LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX BUILDING ON AUGUST 23, 2022 AT 6:00 P.M.

Present:	Dale Janway	Mayor
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor *via telephone*
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Jeff Forrest	Councilor
	Karla Niemeier	Councilor
Absent:	Lisa A. Anaya Flores	Councilor
	Mark C. Walterscheid	Councilor
Also Present:	John Lowe	City Administrator
	K.C. Cass	Deputy City Administrator
	Ted Cordova	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Angie Barrios-Testa	Director of Municipal Services
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Allan Henriksen	IT Technician
	Melissa Salcido	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:02 **Call Meeting to Order**

0:00:05 Invocation – Pledge of Allegiance

0:00:39 **1. APPROVAL OF AGENDA**

0:00:43 **MOTION**
The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Agenda

0:00:48 **VOTE**

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

0:00:59 **2. CITY OF CARLSBAD FINANCIALS – JULY 2022**

Mrs. Salcido reviewed the revenues and expenditures as of July 2022 for the General Fund contained within the City Budget

0:02:36 **3. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the Regular City Council Meeting held on August 9, 2022
B. City Personnel Report
C. Contracts and Agreements
   1) Consider Approval of Lease Agreement between the City of Carlsbad and Howard R. Danforth dba Danforth Travel for a Portion of the Cavern City Air Terminal
D. Monthly Reports
   1) Community Development Department July 2022
   2) Municipal Services Department July 2022
   3) Transportation and Facilities Department July 2022
   4) Utilities Department July 2022
E. Board Appointments
   1) Carlsbad Library Board Appoint: Heather Counts, four-year term
   2) Riverwalk Recreation Board Reappoint: Kelly Wixom, four-year term, Reappoint: Anthony Alanzo, four-year term, Reappoint: Becky Fierro, four-year term
   3) Carlsbad Museum Board Appoint: Wren Stroud, four-year term
   4) National Cave and Karst Research Institute Appoint: Councilor Karla Niemeier

0:03:00 **Mayor asked Mr. Lowe to discuss C.1 Consider Approval of Lease Agreement between the City of Carlsbad and Howard R. Danforth dba Danforth Travel for a Portion of the Cavern City Air Terminal**

Mr. Lowe explained this request is for renewal of a lease agreement with Danforth Travel for 83 sq. ft. of space at Cavern City Air Terminal. He said this agreement has been in place since 2017. He said Mr. Danforth assists customers with travel plans and any travel questions customers may have.

0:03:34 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve a Lease Agreement between the City of Carlsbad and Howard R. Danforth dba Danforth Travel for a Portion of the Cavern City Air Terminal

0:03:39 **VOTE**
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Forrest, Niemeier; No - None; Absent - Walterscheid, Anaya-Flores; the motion carried.

0:03:50 **4. CONSIDER APPROVAL OF REQUEST FROM PANCHOS'S LLC FOR A RESTAURANT A LIQUOR LICENSE WITH ON-PREMISES CONSUMPTION AND REQUESTING A DISTANCE WAIVER LOCATED AT 610 W CHURCH**
Mr. Lowe explained this request is for a restaurant liquor license on premises consumption with a distance waiver, due to Pancho's being located within 300 feet of a school. He said per State Regulations, Pancho's is required to obtain approval of the distance waiver by the Governing Body.

Councilor Forrest asked if a previous restaurant in that building had a liquor or beer and wine license. **Mr. Lowe** said yes.

0:04:46 **MOTION**
The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve a Request from Panchos's LLC for a Restaurant A Liquor License with on-premises consumption and requesting a Distance Waiver located at 610 W Church

0:04:51 **VOTE**
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Forrest, Niemeier; No - None; Absent - Walterscheid, Anaya-Flores; the motion carried.

0:05:02 **5. CONSIDER APPROVAL OF REQUEST FROM BALZANO FAMILY VINEYARD & PUMPKIN PATCH TO SERVE ALCOHOL (WINE) DURING A WINE AND CHEESE EVENT AT THE CARLSBAD PUBLIC LIBRARY**
Mr. Lowe explained this is a Request from Balzano Family Vineyard & Pumpkin Patch to serve Alcohol (Wine) during a Wine and Cheese Event at the Carlsbad Public Library, August 30, 2022. He said there will be wine tasting and entrants must provide proof of age. He said no alcohol will be allowed outside the event room.

0:05:45 **MOTION**
The motion was made by Councilor Forrest and seconded by Councilor Rodriguez to approve Request from Balzano Family Vineyard & Pumpkin Patch to serve Alcohol (Wine) during a Wine and Cheese Event at the Carlsbad Public Library

0:05:50 **VOTE**
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Forrest, Niemeier; No - None; Absent - Walterscheid, Anaya-Flores; the motion carried.

0:06:00 **6. CONSIDER APPROVAL TO ACCEPT CAPITAL OUTLAY APPROPRIATION GRANT FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR AN HVAC UPGRADE PROJECT AT THE RIVERWALK RECREATION CENTER**

Mrs. Barrios-Testa explained this request is to accept Capital Outlay funds from the State of New Mexico Department of Finance and Administration for an HVAC upgrade at the Riverwalk Recreation Center. She said this project will be completed in phases. She said this is a big project with 47,000 sq. ft. area to be covered. She said this will make it comfortable for patrons who use the facility.

0:07:35 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve acceptance of Capital Outlay Appropriation Grant from the Department of Finance and Administration for an HVAC upgrade project at the Riverwalk Recreation Center

0:07:40 **VOTE**

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

0:07:51 **7. CONSIDER APPROVAL OF RESOLUTION 2022-40, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CAPITAL APPROPRIATION FUNDS FOR THE CARLSBAD DOUBLE EAGLE WATER SYSTEM**

Mr. Abell explained this request is for authorization of the acceptance of Capital Appropriation Funds for the Carlsbad Double Eagle Water System in the amount of $1.1M and will be combined with $2.2M received from the Environmental Protection Agency Grant. He said this should cover about 3/4 of a mile of waterline replacement.

0:09:27 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Carter to approve Resolution 2022-40, a Resolution authorizing the acceptance of Capital Appropriation Funds for the Carlsbad Double Eagle Water System

0:09:32 **VOTE**

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

0:09:43 **8. CONSIDER APPROVAL OF ORDINANCE 2022-08, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 14.08 ACRE**

PROPERTY LOCATED AT 1400 SAN JOSE BLVD APPLICANT/OWNER: MELISSA ACOSTA

0:10:11 **A. Public Hearing**

Mr. Patterson explained this request for a Zone Change from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 14.08 acres, located at 1400 San Jose Blvd. He said this is currently a trucking business. He said the properties to the north are zoned "R-2" Residential 2 District; the properties to the west are zoned "R-1" Residential 1 District; the property to the south is zoned "R-R" Rural Residential District; the properties to the east are zoned "C-2" Commercial 2 District. He added this zone change will not create a spot zone. He said this went to the Planning and Zoning Commission, July 11, 2022 meeting and is recommended for approval.

Councilor Rodriguez asked if the zone change will follow the current fence line. **Mr. Patterson** said yes and the zone change better fits the activity on the property.

Councilor Chavez stated this request has come up in the past, what is the difference between what is being requested now and what was requested previously. **Mr. Patterson** said the previous request was for industrial zoning, where this request is for C-2 Commercial zoning. He added in the previous request the applicant asked that part of the draw to be included as the applicant owns part of the draw. He said in this request the applicant asked for C-2 Commercial and did not include the draw in the zone change.

0:12:23 **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.**

0:12:44 **B. Approval of Ordinance**

0:12:46 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve Ordinance 2022-08, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 14.08 acre property located at 1400 San Jose Blvd Applicant/Owner: Melissa Acosta

0:12:50 **VOTE**

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

0:13:01 **9. COUNCIL COMMITTEE REPORTS**

Councilor Rodriguez reminded the crowd of the Grand Opening of Alejandro Ruiz Senior Center on Friday, August 26, 2022.

Chief Lopez announced the Firefighter Combat Challenge will take place Friday and Saturday, August 26, and 27, 2022 in the downtown area. He said it is a family friendly event with live music and food vendors.

0:14:34 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:14:40 **10. ADJOURN**

0:14:44 **MOTION**
The motion was made by Councilor Waters and seconded by Councilor Forrest to Adjourn

0:14:53 **VOTE**
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Forrest, Niemeier; No - None; Absent - Walterscheid, Anaya-Flores; the motion carried.

0:15:09 **Adjourn**
There being no further business, the meeting was adjourned at 6:15 p.m.

CITY OF CARLSBAD NEW MEXICO SEAL

ATTEST:

Nadine Mireles, City Clerk

Dale Janway, Mayor