

**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 SEPTEMBER 27, 2022 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor <i>via telephone</i>
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor
	Karla Niemeier	Councilor
Absent:		
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
	Ron Myers	Water Superintendent
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Assistant Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Terry Mathis	Public Works Deputy 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**

0:00:04 Invocation – Pledge of Allegiance

0:00:38 **1. APPROVAL OF AGENDA**

0:00:41 **MOTION**

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

0:00:46 **VOTE**

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

0:01:00 **2. CITY OF CARLSBAD FINANCIALS - AUGUST 2022**

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

0:02:31 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on September 13, 2022
- B. City Personnel Report
- C. Monthly Reports
 - 1) Community Development Department August 2022
 - 2) Municipal Services Department August 2022
 - 3) Transportation & Facilities Department August 2022
 - 4) Utilities Department August 2022
- D. Board Appointments
 - 1) Carlsbad Cemetery Advisory Committee appoint: Suzanne Carlsen two-year term, appoint: Jason Shirley two-year term, appoint: Alan Wood two-year term, appoint: Desiree Kicker two-year term
- E. Set the Date: November 8, 2022
 - 1) Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 0.35 acre property located at 1013 S Cottonwood Avenue
 - 2) Ordinance amending Section 50-3(a) of the Code of Ordinances regarding Penalty Assessments for the New Mexico Uniform Traffic
 - 3) Ordinance amending Chapter 2 Article 1 of the Code of Ordinances, regarding Ward Boundaries for the Carlsbad City Council

0:02:59 **MOTION**

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

0:03:04 **VOTE**

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

0:03:22 **4. 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 water service outside City limits for a property at 2002 Mission Avenue by Mr. Daniel Arrington. He said this went to Council in November 2021 and since then the request has been amended to state the meter will be set in the City right of way and not require a main line extension. He said this request

was presented to the Board of Water and Sewer Commissioners at their monthly meeting held on September 15, 2022 and is recommended for approval.

Councilor Walterscheid asked if the City will oversee the installation of this meter. **Mr. Cass** said yes, this will be like any other new service, a deposit will be required and all other costs for the installation to his water line will be Mr. Arrington's responsibility.

0:06:01 **MOTION**

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

0:06:06 **VOTE**

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

0:06:22 **5. CONSIDER APPROVAL OF RESOLUTION 2022-49, A RESOLUTION AUTHORIZING THE CITY OF CARLSBAD'S PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR DESIGN OF DARK CANYON BRIDGE**

Mr. Cass explained this request is to accept \$3,000,000 in grant money to design the Dark Canyon Bridge. He said the bridge will be located on Radio Blvd.at the intersection of Boyd Dr. to provide a secondary route during flooding. He said this is a great project and with the parameters of the grant there is only a \$150,000.00 match required. He said this is through the LGRF Program and Sertpro application. He said the request is for acceptance of the proposed resolution to receive the money and start the design.

Councilor Walterscheid asked what the timeline to construction is for this project. **Mr. Cass** said he couldn't answer that due to the large amount of money it will cost to build, over \$20M. He said a Raise Grant has been awarded and that will help design and build the bridge. He said this grant terminates in June 2025. He said the structural design of the bridge is a tall order and we are fortunate to have a firm on board to design the bridge.

Councilor Forrest asked if the bridge could be built for \$2.8M. **Mr. Cass** said the design will cost \$2.8M, not the bridge. He said there is a Raise Grant in the amount of \$1.4M that will be coming up soon.

0:08:48 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve Resolution 2022-49, a Resolution authorizing the City of Carlsbad's

participation in Transportation Project Fund Program administered by New Mexico Department of Transportation for design of Dark Canyon Bridge

0:08:52 **VOTE**

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

0:09:06 **6. CONSIDER APPROVAL OF RESOLUTION 2022-50, A RESOLUTION REQUIRING THE REMOVAL OF RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE, RUINS, JUNK, TRASH AND DEBRIS AT 801 PRESIDIO OWNER: LUCIA ALDAS C/O DIANA CAMPOS**

Mrs. Madrid-Boyea explained this request is for the property commonly known as 801 Presidio (East of 803 Presidio). She said there appears to be an abandoned, dilapidated structure (shed) on the property and a large amount of junk, trash, debris, weeds, non-running vehicles and scrap metal. She said The Eddy County Assessor's Office lists Lucia Aldas as owning or having an interest in the property and is believed that Lucia Aldas is deceased and Diana Campos is her granddaughter. She said the property has a dilapidated shed that appears to be occupied. She said there is a large amount of junk, trash, debris, junk bicycles, non-running vehicles and scrap metal on the property and what appears to be human waste dumped in the alley. She said the water department confirmed there is no water service at the property and Code Enforcement has been to the property. She said a Notice of Violation was sent on January 28, 2022 and a verbal warning was given on March 30, 2022 and Code Enforcement spoke to Diana Campos. She said the Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel. She said a resolution has been prepared which, if adopted, would require the property owner to remove the ruined or dilapidated structure, rubbish, wreckage, debris and weeds from the property within thirty days of the service of the resolution. She said on September 21, 2022, a certified letter was sent to Lucia Aldas c/o Diana Campos at the address on the records of the County, which invited them to attend the meeting and speak with Council about the property and there has been no contact.

0:12:33 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Resolution 2022-50, a Resolution requiring the removal of ruined, damaged or dilapidated building or structure, ruins, junk, trash and debris at 801 Presidio Owner: Lucia Aldas c/o Diana Campos

0:12:37 **VOTE**

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

0:12:49 **7. CONSIDER APPROVAL OF RESOLUTION 2022-51, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE, RUINS, JUNK, TRASH AND DEBRIS AT 803 PRESIDIO OWNERS: CAMILO AND MATEA ALDAS C/O DIANA CAMPOS**

Mrs. Madrid-Boyea explained the property at 803 Presidio appears to be a dilapidated structure (house) on the property and a large amount of junk, trash, debris, weeds, non-running vehicles and scrap metal. She said the Eddy County Assessor's Office lists Camilo & Matea Aldas as owning or having an interest in the property. She said the property has a dilapidated house that appears to be occupied and there is a large amount of junk, trash, debris, junk bicycles, non-running vehicles and scrap metal on the property. She said the water department confirmed there is no water service at the property. She said Code Enforcement has been to the property, a Notice of Violation was sent via certified mail on January 28, 2022 and a verbal warning was given on March 30, 2022 and Code Enforcement spoke to Diana Campos. She said the property has been inspected by City Code Enforcement Officer and the Fire Marshal who have found that the property remains out of compliance with applicable codes. She said the Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel. She said a resolution has been prepared which, if adopted, would require the property owner to remove the ruined or dilapidated structure, rubbish, wreckage, debris and weeds from the property within thirty days of the service of the resolution. She said on September 21, 2022, a certified letter was sent to Camilo & Matea Aldas c/o Diana Campos at the address on the records of the County, which invited them to attend the meeting and speak with Council about the property.

Councilor Chavez asked if there is someone living there. **Mrs. Madrid-Boyea** said it appears that there is someone living there.

Councilor Rodriguez stated there looks to be laundry hanging on the fence in the pictures.

Councilor Walterscheid asked how to proceed with the condemnation process when there is someone living there. **Mrs. Madrid-Boyea** said sometimes it is difficult, she said sometimes law enforcement is contacted to issue trespass warnings if the occupants are there illegally. She said sometimes the occupants may claim to have a valid lease or rental agreement and at that time they are directed to the owners to clear up the issues. She said there are landlord/tenant laws that would govern the rights between landlords and tenants

0:17:02 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve Resolution 2022-51, a Resolution requiring the removal of the ruined, damaged

or dilapidated building or structure, ruins, junk, trash and debris at 803 Presidio
Owners: Camilo and Matea Aldas c/o Diana Campos

0:17:07 **VOTE**

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

0:17:22 **8. COUNCIL COMMITTEE REPORTS**

Councilor Chavez said he was recently in Washington D.C. and he met with Senators Heinrich and Lujan, they discussed the Holtec Project. He said they are now supportive of the project.

Councilor Walterscheid asked what changed their minds. **Councilor Chavez** said maybe because there is no way to stop the project. He said now there is a license to proceed and instead of trying to stop the project, they are now willing to help with the project.

Mayor Janway offered a special thanks to Jack Volpato, Jason Shirley and John Waters.

Councilor Chavez said he met with Yvette Herrell and she is helping with the EPA part of the oil field and making sure the oil field is in compliance.

Councilor Chavez said he met with Representative Fernandez and she is very positive.

Councilor Chavez said there was a National Cleanup Workshop and he was on a work force panel and would like to share some key points he learned:

- 25% of EM workforce is eligible to retire now
- Approximately 1/3 of the workforce is eligible to retire in the next 3 years
- Almost 1/2 the workforce is eligible to retire in the next 5 years
- Almost 15 employees are under the age of 30 in the EM workforce complex that has 1200 employees,

He said this is a national level and they are trying to appeal to a younger population. He said there is a lot knowledge that will be retiring and it will be difficult to replace that knowledge.

Councilor Rodriguez said the SENM College Board of Directors met to interview for a President.

0:21:36 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:21:42 9. ADJOURN

0:21:47 **MOTION**

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

0:21:53 **VOTE**

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

0:22:12 **Adjourn**

There being no further business, the meeting was adjourned at 6:22 p.m.



Nadine Mireles
Nadine Mireles, City Clerk

Dale Janway
Dale Janway, Mayor