

**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 MAY 09, 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
	Charlie Garcia	Police Officer
	Ken Harrawood	SIMCO
	George Rangel	SIMCO
	Susan Crockett	SIMCO
	Shawn Simpson	Boutique Air
	Felicia Huerta	Boutique Air
	Sal Sanchez	Boutique Air
	Pat Dyer	Presbyterian Medical Services
	Elizabeth Lickliter	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**

0:00:04 Invocation - Pledge of Allegiance

0:00:44 **Mayor Janway** introduced Ken Harrawood, SIMCO's President and Project Manager, and George Rangel, SIMCO's Communication and Public Affairs Manager. **Mayor Janway** said SIMCO holds the management and operations contract for the Waste Isolation Pilot Plant. **Mayor Janway** asked Susan Crockett, the chair of our fundraising effort, to join. **Mr. Harrawood** said SIMCO is proud to partner with communities like Carlsbad. He said SIMCO is dedicated to improving the quality of life to all residents of Carlsbad. He said SIMCO is proud to donate \$50,000 towards a splash pad for special needs children. **Ms. Crockett** thanked Mayor Janway and City Council members for their continued support.

0:03:54 **1. APPROVAL OF AGENDA**

0:03:56 **MOTION**

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

0:04:01 **VOTE**

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

0:04:16 **2. CONSIDER APPROVAL OF RESOLUTION 2023-21, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2022-23 FISCAL YEAR BUDGET**

Mrs. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2022-2023 Fiscal Year Budget highlighting the General Fund, the Workers' Compensation Fund, the Lodgers' Tax Discretionary Fund, and the Lodgers' Tax Promotional Fund.

0:06:40 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2023-21, a Resolution making certain Budgetary Adjustments to the 2022-23 Fiscal Year Budget.

0:06:46 **VOTE**

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

0:07:02 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on April 25, 2023
- B. Minutes of the Special City Council Meeting held on April 28, 2023

- C. City Personnel Report
- D. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for the Re-Roofing of the Carlsbad Museum and Carlsbad Library
 - 2) Consider Approval to Advertise Request for Proposal for Professional Aquatic Management Services for Carlsbad Municipal Golf Course
 - 3) Consider Approval to Advertise Request for Proposal for EMS Billing and Collection Services for the Carlsbad Fire Department
- E. Contracts and Agreements
 - 1) Consider Approval of Lease Agreement between the City of Carlsbad and the Bureau of Land Management for Airport Ground Space at the Cavern City Air Terminal
- F. Monthly Reports
 - 1) Human Resources Department April 2023
 - 2) Utilities Department March 2023
- G. Board Appointments
 - 1) Carlsbad Riverwalk Recreation Center Advisory Board Appoint Cheyenne Methola four-year term
 - 2) Carlsbad Museum and Art Center Advisory Board Appoint Alana Akacki five-year term
- H. Set the Date: June 13, 2023
 - 1) Ordinance rezoning part of "C-2" Commercial 2 District to "R-1" Residential 1 District for an approximately 1.01 acre property located at 2021 West Texas Street
 - 2) Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an Approximately 4.1 acre property located at 2003 Standpipe Road
 - 3) Ordinance rezoning part of "R-2" Residential 2 District to "C-1" Commercial 1 District for an approximately 0.34 acre property located at 609 West Fox Street

0:07:21 **Mayor Janway asked Mr. Lowe to briefly discuss item D2, Consider Approval to Advertise Request for Proposal for Professional Aquatic Management Services for Carlsbad Municipal Golf Course. Mr. Lowe said these services involve assessing, designing and implementing a management plan and routine schedule to control any unforeseen City related aquatic issues.**

0:08:08 **MOTION**
 The motion was made by Councilor Walterscheid and seconded by Councilor Forrest to approve Routine and Regular Business.

0:08:14 **VOTE**
 The vote was as follows: Yes - Waters, Carter, Rodriguez, Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez; No - None; Absent - None; the motion carried.

0:08:31 **4. CONSIDER APPROVAL OF RECOMMENDATION FROM ESSENTIAL AIR SERVICE COMMITTEE FOR EAS CONTRACT TO ADVANCED AIR**

Mr. Lowe said recently the City of Carlsbad was notified that the current EAS provided for Carlsbad opted out of their agreement with the United States Department of Transportation. He said the United States Department of Transportation (USDOT) solicited requests for proposals for the local EAS service. **Mr. Lowe** said they received two proposals, one from Boutique Air and one from Advanced Air. He said both proposals were sent to the City of Carlsbad on April 25, 2023, and the USDOT requested comments no later than May 16, 2023. He said on May 3, 2023, the EAS Committee reviewed both proposals and had the opportunity to meet with representatives from Boutique Air and Advanced Air. He said the Committee voted to recommend the Advanced Air proposal.

0:09:30 **Mayor Janway asked Councilor Carter, the chairman of the EAS Committee, if he would like to make a statement.**

Councilor Carter said he would like to thank Jason Shirley, Bart Frintz, Ekta Bahkta, Chad Ingram and Don George for their efforts. He said they had the opportunity to read two proposals and also sat through two virtual presentations from each side. He said they put a lot of thought into the recommendation and Advanced Air is a very reliable company.

0:11:31 **Mayor Janway asked if there were any questions or comments from the Council.**

Councilor Forrest said he doesn't think it was an easy decision, but he believes with Carlsbad's oil and gas base, it is a big loss to lose the Dallas route. He said there is a lot of oil and gas in the DFW area and the surrounding communities. He said he thinks it will be a big loss to the oil companies that use that route. He said we get generous donations from oil companies and he thinks Carlsbad's economy with oil and gas has more ties with Texas rather than Arizona. He said he knows it is not an easy decision but he wants everyone to keep that in mind. He said essentially, if we switch to Advanced Air, we would have two flights going west. He thinks it would be nice to have an option going east.

Councilor Carter said they did discuss that at length. He said they felt our ties to Dallas were not as strong as our ties to Houston as far as oil and gas. **Councilor Carter** said the majority of company men or workers were on the Hobbs to Houston flight.

Councilor Walterscheid asked if Advanced Air is present. **Mayor Janway** answered no, but Boutique Air is and they will later open up discussion to the audience.

Councilor Walterscheid asked Councilor Carter if Advanced Air was asked if they will consider Dallas at some point in the future. **Councilor Carter** answered yes, and their response was it is not in their business model at this time.

Councilor Rodriguez asked Councilor Carter about the breakdown of the proposals for the cost for USDOT. **Councilor Carter** said Advanced Air is about a half a million dollars less expensive than Boutique Air.

Councilor Walterscheid asked if Advanced Air is going to offer the same amount of flights going to Albuquerque as Boutique Air. **Councilor Carter** said yes, the same amount of flights going to Albuquerque but 7 flights going to Phoenix instead of 6 flights going to Dallas.

Councilor Niemeier asked what their cancellation rate is. **Councilor Carter** he doesn't believe the complaints towards Boutique Air are about cancellations, but delays.

Councilor Walterscheid said he looked at the charts, and it looked like a majority of flights were cancelled.

Councilor Chavez asked if Advanced Air is a single engine or a double engine. **Councilor Carter** said it is a twin-prop. **Councilor Chavez** asked the same for Boutique Air, and **Councilor Carter** said Boutique Air is single. He said Advanced Air has 50-pound guaranteed luggage.

0:17:15 **Mayor Janway** asked if anyone in the audience would like to address the Council.

Shawn Simpson, CEO/Founder of Boutique Air, said he wants to clarify that Boutique Air has two daily round trips going to Albuquerque, and one daily round trip going to DFW. He said the DFW flights are about 95% full all of the time. He said in his opinion, he thinks the connection to the second busiest airport in the world should not be cut-off. He said another key point for Boutique Air is that they have partnerships that are difficult to establish with United Airlines and American Airlines. He said these relationships take years to develop and are key for people on budgets. He said the opposing airline does not have any of these relationships. **Mr. Simpson** said both of these airlines are capable and reliable, but he recommends to postpone and think about the decision for longer.

0:20:53 **Mayor Janway** asked if there were any questions for **Mr. Simpson**. **Councilor Walterscheid** asked if he is going to bring in a King Air. **Mr. Simpson** said they have totally dropped the King Airs because they are less reliable, more expensive and not as safe. He said they are on a single fleet plan which works better for everyone. He said King Airs were designed in 1960 and something they do not want to be working with going forward.

Felicia Huerta, the local manager at Boutique Air said the private planes that fly into the airport on a daily basis are the owners of oilfield companies. She said the majority of their Dallas flights are the employees of these major companies. She said we have opened up our community to the oil and gas industries and it is nice to give back to their employees so they can see their families. **Ms. Huerta** said luggage is an issue, but they do try everything they can to accommodate.

Elizabeth Lickliter said she has been a customer of Boutique Air for several years. She said she has been extremely happy with them. She said by eliminating the Dallas flight, it would essentially take another option away from Carlsbad's citizens. She said if you need to get to Phoenix, you can take a trip to Roswell. She said the Dallas flight is very convenient, and the majority of the people on that plane are oilfield workers wanting to go home. **Ms. Lickliter** said another beneficial thing that comes with Boutique Air is their voucher system. She said you can use them at any time and they have been handy for people who pay for flights out of their own pockets. She recommends that Council look at the impact of this potential decision and recommends staying with Boutique Air. **Ms. Lickliter** thanked Council members for their time.

Sal Sanchez, CSA with Boutique Air, said he wanted to address the issue with the oilfield workers that come in from areas like Houston or Florida. He said they fly into Dallas and get their connecting flight to New Mexico. He said they have a lot of passengers that come in from Georgia or Kentucky that are oilfield workers. He said the majority of their passengers are coming in from the east not the west. He said they try to do everything to accommodate their passengers and hopes that the Committee will reconsider and table this issue until more facts are presented.

Councilor Carter said the Committee previously brought up the fact that Boutique Air was in 13 states, but now they are in 3 states. He said it seemed like they were going in the wrong direction. He said Advanced Air is expanding and it seems like Boutique Air is reconsidering their business model.

Mr. Simpson said airlines are not an easy business. He said one of the things about the EAS system, is that there are two types of communities; there are some more than 210 miles from a major hub, and there are communities that are closer. He said there are major restrictions on the ones that are closer. He said Carlsbad is further than 210 miles. **Mr. Simpson** said Boutique Air chased contracts that did not have good economics, and as a result they suffered. He said in the past couple years, they stopped doing that and concentrated their efforts on having higher quality and launching a successful charter business. **Mr. Simpson** said Boutique Air is focused on being financially solid and quality.

0:30:02 **Councilor Niemeier** said she understands the fear of not having a flight to the east. She said she is conflicted and not sure what the right thing is.

Councilor Rodriguez said one of the comments made was that if people wanted to go to Dallas, they could drive to Roswell and fly from there. He said the same can be said of a flight to Phoenix. He said the shrinking service is a concern to him. He said he puts great faith into the effort that was put out by the Committee. **Councilor Rodriguez** said he recommends going with the Chairman's recommendation for Advanced Air.

0:31:17 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve of Recommendation from Essential Air Service Committee for EAS Contract to Advanced Air.

0:31:25 **VOTE**

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

0:32:08 **5. CONSIDER APPROVAL OF DONATION OF CITY OF CARLSBAD FIRE DEPARTMENT AMBULANCE 406 TO THE CITY OF ROSWELL FIRE DEPARTMENT**

Chief Ahrens said the City of Carlsbad's oldest ambulance and Unit 406 is eleven years old. He said it was out of service for approximately five years and after that it was replaced with newer units. He said it has been in reserve status for the last 12-18 months. He said although the Carlsbad Fire Department has maintained it, they do not need it. He said Roswell Fire Department has asked if they can have this ambulance for their use. He said the Roswell Fire Department does not provide 911 emergency medical services but they do have one or two ambulances that they use to staff events and respond as a rehab unit for their own fire fighters. He said in this capacity, he feels Unit 406 could get several years of service to the City of Roswell.

0:33:34 **Mayor Janway asked if there were any questions for Chief Ahrens.**

Councilor Walterscheid asked if Roswell has any funds to buy their own ambulance.

Chief Ahrens said he cannot speak to the funding situation of Roswell Fire Department. He said they have donated an ambulance to them in the past and is still in use.

0:34:14 **Councilor Forrest** asked Chief Ahrens how much Ambulance 406 is worth and if we would be better off selling it. **Chief Ahrens** said he is not sure of the ambulance's worth. **Councilor Forrest** asked what year is it. **Chief Ahrens** answered 2012. He said typically in the Carlsbad Fire Department, if they have emergency equipment that is not in use, they will consider donating to communities who are in need.

0:35:07 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Forrest to approve of Donation of City of Carlsbad Fire Department Ambulance 406 to the City of Roswell Fire Department.

0:35:11 **VOTE**

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

0:35:25 **6. CONSIDER APPROVAL OF REQUEST FOR DOUBLE EAGLE LIVESTOCK WATER SERVICE FROM ZACH OZBORN WITH TURKEY TRACK RANCH**

Mr. Abell said Zach Ozborn came before the Water & Sewer Board in February 2023, to request new water service at one of their existing stock tank locations on the Cap Rock. He said the Water & Sewer Board recommended approval of this request.

0:36:17 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Chavez to approve of Request for Double Eagle Livestock Water Service from Zach Ozborn with Turkey Track Ranch.

0:36:22 **VOTE**

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

0:36:36 **7. CONSIDER APPROVAL OF REQUEST FROM MILTON'S BREWERY TO SERVE ALCOHOL (BEER AND WINE) ON CITY STREETS DURING THE CARLSBAD MAINSTREET THIRD THURSDAY EVENTS**

Mr. Patterson said Milton's Brewery wishes to partner with Carlsbad MainStreet and participate in the Third Thursday on-street events. He said Milton's will set up a Beer Garden outside of their building during the event, with security posted at the Beer Garden and roaming throughout the event. **Mr. Patterson** said all entrants to the Beer Garden shall be 21 years or older and would be given a bracelet to wear, which would be a requirement to buy beer or wine within the Beer Garden. He said all designated drivers that enter the event area will be given a separate bracelet as identification. **Mr. Patterson** said no alcohol will be allowed to be taken out of the designated Beer Garden. **Mr. Patterson** said City staff recommends the following requirements; the alcohol server obtain all required licenses and permits, Milton's Brewery and the alcohol server comply with all laws, rules, regulations, requirements and restrictions for service at the location, included but not limited to, fencing of the service area, carding of customers and providing appropriate security; Milton's Brewery shall name Carlsbad as an additional insured on the general liability insurance and liquor server insurance in an amount to be approved by the City Administrator.

0:38:47 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of Request from Milton's Brewery to serve alcohol (beer and wine) on City streets during the Carlsbad MainStreet Third Thursday events.

0:38:55 **VOTE**

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

0:39:10 **8. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MAINSTREET TO SERVE ALCOHOL (BEER, WINE AND ALCOHOL) ON CITY STREETS DURING CAVERNFEEST**

Mr. Patterson said this request is from Carlsbad MainStreet and Milton's Brewery to allow Milton's to serve alcohol (beer, wine) during CavernFest. He said MainStreet will host CavernFest on June 9 and June 10, 2023. He said Milton's will section off an Alcohol Garden outside of their building during the event, with security posted and roaming throughout the event. **Mr. Patterson** said the Alcohol Garden entrance will be open to all ages, however all entrants will have to show valid ID as proof of age to be served. He said all approved entrants will be given a bracelet to wear, which would be a requirement to buy alcohol within the Alcohol Garden. He said all designated drivers that enter the event area will be given a separate bracelet as identification. **Mr. Patterson** said no alcohol will be allowed to be taken out of the designated Alcohol Garden. **Mr. Patterson** said City staff recommends the following requirements; the alcohol server obtain all required licenses and permits, MainStreet and the alcohol servers comply with all laws, rules, regulations, requirements and restrictions for service at the location, included but not limited to, fencing of the service area, carding of customers and providing appropriate security; MainStreet and Milton's Brewery shall name Carlsbad as an additional insured on the general liability insurance and liquor server insurance in an amount to be approved by the City Administrator.

Councilor Walterscheid asked if these types of events have ever surfaced any problems. **Mr. Patterson** answered he does not know of any significant issues.

0:42:20 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Request from Carlsbad MainStreet to serve alcohol (beer, wine and alcohol) on City streets during CavernFest.

0:42:25 **VOTE**

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

0:42:39 **9. CONSIDER APPROVAL OF ORDINANCE 2023-08, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.76 ACRE PROPERTY LOCATED AT 206 EAST ROSE STREET OWNER: IRIS RAMOS**

0:43:03 **A. Public Hearing**

Mr. Patterson said the property lies at the point where Old Cavern heads south. He said this will not create a spot-zone. He said the applicant brought this request before the Planning and Zoning Commission at the April 3, 2023 meeting. He said the Commission recommends approval with a vote of three in favor of approval, none against and two absent.

0:43:55 **Mayor Janway** asked if there were any questions for **Mr. Patterson**. **Councilor Walterscheid** asked what the owner plans to do with the property. **Mr. Patterson** said the owner stated at the Commission meeting that he planned to have a shop on the property that he was going to keep materials in.

Councilor Chavez said some of the residents had concerns of possible drills going off. **Mr. Patterson** said there were some residents that came to the Commission meeting and expressed concerns about what commercial activity might take place there. He said one of the residents expressed concern about lighting. **Mr. Patterson** said those points were brought up and considered by the Commission.

Councilor Carter said in the past, we have done "C-1" instead of "C-2" since it is a little more restrictive. He said it would eliminate some of the neighbor's concerns.

Councilor Carter asked if it were a "C-1" instead, could the applicant still do what he is planning. **Mr. Patterson** said it's possible if the applicant plans to use it for storage only. He said it would be up to the applicant to say what they plan to do, but the applicant claims to have plans for storage.

0:46:24 **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.

0:46:46 **B. Approval of Ordinance**

0:46:49 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Forrest to approve of Ordinance 2023-08, an Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 0.76 acre property located at 206 East Rose Street Owner: Iris Ramos.

0:46:57 **VOTE**

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

0:47:19 **10. CONSIDER APPROVAL OF ORDINANCE 2023-09, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.964 ACRE PROPERTY LOCATED AT 2013 SAN JOSE BLVD OWNER: PRESBYTERIAN MEDICAL SERVICES**

0:47:49 **A. Public Hearing**

Mr. Patterson said the properties to the north and west are zoned "R-R" Rural Residential District and the properties to the south and east are zoned "C-2" Commercial 2 District. He said this would not create a spot-zone. He said the applicant brought the request before the Planning & Zoning Commission at the April 3, 2023 meeting. He said the Commission recommends approval with a vote of three in favor of approval, none against and two absent.

Councilor Forrest asked what the applicant's plans are. **Mr. Patterson** said they are currently planning and starting to build an addition to the facility.

0:49:21 **Mayor Janway asked if anyone would like to speak regarding the Ordinance.**

Pat Dyer, General Services Director of Presbyterian Medical Services, said their plans are to renovate their facility and expand. He said they want to place additional exam rooms, which will serve members of the community.

Councilor Walterscheid asked Mr. Dyer if they are going to bring in more doctors. **Mr. Dyer** said they are looking to hire more support staff for the positions they are expanding the facility for.

0:50:56 **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.**

0:51:09 **B. Approval of Ordinance**

0:51:10 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Niemeier to approve of Ordinance 2023-09, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 2.964 acre property located at 2013 San Jose Blvd Owner: Presbyterian Medical Services.

0:51:14 **VOTE**

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

0:51:30 **11. CONSIDER APPROVAL OF RESOLUTION 2023-22, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURE, WRECKAGE AND DEBRIS AT 2311 AND 2313 JACKSON STREET OWNER: JUDY KAY EINKAUF**

Mrs. Madrid-Boyea said this is a proposed Resolution regarding the removal of the ruined, damaged, or dilapidated building or structure, ruins, rubbish, wreckage, weed and debris at 2311 and 2313 Jackson Street. She said the Eddy County Assessor's Office lists Judy Kay Einkauf as an owning or having interest in the property. She said Code Enforcement has been to the property, a Notice of Violation was mailed to the owner by certified mail on February 28, 2023 and the letter is unclaimed. **Mrs. Madrid-Boyea** said a fire erupted on the property on January 5, 2023. She said the Fire Department was on scene shortly after the fire started. She said the property has been inspected by Code Enforcement, the Building Inspector and the Fire Chief, and they found the property remains out of compliance with applicable codes. **Mrs. Madrid-Boyea** said the Fire Chief found that the property is an extreme fire hazard for responding fire fighters and emergency personnel and he recommends the buildings be demolished, the property be cleaned and the weeds and debris be removed. She said a Resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structure, rubbish, wreckage, debris and weeds from the property within 30 days of service of the Resolution.

0:54:44 **Mayor Janway** asked if there were a representative of the property. **Judy Kay Einkauf** said she never received a letter in February 2023. She asked for a delay of the proposed Resolution. She said she boarded up the property as best she could, but it was set on fire again. She said it is on the market to sell and it was sold until the second fire that had erupted at the property. She said by putting a lien on this property, it will result in a hardship for her. She said she does not have the finances to pay for the City to clean the property. **Ms. Einkauf** said her family has offered to help her with the cleanup. She said it saddens her because this piece of property has been in her family for 90 years, but she does need more time in order to get it cleaned.

Mayor Janway asked Ms. Einkauf how much time she is asking for. **Ms. Einkauf** said at least 60 days.

Councilor Walterscheid asked if she means 60 days total to clean, or 60 days before they start to clean. **Ms. Einkauf** said it will be torn down within 60 days.

Councilor Forrest asked Mrs. Madrid-Boyea how long they have in the Resolution. **Mrs. Madrid-Boyea** said the proposed Resolution is asking for 30 days.

0:57:45 **MOTION**

The motion was made by Councilor Anaya-Flores with the stipulation of 60 days instead of 30 days and seconded by Councilor Walterscheid to approve of Resolution 2023-22, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structure, wreckage and debris at 2311 and 2313 Jackson Street Owner: Judy Kay Einkauf.

0:58:06 **VOTE**

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

0:58:39 **12. CONSIDER APPROVAL OF RESOLUTION 2023-23, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURES, WRECKAGE AND DEBRIS AT 806 IRVIN STREET OWNERS: LIBORIO MORALES AND BELIA MORALES**

Mrs. Madrid-Boyea said this is a proposed Resolution regarding the dilapidated structures, and a large amount of rubbish, debris and weeds at 806 Irvin Street. She said the Eddy County Assessor's Office lists Liborio Morales and Belia Morales as owning or having interest in the property. She said upon information and belief, the owners are deceased and a probate of their estate has not been filed. She said Code Enforcement has been to the property, and the structures were red-tagged numerous times by the Building Department starting in 2015. She said the red tags have been removed by unknown persons. **Mrs. Madrid-Boyea** said there was a fire at the property in 2017, and the police have been called to the property often. She said the electric and water utilities have been disconnected and the buildings continue to degrade and the property attracts transients. She said a Notice of Violation was mailed to the owners by certified mail on October 11, 2022. She said the property has been inspected by Code Enforcement, the Building Inspector and the Fire Chief, and they found the property remains out of compliance with applicable codes. **Mrs. Madrid-Boyea** said the Fire Chief found that the property is an extreme fire hazard for responding fire fighters and emergency personnel and he recommends the buildings be demolished, the property be cleaned and the debris be removed. She said a Resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structure, rubbish, wreckage, debris and weeds from the property within 30 days of service of the Resolution.

1:01:21 **Mayor Janway asked if there were any questions for Mrs. Madrid-Boyea.**

Councilor Carter asked if the RV in the back of the property is included with the dilapidated structures. **Mrs. Madrid-Boyea** said it has a title, so they would have to research before it gets hauled off to locate the owner.

Councilor Chavez asked Mrs. Madrid-Boyea if the vehicle in the front of the property has always been there. **Mrs. Madrid-Boyea** said she is unsure of the status of that. She said she has no information on the owner of the vehicle.

1:03:12 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to approve of Resolution 2023-23, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, wreckage and debris at 806 Irvin Street Owners: Liborio Morales and Belia Morales.

1:03:21 **VOTE**

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

1:03:45 **13. COUNCIL COMMITTEE REPORTS**

Councilor Chavez said he and Councilor Rodriguez recently visited Washington D.C. and met with the staff of Representative Vasquez, Senator Heinrich, and Senator Ben Ray Lujan. He said there was a lot of positive feedback on additional funding for the City of Carlsbad.

Councilor Rodriguez said they had meetings with DOT regarding the essential air service and there was great background information on the inner-workings.

1:05:27 **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

1:05:38 **14. ADJOURN**

1:05:40 **MOTION**

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

1:05:45 **VOTE**

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

1:05:57 **Adjourn**



Nadine Mireles
Nadine Mireles, City Clerk

Dale Janway
Dale Janway, Mayor