

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

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Leo B. Estrada Jason O. Chavez Jason Shirley Judith E. Waters Wesley A. Carter	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Mark C. Walterscheid	Councilor
Also Present:	John Lowe KC Cass Denise Madrid-Boyea Nadine Mireles Ted Cordova Angie Barrios-Testa Ron Myers Wayne Hatfield Brent Griffith Melissa Salcido Richard Lopez Jeff Patterson Shane Skinner Terry Mathis Tarrant Blake Ms. Simonton Debra Pinching Danny Fletcher Cindy Sharif Farok Sharif	City Administrator Deputy City Administrator City Attorney City Clerk Community Dev. Director Director of Municipal Services Director of Utilities IT Director IT Technician Finance Director Fire Chief Planning Director Police Chief Public Works Deputy Director Citizen/Disabilities Chairman Citizen Citizen Holtec Representative Citizen 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**

0:00:08 Invocation – Pledge of Allegiance

0:02:19 **1. APPROVAL OF AGENDA**

Mayor Janway announced Item number 10 Approval of Ordinance 2021-26, an Ordinance rezoning part of "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 0.20 acres located at 414 South Ash Street Applicant/Owner: Nicholas & Misty Carrasco be postponed until January 11, 2022 Council Meeting, per request by Mr. & Mrs. Carrasco

0:02:39 **MOTION**

The motion was made by Councilor Rodriguez to and seconded by Councilor Waters to approve the Agenda with the stipulation to postpone Item number 10 until January 11, 2022

0:02:59 **VOTE**

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

0:03:13 **2. CITY OF CARLSBAD FINANCIALS - SEPTEMBER 2021 AND OCTOBER 2021**

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

0:06:11 **3. CONSIDER APPROVAL OF RESOLUTION 2021-60, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2021-22 FISCAL YEAR BUDGET**

Mrs. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2021-2022 Fiscal Year Budget highlighting the General Fund, the Street Improvement Fund, the CDBG Fund, and the Lodgers' Tax Fund.

0:09:08 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution 2021-60, a Resolution making certain Budgetary Adjustments to the 2021-22 Fiscal Year Budget

0:09:14 **VOTE**

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

0:09:29 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on November 9, 2021
- B. City Personnel Report
- C. Purchasing

- 1) Consider Approval to Reject and Rebid the Bataan Sewer Lift Station Rehabilitation project
 - 2) Consider Approval to Award Bid 2021-10 to Constructors Inc for the construction of Rose Street Sewer Forcemain
- D. Contracts and Agreements
- 1) Consider Approval of Agreement between the City of Carlsbad and State of New Mexico Economic Development for an Outdoor Recreation Trails Grant for Halagueno Arts Park
 - 2) Consider Approval of Agreement between the City of Carlsbad and State of New Mexico Cultural Affairs Department for a GO Bond Grant for the Carlsbad Public Library
 - 3) Consider Approval of Agreement between the City of Carlsbad, Carlsbad Fire Department, County of Eddy and Eddy County Fire and Rescue to provide services to the citizens of Carlsbad and Southern Eddy County
 - 4) Consider Approval of Memorandum of Understanding between the City of Carlsbad and the City of Artesia for a Bureau of Justice FY 2021 Edward Byrne Memorial Justice Assistance Grant
- E. Monthly Reports
- 1) Community Development Department October 2021
 - 2) Human Resources Department November 2021
 - 3) Municipal Court Department November 2021
 - 4) Municipal Services Department October 2021
 - 5) Transportation and Facilities Department August and September 2021
 - 6) Utilities Department October 2021
- F. Set the Date: January 11, 2022
- 1) Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.17 acres located at 201 South Mesquite
 - 2) Ordinance amending Section 2-288 of the Carlsbad City Code of Ordinances regarding the City of Carlsbad Walter Gerrells Civic Center Advisory Board; changing the frequency of meetings from monthly to every other month

0:09:54 **Mayor Janway asked Mr. Cass to discuss C.1 Approval to Reject and Rebid the Bataan Sewer Lift Station Rehabilitation project**

Mr. Cass explained this request is to reject and rebid this project due to the project coming in 25% over budget, bringing the cost to over \$2.5M. He said being that there was only one bid submitted, it is out of budget even at the cost of materials and labor at this time.

0:10:57 **MOTION**

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

0:11:02 **VOTE**

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

0:11:18 **5. CONSIDER APPROVAL OF SUBMISSION OF A NEW MEXICO STATE LIBRARY TOOLS IN ACTION MICRO- GRANT FOR THE CARLSBAD PUBLIC LIBRARY**

Mrs. Barrios Testa explained this request is authorize the submission of a grant application to the New Mexico State Library Tools in Action Micro Grant Program. She said this funding is being made available to about fifteen libraries throughout New Mexico. She said this would be to take part in a mentorship program. She said the support funding would be through the Institute of Museums and Library Services. She said Sarah Jones, Library Director was invited by the state to apply for this funding. She said this mentorship is a five week course and when completed \$1,000.00 of the grant money can be used for a seed program. She said Ms. Jones had done an excellent job in revamping programming at the Library and she is open to receiving information and additional career development to help her expand programs at the Library.

0:13:06 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Submission of a New Mexico State Library Tools in Action Micro- Grant for the Carlsbad Public Library

0:13:11 **VOTE**

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

0:13:24 **6. CONSIDER APPROVAL OF REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS FOR PROPERTY LOCATED AT 2002 MISSION AVENUE APPLICANT: DANIEL ARRINGTON**

Mr. Cass explained this request is for one residential service. He said the Water and Sewer Commission recommends approval of this request.

0:14:38 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Shirley to approve a Request for Water Service outside city limits for property located at 2002 Mission Avenue Applicant: Daniel Arrington

0:14:44 **VOTE**

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

0:14:57 **7. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW MOBILE SALES (VENDING) ON CITY PROPERTY AT THE RAY ANAYA SAN JOSE PARK LOCATED AT 300 DIAZ BY CHECKO'S MEXICAN FOOD APPLICANT: SERGIO LOPEZ**

Mr. Patterson explained this request is for permission for Checko's Mexican to locate at 300 Diaz Street at the Ray Anaya San Jose Plaza. He said several vendors have been approved for this location and would leave it up to the vendors to work out the spacing, there is plenty of space there for all vendors. He said the request is recommended for approval with the following conditions: shall not disturb the peace with loud speaker, megaphone, bell, music or other disruptive noise, the applicant shall limit vending from 4 a.m. to 9 p.m. as per the application information and approval will allow this applicant to vend on City Owned property at Ray Anaya San Jose Plaza from Wednesday December 15, 2021 until Friday December 31, 2022. He said the applicant will need to provide a surety bond.

Councilor Rodriguez said he is concerned about the amount of vendors being allowed at the 300 Diaz Street, Ray Anaya San Jose Plaza. He said he feels all vendors should share in the cost of solid waste removal. **Mr. Patterson** said Code Enforcement is watching for any issues. **Mr. Patterson** said if there are any complaints, it would default as to who had applied first would have first choice of space.

0:17:27 **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Waters to approve a Temporary Use Application to allow mobile sales (vending) on City property at the Ray Anaya San Jose Park located at 300 Diaz by Checko's Mexican Food Applicant: Sergio Lopez

0:17:33 **VOTE**

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

0:17:59 **8. CONSIDER APPROVAL OF ORDINANCE 2021-24, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.17 ACRES LOCATED AT 112 NORTH MESA STREET APPLICANT/OWNER: HERMENEGILDA MOORE & CLAUDIA MARES**

0:18:28 **A. Public Hearing**

0:18:30 **Mr. Patterson** explained this request would create a spot zone as the surrounding properties are zoned R-2 Residential 2 District, one property to the SW is zoned C-2 Commercial 2 District however the properties do not share a property line. He said the Planning and Zoning Commission voted to recommend denial of the request.

0:19:24 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

0:19:46 B. Approval of Ordinance

0:19:50 MOTION

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores for denial of Ordinance 2021-24, an Ordinance rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 0.17 acres located at 112 North Mesa Street Applicant/Owner: Hermenegilda Moore & Claudia Mares

0:20:15 VOTE

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

0:20:33 9. CONSIDER APPROVAL OF ORDINANCE 2021-25, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.22 ACRES LOCATED AT 910 ORTEGA APPLICANT/OWNER: BROOKE BARNETT

0:20:59 A. Public Hearing

0:21:01 Mr. Patterson explained this request is to change zoning from R-1 Residential 1 to R-2 Residential 2 District and would create a spot zone. He said the Planning and Zoning Commission voted to approve the change.

Councilor Chavez asked about the permit being issued in 2018, Councilor Chavez asked when a permit expires. Mr. Patterson answered a building permit allows for construction to begin within six months and allows two years to complete the construction. Councilor Chavez asked if the permit was expired when construction began and asked if the permit was for a duplex or single family residence. Mr. Patterson answered the permit was issued for a multi-generational, mother-in-law suite type of building. He said the contractor actually built a duplex on the property. He said the permit was not renewed by the Planning, Engineering and Regulation Department pending the outcome of the zone change by City Council. Councilor Chavez said the applicant stated he was given verbal approval. Mr. Patterson said verbal approval by Mr. Benavidez has not been verified.

0:23:27 Mr. Ken Aragon, property owner, said he is a contractor and had been really busy and put this project on hold. He said once he had time he started building and the foundation inspection was approved and is stated on the permit in the Planning, Engineering and Regulation office. He said the plumbing was also approved

and signed off by a city official. He said he noticed the permit was expired and didn't renew as the process was now online. He said he was told by the City to either rezone the property or subdivide the property. He said everything is done with the building/ duplex except the electrical has not been approved. He said work has stopped and he is trying to do whatever needs to be done to make it right.

0:25:59 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session**

0:26:02 **B. Approval of Ordinance**

0:26:08 **Councilor Chavez** asked Mr. Patterson if it would create a spot zone if it is approved. **Mr. Patterson** answered yes. **Councilor Chavez** asked if there will be enough parking or if street parking is available. **Mr. Patterson** said he would not recommend parking on Boyd Street, due to heavy traffic. **Mr. Patterson** said Mr. Aragon would need to provide two off street parking spaces per unit

Councilor Rodriguez asked, since the building has been built are there any other options other than rezoning to find some middle ground. **Mr. Patterson** said the other option is to subdivide and with the size of the property he would need a variance as the lots would be too small for R-1 Residential 1 District. **Mr. Patterson** said Mr. Aragon would need approval by the Planning and Zoning Commission to have the subdivision finalized. **Councilor Rodriguez** asked if there was anything Mr. Aragon could do to the building that would render it legal. **Mr. Patterson** said he could reconfigure the building to make it one unit and make it multi-generational and have only family in the unit. He said building a duplex and planning to rent them out is where the violation is, for the current zoning. **Councilor Rodriguez** asked Mr. Aragon what he would be willing to do to make the property compliant. **Mr. Aragon** said the building is 35 feet from the curb, his plan is to do a curb cut and pour a concrete driveway and fit several cars on the property. He said there is also another 35 feet between the structure and a fence allowing for more parking. He said the driveway would be long enough for vehicles to back out and pull forward. **Councilor Rodriguez** asked about reconfiguring the building to make it compliant with current zoning. **Mr. Aragon** said he will do what the Council asks, although he prefers not to, as everything is done and ready to go and he has already incurred the expense. He said he could move some walls if that is what Council requests. **Mr. Aragon** said the front structure faces Ortega Street and the back structure faces Mesa Street and no one would be driving through the yard of the front structure to get to the back structure. He said there will be a fence built and lighting has been installed.

Councilor Chavez asked Mr. Aragon why he didn't stay with the original conception of the permit was for a mother-in-law suite. **Mr. Aragon** said he had verbal approval to

build a bigger structure and that is when it became a duplex. He said he was not trying to do something he is not supposed to.

0:32:29 **MOTION**

Councilor Rodriguez motioned for the applicant to make internal structural change to render it a building that is compliant with existing code as not to make a spot zone. Councilor Carter seconded the motion to make the structure compliant with some kind of structural change to keep it in compliance with current zoning.

0:34:06 **VOTE**

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

0:34:37 **11. CONSIDER APPROVAL OF ORDINANCE 2021-27, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 0.17 ACRES PROPERTY LOCATED AT 312 NORTH HALAGUENO STREET APPLICANT/OWNER: PATRICIA BOULWARE**

0:35:05 **A. Public Hearing**

0:35:06 **Mr. Patterson** explained the properties to the west & south are zoned R-2 Residential District and properties to the north & east are zoned C-1 Commercial 1 District and would not create a spot zone. He said Planning and Zoning Commission recommends approval.

0:36:12 **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

0:36:15 **B. Approval of Ordinance**

0:36:19 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance 2021-27, an Ordinance rezoning part of "R-2" Residential 2 District to "C-1" Commercial 1 District for an approximately 0.17 acres property located at 312 North Halagueno Street Applicant/Owner: Patricia Boulware

0:36:23 **VOTE**

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

0:36:41 **12. CONSIDER APPROVAL OF ORDINANCE 2021-28, AN
ORDINANCE AUTHORIZING THE SALE OF AN 0.18 ACRE PROPERTY
LOCATED TO THE SOUTH OF 510 NORTH MAIN STREET STREET**

0:37:01 **A. Public Hearing**

0:37:04 **Mr. Patterson** explained this is an ordinance authorizing the sale of city owned property. He said it is south of the transit building on Main Street. He said the Brantley's who own the old city garage expressed interest in buying the land to expand their business. He said the City had the land subdivided and an appraisal was completed. He added the Brantley's have agreed to pay the appraisal amount of \$25, 500.00. He said the Planning Department and staff recommend approval of this request.

0:38:25 **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

0:38:31 **B. Approval of Ordinance**

0:38:32 **MOTION**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Ordinance 2021-28, an Ordinance authorizing the sale of an 0.18 acre property located to the South of 510 North Main Street Street

0:38:37 **VOTE**

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

0:38:52 **13. CONSIDER APPROVAL OF ORDINANCE 2021-29, AN
ORDINANCE AMENDING CARLSBAD CODE OF ORDINANCES REGARDING
THE DISABILITIES ADVISORY BOARD**

0:39:07 **A. Public Hearing**

0:39:10 **Mrs. Madrid-Boyea** explained the changes to the ordinance regarding the Disabilities Advisory Board. She said there are three changes being considered. She said those changes are: 1. The Board shall consist of five members, currently there are seven 2. Meetings to be conducted quarterly, in January, April, July and October of each year, currently meetings are held monthly and 3. The Director of Planning, Engineering and Regulations, Mr. Jeff Patterson will become the Secretary of the Board, currently Mr. Randy Galindo, Safety Manager is the Secretary

0:40:28 **Tarrant Blake**, Chairman of the Disability Advisory Board, commented the board is for the change of the liaison for the Board. She said there has been a lack of communication. She said there is potential for seven board members and there were only three months that two meetings were not held, due to one member having had COVID-19 and the recovery time. She said the third missed meeting was due to lack of communication with the Secretary and the Chairman. She said there are two potential members in attendance. She said the number of members is not the problem of no quorum meetings. She said all members of the board have a disability and some days board members may not be able to attend meetings due to their disability. She said if the member size is reduced it will put more responsibility on the existing members. She said Mr. Patterson and Ms. Ortiz are perfectly capable of handling the proper communication. She said the Board was blindsided by the possible changes to the ordinance and only found out the day before the last Disability Advisory Board meeting. She said there was no communication about the possible changes and the Board has not had any input into the changes. She said she would like to request tabling the changes and give the Board a chance to prove they can and will go forward. She asked that the number of members and meetings not be changed, however is in favor of the change in the Board Secretary.

Ms. Simonton said she is a potential board member waiting to be approved for board membership. She said there would be more diversity if the board is allowed to maintain seven members. She said she is a young disabled person and is looking forward to being approved as a board member to represent the city.

Debra Pinching said the board members have mobility disabilities and she is the only one that is legally blind. She said more diversity would help the group grow and do what needs to be done. She said there are things that come up and moving the meetings to quarterly is not a good thing as an emergency could come up.

Tarrant Blake said when someone is not a disabled person, they don't understand what a disabled person needs. She said for example even if there is a handicapped parking space 100 feet from a doorway, any obstacles on the way to the door need to be addressed. She asked Council to leave the diversity in the board as only disabled people know what is best. She said she feels the disabled community is not listened to.

Councilor Carter said he is thankful for their contribution and their perspective. He said all boards serve for no money and for the betterment of the city. He said item changes number one and number two should be eliminated and adopt number three, making Mr. Patterson the new secretary of the board.

0:50:59 **B. Approval of Ordinance**

0:51:23 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance 2021-29, an Ordinance amending Carlsbad Code of Ordinances regarding the Disabilities Advisory Board with the stipulation of only changing the Secretary for the board.

0:51:36 **VOTE**

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

0:51:55 **14. CONSIDER APPROVAL OF RESOLUTION 2021-61, A RESOLUTION REGARDING THE RENAMING OF THE MUNICIPAL ANNEX BUILDING TO THE JANELL WHITLOCK MUNICIPAL COMPLEX**

Mayor Janway read a statement: I want to say thank you to Carlsbad City Council for considering approving of a resolution naming the Carlsbad Municipal Annex "The Janell Whitlock Municipal Complex" after one of Carlsbad's most remarkable women. We believe the right way to honor Janell is by dedicating this building in her memory. This annex has three parts, the Municipal Court, the Council Chambers and the Planning and Zoning offices. During her incredible career in public service in Carlsbad, Janell played a vital role within all three of the job duties. She served on City Council, as Municipal Judge and on our Planning and Zoning Committee, she was also elected to the County Commission and of course helped Carlsbad achieve New Mexico's first age friendly status through her position as the Chamber of Commerce retirement coordinator. There are not many people who have been elected to three different positions in the same community. Janell was a kind person, an ethical person and a hard working person. She prepared for every meeting and asked great questions. Future generations of Carlsbad residents won't have the privilege of working with her directly but it is our hope that by naming this building after her we introduce Janell and her remarkable list of accomplishments to them in some manner. Thank you again for considering naming the annex "The Janell Whitlock Municipal Complex"

Mayor Janway asked Councilor Carter to say a few words. **Councilor Carter** stated Mayor Janway said a lot about Janell and a lot more could be said. He said Janell was like a grandmother to him when he came on City Council at the age of 27. He said you didn't need to agree with Janell, as long as you could explain yourself from your perspective, she was ok with that. He said she was a good woman.

Councilor Rodriguez said she was friend, leader, role model and most important a christian warrior. He said she was a great woman. He said she set a great example and deserves this honor.

Councilor Waters said said Janell was a wonderful person and was always for the City.

Councilor Estrada said she was a great role model and a great lady.

Mrs. Madrid-Boyea said this is a well-deserved honor for her legacy.

Mr. Lowe said Janell would always be available and always had great advice.

Councilor Anaya-Flores said she was honored to know her, she was a mentor. She said she learned quite a bit from Janell as she sat next to her at Council Meetings. She said she was a great friend and sorely missed. She said Janell deserves all accolades and praises and props that the City can give her.

Councilor Shirley shared Janell's favorite story about him, he explained he was 30 years old when he started on City Council. He said he had heard her name almost all his life, he only knew her from court due to his speeding tickets. He said he walked into City Council and his nameplate was next to hers, he introduced himself and she said "Don't worry honey, I'll always tell you how to vote". He said she tells the story that he looked terrified. He said Janell never told him how to vote. He said he could always go to Janell for the most sound advice and fair perspective. He said even after she left City Council he would go visit with her at the Chamber of Commerce. He said her perspective was so valued and she is greatly missed and can't think of a better way to honor her.

Councilor Chavez said Janell was a great role model and was on numerous boards. He said he would talk to her after Council meetings and ask her why she voted the way she did and she would always explain it. He said it gave him a lot of insight and he appreciated her.

Mayor Janway mentioned Janell's daughter Cindy and husband Farok are present.

Councilor Carter said she had a to do list on her refrigerator and read it: 1. Sing; 2. Smile at strangers; 3. Keep learning; 4. Notice kindness; 5. Eat ice cream; 6. Hope; 7. Count your blessings; 8. Laugh; 9. Love; 10. Love some more

Mayor Janway asked Cindy if she would like say anything. **Cindy** said Janell loved the City Council, loved the community and there was nowhere else in the world she wanted to be. She said thank you for loving her and honoring her memory.

Tarrant Blake said Janell had a great sense of humor.

1:03:07 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve a Resolution regarding the renaming of the Municipal Annex Building to the Janell Whitlock Municipal Complex

1:03:13 **VOTE**

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

1:03:29 **15. CONSIDER APPROVAL OF RESOLUTION 2021-62, A
RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT
203 IRONWOOD STREET OWNERS: GERARDO AND OTILIA DOMINGUEZ**

Mrs. Madrid-Boyea said this property is in a residential area located near Carlgo and National Parks Highway. She said it appears to be a single family residence on the property. She said the property appears to be occupied, however the property is not being maintained. She said animal control and code enforcement have not been able to make contact with the residents as the animals won't allow them near the property. She said the property has been inspected by Code Enforcement and the Fire Marshal and remains out of compliance. She said this property presents an extreme fire hazard. She said approval of the resolution would require the property owners to clear all ruins, wreckage and debris from the property within 30 days. She said a certified letter was sent to the property owners and there has been no response from the owners.

1:05:42 **Mayor Janway asked if there was a representative of the property present. No one appeared.**

1:05:53 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Shirley to approve Resolution 2021-62, a Resolution requiring the removal of the weeds and debris at 203 Ironwood Street Owners: Gerardo and Otilia Dominguez

1:06:02 **VOTE**

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

1:06:14 **16. CONSIDER APPROVAL OF RESOLUTION 2021-63, A
RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT
1812 MANZANA ROAD OWNER: IDA FRASER**

Mrs. Madrid-Boyea explained this is a resolution requiring the removal of weeds at 1812 Manzana Road. She said this property is near Solana and Blodgett Streets and appears to be vacant and has not been maintained. She said Code Enforcement has been to the property, which has been a problem for a number of months now. She said code enforcement spoke to the owner in August 2021 and the owner stated she wanted nothing to do with the property and would let it go back to the bank. She said a final letter was sent to Ida Fraser, owner, on October 7, 2021 with no response. She said she is not aware if the property has gone back to the bank. **Mrs. Madrid-Boyea** said the property has been inspected by Code Enforcement and the Fire Marshal and the property remains out of compliance with codes. She said this property presents an extreme fire hazard. She said approval of the resolution would require the owner to remove all ruins, rubbish, wreckage or debris from the property within 30 days. She said a certified letter was sent to the address and was signed for by Steve Mason on December 6, 2021.

Councilor Rodriguez asked if the property is in fact abandoned and we take action, our action would only pertain to the exterior and not anything inside the structure. **Mrs. Madrid-Boyea** said yes, at this time only weeds and debris from the yard needs to be removed. She said the residence has not been inspected.

1:09:09 **Mayor asked if a representative for the property was present. No one appeared.**

1:09:20 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Estrada to approve Resolution 2021-63, a Resolution requiring the removal of the weeds and debris at 1812 Manzana Road Owner: Ida Fraser

1:09:30 **VOTE**

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

1:09:42 **17. CONSIDER APPROVAL OF RESOLUTION 2021-64, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS, DEBRIS AND BURNED-OUT STRUCTURE AT 210 SOUTH LAKE STREET OWNER: UNITED BROTHERS ESTATES LLC**

Mrs. Madrid-Boyea explained this is a resolution requiring the removal of weeds, debris and a burned out structure at 210 S. Lake Street. She said this property appears to be vacant, the problem is the homeless persons are accessing the property and the property is not being maintained. She said the most recent owners acquired the property in October 2021, although this has been an ongoing problem for a year. She said there was a fire at this property after the resolution was prepared. She said approval of the resolution would require the owner to remove all ruins, rubbish, wreckage or debris from the property within 30 days. She said the current owners have contacted the City and are willing to hire a contractor to clear the property.

Councilor Rodriguez asked if a timeline was given by the owner to get this cleaned up. **Mrs. Boyea-Madrid** said she was not aware of a timeline. She said Mr. Patterson might have more information.

Mr. Patterson said it was explained to the owners the timeline that is set in the resolution. He said the owner said they feel they could complete the job in the time frame provided in the resolution. He said it is recommended the resolution be approved to insure the clean-up will be completed.

1:13:15 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2021-64, a Resolution requiring the removal of the weeds, debris and burned-out structure at 210 South Lake Street Owner: United Brothers Estates LLC

1:13:21 **VOTE**

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

1:13:35 **18. COUNCIL COMMITTEE REPORTS**

Councilor Chavez said he and the Carlsbad delegation just recently returned from Washington D.C. where they met with several representatives. He said he met Representative Fernandez from up north, Representative Yvette Harrell, Senator Ben Ray Lujan, Senator Martin Heinrich, and Senator Newhouse from Washington State. He said they also met with Undersecretary Torres-Small, she offered several grant opportunities for the City of Carlsbad. He said they also met with American Petroleum Institute and International Petroleum Association. He said there were solutions offered to them for the oilfield down south and some of the regulations that the State of New Mexico is trying to enact. He said they are willing to help. He said there was a meeting with the D.C. Representative for Chevron, she will come to Carlsbad in the future and would like to tour the site and different of oilfield locations. He said there was also a National Cleanup Workshop, basically WIPP is the center of everything that happens at the Department of Energy (DOE) Complex. He said without WIPP we can't take waste and DOE can't clean up their sites. He said everyone supports the conference that will be taking place here in May. He said there was a legislative update for the oilfield, we are number 1 in gas and number 2 for oil in the state. He said they also gave an update on the WIPP budget. He said he was re-elected for the committee. He said they are very excited about southern New Mexico and realize we are 35% of the state's revenue.

1:16:14 **Mayor Janway** asked Councilor Jason Shirley to come up. **Mayor Janway** read a statement: Jason Shirley is an outstanding Carlsbad citizen and is being honored for his exemplary service to the City of Carlsbad as a member of City Council Ward 3, Councilor Shirley became a member of Carlsbad City Council in 2012 and was an extremely active council member throughout his term, he served on the Budget Committee among many other committees and was especially active in Carlsbad's Arts and Cultural efforts such as MainStreet and the Civic Center and often served as a liaison representing the City of Carlsbad. He was one of Carlsbad's individuals responsible for creating Carlsbad's successful CavernFest celebration. He was also involved in economic development projects such as Eddy Lea Energy Alliance (ELEA) and supported efforts through Carlsbad's Department of Development and the Chamber of Commerce. Shirley's energy and enthusiasm for Carlsbad were greatly appreciated and encourage him to stay highly involved in our community. We sincerely appreciate Jason Shirley's hard work and dedication as a public servant.

Mayor Janway called Councilor Estrada up. **Mayor Janway** said Councilor Estrada is an outstanding Carlsbad City Councilor and is being honored for his exemplary service to the City of Carlsbad as a member of Carlsbad City Council Ward 2. Estrada was appointed to the Council to replace Councilor Nunley. He was then elected at an open election to serve on City Council for five total years. Estrada was especially interested in youth sports. He served on the Bob Forrest Youth Sports Complex committee and has volunteered as a coach for many years. He was an avid supporter of the west bypass and served on the City's ad hoc committee working on this very important project. Throughout his tenure on City Council Leo Estrada provided excellent representation for the City of Carlsbad. He balanced a focus on infrastructure improvement with adding quality of life improvements. We sincerely appreciate Leo Estrada's hard work and dedication as a public servant. We know he will remain highly involved in our community.

1:19:39 **Mayor Janway** introduced Danny Fletcher with Holtec. Mr. Fletcher works for Holtec as a government and community liaison for southeastern New Mexico and with ELEA. Mr. Fletcher said Councilor Shirley has done a great job with ELEA and he is learning a lot from Councilor Shirley, John Heaton and engineers and scientists over at Holtec. He said there is a booklet explaining the project. He said there is concern about the upcoming legislature and a bill that could pass limiting the transportation of nuclear spent fuel and passed in Texas. He said if that happens here it could possibly affect WIPP and Urenco and a new nuclear medicine company in the Eunice area. He said he is here to inform us if this bill comes up he would like legislators and elected officials to speak up in favor of this project. He said he is available for questions and he will have more information after the next ELEA meeting.

1:22:18 **Mayor Janway** asked if anyone in the audience would like to address the Council. No one appeared.

1:22:20 **19. ADJOURN**

1:22:30 **MOTION**

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

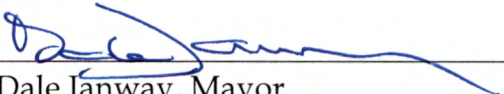
1:22:38 **VOTE**

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

1:23:01 **Adjourn**

There being no further business, the meeting was adjourned at 7:23 p.m.




Dale Janway, Mayor


Nadine Mireles, City Clerk