

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 JUNE 13, 2023 AT 6:00 P.M.

Present: Dale Janway Mayor  
Lisa A. Anaya Flores Councilor  
Edward T. Rodriguez Councilor  
Jason O. Chavez Councilor *via phone*  
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  
Melissa Salcido Finance Director  
Ken Ahrens Fire Chief  
Jeff Patterson Planning Director  
Shane Skinner Police Chief  
Patrick Cass Public Works Director  
Allan Henriksen IT Technician  
Charlie Garcia Police Officer  
Therese Rodriguez Citizen  
Jim Waters Citizen  
Cindy Sharif Citizen  
Lane Martin Attorney  
Jeannie Watson Lakeview Christian  
Michelle Robertson Milton's Brewery

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

0:00:14 Invocation – Pledge of Allegiance

0:00:47 **1. APPROVAL OF AGENDA**

0:00:49 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Walterscheid to approve the Agenda.

0:00:55 **VOTE**

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

0:01:14 **2. CITY OF CARLSBAD FINANCIALS – APRIL 2023**

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

0:02:46 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on May 23, 2023
- B. City Personnel Report
- C. Purchasing
  - 1) Consider Approval to Advertise Invitation to Bid for HVAC Replacement at the Riverwalk Recreation Center
  - 2) Consider Approval to Advertise Request for Proposals for Cemetery Grounds Maintenance and Grave Opening/Closing and extension to current contract through July 31, 2023
- D. Contracts and Agreements
  - 1) Consider Approval of Agreement between the City of Carlsbad and Carlsbad Community Anti-Drug/Gang Coalition for the Provision of Teen Court Services for FY 2023-2024
  - 2) Consider Approval of Memorandum of Understanding between the City of Carlsbad and the Eddy County DWI Program for the Reimbursement of Funds for DWI Tracking
- E. Monthly Reports
  - 1) Human Resources Department May 2023
  - 2) Transportation and Facilities Department May 2023
  - 3) Utilities Department April 2023
- F. Board Appointments
  - 1) Carlsbad Arbor Day Tree Foundation Advisory Board reappoint: Julia Williams four-year term
  - 2) Bob Forrest Youth Sports Complex Advisory Board reappoint: Lance Ridgeway three-year term, reappoint: Leo Estrada three-year term, reappoint: Will Song Cho three-year term, reappoint: Matt Leroch three-year term
  - 3) Carlsbad Cemetery Advisory Board reappoint: Suzanne Carlsen two-year

term, reappoint: Jason Shirley two-year term

4) Carlsbad Community Volunteer Network reappoint: Jim Grantner four-year term, reappoint: Julia Williams four-year term, reappoint: Liz Gordy four-year term

5) Carlsbad Disabilities Advisory Board appoint: Mike Pfiefer four-year term, appoint: Machel Tackett four-year term, appoint: Rawnie McKibben four-year term

6) Carlsbad Golf Course Advisory Board reappoint: Dean Bair four-year term

7) Lodgers' Tax Advisory Board reappoint: Milan Patel four-year term, reappoint: Dr. Dara four-year term

8) Planning and Zoning Commission Advisory Board reappoint: Linda Wilson two-year term, reappoint: Valerie Branson two-year term

9) Carlsbad Public Library Board of Trustees Advisory Board appoint: Jennifer Oney four-year term, reappoint: Mark Howard four-year term

10) Riverwalk Recreation Complex Advisory Board reappoint: Richard Carrasco four-year term, reappoint: Dyllan Dominguez four-year term

11) North Mesa Senior Center Advisory Board reappoint: Jay Redman four-year term, reappoint: Juanita JoJola four-year term, reappoint: Beth Fredericks four-year term

12) Veterans Memorial Advisory Board appoint: Tom Lairson four-year term, reappoint: Dagmar Youngberg four-year term, reappoint: Charlie Daniell four-year term, reappoint Paul Hill four-year term

13) Board of Solid Waste Commissioners reappoint: Jim Grantner six-year term

G. Set the Date: July 25, 2023

1) Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 18.5 acre property located at 3210 Boyd Drive

**Mayor Janway asked Mr. Lowe to briefly discuss Agenda item C1, Consider Approval to Advertise Invitation to Bid for HVAC Replacement at the Riverwalk Recreation Center. Mr. Lowe said this is a request to solicit bids for a HVAC system replacement at the Riverwalk Rec Center. He said the City needs to upgrade to an HVAC system in order to replace the existing swamp coolers. He said this project will include the removal and replacement of the HVAC system, electrical upgrades, a new fire alarm and architectural work on the second floor.**

0:03:39        **MOTION**

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

0:03:51        **VOTE**

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

0:04:12      **4. CONSIDER APPROVAL OF REQUEST FOR A RESTAURANT "A" BEER AND WINE LIQUOR LICENSE FOR TAQUERIA JALISCO LOCATED AT 4103 NATIONAL PARKS HIGHWAY**

Mr. Lowe said a public hearing was held on June 2, 2023 and there were no oppositions to this proposed license.

0:04:42      Mayor Janway asked if there were any questions or comments for Mr. Lowe.

Councilor Rodriguez said he would recommend for everyone to eat at this restaurant.

0:04:55      **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve of Request for a Restaurant "A" Beer and Wine Liquor License for Taqueria Jalisco located at 4103 National Parks Highway.

0:05:10      **VOTE**

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

0:05:33      **5. CONSIDER APPROVAL OF NOTICE OF OBJECTION TO RESOLUTION 2023-26 FOR THE CONDEMNATION OF PREMISES LOCATED AT 1021 N EDDY STREET**

Mrs. Madrid-Boyea said on May 31, 2023, the City received a Notice of Objection to Resolution 2023-26 from Joanna Knox, the recently appointed personal representative of the estate of Mary Carrico, Lakeview Christian Home, and Z&P, LLC. She said the notice is seeking rescission of Resolution 2023-26 that had been approved by City Council at the regular meeting on May 23, 2023. She said the requesters seek a hearing to their objections and consideration of evidence supporting rescission. She said Section 3-18-5C of the NM Statutes Annotated provides that within 10 days of receipt of the Resolution, the owner, occupant, or agent in charge of the structure shall commence removing the structure, ruin, rubbish, wreckage, or debris; or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the municipality. Mrs. Madrid-Boyea said if a written objection is filed, the City Council is allowed to consider all evidence for and against the removal Resolution and determine if the Resolution should be enforced or rescinded.

0:07:10      Mayor Janway asked if there were any questions or comments for Mrs. Madrid-Boyea.

Councilor Rodriguez said at the time City Council members made the motion to adopt Resolution 2023-26, there was no clear line forward with ownership. He said seeing the parties involved, Lakeview Christian, Mr. Trone, and Mr. Downing, he does see a path forward with this. He said he knows and trusts these people and he believes they will

do the right thing. He said if Council votes to take the action as he recommends, and it is not done in a timely manner, he would suggest continuing with the condemnation.

0:08:04        **MOTION**

The motion was made by Councilor Rodriguez to rescind Resolution 2023-26.  
*Motion dies due to lack of a second.*

**Councilor Walterscheid** asked Councilor Rodriguez what is the time limit he is proposing. **Councilor Rodriguez** said he would like a minimum of 60 days to close on the property and start the process to move forward. **Councilor Walterscheid** asked if it does not happen in 60 days, then the condemnation would take place. **Councilor Rodriguez** said the problem at the time of Resolution 2023-26 being proposed, there was no owner of the property. He said should the new owners choose to not act in a timely manner, then City Council members would enforce its authority to reinstate the condemnation and proceed accordingly.

**Mayor Janway** asked **Mrs. Madrid-Boyea** if the proposed 60 days is adequate for legal matters. **Mrs. Madrid-Boyea** said the statute does not require a time frame if it is rescinded. She said in her opinion, City Council members are free to structure a motion in any way they desire. She said if there is a timeline and the timeline is not met, we would have to start the process all over again.

**Councilor Walterscheid** asked if we are going to hear from the Council of Lakeview Christian. **Mayor Janway** said the podium will be opened to the audience.

**Councilor Forrest** asked what does Lakeview Christian have involved with this property. **Mrs. Madrid-Boyea** said they have a representative present. She said she knows there is a relationship between Mrs. Carrico and Lakeview Christian.

**Lane Martin**, attorney, said he has been working with Lakeview Christian over the last couple of days to address the situation. He said this home belonged to Ms. Carrico, who is now deceased. He said as he understands, there was never a probate opened for Ms. Carrico. He said Lakeview opened a probate on its own as a creditor of Ms. Carrico because she was indebted to Lakeview. **Mr. Martin** said the CEO of Lakeview, Jody Knox, is now serving as the personal representative of the Carrico estate. He said now that the estate is opened, the home can be sold and transferred to the buyer. He said he had a conversation with one of the buyers and they are ready to close next week.

**Councilor Niemeier** asked if the Resolution stated the house needed to be demolished. **Mrs. Madrid-Boyea** answered yes, the Resolution was for the demolition of the structure and the total cleanup of the property. **Councilor Niemeier** asked if this was because there was a fire on the property. **Mrs. Madrid-Boyea** answered no, there was no fire, it was an abandoned property and there were structural issues with the foundation according to the Building Inspector. **Councilor Niemeier** asked if there is a

process the new owners would have to take to make sure the house is a livable structure. **Mrs. Madrid-Boyea** said to her understanding, if the property were to be rehabbed, a contractor would have to pull a permit and satisfy the Building Department that an engineer finds it structurally sound enough to be able to rebuild it.

**Mr. Martin** said the buyer is a GB-98 contractor and he thinks this property will be well taken care of. He said if it is not able to be, he imagines it will be torn down.

0:16:35        **Mayor Janway asked Councilor Rodriguez to restate his motion.**

0:16:37        **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to rescind Resolution 2023-26 with a 60-day timeframe.

0:17:02        **VOTE**

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

0:17:38        **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW MOBILE SALES (VENDING) OF FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY AT THE CARLSBAD BEACH PARK AND THE RAY ANAYA SAN JOSE PLAZA BY BRUNCH ME PLEASE OWNER: ANDREA ARMSTRONG**

**Jeff Patterson** said this is a request to have mobile sales, vending of food and drinks (non-alcoholic) on City property at the Beach Park and the Ray Anaya San Jose Plaza. He said the Planning Department recommends approval of this request with the following conditions; the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music, or other disruptive noise. He said the applicant should provide hours and days of operation to the Planning Department. **Mr. Patterson** said this request will grant permission the applicant to vend food and drinks (non-alcoholic) on City owned property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza beginning Wednesday, June 14, 2023, to Sunday, December 31, 2023.

0:19:37        **Mayor Janway asked if anyone in the audience would like to address the Council. No one appeared.**

**Councilor Walterscheid** asked if the applicants are required to pick up their trash and if they have their own area for trash and grey water. **Mr. Patterson** said the applicants are required to dispose of solid waste in available receptacles. He said there is no provision in the Ordinance that require them to dump their waste in a certain area. He said as far as the grey water that is created, that is something that the Department of Health regulates. He said we do have some places where they can go and dump their grey water.

**Councilor Rodriguez** said he noticed that the vendors in the Beach Park area vend to the street side of their trailers and not the sidewalk side. He said is concerned of the safety hazard and would like for the vendors to vend from the sidewalk side. **Mayor Janway** said this is a good suggestion and it should be a requirement. **Mr. Patterson** asked Councilor Rodriguez if he would like for him to reach out to all approved vendors and recommend that. **Councilor Rodriguez** answered yes.

0:22:24        **MOTION**

The motion was made by Councilor Rodriguez with a caveat that they serve to the sidewalk side, and not the street, and seconded by Councilor Waters to approve of Temporary Use Application to allow mobile sales (vending) of food and drinks (non-alcoholic) on City property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza by Brunch Me Please Owner: Andrea Armstrong.

0:22:31        **VOTE**

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

0:22:48        **7.        CONSIDER APPROVAL TO TEMPORARY USE APPLICATION TO ALLOW MOBILE SALES (VENDING) OF SNOW CONES AND RELATED FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY AT THE CARLSBAD BEACH PARK OWNER: JOSEPH GRIEGO**

**Mr. Patterson** said this is a request to allow mobile sales, vending of snow cones, and related food and drinks (non-alcoholic) on City property at the Carlsbad Beach Park. He said the applicant owns a snow cone trailer, and he is asking to set up for business from Sunday through Saturday, 10:00 am - 8:00 pm. **Mr. Patterson** said the applicant did not request a specific spot at the Beach Park area.

**Councilor Niemeier** said food trucks are a great incubator for a new business. She said the Beach Park parking lot is crowded, and there are already two other snow cone vendors. She asked at what point do we stop filling the parking lot with vendors. **Mr. Patterson** said if it is the will of the Council to either limit or cut-off the approval of these requests, the Planning Department will follow that directive. **Mayor Janway** said at this time, there is no limit. **Mr. Patterson** said anyone that puts in a request, it will be brought before the Council for approval.

**Councilor Walterscheid** asked Mr. Patterson how many snow cone vendors can we put at the Beach park area. **Mr. Patterson** said for now, we have three. He said it is a good place for them to locate and they get a lot of business.

0:25:49        **MOTION**

The motion was made by Councilor Rodriguez with a caveat that they serve to the sidewalk side, and not the street, and seconded by Councilor Forrest to approve of Temporary Use Application to allow mobile sales (vending) of snow cones and related

food and drinks (non-alcoholic) on City property at the Carlsbad Beach Park Owner: Joseph Griego.

0:26:00        **VOTE**

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

0:26:15        **8.        CONSIDER APPROVAL OF REQUEST FROM MILTON'S BREWERY TO HOST A TEMPORARY FOOD TRUCK AND FOOD SALES IN THE DOWNTOWN AREA ALONG MERMOD STREET WITH THE PUBLIC STREET ROW OWNER: LUCAS MIDDLETON**

**Mr. Patterson** said this is a request by Milton's Brewery to host a temporary food truck for food sales in the downtown area along Mermod Street. He said they would like to locate a space to the north of Mermod Street. He said their plan is to work with multiple local food trucks to have a food truck outside of Milton's Brewery on most business days. He said they requested to have a food truck on site Tuesday through Friday from 4:00 pm to 10:00 pm, Saturdays from 2:00 pm to 10:00 pm, and Sundays from 2:00 pm to 8:00 pm. He said Milton's Brewery will be responsible to ensure that all truck owners have all required licensing and permitting through the City and the State. **Mr. Patterson** said the Planning Department recommends approval of this request with the following conditions; the applicant shall not disturb the peace with loud speaker, megaphone, bell, music, or other disruptive noise. He said approval of this request grants permission to the applicant to host food trucks within the public ROW along West Mermod Street, the food trucks will be set up within the public street ROW one truck at a time, the trucks will set Tuesday through Sunday during the times indicated and the applicant will need to provide a surety bond to the City.

0:27:51        **Mayor Janway asked if there were any questions or comments for Mr. Patterson.**

**Councilor Waters** asked if there is any alcohol involved. **Mr. Patterson** answered no, the food trucks will not be serving alcohol.

**Councilor Forrest** asked if it is one constant food truck or a rotation between multiple. **Mr. Patterson** said he thinks they will work with multiple food truck owners because it will be hard to keep one specific truck there all hours they are open.

**Mayor Janway** asked if a time limit was mentioned. **Mr. Patterson** said yes, Tuesday through Friday, 4:00 pm to 10:00 pm, Saturday, 2:00 pm to 10:00 pm, and Sunday, 2:00 pm to 8:00 pm. **Mayor Janway** asked how long is this request for. **Mr. Patterson** answered for the remainder of the calendar year.

0:28:54        **Mayor Janway asked if anyone in the audience would like to address the Council.**



**Michelle Robertson** came forward on behalf Milton's Brewery. She said she would prefer to have a food truck there every day they are open, but the food truck owners do not like to leave the spots they are set in, so it becomes difficult. She said she requested it to be blanket, just in case they have an event coming up and they can get someone in a short amount of time.

0:29:55        **MOTION**

The motion was made by Councilor Rodriguez with a caveat that they serve to the sidewalk side, and not the street, and seconded by Councilor Niemeier to approve of Request from Milton's Brewery to host a temporary food truck and food sales in the downtown area along Mermod Street with the public street ROW Owner: Lucas Middleton.

0:30:04        **VOTE**

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

0:30:20        **9. CONSIDER APPROVAL OF ORDINANCE 2023-10, AN 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 W FOX STREET OWNER: RHONDA HARPER**

0:30:43        **A. Public Hearing**

**Mr. Patterson** said this is a request to change the zoning of the subject property, 609 West Fox Street, from "R-2" Residential 2 District to "C-1" Commercial 1 District. He said the properties to the north are zoned "C-2" Commercial 2 District and the properties zoned to the south, west, and east are zoned "R-2" Residential 2 District, so therefore this zone change will create a spot-zone. He said although, he would note that there is Commercial Zoned property and activity in the area. He said the applicant brought their application before the Planning and Zoning Commission at the May 1, 2023 meeting. He said the Commission considered the item and recommended approval with a vote of five in favor of approval, none against, and none absent.

0:31:41        **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.

0:32:04        **B. Approval of Ordinance**

0:32:05        **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Walterscheid to approve of Ordinance 2023-10, an 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 W Fox Street Owner: Rhonda Harper.

0:32:10        **VOTE**

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

0:32:27        **10. CONSIDER APPROVAL OF ORDINANCE 2023-11, AN 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 OWNER: RAYMOND PACHECO**

0:32:50        **A. Public Hearing**

**Mr. Patterson** said this request is to change the zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for the subject property at 2003 Standpipe Road. He said the properties to the north are outside the City limit, the properties to the south, east, and west are all zoned "R-R" Rural Residential District. **Mr. Patterson** said this change in zoning will create a spot zone. He said the applicant brought their request before the Planning and Zoning Commission at the May 1, 2023 meeting. He said the Commission considered this item and voted to recommend denial with the vote of 5 in favor of denial, none against, and none absent.

0:33:46        **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.**

0:34:10        **B. Approval of Ordinance**

0:34:11        **MOTION**

The motion was made by Councilor Carter to approve of Ordinance 2023-11, an 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 Owner: Raymond Pacheco.

**Councilor Forrest** asked if he is motioning to approve the Ordinance, or deny the Ordinance. **Councilor Carter** said deny.

0:34:38        **Mayor Janway asked Councilor Carter if he could remake his motion.**

0:34:41        **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Forrest to deny Ordinance 2023-11, an 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 Owner: Raymond Pacheco.

0:34:49       **VOTE**

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

0:35:10       **11. CONSIDER APPROVAL OF ORDINANCE 2023-12, AN 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 W TEXAS STREET OWNER: WILLIAM MCHENRY**

0:35:38       **A. Public Hearing**

**Mr. Patterson** said this request is to change the zoning from "C-2" Commercial 2 District to "R-1" Residential 1 District for the subject property 2021 West Texas Street. He said this property has two types of zoning applied, "C-2" along West Texas Street and the rest of the property is zoned "R-1" Residential. He said the property owner would like to make all of the property "R-1" Residential. **Mr. Patterson** said the properties to the north and east are zoned "C-2" Commercial and the properties to the south and west are zoned "R-1" Residential 1 and "C-2" Commercial, so this would not create a spot zone. He said this request was taken before the Planning and Zoning Commission at the May 1, 2023 meeting. He said the Commission considered the item and voted to recommend approval of this request with a vote of 5 in favor of approval, none against, and none absent.

0:36:37       **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.**

0:36:52       **B. Approval of Ordinance**

0:36:55       **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of Ordinance 2023-12, an 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 W Texas Street Owner: William McHenry.

0:37:02       **VOTE**

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

0:37:21      **12. CONSIDER APPROVAL OF RESOLUTION 2023-29, A RESOLUTION REQUIRING THE REMOVAL OF RUINS, RUBBISH, WRECKAGE AND DEBRIS FOR PROPERTY LOCATED AT 1107 AND 1109 N SPRING STREET OWNER: MONICA ERNYEY**

**Mrs. Madrid-Boyea** said this property commonly known as 1107 and 1109 North Spring Street is in a residential neighborhood near the intersection of Pierce and Mesa Streets. She said there appears to be an occupied structure on the property with a large amount of junk, debris, furniture, boxes and grass cuttings on the property. She said the Eddy County Assessor's office lists Monica Ernyey as owning or having an interest in the property. She said Code Enforcement has been to the property, a Notice of Violation was mailed by certified mail to the owner on March 24 and April 11, 2023.

**Mrs. Madrid-Boyea** said the property has been inspected by the City Code Enforcement and the Fire Chief and they found the property remains out of compliance with applicable codes and appears similar to a junkyard. She said the Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned, and the weeds, trash, and debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for consideration, which would require the property owner to remove all ruins, rubbish, wreckage, debris and weeds from the property within 30 days of service of the Resolution.

0:39:35      **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve of Resolution 2023-29, a Resolution requiring the removal of ruins, rubbish, wreckage and debris for property located at 1107 and 1109 N Spring Street Owner: Monica Ernyey.

0:39:42      **VOTE**

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

0:39:59      **13. COUNCIL COMMITTEE REPORTS**

**Councilor Forrest** said he is on the MainStreet board and wanted to mention CavernFest. He said Kat Davis, Jason Shirley, and so many other people on the board worked hard for the event's success and he believes it turned out well.

0:40:22      **Mayor Janway** said he believes Karla Niemeier and Jason Shirley organized CavernFest a few years ago. **Councilor Niemeier** said this event was the best one yet.

0:40:49      **Mayor Janway** asked if anyone in the audience would like to address the Council. No one appeared.

0:41:02      **14. ADJOURN**

0:41:02      **MOTION**

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

0:41:09      **VOTE**

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

There being no further business, the meeting was adjourned at 6:41 p.m.



*Nadine Mireles*

Nadine Mireles, City Clerk

*Dale Janway*  
\_\_\_\_\_  
Dale Janway, Mayor