

**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 JANUARY 24, 2023 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Jason O. Chavez Judith E. Waters Mark C. Walterscheid Jeff Forrest Karla Niemeier	Mayor Councilor Councilor Councilor Councilor Councilor <i>via telephone</i> Councilor Councilor <i>via telephone</i>
Absent:	Wesley A. Carter	Councilor
Also Present:	K.C. Cass Ted Cordova Nadine Mireles Angie Barrios-Testa Mike Abell Wayne Hatfield Brent Griffith Melissa Salcido Ken Ahrens Jeff Patterson Shane Skinner Patrick Cass Rich Olsen Therese Rodriguez	Deputy City Administrator Deputy City Administrator City Clerk Director of Municipal Services Director of Utilities IT Director IT Technician Finance Director Fire Chief Planning Director Police Chief Public Works Director Attorney Citizen

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

0:00:02 **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 Rodriguez and seconded by Councilor Waters to approve the Agenda.

0:00:45 **VOTE**

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

0:01:10 **2. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on January 10, 2023
- B. City Personnel Report
- C. Monthly Reports
 - 1) Community Development Department December 2022
 - 2) Municipal Services Department December 2022
 - 3) Utilities Department December 2022

0:01:36 **MOTION**

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

0:01:40 **VOTE**

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

0:02:01 **3. CONSIDER APPROVAL OF ACCEPTANCE OF CARLSBAD COMMUNITY FOUNDATION CHEVRON CATALYST GRANT TO FACILITATE CARLSBAD MUSEUM TOURS FOR CARLSBAD MUNICIPAL SCHOOL STUDENTS**

Mrs. Barrios-Testa explained this request is to accept a grant in the amount of \$2,000.00 from the Carlsbad Foundation, which will provide buses to bring area students to the Museum during the fall while the 100th Anniversary of the Carlsbad Caverns National Park Exhibit is on display. She said the 2023 Centennial Celebration will incorporate art, history and science in the exhibit which will be curated and partnered between the Carlsbad Museum and the National Parks Service. She said the grant would allow for approximately 25 classes to be bussed to the exhibit at the Museum.

0:03:08 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Waters to approve Acceptance of Carlsbad Community Foundation Chevron Catalyst Grant to facilitate Carlsbad Museum Tours for Carlsbad Municipal School Students.

0:03:14 **VOTE**

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

0:03:32 **4. CONSIDER APPROVAL OF SUBMISSION OF A DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE APPLICATION FOR THE CITY OF CARLSBAD TO PROCURE AND DEPLOY PUBLICLY ACCESSIBLE ELECTRIC VEHICLE STATIONS**

Mr. K.C. Cass explained this request is for a joint initiative between the Department of Energy and City of Carlsbad. He said DOE approached the City and an agreement has been reached. He said the agreement states the charging stations will be leased for a 5 year period of time and they will be placed strategically throughout the City. He said they are movable, off the grid, solar powered and there will be 5 charging stations installed. He said the grant is for \$500,000.00 over 5 years and 100% funded by DOE.

Councilor Forrest asked if these are solar powered. Mr. Cass said yes.

0:05:03 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Chavez to approve Submission of a Department of Energy Financial Assistance Application for the City of Carlsbad to Procure and Deploy Publicly Accessible Electric Vehicle Stations.

0:05:09 **VOTE**

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

0:05:31 **5. CONSIDER APPROVAL TO AUTHORIZE THE SUBMISSION OF AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG) APPLICATION FOR WILDLAND EQUIPMENT FUNDING FOR THE CARLSBAD FIRE DEPARTMENT**

Chief Ahrens explained this request is for approval to submit an application to equip personnel with dual-compliant vehicle extrication and wildland firefighting personal protective gear. He said this gear would help extend the service life of the exiting bunker gear by preventing damage from wildfires or vehicle accidents. He said the cost would be approximately \$85,000.00 for this protective gear.

0:06:39 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Waters to approve the Submission of an Assistance to Firefighters Grant (AFG) Application for Wildland Equipment Funding for the Carlsbad Fire Department

0:06:43 **VOTE**

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

0:07:00 **6. CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN APPLICANT: COURTESY SPORTING AND PAWN**

Mr. Patterson explained this request for renewal of a business license for Courtesy Sporting and Pawn is in accordance with Carlsbad Code of Ordinances. He said Courtesy Sporting and Pawn must renew their business license yearly and requires the approval of City Council. He said the background check was done by Carlsbad Police Department and it was favorable. He said the Planning & Zoning Department recommends approval of this request.

0:07:54 **MOTION**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Renewal of Business License for Courtesy Sporting and Pawn Applicant: Courtesy Sporting and Pawn

0:08:01 **VOTE**

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

0:08:18 **7. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY BESIDE THE CARLSBAD WATERPARK AND THE RAY ANAYA SAN JOSE PLAZA BY THE COLD SHOULDER APPLICANT: VANESSA RAMIREZ, OWNER**

Mr. Patterson explained this request came before Council last year and was approved. He said this request is to allow vending of shaved ice on City-owned property at the Beach Park near the Carlsbad Waterpark, and the Ray Anaya San Jose Plaza. He said a map of these locations have been provided within this packet. He said the applicant will be required to provide a surety bond for this type of request. He said the Planning and Zoning Department recommends approval of the request with the following conditions: The applicant shall not disturb the peace with a loud speaker, megaphone, bell, music or other disruptive noise, the applicant shall provide hours of operation. He said approval of this request grants permission to the applicant to vend shaved ice and related food and drinks (non-alcoholic) on City-owned property at the Beach Park near the Carlsbad Waterpark, from Wednesday, January 25, 2023, until Sunday, December 31, 2023 and in the area near the parking lot at Ray Anaya San Jose Plaza, beginning Wednesday, January 25, 2023 until Sunday, December 31, 2023.

Councilor Chavez asked how the trash situation is. **Mr. Patterson** said there are containers at both sites to be utilized and there have been no complaints.

Councilor Chavez asked how many businesses are being allowed at these locations. **Mr. Patterson** explained all previous temporary use applications have expired and the

owners must now re-apply for this year. He said the Cold Shoulder is the first business to re-apply for their temporary use application.

Councilor Chavez said he would like to look into charging these businesses for garbage service, as other businesses pay for garbage service. **Mr. Patterson** said that would be at the will of the Council.

0:11:01 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Forrest to approve of Temporary Use Application to allow for mobile sales (vending) of shaved ice on City property beside the Carlsbad Waterpark and the Ray Anaya San Jose Plaza by The Cold Shoulder Applicant: Vanessa Ramirez, Owner

0:11:06 **VOTE**

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

0:11:25 **8. CONSIDER APPROVAL OF ORDINANCE 2023-01, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-1.778 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD LOCATED AT 720 WEST CHERRY LANE OWNER: RICHARD BANNISTER**

Mr. Patterson explained this request is for annexation of 720 W. Cherry Lane, approximately 1.73 acres lot located near the intersection of Cherry Lane and Callaway Drive and there are maps provided in the packets. He said it does about the city limits and is eligible for annexation. He said at their meeting on October 3, 2022, the Planning and Zoning Commission considered this item and recommended approval.

Councilor Forrest asked why the homeowners would like to be annexed, is it to hook up to city water. **Mr. Patterson** said he believes the applicant would like to connect to the city sewer and sewer is not offered outside city limits.

0:12:58 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Chavez to approve Ordinance 2023-01, an Ordinance annexing a portion of land containing +/- 1.778 acres more or less, contiguous to the City of Carlsbad located at 720 West Cherry Lane Owner: Richard Bannister.

0:13:03 **VOTE**

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

0:13:20 **9. CONSIDER APPROVAL OF ORDINANCE 2023-02, AN ORDINANCE APPLYING "R-R" RURAL RESIDENTIAL DISTRICT TO AN APPROXIMATELY 1.778 ACRE PROPERTY LOCATED AT 720 WEST CHERRY LANE OWNER: RICHARD BANNISTER**

Mr. Patterson explained this request is connected to the previous item, Ordinance 2023-01. He said the applicant is asking for a zone change to "R-R" Rural Residential District which is the proper zone for this area, however it does create a spot zone. He said at their meeting on October 3, 2022, the Planning and Zoning Commission considered this item and recommended approval.

0:14:27 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Chavez to approve Ordinance 2023-02, an Ordinance applying "R-R" Rural Residential District to an approximately 1.778 acre property located at 720 West Cherry Lane Owner: Richard Bannister

0:14:35 **VOTE**

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

0:14:55 **10. CONSIDER APPROVAL OF ORDINANCE 2023-03, AN ORDINANCE CORRECTING ORDINANCE 2022-12 WHICH AMENDED SECTION 50-3(A) OF THE CITY OF CARLSBAD CODE OF ORDINANCES REGARDING PENALTY ASSESSMENTS FOR THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE, 2010 COMPILATION**

Chief Skinner explained this request is to amend Ordinance 2022-12 Penalty Assessments for the New Mexico Uniform Traffic Ordinance, as there were errors found and this is to correct those errors.

0:16:07 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance 2023-03, an Ordinance correcting Ordinance 2022-12 which amended Section 50-3(a) of the city of Carlsbad Code of Ordinances regarding Penalty Assessments for the New Mexico Uniform Traffic Ordinance, 2010 Compilation

0:16:10 **VOTE**

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

0:16:26 **11. CONSIDER APPROVAL OF RESOLUTION 2023-02, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURE, RUINS, RUBBISH, WRECKAGE, WEEDS AND DEBRIS AT 2021 WEST TEXAS OWNERS: WILLIAM MCHENRY AND PATRICIA MCHENRY**

Mr. Patterson explained this property is located on Texas St. near Fourth St. He said there is an abandoned and damaged structure on this property. He said the Eddy County Assessor's Office lists William A. McHenry and Patricia L. McHenry as owning or having an interest in the property. He said there are two structures on the property, the one closest to the Texas St. is damaged and unkempt. He said Code Enforcement has made numerous trips to the property and numerous attempts to contact the owner of the property. He said the front structure is vacant and unsecured. He said a letter was sent by certified mail on October 13, 2022 and November 16, 2022 and a letter left at the property on September 8, 2022. He said the letter was signed for by an M. Garcia. He said Code Enforcement and the Fire Marshal have inspected the property and found it is out of compliance with applicable codes. He said the Fire Marshal has found the property presents an extreme fire hazard for responding firefighters and emergency personnel. He said a resolution has been prepared and if adopted would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds from the property within sixty days of the service of the resolution. He said a certified letter was sent to William A. McHenry and Patricia L. McHenry to the address on file of the County Assessor's Office, inviting the McHenry's to attend the meeting and speak with Council about the property.

Councilor Rodriguez asked if the resolution is for the weeds and debris or the structure. Mr. Patterson said the resolution is for weeds, debris and the structure.

0:19:07 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve Resolution 2023-02, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structure, ruins, rubbish, wreckage, weeds and debris at 2021 West Texas Owners: William McHenry and Patricia McHenry

0:19:15 **VOTE**

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

0:19:39 **12. COUNCIL COMMITTEE REPORTS**

There were none.

0:19:56 Mrs. Therese Rodriguez said she was speaking on behalf of LaVern Shan, the Deputy Superintendent for the School District and presented an invitation for a literacy conversation. She explained this is a conversation for Eddy County, including Loving and Artesia schools. She said Dr. Perryman, an economist, is scheduled to

speak with a panel which will include Tracee Bentley with PSP. She said this conference will focus on impacts of literacy and also the economic cost of literacy. She said Ms. Shan is extending the invitation to Mayor, Council and city employees. She said you may RSVP to the email on the invitation.

0:21:23 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:21:25 **13. ADJOURN**

0:21:30 **MOTION**

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

0:21:36 **VOTE**

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

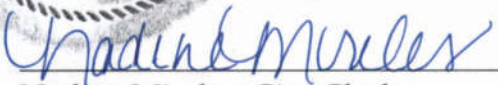
0:21:57 **Adjourn**

There being no further business, the meeting was adjourned at 6:21 p.m.





Dale Janway, Mayor



Nadine Mireles, City Clerk