

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON SEPTEMBER 14, 2021 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor <i>via telephone</i>
	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-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
	Kasey Yanez	Lucy's Mexicali Restaurant
	John Sneathen	Sergeant
	Joana Wells	Coalition

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

0:00:28 **Mayor Janway** asked Chief Skinner to discuss the drug problem in Carlsbad. **Chief Skinner** introduced Sgt. Sneathen who is with the Pecos Valley Drug Task Force. **Chief Skinner** said he has seen the statistics and 40-45 percent of the fentanyl seizures in New Mexico are in Eddy County. He said he would like to applaud the local drug task force and surrounding agencies for successful enforcement efforts. He said some patrol officers have been making seizures and have been targeting high level traffickers. He said some seizures have been in transit to Carlsbad and have been seized before they make it to the distributor. He said the contact officers have with the public is not always bad. He said the officers try to help people find treatment and rehabilitation.

Sergeant John Sneathen explained seizures have gone up. He said the officers are being proactive and working with different agencies. He said in speaking with the people involved with drugs, the drug users want to quit, although it is an addiction. He said the one plus is this drug problem has not been seen in young, school age children. He said this drug is dangerous and people know it's dangerous, however the people continue using the drug.

Councilor Rodriguez asked if the 40 to 45 percent seizure rate is due to a higher concentration in this area or something else? **Sgt. Sneathen** said his guys work hard to get the drugs off the streets, not only in town but also drugs coming into town from bigger cities. He said this is nothing new to Carlsbad, this culture has always been here.

Councilor Rodriguez said with all the other crime going on in border towns this issue seems to not get the attention it warrants. **Sgt. Sneathen** agreed it doesn't get the attention needed, and we are not a border town, but seem to be considered a border town.

Councilor Chavez asked based on arrests is this a local or transient problem? **Sgt. Sneathen** said it is everyone from the top to the bottom and everyone in between. He said people being arrested are both locals and transients.

Councilor Carter thanked the officers for the job they do and said it is appreciated.

Joana Wells explained what is being done to help law enforcement in their efforts with the fentanyl issue. She said there is a canine campaign, to use during searches. She mentioned donations are always welcome and as of now the amount is at \$34,000.00 and hoping to reach \$50,000.00. She said another program is educating parents on what this drug looks like, how it affects families and how it starts. She said there is a new campaign called "Stop the Stigma" which is requesting families that have lost someone to a drug overdose, specifically fentanyl, to contact them and tell their story. She said she would like to document the progression of this drug. She said the fentanyl is coming from China to Mexico, and in Mexico it is being mixed (diluted) with other

narcotics and therefore people are not getting what they think. She said that is what leads to the overdoses.

Mayor asked if there were any questions for Ms. Wells, there were none.

0:12:48 **1. APPROVAL OF AGENDA**

0:12:52 **MOTION**

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

0:12:56 **VOTE**

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

0:13:13 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on August 24, 2021
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Department of Finance and Administration for Communication Equipment for the Fire Department
 - 2) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Soccer League for Sport Services at the Bob Forrest Youth Sports Complex
- D. Monthly Reports
 - 1) Human Resources Department August 2021
 - 2) Municipal Court Department August 2021
 - 3) Transportation & Facilities Department May 2021, June 2021, July 2021

0:13:13 **Mayor Janway asked Mr. Lowe to discuss C.1 Consider Approval of Agreement between the City of Carlsbad and Department of Finance and Administration for Communication Equipment for the Fire Department**

Mr. Lowe explained the current communication devices used by the Fire Department are outdated and need to be replaced. He said this agreement is for \$30,000.00 to update the communication devices. He said this agreement would cover the cost and there is no match required.

Councilor Rodriguez asked if this will replace all devices, **Mr. Lowe** said yes it will cover all devices.

0:14:26 **MOTION**

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

0:14:29 **VOTE**

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

0:14:47 **3. CONSIDER APPROVAL OF REQUEST TO APPLY AND ACCEPT GRANT FUNDING FROM THE FAA FOR AN AMERICAN RESCUE PLAN ACT GRANT FOR THE CARLSBAD MUNICIPAL AIRPORT**

Mr. Cordova explained this is a request for a grant for \$59,000.00 from the American Rescue Plan Act for the airport. He said in the past this grant has been used for sanitation, furniture, personnel, and other supplies.

0:15:58 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve a Request to apply and accept grant funding from the FAA for an American Rescue Plan Act grant for the Carlsbad Municipal Airport

0:16:01 **VOTE**

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

0:16:19 **4. CONSIDER APPROVAL OF REQUEST FOR A PIPELINE EASEMENT AND RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF CARLSBAD AND ORYX DELAWARE OIL TRANSPORT, LLC**

Mr. Lowe explained this is a request for an easement from Oryx to cross City owned property with a 4" steel line. He said this is outside the City limits, this is near US Refinery and Post Rd. He said the easement would run 8,863 linear feet and the City would be compensated \$188,000.00 if approved.

0:17:05 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Rodriguez to approve a Request for a Pipeline Easement and Right-of-Way Agreement between the City of Carlsbad and Oryx Delaware Oil Transport, LLC

0:17:10 **VOTE**

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

0:17:27 **5. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MEDICAL CENTER AND CARLSBAD CHEVROLET TO SERVE ALCOHOL (BEER & LIQUOR) ON CITY STREETS DURING THE ON-TARGET FIREFIGHTER COMBAT CHALLENGE**

Mr. Patterson explained this is a request by Carlsbad Medical Center and Carlsbad Chevrolet who are hosting a private EMS Appreciation area for EMS employees. He said food and alcohol service (beer & liquor) will be provided by Lucy's Mexicali

Restaurant from 4 p.m. to 8 p.m. Saturday, October 2, 2021. He said there will be a hospitality area located on Mermod St. between Canyon St. and the alley. He said the hospitality area will be cordoned off from the rest of the event area. He said there will be a controlled entrance and entrants must provide a valid ID. He said no alcohol will be allowed to be taken out of the designated drinking area. He said staff recommends approval with the following requirements: the alcohol server must obtain all required licenses and permits; the alcohol server must comply with all laws, rules, regulations, requirements and restrictions for service at the location (included, but not limited to fencing of service area, carding of customers, and providing appropriate security); the alcohol server shall name the City of Carlsbad as an Additional Insured on their general liability insurance and liquor server insurance.

Councilor Rodriguez said this is a good project, and as long as all requirements are enforced it should be approved.

0:19:45 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve a Request from Carlsbad Medical Center and Carlsbad Chevrolet to serve alcohol (Beer & Liquor) on City streets during the On-Target Firefighter Combat Challenge

0:20:00 **VOTE**

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

0:20:17 **6. CONSIDER APPROVAL OF RESOLUTION 2021-45, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2022-2023**

Mr. Cass explained this is a request to apply for annual funding from New Mexico Department of Transportation. He said the funding would add two new hybrid buses to the fleet, fifteen bus shelters, renovation of the shop and processing software. He said the total amount of the request is \$2,065,336.51 and the local match is \$702,030.60. He said it is a great opportunity to help the transit system.

0:22:03 **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Waters to approve Resolution 2021-45, a Resolution authorizing filing of an application to the New Mexico Department of Transportation for funding assistance for FY 2022-2023

0:22:08 **VOTE**

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

0:22:25 **7. CONSIDER APPROVAL OF RESOLUTION 2021-46, A RESOLUTION ADOPTING A DESIGNATED METHOD OF DESTRUCTION FOR ELIGIBLE MUNICIPAL COURT RECORDS**

Mr. Lowe explained this is a request for destruction of Municipal Court records that have met their legal retention requirements and are eligible for destruction. He said the method of destruction would be shredding.

0:22:56 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Resolution 2021-46, a Resolution adopting a designated method of destruction for eligible Municipal Court Records

0:23:00 **VOTE**

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

0:23:15 **8. CONSIDER APPROVAL OF RESOLUTION 2021-47, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DILAPIDATED STRUCTURE AT 906 & 906.5 W GREENE STREET OWNER: ISAAC MUNOZ**

Mrs. Madrid-Boyea explained this property is owned by Isaac Munoz of Radium Springs, NM (per County Assessor's Office). She said there is a dilapidated building on the property, the property appears to be vacant and not maintained. She said Code Enforcement has been to the property several times and this property has been an ongoing problem since about June 2020. She said prior condemnation proceedings had to be halted due to the property being sold. She said the property has not been improved and condemnation proceedings have recommenced. She explained the pictures show multiple problems with the building and Code Enforcement feels the problems cannot be corrected. She said it remains out of compliance with applicable codes and the Fire Marshal has found the property presents an extreme fire hazard for emergency responders. She said current pictures show the weeds have been cleared out and there has been some progress, however the building needs to be removed. She said the approval of this resolution would be for the removal of the building. She said Mr. Munoz has plans to do something with the slab on the property therefore the slab will be left alone.

Councilor Rodriguez asked how far along plans are for this property/slab. **Mrs. Madrid-Boyea** said no permits have been issued that she is aware of, and would ask Mr. Patterson if any permits had been pulled. She said Mr. Patterson shook his head in the negative, therefore the answer would be no.

Councilor Rodriguez said he applauds the effort and understands with all the rain recently and all the weeds.

0:27:28 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2021-47, a Resolution requiring the removal of the weeds and dilapidated structure at 906 & 906.5 W Greene Street Owner: Isaac Munoz

0:27:56 **VOTE**

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

0:28:14 **9. CONSIDER APPROVAL OF ORDINANCE 2021-19, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-R" RURAL RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.49 ACRE PROPERTY LOCATED AT 1002 MALAGA AVENUE APPLICANT: MICHAEL STOLL & CARYN LEECH**

0:28:43 **A. Public Hearing**

Mr. Patterson explained the applicant has submitted a petition for a Zone Change for property located at 1002 Malaga Ave., from "C-2" Commercial 2 District to "R-R" Rural Residential District. He said the zoning to the south and east is "R-R" Rural Residential and the zoning to the north and west is "C-2" Commercial 2 District. He said this change in zoning to "R-R" Rural Residential District will not create a spot zone. He said this will also apply accurate zoning to the past and current use of the property. He said the Planning and Zoning Commission recommends approval of this application.

0:29:46 **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.**

0:30:02 **B. Approval of Ordinance**

0:30:05 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Ordinance 2021-19, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-R" Rural Residential District for an approximately 0.49 acre property located at 1002 Malaga Avenue Applicant: Michael Stoll & Caryn Leech

0:30:13 **VOTE**

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

0:30:35 **10. COUNCIL COMMITTEE REPORTS**
No reports

0:30:47 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:30:54 **11. ADJOURN**


0:30:58 **MOTION**
The motion was made by Councilor Anaya-Flores and seconded by Councilor Waters to Adjourn


0:31:05 **VOTE**
The vote was as follows: Yes - Carter, Rodriguez, Estrada, Shirley, Walterscheid, Anaya-Flores, Chavez, Waters; No - None; Absent - None; the motion carried.

0:31:25 **Adjourn**

There being no further business, the meeting was adjourned at 6:32 p.m.




Nadine Mireles, City Clerk


Dale Janway, Mayor