

**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 OCTOBER 10, 2023 AT 6:00 P.M.**

Present:	Dale Janway Edward T. Rodriguez Jason O. Chavez Wesley A. Carter Mark C. Walterscheid Jeff Forrest Karla Niemeier Judith E. Waters	Mayor Councilor Councilor Councilor Councilor Councilor Councilor Councilor <i>arrived at 6:18 p.m.</i>
Absent:	Lisa A. Anaya Flores	Councilor
Also Present:	K.C. Cass Ted Cordova Wendy Austin Denise Madrid-Boyea Nadine Mireles Angie Barrios-Testa Mike Abell Wayne Hatfield Allan Henriksen Melissa Salcido Ken Ahrens Jeff Patterson Shane Skinner Patrick Cass Joshua Moore Orlando Garza Therese Rodriguez John Heaton Julia Heaton	Deputy 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 Planning Director Police Chief Public Works Director Transit Director 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**

0:00:06 Invocation - Pledge of Allegiance

0:00:42 **1. APPROVAL OF AGENDA**

0:00:43 **Motion**

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

0:00:48 **Vote**

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

0:01:07 **2. CONSIDER APPROVAL OF RESOLUTION 2023-63, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2023-2024 FISCAL YEAR BUDGET**

Ms. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2024 Fiscal Year Budget highlighting the GRT Capital Outlay Fund, the Water and Sewer Fund, the General Fund, the Health Insurance Fund, the Lodgers' Tax Promotional Fund, the Lodgers' Tax Non-Promotional Fund, the Capital Projects Fund, the Airport Improvement Fund, and Law Enforcement Funds.

Councilor Walterscheid asked when the Old Cavern Highway project will begin. Mr. Cass said there is not a definite start date but it has been bid and awarded.

0:05:46 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve of Resolution 2023-63, a Resolution making certain budgetary adjustments to the 2023-2024 Fiscal Year budget.

0:05:51 **Vote**

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

0:06:07 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Special City Council Meeting held on September 19, 2023
- B. Minutes of the Regular City Council Meeting held on September 26, 2023
- C. City Personnel Report
- D. Purchasing
 - 1) Consider Approval to Award RFP 2023-12 for Cemetery Grounds Maintenance and Grave Opening/Closing for Carlsbad Cemeteries to Orlando Garza dba Guadalupe Pest Control
- E. Contracts and Agreements
 - 1) Consider Approval of Lease Agreement between the City of Carlsbad and Advance Air, LLC for a portion of Cavern City Air Terminal
 - 2) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere for Mowing Equipment for Lake Carlsbad Golf Course

3) Consider Approval of Memorandum of Agreement between the City of Carlsbad and New Mexico Department of Transportation for Carlsbad Municipal Transit

F. Monthly Reports

1) Human Resources Department September 2023

2) Utilities Department August 2023

G. Set the Date: November 14, 2023

1) Ordinance rezoning part of "C-2" Commercial 2 District to "I" Industrial District for an approximately 80.00 acre property located at 3627 Boyd Drive

2) Ordinance rezoning part of "C-1" Commercial 1 District to "C-2" Commercial 2 District for an approximately 0.85 acre property located at 319 Kircher Street

0:06:28 Mayor Janway asked Mr. Cass to briefly discuss D1, Consider Approval to Award RFP 2023-12 for Cemetery Grounds Maintenance and Grave Opening/Closing for Carlsbad Cemeteries to Orlando Garza dba Guadalupe Pest Control. Mr. Cass said at the August 8, 2023 Council meeting, City staff approached City Council members to put out an RFP for the Cemetery Grounds Maintenance contract. He said there was one bid received and we are seeking approval to negotiate this contract.

0:07:07 Mayor Janway asked Mr. Cass to briefly discuss E1, Consider Approval of Lease Agreement between the City of Carlsbad and Advance Air, LLC for a portion of Cavern City Air Terminal. Mr. Cass said Advance Air, LLC is the new provider for City air services. He said this award is similar to any critical air service provider we have had.

Councilor Walterscheid asked about the flight to Dallas. Mayor Janway said we have met several times with Advance Air, LLC about this topic. He said Advance Air is unable to do it at this time but will look into a flight to Dallas in the future.

Councilor Forrest asked when Advance Air, LLC will start flights to Albuquerque and Phoenix. Mr. Cass said he believes the date is November 7, 2023.

0:08:41 Motion

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

0:08:46 Vote

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

0:09:06 **4. CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN APPLICANT: COURTESY SPORTING AND PAWN**

Mr. Patterson said Courtesy Sporting and Pawn is located at 1095 N. Canal Street and is requesting renewal of this annual business license. He said they have provided the bonding required by Section 28-136. He said the Planning staff received a background check from the Police Department in September and the background check recommended that Courtesy Sporting and Pawn and its owner be allowed to continue business within Carlsbad.

Councilor Walterscheid asked why do they need to renew yearly. **Mr. Patterson** said it is a requirement at the State level and in the City Ordinance to get this special license renewed by Council in order to operate the pawn business. He said the pawn business is the primary driver in this business license.

Councilor Chavez asked if this is for every year or every two years. **Mr. Patterson** said it is for every year.

0:10:43 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve of Renewal of Business License for Courtesy Sporting and Pawn Applicant: Courtesy Sporting and Pawn.

0:10:52 **Vote**

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

0:11:11 **5. CONSIDER APPROVAL OF ACCEPTANCE OF A BUREAU OF JUSTICE FY2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE CARLSBAD POLICE DEPARTMENT**

Chief Skinner said the Edward Byrne Grant is something we have received in the past. He said with this grant, we have to go in with surrounding agencies in Eddy County and we have obtained the proper MOU's to move forward with this. He said we did the public notification period and there were no public comments received. He said the Grant Agreement amount is \$14,734. **Chief Skinner** said this grant will assist in enhancing body worn equipment. He said he would like to thank Mrs. Barrios-Testa and the Finance Department for their help.

0:12:44 **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Forrest to approve of the acceptance of a Bureau of Justice FY2023 Edward Byrne Memorial Justice Assistance Grant Award from the U.S. Department of Justice for the Carlsbad Police Department.

0:12:50 **Vote**

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

0:13:03 **6. CONSIDER APPROVAL OF ACCEPTANCE OF GRANT AGREEMENT WITH NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION FOR A LAW ENFORCEMENT GRANT FOR CARLSBAD POLICE DEPARTMENT FOR RECRUITMENT AND RETENTION**

Chief Skinner said this is a DFA grant we are asking to apply for. He said this grant will allow us to continue to hire Law Enforcement Personnel and can also be applied to other positions that would be support or aid the positions. He said this grant can only be used for salaries and benefits and is more of a recruitment grant rather than a retention grant. He said this grant award amount is for \$1,050,000 and will be in use for the next three years.

0:15:10 **Motion**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of the acceptance of Grant Agreement with New Mexico Department of Finance and Administration for a Law Enforcement Grant for Carlsbad Police Department for Recruitment and Retention.

0:15:16 **Vote**

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

0:15:28 **7. CONSIDER APPROVAL OF ACCEPTANCE OF A NM DEPARTMENT OF TRANSPORTATION AVIATION DIVISION GRANT FOR AIRFIELD MARKING AT THE CAVERN CITY AIR TERMINAL**

Mr. Cass said this grant is to fix some deficiencies in striping at the airport. He said the FAA has offered a \$150,000 grant with a \$15,000 match from the City of Carlsbad.

0:16:07 **Motion**

The motion was made by Councilor Chavez and seconded by Councilor Walterscheid to approve of the acceptance of a NM Department of Transportation Aviation Division Grant for Airfield Marking at the Cavern City Air Terminal.

0:16:13 **Vote**

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

0:16:28 **8. CONSIDER APPROVAL OF ORDINANCE 2023-19, AN
ORDINANCE CREATING THE HALAGUENO ARTS PARK ADVISORY BOARD;
PROVIDING THE MEMBERSHIP OF SAID BOARD AND DEFINING ITS DUTIES
AND RESPONSIBILITIES, DEFINING THE ROLES OF THE CITY DEPARTMENTS
AND PERSONNEL WHO WILL RETAIN THE RESPONSIBILITY OF OPERATING
AND MAINTAINING THE HALAGUENO ARTS PARK, AND REPEALING
OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE**

0:16:59 **A. Public Hearing**

Mrs. Barrios-Testa said if approved tonight, the new board will be comprised of seven members who have been working as an ad-hoc committee for the last few years. She said this group of active stakeholders has been instrumental with their ideas and input for the development of the Halagueno Arts Park. She said this group has worked closely with the City to advocate and fundraise to continue to enhance the experience for those who come to enjoy the facility. **Mrs. Barrios-Testa** said if approved, the City will recognize this group of stakeholders who are willing and able to continue their work as an advisory board and will be advantageous to ensure that the Halagueno Arts Park maintains its beauty and integrity for many years to come.

Councilor Walterscheid asked who is on the board. **Julia Heaton** said along with herself, the other voting members are Judy Murray, Linda Pruit, Cindy Elkins, Wren Stroud, Dianne Joop and Carla Dunagun.

0:20:48 **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.

0:21:05 **B. Approval of Ordinance**

0:21:06 **Motion**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of Ordinance 2023-19, an Ordinance creating the Halagueno Arts Park Advisory Board; providing the membership of said board and defining its duties and responsibilities, defining the roles of the city departments and personnel who will retain the responsibility of operating and maintaining the Halagueno Arts Park, and repealing other Ordinances in conflict with this Ordinance.

0:21:13 **Vote**

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

0:24:08 **9. COUNCIL COMMITTEE REPORTS**

No reports.

0:24:25 **10. ADJOURN**

0:24:27 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to adjourn.

0:24:37 **Vote**

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


0:24:50 **Adjourn**

There being no further business, the meeting was adjourned at 6:24 p.m.





Dale Janway, Mayor



Nadine Mireles, City Clerk