FOR FY 2023-2027 FOR COUNCIL REVIEW**  
**AND RECOMMENDATIONS FOR CHANGES**

**Mrs. Barrios-Testa** explained this is a five year plan that is updated annually. She said this provides opportunity to review the list from the previous year to update projects. She said it allows for an opportunity to re-prioritize projects as needed. She said there are benchmarks to keep consistent for review by Councilors and the public. She said this coincides with other funding processes, such as the budget and the state legislature session, therefore the city is able to apply for capital outlay funds and federal funding programs. She said there were some delays and changes this year due to COVID-19, however the benchmarks were accomplished almost on schedule. She said there were in person public meetings and City staff is always prepared even as deadlines change. She explained there are 52 municipality and 5 senior facility projects. She said there is an internal development process, Directors and City Administration review the previous list to identify projects that have been funded, changed priority or changed based on other factors. She said as part of the project development Directors provide internal project applications, which have pertinent information needed for the state. She said the information is useful when applying for grant programs. She said in your packet is the evaluation methodology and results. She said a risk matrix is used by the City as its methodology for scoring projects based on the risk assessment and need basis. She said scoring is reviewed and approved by City Administration. She said this

is a fair and transparent way to prioritize projects that are critical. She said this presentation is part of the public participation process. She said recommendations will be taken through August 13, 2021. She said it will be presented at the August 24, 2021 Council Meeting to meet the state deadline of September 17, 2021.

**Councilor Rodriguez** asked if the risk matrix is conducted in person or by email, and if everyone is aware of what is being discussed. **Mrs. Barrios-Testa** answered the Department Directors are present and evaluate their own projects individually, then there is a meeting with everyone to evaluate and discuss each project.

**Councilor Walterscheid** asked about item #37, Traffic Light Study which is changing out the traffic lights. He said he was under the impression that replacing traffic lights was the State of New Mexico's job. **Mr. Lowe** added the traffic lights in the study would be traffic lights that are the City of Carlsbad's responsibility.

**Mr. Lowe** said as an example, Church and Mesa are the City's responsibility, however several others are on state highways and the City has a maintenance agreement with the state to maintain those traffic lights.

**Councilor Walterscheid** asked about the traffic lights on South Canal at the Wal-Mart intersection, as they are problematic. **Mr. Lowe** explained we are not responsible for the lights at the Wal-Mart intersection, and are constantly working with the state to correct issues.

0:14:07      **5. COUNCIL COMMITTEE REPORTS**

**Councilor Rodriguez** said the census numbers should be received on Thursday, August 12, 2021. He said he hopes to break the numbers down to see how Carlsbad, Eddy County and New Mexico faired. He said he hopes to meet with Eddy County to see what actions, if any, to fix any shortcomings prior to the redistricting vote.

0:14:47      **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:14:52      **6. ADJOURN**

0:14:56      **MOTION**

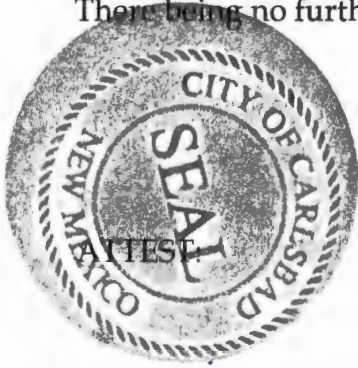
The motion was made by Councilor Anaya-Flores and seconded by Councilor Rodriguez to Adjourn.

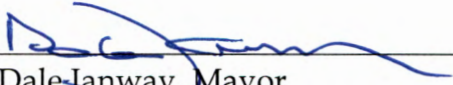
0:15:04      **VOTE**

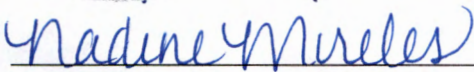
The vote was as follows: Yes - Rodriguez, Estrada, Shirley, Walterscheid, Anaya-Flores, Chavez; No - None; Absent -Waters, Carter; the motion carried.

0:15:18      **Adjourn**

There being no further business, the meeting was adjourned at 6:15 p.m.



  
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Dale Janway, Mayor

  
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Nadine Mireles, City Clerk