

**LINKED MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK
MUNICIPAL COMPLEX BUILDING ON SEPTEMBER 19, 2023 AT 4:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor <i>via phone</i>
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor <i>via phone</i>
	Karla Niemeier	Councilor
Absent:	Judith E. Waters	Councilor
Also Present:	John Lowe	City Administrator
	K.C. Cass	Deputy City Administrator
	Ted Cordova	Deputy City Administrator
	Wendy Austin	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Jalynn Dominguez	Compliance 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
	John Majerus	Assistant Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Rich Olson	Hinkle Shanor LLP

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

0:00:36 **1. APPROVAL OF AGENDA**

0:00:38 **MOTION**

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

0:00:42 **VOTE**

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

0:01:05 **2. ROUTINE AND REGULAR BUSINESS**

A. Consider Approval to Rescind RFP 2023-09 for Cemetery Grounds Maintenance and Grave Opening/Closing and Resolicit Revised RFP

0:01:20 **Mayor Janway asked Mrs. Madrid-Boyea to briefly discuss Agenda item 2A, Consider Approval to Rescind RFP 2023-09 for Cemetery Grounds Maintenance and Grave Opening/Closing and Resolicit Revised RFP.**

Mrs. Madrid-Boyea said the City of Carlsbad solicited proposals for the cemetery grounds maintenance and grave opening and closing services contract. She said the City of Carlsbad received two proposals, one from Garden Mart Inc. and one from Orlanda Garza dba Guadalupe Pest Control. She said the proposals were evaluated and scored by a six-person committee based on a 100-point scale and the contract was awarded to Orlando Garza at the August 8, 2023 regular Council meeting. She said the City of Carlsbad received a protest from Garden Mart Inc. which requested an award to the remaining bidder or to resubmit the RFP. **Mrs. Madrid-Boyea** said after reviewing the scope of work required in the RFP, the City of Carlsbad finds that it is in the best interest of the City to rescind both offers received and solicit proposals for a revised RFP.

Councilor Niemeier asked if there is something valid within the protest that we need to be concerned about.

Mrs. Madrid-Boyea introduced Rich Olson and said Mr. Olson is part of the Council that has been retained to assist the City of Carlsbad on this matter. She said to direct questions to Mr. Olson.

Mr. Olson said the basis of the protest had to do with an issue with one component of the RFP. He said irrigation maintenance and repair at the cemetery requires a license under the Construction Industries Division called a MS6 license. He said this component of the RFP does require this license and the determination was made that the offers need to be rescinded, the award needs to be revoked, and the RFP needs to be revised and resubmitted. **Mr. Olson** said Mr. Garza does not have an irrigation license. **Councilor Niemeier** asked if this is part of the RFP. **Mr. Olson** said it was part of the RFP.

Councilor Forrest asked if Garden Mart possesses the MS6 license. **Mrs. Madrid-Boyea** said she cannot answer on behalf of Garden Mart. **Mr. Olson** said to his understanding, Garden Mart has made the representation that they have a MS6 license.

Councilor Forrest asked if the RFP is going to be presented to the same committee to reconsider both companies for the award of the contract. **Mayor Janway** said he recommends it be presented to six different individuals throughout the community.

0:06:10 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve to Rescind RFP 2023-09 for Cemetery Grounds Maintenance and Grave Opening/Closing and Resolicit Revised RFP.

0:06:40 **VOTE**

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

0:07:11 **3. CONSIDER APPROVAL OF RESOLUTION 2023-58, A RESOLUTION AUTHORIZING SUBMISSION OF A NEW MEXICO 2023 COMMUNITY DEVELOPMENT BLOCK GRANT TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION AND APPROVAL OF PROJECT SELECTION**

Mrs. Barrios-Testa said she is pleased to report that we are eligible to reapply for this grant. She said the City held public meetings in preparation of this application and City staff recommends the Alejandro Ruiz Senior Center for possible Community Development Block Grant (CDBG) funding. She said we are currently finishing Phase 2 and we are expecting additional funds for this project. **Mrs. Barrios-Testa** said with the anticipated CDBG and the Aging and Long-Term Services funding that we are getting prepared to secure, it will bring Phase 3 to a total of \$2.3 million to complete the project and it will be used towards the renovation of additional rooms like ADA restrooms and multi-purpose rooms. **Mrs. Barrios-Testa** said she is also looking at fire sprinklers and alarm systems, as well as a PA system.

0:09:18 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Niemeier to approve of Resolution 2023-58, a Resolution authorizing submission of a New Mexico 2023 Community Development Block Grant to the New Mexico Department of Finance and Administration and approval of Project Selection.

0:09:23 **VOTE**

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

0:09:38 **4. ADJOURN**

0:09:42 **MOTION**

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

0:09:53 **VOTE**

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

0:10:08 **Adjourn**

There being no further business, the meeting was adjourned at 4:10 p.m.





Dale Janway, Mayor



Nadine Mireles, City Clerk