

**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 23, 2023 AT 6:00 P.M.**

Present:	Dale Janway Lisa A. Anaya Flores Edward T. Rodriguez Jason O. Chavez Mark C. Walterscheid Jeff Forrest Karla Niemeier Judith E. Waters	Mayor Councilor Councilor Councilor <i>via phone</i> Councilor Councilor Councilor Councilor
Absent:	Wesley A. Carter	Councilor
Also Present:	John Lowe K.C. Cass Ted Cordova Denise Madrid-Boyea Nadine Mireles Angie Barrios-Testa Mike Abell Wayne Hatfield Brent Griffith Melissa Salcido Ken Ahrens Trysha Ortiz Shane Skinner Patrick Cass Charlie Garcia Farley Vener Wesley Holman Trey Thompson Ken Dugan Wesley Boatwright Henry Castañeda Charlin Hernandez	City Administrator Deputy City Administrator Deputy City Administrator City Attorney City Clerk Director of Municipal Services Director of Utilities IT Director IT Technician Finance Director Fire Chief Deputy Planning Director Police Chief Public Works Director Police Officer Hinkle and Landers P.C. <i>via phone</i> Citizen Police Department Citizen Citizen Citizen 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

0:00:40 **1. APPROVAL OF AGENDA**

0:00:43 **MOTION**

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

0:00:47 **VOTE**

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

0:01:05 **2. CONSIDER APPROVAL OF RESOLUTION 2023-24, A RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROVAL OF THE INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2022**

Mrs. Salcido said every year the City of Carlsbad is required to complete a financial audit. She said the City's June 30th, 2022, financial statements, notes to the financial statements and independent auditor's reports were submitted timely to the state auditor. She introduced Farley Vener, who is the President and Managing Shareholder of Hinkle and Landers.

Farley Vener presented the 2022 audit; ten-year year trends, assets, liabilities, revenues and expenses.

0:09:18 **Mayor Janway asked if there were any questions for Mr. Vener. There were none.**

0:09:26 **Councilor Rodriguez** thanked Mr. Vener for all of the work he put towards the report. He said he would like to commend the City's Finance Department and everyone involved.

0:09:53 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve of Resolution 2023-24, a Resolution authorizing the acceptance and approval of the Independent Auditor's Report for the year ended June 30, 2022.

0:10:00 **VOTE**

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

0:10:16 **3. CONSIDER APPROVAL OF RESOLUTION 2023-25, A RESOLUTION ADOPTING THE 2023-24 FISCAL YEAR INTERIM BUDGET**

Mr. Lowe said this summary highlights the major funds and changes to the funds. He said we have recently seen some up-and-down trends with gross-receipt revenue along

with effects of the Destination Sourcing Legislation. He said this interim budget has been reviewed and approved by the budget committee. **Mr. Lowe** thanked Mrs. Salcido and the Finance Department for all of their assistance towards the 2023-2024 fiscal year interim budget. **Mr. Lowe** asked Mrs. Salcido to present the fiscal year 2024-24 interim budget to Council members.

Mrs. Salcido said the City of Carlsbad is budgeting \$133.5 million in revenues. She said this amount is \$20.2 million higher than the current fiscal year's forecasted revenues. She said the gross-receipt's tax has been budgeted at \$5.3 million per month, which is an increase of \$1.1 million per month from fiscal year 2023. **Mrs. Salcido** said the City gave an average of a 2.5% increase to all employees, adding fiscal year 2024 will have one less pay period than fiscal year 2023. She said operating costs did increase by 5% due to the inflation rates, however there is an overall decrease in operating. **Mrs. Salcido** thanked Chairman Rodriguez of the Budget Committee as well as Councilor Carter, Councilor Chavez and Councilor Forrest for their expertise and guidance in developing the fiscal year 2024 budget. She also thanked the directors and department heads for all of their hard work.

0:12:49 **Mayor Janway asked if there were any questions for Mrs. Salcido. There were none.**

0:12:57 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Rodriguez to approve of Resolution 2023-25, a Resolution adopting the 2023-24 Fiscal Year Interim Budget.

0:13:03 **VOTE**

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

0:13:36 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 9, 2023
- B. City Personnel Report
- C. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Hinkle and Landers PC for Annual Audit Services for the City of Carlsbad
 - 2) Consider Approval of Amendment to Agreement between the City of Carlsbad and Celtech Corporation for Ground Space Lease at the Cavern City Air Terminal
 - 3) Consider Approval of Renewal Agreement between the City of Carlsbad and Chandler Aviation, LLC for Ground and Terminal Space Leases at the Cavern City Air Terminal
- D. Monthly Reports
 - 1) Community Development Department April 2023

- 2) Municipal Court Department April 2023
- 3) Municipal Services Department April 2023
- 4) Transportation and Facilities Department April 2023

E. Board Appointments

- 1) Carlsbad North Mesa Senior Center Advisory Board Appoint Bob Rostro four-year term
- 2) Carlsbad Parks and Recreation Advisory Board Appoint George Rangel four-year term

0:13:38 **Mayor Janway asked Mr. Lowe to briefly discuss item C1, Consider Approval of Agreement between the City of Carlsbad and Hinkle and Landers PC for Annual Audit Services for the City of Carlsbad.**

Mr. Lowe said the City of Carlsbad annually contracts with Hinkle and Landers PC to perform the audit of the City's financial records. He said the City is allowed to use the same firm for up to eight years, and for the last seven the City has worked with Hinkle and Landers PC. **Mr. Lowe** said the City is seeking approval to continue working with Hinkle and Landers PC for the eighth and final year.

0:14:16 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Niemeier to approve Routine and Regular Business.

0:14:24 **VOTE**

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

0:14:43 **5. CONSIDER APPROVAL OF RESOLUTION 2023-26, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS AND DEBRIS FOR PROPERTY LOCATED AT 1021 N EDDY OWNER: MARY CARRICO C/O SHERRY DAY**

Mrs. Madrid-Boyea said this proposed Resolution requires the removal of the ruined, damaged, dilapidated buildings or structures, ruins, rubbish, wreckage and debris at 1021 N Eddy. She said the Eddy County Assessor's office lists Mary Carrico as owning or having an interest in the property, and they list her address as c/o Sherry Day on 1310 Beta Ave in Carlsbad, NM. She said on information and belief, the owner is deceased, but a probate of their estate has not been filed. **Mrs. Madrid-Boyea** said Code Enforcement has been to the property and the primary structure was red-tagged by the Building Department in 2017. She said the water utilities have been disconnected since 2013, the buildings continue to degrade and the property attracts transients. She said a notice of violation was mailed to the owner on July 24, 2017, March 24, 2020, December 12, 2020, April 12, 2023, April 26, 2023, and May 11, 2023. She said the property has been inspected by City Code Enforcement, the Building Inspector, and the Fire Chief. She said they found the property remains out of compliance with applicable

codes, the ruined dilapidated structures remain on the property, and the property is not 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 buildings be demolished, the property be cleaned and the debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for review which would require the owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds on the property within 30 days of service of the Resolution.

0:18:24 **Mayor Janway asked if there were any questions for Mrs. Madrid-Boyea.**

Councilor Walterscheid asked if the property is in probate, who would own it. **Mrs. Madrid-Boyea** said the property is not in probate and it is owned by Mary Carrico with a mailing address for Sherry Day. She said she checked earlier in the week with the District Court and the Probate Court and nothing has been filed on behalf of the owner.

0:20:36 **Mayor Janway asked if there were a representative of the property in the audience. No one appeared.**

0:20:45 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of Resolution 2023-26, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, weeds and debris for property located at 1021 N Eddy Owner: Mary Carrico c/o Sherry Day.

0:20:54 **VOTE**

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

0:21:09 **6. CONSIDER APPROVAL OF RESOLUTION 2023-27, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, RUBBISH, WRECKAGE, DEBRIS, NON-OPERABLE VEHICLES AND WEEDS FOR PROPERTY LOCATED AT 405 S TENTH STREET OWNER: WESLEY HOLMAN**

Mrs. Madrid-Boyea said there appears to be an occupied structure on the property and a large number of appliances, tools, tires, trash, debris, weeds and grass; as well as a large number of non-running vehicles on the property. She said the Eddy County Assessor's office lists Wesley Holman as owning or having an interest in the property. **Mrs. Madrid-Boyea** said Code Enforcement has been to the property, and a notice of violation was mailed to the owner on April 29, 2022. She said the property has been inspected by City Code Enforcement and the Fire Chief. She said they found the property remains out of compliance with applicable codes and appears to be similar to a junkyard. 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 property be cleaned, and the weeds, trash, and debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for review which would require the owner to

remove all ruins, rubbish, wreckage, debris and weeds from the property within 30 days of service of the Resolution.

Councilor Walterscheid asked if this Resolution is for the residence or just for the property. **Mrs. Madrid-Boyea** said this proposed Resolution does not address the house itself, just the outside.

Mayor Janway asked if there were a representative of the property in the audience. **Mr. Holman** said he has already begun cleaning the field next to the property and asked if he could get an extension to get the property cleaned. **Mayor Janway** asked **Mr. Holman** how much time is he asking for. **Mr. Holman** said 30 days.

Councilor Forrest said that is a reasonable request. **Councilor Forrest** said that he has a lot to clean up and he has no problem with granting the request. **Councilor Niemeier** asked **Mr. Holman** if he needs 60 days total. **Mr. Holman** said yes.

Councilor Rodriguez said should this request be granted, on day 61, what would happen if it is not completed. **Mrs. Madrid-Boyea** said at that point, Code Enforcement will notify her office and a task order would be prepared, which would give authority for the City Contractor to schedule the property for cleanup. **Mrs. Madrid-Boyea** said if the property is cleaned up to the satisfaction of Code Enforcement, the City may not have to take further action.

Mayor Janway asked **Mr. Holman** if he has any questions about the proposed Resolution.

Mr. Holman asked to specify what he needs to clean up. **Mrs. Madrid-Boyea** said he needs to clean the weeds, debris, trash, appliances, vehicles and any stacks of materials. **Mr. Holman** said he started cleaning the property last week. **Mrs. Madrid-Boyea** said Code Enforcement is able to assist him with any questions he has on what needs to be cleaned.

0:27:04 **MOTION**

The motion was made by Councilor Niemeier with the stipulation of 60 days instead of 30 days and seconded by Councilor Anaya-Flores to approve of Resolution 2023-27, a Resolution requiring the removal of the ruined, rubbish, wreckage, debris, non-operable vehicles and weeds for property located at 405 S Tenth Street Owner: Wesley Holman.

0:27:15 **VOTE**

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

0:27:35 **7. CONSIDER APPROVAL OF RESOLUTION 2023-28, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDINGS OR STRUCTURES, RUINS, RUBBISH, WRECKAGE AND DEBRIS FOR PROPERTY LOCATED AT 713 MONTERREY STREET OWNER: CONNIE RAMOZ**

Mrs. Madrid-Boyea said the Eddy County Assessor's office lists Connie Ramoz as owning or having an interest in the property. She said upon information and belief, the owner is deceased, but a probate of the estate has not been filed. **Mrs. Madrid-Boyea** said an unknown person was found living in an addition to the house, there is a colony of bees in the back of the property and inside the house. She said Code Enforcement has been to the property and the property has had complaints since 2020. She said the water utilities have been disconnected since 2013, the building continues to degrade and the property attracts transients. She said a notice of violation was mailed to the owner on February 8, 2023. She said the property has been inspected by City Code Enforcement, the Building Inspector and the Fire Chief. She said they found the property remains out of compliance with applicable codes, the ruined or dilapidated structures remain on the property, and the property is not 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 buildings be demolished, the property be cleaned and the debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for review which would require the owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds on the property within 30 days of service of the Resolution.

Mayor Janway asked if there were any questions for **Mrs. Madrid-Boyea**.

Councilor Forrest asked if there is any way we could get properties like this one cleaned up quicker. **Mrs. Madrid-Boyea** said the City is making an effort in placing a priority in cleaning up these properties. She said during Covid, it slowed the process down. She said the City is diligently working on trying to speed up the enforcement and compliance efforts. She said we have three Code Enforcement officers for the entire city, and they each have a section of the city that they are responsible for. **Councilor Forrest** thanked **Mrs. Madrid-Boyea**.

Councilor Rodriguez said this property has two houses conjoined by a hallway and asked if the proposed Resolution is for all three structures. **Mrs. Madrid-Boyea** said the building report indicates that when the Building Inspector looked at the property, the entire roof of all the structures is on the verge of collapse.

Councilor Walterscheid asked **Councilor Rodriguez** if the buildings all resemble each other. **Councilor Rodriguez** said he thinks they are all similar in size.

0:34:10 **Mayor Janway** asked if there were a representative of the property. No one appeared.

0:34:15 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve of Resolution 2023-28, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage and debris for property located at 713 Monterrey Street Owner: Connie Ramoz.

0:34:22 **VOTE**

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

0:34:36 **8. COUNCIL COMMITTEE REPORTS**

No reports.

0:34:46 **Mayor Janway asked if anyone in the audience would like to address the Council.**

Trey Thompson, the Union President for the Carlsbad Police Department (CPD), said the reason he is here is because the City is headed towards a public safety crisis. He said the Carlsbad Police Department is understaffed and overworked. He said his goal is to have an ideal police department with 90 certified officers. **Mr. Thompson** said they currently have 75 officers. He said CPD was down 17 officers in 2018 and they keep lowering which is a strain on the community. He said CPD was trying to recruit officers to come from other departments, and at that time CPD was in the top five highest paid, so they did attract people. He said it was a temporary fix because other cities raised their pay to match or within range of ours, and their benefits packages are much better. **Mr. Thompson** said they went to negotiation last year and they negotiated a 3% raise and a 2% reduce in PERA. He said the City of Carlsbad calls for service last year were 66,000, and the County took 29,000. He said they have lost eight officers to the County since November 2022. He said he wants to be somewhat competitive with the County. He said he does not want to be a training department for other facilities. He said he wants to continue giving good service to the community. He said his solution is to ask the City for 7% PERA, 10% cost and 100% insurance for certified officers. He said they took a survey of what officers would like in order to stay with the City, with an PERA being the number one answer. He said he has spoken to Mayor Janway, Mr. Lowe, Mr. Cordova and Chief Skinner and they have all been working towards a solution. He said one solution was to offer a \$4500 early retention bonus, but that would give money to people who would just leave. He said he is not here to make demands but to bring awareness that the Police Department is in crisis. **Mr. Thompson** said Chief Skinner proposed a budget that included more officers, but since then, Carlsbad Municipal Schools has asked for five more SRO's within the schools. He said the schools need more officers for good reason but they do not have enough officers. **Mr. Thompson** said our dispatch, NCIC, is asking for three more officers for our dispatch center. He said we do not have the numbers for that and if the City does not meet that standard, we will lose our NCIC privileges. He reiterates that

he did not come for money but to find a solution and come to an agreement to stop the bleeding with the Carlsbad Police Department. **Mr. Thompson** thanked Council Members for their time.

Ken Dugan introduced himself as a citizen and plaintiff's lawyer. He said if someone were to get injured in this town, because we have a safety crisis, who's responsibility would it be. He said we have police officers who are going to the County because they are getting paid more, we have schools that cannot be staffed with police officers, and it's a simple fix.

Wesley Boatwright introduced himself and said he has been a lifelong resident of Carlsbad. He said Carlsbad is tight-knit community and that is important. He said he encourages Council members to value the assets that we have. He said if the police officers are not valued, they will go elsewhere. **Mr. Boatwright** said the schools need more SRO's because the students need to feel safe at school. He said Council members are doing a great job in beautifying the community and there are a lot of things within the community that we should feel proud of. He said our Law Enforcement should be at the top of the list. **Mr. Boatwright** thanked the Council members.

Henry Castañeda said First Responders are very important and we need to give them more support. He said the City's Fire Department and Police Department respond to all calls, but the Police Department are first to respond. He said if something happens in our community, we expect our First Responders to show up. He said the City of Carlsbad has the money to support our local department. He said we are denying the best for the City. He thanked Council members for their time.

Charlin Hernandez, a local teacher, said she has been lucky to have police officers come to her classroom and do hands-on trainings and presentations. She said they have had an influence in her students who want to pursue careers in law enforcement or forensic science. **Ms. Hernandez** said the reality for safety in schools is real. She said she has been a teacher for ten years, and the last three she has noticed going to work is a safety hazard. She said she trusts the community and the police officers to be there to help. She thanked Council members for their time.

1:02:36 **Mayor Janway asked if anyone else would like to address the Council. No one appeared.**

1:02:44 **9. ADJOURN**

1:02:48 **MOTION**

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

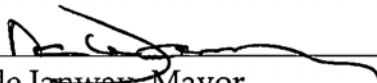
1:02:56 **VOTE**

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

1:03:09 Adjourn

There being no further business, the meeting was adjourned at 7:03 p.m.




Dale Jarway, Mayor


Nadine Mireles, City Clerk