

**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 MARCH 28, 2023 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor
	Karla Niemeier	Councilor
	Judith E. Waters	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
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Missi Currier	Vice President of Strategy 360
	Wes Hooper	Community/ Administrative Services Director
	Chad Ingram	Chamber of Commerce President
	Jay Francis	Heights Lions Club President

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

0:00:47 **Mayor Janway** introduced Missi Currier, the Vice President of Strategy 360, and asked her to give Council members a legislative update. **Ms. Currier** started with saying legislative session is held in Santa Fe for 60 days, and she thanked everyone who went to Santa Fe to advocate on behalf of Carlsbad and Eddy County. She said she wants to thank the members who were helpful to their efforts including their local delegation. **Ms. Currier** reviewed Senate and House Bills beneficial to Carlsbad and Eddy County. She said Senate Bill 292 passed, and gave credit to Mayor Janway and City Administrator John Lowe for all of their work on this bill. She said destination sourcing continues to be a major issue for the City of Carlsbad. She said they tried to find a permanent fix for destination sourcing, but have not come to that point yet. She thanked local delegation leadership for trying to come up with a short-term fix that she is hopeful the Governor will sign into law before April 7, 2023, when the veto period ends. She said if this Bill passes, Carlsbad will receive \$25 million to make up from the short fall of destination sourcing.

0:12:50 **Mayor Janway** thanked Ms. Currier for everything she did in Santa Fe and then asked if anyone had any questions for her.

Councilor Forrest asked Ms. Currier if it is true that minimum wage is being raised to a higher rate. **Ms. Currier** said that there were two major Bills that were considering minimum wage, House Bill 25 and House Bill 28. She said House Bill 25 would have raised minimum wage to a standard across the state and House Bill 28 would have raised minimum wage with certain amounts of indexing. She said the measures did not go forward because there were a lot of people that said the jump was too high and too much for New Mexico businesses to sustain.

0:14:39 **1. APPROVAL OF AGENDA**

0:14:40 **MOTION**

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

0:14:45 **VOTE**

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

0:15:01 **2. CITY OF CARLSBAD FINANCIALS - FEBRUARY 2023**

Mrs. Salcido reviewed the revenues and expenditures as of February 2023 for the General Fund, selected Enterprise and Special Funds contained within the City Budget

0:16:36 **3. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the Regular City Council Meeting held on January 10, 2023

B. City Personnel Report

- C. 1) Consider Approval of Amendment to Agreement between the City of Carlsbad and Southeast New Mexico Action Corporation for the Lease of Property for the Nutritional Meals Program
- D. Monthly Reports
 - 1) Community Development Department February 2023
 - 2) Municipal Services Department February 2023
 - 3) Utilities Department February 2023

Mayor Janway asked Angie Barrios-Testa to briefly discuss Agenda item C1, Consider Approval of Amendment to Agreement between the City of Carlsbad and Southeast New Mexico Action Corporation for the Lease of Property for the Nutritional Meals Program.

Mrs. Barrios-Testa says this item is a request to amend a contract with the Southeast New Mexico Community Action Corporation for the Meals Program Lease. She explains there is a new appraisal for the Alejandro Ruiz Senior Center building that has to be incorporated. She said this amendment will change the location from the San Jose address to the 120 Kircher address, and it will update the market rental rate and it will include equipment. She said during the first phase of renovations, we received emergency funding from Aging and Long-term Services that has to be incorporated into the lease. She said we are expecting more Capital Outlay awards that will also have to be incorporated. She said we are pleased to continue to work with Southeast New Mexico.

0:18:29 **MOTION**

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

0:18:35 **VOTE**

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

0:19:02 **4. CONSIDER APPROVAL OF REQUEST FOR A TEMPORARY USE BUSINESS LICENSE BY THE HEIGHTS LIONS CLUB FOR A CARNIVAL AT 300 AND 301 DIAZ STREET (RAY ANAYA/SAN JOSE PLAZA AND PARK)**

Jeff Patterson explained the Heights Lions Club has requested a business license to sponsor a carnival as a fundraiser for their organization on May 18, 2023 through May 28, 2023. He said the carnival presenter is Moore's Greater Shows LLC out of Lyford, Texas. Mr. Patterson said the Planning Department recommends approval of this request based on the following conditions; the applicant shall comply with all applicable requirements of Code of Ordinances, Chapter 28, Article 2; The applicant shall furnish the City with copies of all forms and inspections required under the Carnival Ride Insurance Act prior to operation, and the applicant shall insure that all trash is cleaned from the sight daily and at the end of the event.

Jay Francis, President of the Heights Lions Club, said Moore's Greater Shows LLC has sponsored their event for at least 20 years and they have always followed New Mexico statutes. He said the revenue from this event goes back to the community, highlighting donations to the Boys and Girls Club, Packs for Hunger, the Battered Family Shelter, Carlsbad Transitional Housing, Christmas Anonymous, Desert Willow Wildlife, and Southeast New Mexico College. **Mr. Francis** said this event benefits the community in many ways.

0:22:11 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Request for a Temporary Use Business License by the Heights Lions Club for a Carnival at 300 and 301 Diaz Street (Ray Anaya/San Jose Plaza and Park).

0:22:17 **VOTE**

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

0:22:57 **5. CONSIDER APPROVAL OF DONATION OF REAL PROPERTY TO EDDY COUNTY FOR USE AS RIGHT-OF-WAY OVER U.S. REFINERY ROAD, AS PART OF PHASE III OF THE CR-605 WIDENING PROJECT**

Mr. Lowe said this is a request to donate approximately 6.58 acres of right-of-way to Eddy County, which is City owned property located outside of City limits along U.S. Refinery Road. He said this request will allow the County to widen a section of the East Loop Road Project.

0:23:34 **Wes Hooper**, Community/ Administrative Services Director said this project has been going on for about 4 years. He said Eddy County has just received the last bit of funding to complete it, which will tie it into Highway 31.

0:24:08 **Mayor Janway** asked if there were any questions for Mr. Hooper.

Councilor Walterscheid asked if the thought of going across the river is no longer in question. **Mr. Hooper** said they are looking at Forni Road to get across the river and tie into the Southeast Loop because it would be easier to get across in the expense of bridges. **Mr. Walterscheid** asked if it would be a low-water crossing, and **Mr. Hooper** said that is a possibility.

0:25:01 **MOTION**

The motion was made by Mr. Forrest and seconded by Ms. Niemeier to approve the Donation of Real Property to Eddy County for use of Right-of-Way over U.S. Refinery Road, as part of Phase III of the CR-605 widening project.

0:25:09 **VOTE**

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

0:25:28 **6. CONSIDER APPROVAL OF ORDINANCE 2023-04, AN ORDINANCE FOR SAFE AND ANONYMOUS SURRENDER OF INFANTS**

0:25:42 **A. Public Hearing**

Denise Boyea-Madrid stated the City of Carlsbad is committed to saving the lives of infants by providing mothers in crisis with a safe and anonymous plan for surrender. She said the state of New Mexico has enacted a Safe Haven Law, providing the foundation for an agreement. She said it is in the best interest of the public health, welfare, and safety, to eliminate unsafe and unlawful surrenders. She said the City has received grant funds for the expense of leasing and installing a baby box which was approved by City Council in January 2023. She said the City has negotiated a lease and service agreement with the Safe Haven Baby Boxes Inc.

Councilor Rodriguez asked Mrs. Madrid-Boyea, once the baby is safely taken in, what are the steps that follow. **Mrs. Madrid-Boyea** stated the child will immediately receive medical attention and then Children, Youth and Families Department will be called to take custody of the child.

Councilor Forrest asked if there were going to be more than one box. **Mrs. Madrid-Boyea** said there is going to be one box located at the primary Fire Station. She said it will be monitored, checked regularly and there will be safe guards in place.

Councilor Walterscheid asked how will the Fire Department staff know there is a baby in the box. **Mrs. Madrid-Boyea** said there is an alarm on the box. She said it is a special box with a specific purpose. She said the box has an alarm, padding in the inside, and once there is a baby placed in there it won't be able to be reopened from the outside. She said it opens inside the building for the staff to receive the baby.

0:29:04 **B. Approval of Ordinance**

0:29:05 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance 2023-04, an Ordinance for Safe and Anonymous Surrender of Infants

0:29:10 **VOTE**

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

0:29:32 **7. CONSIDER APPROVAL OF ORDINANCE 2023-05, AN ORDINANCE AUTHORIZING THE LEASE OF PROPERTY COMMONLY KNOWN AS PORT JEFFERSON AND TO ENTER INTO A LEASE AGREEMENT WITH THE CARLSBAD CHAMBER OF COMMERCE FOR CONCESSION SERVICES**

0:30:13 **A. Public Hearing**

Mr. Lowe said this request is for a two-year agreement with the Chamber of Commerce for the lease of Port Jefferson. He said this lease will include the concession building and the boat docks.

Chad Ingram, Chamber of Commerce President, said the Chamber of Commerce is excited to provide their services and expertise in tourism in order to combine both sides of the river and make it the center of tourism in Carlsbad.

Mayor Janway asked Mr. Ingram if they plan on running the boat rides throughout the year. Mr. Ingram said it is not certain yet, but that is what they plan for. He said they are looking at providing boat rides on the weekends during the summer, and they are also looking at different ways they can do sunset cruises throughout the summer.

Councilor Walterscheid asked Mr. Ingram if the Chamber of Commerce is going to run concessions or if they are going to hire a third-party. Mr. Ingram said they are looking at the option of hiring a third party to run the concession.

0:31:49 **B. Approval of Ordinance**

0:31:49 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve Ordinance 2023-05, an Ordinance authorizing the lease of property commonly known as Port Jefferson and to enter into a Lease Agreement with the Carlsbad Chamber of Commerce for Concession Services.

0:31:56 **VOTE**

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

0:32:13 **8. CONSIDER APPROVAL OF RESOLUTION 2023-12, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO TOURISM DEPARTMENT FOR THE FY 24 NEW MEXICO CLEAN AND BEAUTIFUL GRANT**

Mr. Ivan Abell said this Resolution is to ask for the permission to apply for the New Mexico Clean and Beautiful Grant from the Keep America Beautiful. He said this money will cover their registration and travel costs for the conference, advertising costs

for Keep Carlsbad Beautiful, waste receptacles for Downtown Mainstreet Project and youth litter clean-ups.

0:33:27 **Mayor Janway** asked if there were any questions for Mr. Abell. **Councilor Niemeier** asked after Mary Garwood leaves the department, who will administer the grant. **Mr. Abell** said he will accept and work with the grant until they get a new Executive Director.

0:34:17 **MOTION**
The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve Resolution 2023-12, a Resolution authorizing filing of an Application to the New Mexico Tourism Department for the FY 24 New Mexico Clean and Beautiful Grant.

0:34:24 **VOTE**
The vote was as follows: Yes - Chavez, Waters, Carter, Rodriguez, Forrest, Niemeier, Walterscheid, Anaya-Flores; No - None; Absent - None; the motion carried.

0:34:50 **9. CONSIDER APPROVAL OF RESOLUTION 2023-13, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURE, RUINS, RUBBISH, WRECKAGE AND DEBRIS AT 505 MONTERREY STREET OWNERS: MARIA JESUS RUBIO AND ESTANISLADO F. AND YCELA SOSA**

Denise Madrid-Boyea said this is a proposed Resolution to require the removal of the ruined, damaged or dilapidated building or structure, ruins, wreckage or debris at 505 Monterrey Street. She said there appears to be a dilapidated structure and weeds that may have pre-existed a fire. She said the Eddy County Assessor's Office lists Maria Jesus Rubio, Estanislado and Ycela Sosa as either owning or having an interest in the property, and lists an address for them at 809 Alvarado Street in Carlsbad. She said Code Enforcement has been to the property, and a Notice of Violation was mailed certified to the owners on February 8, 2023. She said the property has been inspected by Code Enforcement, the Building Inspector and the Fire Chief and they found that the property remains out of compliance with applicable codes. **Mrs. Madrid-Boyea** said the property has been red tagged, although it has been secured. She said the Fire Chief found that the property presents an extreme fire hazard for responding fire fighters and emergency personnel, and recommends that the building be demolished, the property be cleaned, and the weeds and debris be removed.

0:37:19 **Mayor Janway** asked if there were any questions for Mrs. Madrid-Boyea.

Councilor Walterscheid asked if the Resolution is for the structure and the property. **Mrs. Madrid-Boyea** answered yes, as well as to clean up outside the property and take down the building and level off the property.

Councilor Rodriguez asked what would happen to the boat that is parked on the property. Mrs. Madrid-Boyea said if it is still there when the property is being cleaned, it will be hauled off. She said if there is a way to ascertain the owner, the City tries to work with them as much as possible.

0:38:55 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Walterscheid to approve Resolution 2023-13, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structure, ruins, rubbish, wreckage and debris at 505 Monterrey Street Owners: Maria Jesus Rubio and Estanislado F. and Ycela Sosa.

0:39:02 **VOTE**

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

0:39:20 **10. CONSIDER APPROVAL OF RESOLUTION 2023-14, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURE, RUINS, RUBBISH, WRECKAGE AND DEBRIS AT 2807 SAN JOSE BOULEVARD OWNER: VERONICA HERNANDEZ**

Mrs. Madrid-Boyea said this is a proposed Resolution to require the removal of the ruined, damaged, or dilapidated building or structure, ruins, rubbish, wreckage and debris at 2807 San Jose Boulevard. She said the Eddy County Assessor's Office lists a Veronica Hernandez as owning or having an interest in the property, and lists her address as PO Box 193 in Carlsbad. She said Code Enforcement has been to the property, a Notice of Violation was mailed by certified mail to the owners on February 1, 2023. She said fires have occurred at the property in May and August of 2020, which damaged the structure and some trailers that were on the property at the time. She said the property has been inspected by Code Enforcement, the Building Inspector, and the Fire Chief, and they found that the property remains out of compliance with applicable codes. She said the property is not secured and the Fire Chief finds that the property presents an extreme fire hazard for responding fire fighters and emergency personnel, and recommends that the building be secured and/or demolished, the property be cleaned, and the trash and debris be removed.

0:41:45 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Rodriguez to approve Resolution 2023-14, a Resolution requiring the removal of the ruined, damaged or dilapidated structure, ruins, rubbish, wreckage and debris at 2807 San Jose Boulevard Owner: Veronica Hernandez.

0:42:23 **VOTE**

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

0:42:42 **11. COUNCIL COMMITTEE REPORTS**

No reports

0:42:47 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

0:43:02 **12. ADJOURN**

0:43:02 **MOTION**

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

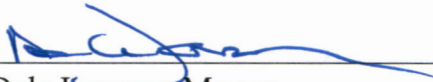
0:43:09 **VOTE**

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

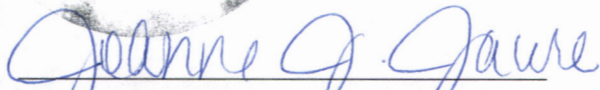
0:43:27 **ADJOURN**

There being no further business, the meeting was adjourned at 6:43 p.m.





Dale Janway, Mayor



Nadine Miles, City Clerk, Deputy
JoAnne Jaure