

**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 24, 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
	Wendy Austin	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
	Allan Henriksen	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Joshua Moore	Transit Director
	Jim Waters	Citizen
	Therese Rodriguez	Citizen
	Anthony Foreman	Citizen
	Jesus Juarez	Citizen
	Juanita Whgyles	Citizen
	Bradley Bishop	Citizen
	Chester Miller	Citizen
	Elvira VanPatten	Citizen
	Jose Hernandez	Citizen
	George Dunagan	Citizen
	Luz Tatum	Citizen

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:04 Invocation – Pledge of Allegiance

0:00:38 **1. APPROVAL OF AGENDA**

0:00:40 **MOTION**

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

0:00:45 **VOTE**

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

0:00:58 **2. CONSIDER APPROVAL OF CANCELLATION OF CITY COUNCIL MEETINGS FOR NOVEMBER 28, 2023 AND DECEMBER 26, 2023**

Mr. Lowe said this is a request to cancel the Council meetings surrounding the holidays. He said historically these meetings have been cancelled each year.

0:01:26 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of the cancellation of City Council Meetings for November 28, 2023 and December 26, 2023.

0:01:32 **VOTE**

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

0:01:45 **3. CITY OF CARLSBAD FINANCIALS - SEPTEMBER 2023**

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

0:03:15 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on October 10, 2023
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Request for Proposals for Professional Pyrotechnic Firm for Annual Fourth of July Fireworks show at Lake Carlsbad
 - 2) Consider Approval to Award Bid 2023-11 for Old Cavern Area Waterline Replacement project to J & H Services
- D. Contracts and Agreements

- 1) Consider Approval of extension to the Agreement between the City of Carlsbad and Becky Thompson for Concession Services at the Bob Forrest Sports Complex
 - 2) Consider Approval of Memorandum of Understanding between the City of Carlsbad and Eddy County regarding the RAVE Emergency Notification System
- E. Monthly Reports
- 1) Community Development Department September 2023
 - 2) Municipal Court Department September 2023
 - 3) Municipal Services Department September 2023
 - 4) Transportation and Facilities Department September 2023
 - 5) Utilities Department September 2023
- F. Set the Date: November 14, 2023
- 1) Ordinance establishing a Historic Preservation Advisory Board, providing the membership of said board and defining its duties and responsibilities and repealing other Ordinances in conflict with this Ordinance

0:03:33 **Mayor Janway asked Mr. Lowe to briefly discuss Agenda item C2, Consider Approval to Award Bid 2023-11 for Old Cavern Area Waterline Replacement project to J & H Services.**

Mr. Lowe said this project includes the installation of 7,913 linear ft. of 12-inch waterline from the intersection of Farris and National Parks Highway to Old Cavern Highway and Chapman Road. He said this project also includes 10,300 linear ft. of 21-inch sewer pipe and 27 manholes. **Mr. Lowe** said the City of Carlsbad received two bids and recommends awarding the bid to J & H Services in the amount of \$4.6 million.

Councilor Walterscheid asked when the project would begin. **Mr. Lowe** said with the approval of Council, pre-construction meetings with J & H Services will begin and once everything is finalized, J & H Services will get a notice to proceed.

0:04:45 **MOTION**

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

0:04:55 **VOTE**

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

0:05:14 **5. CONSIDER APPROVAL OF REQUEST FROM STEVENS INN FOR A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO 0914 LOCATED AT 1829 S CANAL APPLICANT: ROBERT FORREST JR.**

Mr. Lowe said the applicant is transferring ownership. He said a public hearing was held on October 18, 2023 with no oppositions.

0:05:54 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Chavez to approve of request from Stevens Inn for a Transfer of Ownership of Dispenser Liquor License No 0914 located at 1829 S Canal Applicant: Robert Forrest Jr.

0:06:01 **VOTE**

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

0:06:20 **6. CONSIDER APPROVAL OF ACCEPTANCE OF DEPARTMENT OF FINANCE AND ADMINISTRATION GRANT AGREEMENT FOR THE DARK CANYON BRIDGE PLANNING PROJECT**

Mrs. Barrios-Testa said this is a grant award for matching funds. She said on August 31, 2023, the Department of Finance released a second round of matching funds that are available for projects that were federally funded. She said the City qualified for the RAISE project that was applied for last year but were not able to spend the funds because of the amount of time to complete the grant agreement process. She said this will be for the amount of \$275,002 that will off-set the City's funding required for this project.

Councilor Walterscheid said he thought the award was for \$10 million. Mrs. Barrios-Testa said that amount was made available by the legislative funding. Councilor Walterscheid asked what the cost of the project is. Mrs. Barrios-Testa said it is about \$1.1 million.

0:08:01 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve of acceptance of Department of Finance and Administration Grant Agreement for the Dark Canyon Bridge Planning Project.

0:08:08 **VOTE**

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

0:08:21 **7. CONSIDER APPROVAL OF RESOLUTION 2023-64, A RESOLUTION AMENDING RESOLUTION 2023-58 AUTHORIZING SUBMISSION OF A NEW MEXICO 2023 COMMUNITY DEVELOPMENT BLOCK GRANT TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION**

Mrs. Barrios-Testa said this is a request to amend Resolution 2023-58. She said the application included funds that were coming in from Aging and Long-term Services as leveraging. She said the DFA requested to show the entire amount in the Resolution, therefore this is to correct it. Mrs. Barrios-Testa said the amount of the project with the Aging and Long-term Services funding brings the total to \$2.29 million.

0:09:28 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2023-64, a Resolution amending Resolution 2023-58 authorizing submission of a New Mexico 2023 Community Development Block Grant to the New Mexico Department of Finance and Administration.

0:09:34 **VOTE**

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

0:09:50 **8. CONSIDER APPROVAL OF RESOLUTION 2023-65, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE, RUINS, RUBBISH, WRECKAGE, AND DEBRIS AT 1916 W LEA STREET OWNER: ERICA CORRALEZ C/O JESUS JUAREZ**

Mrs. Madrid-Boyea said there appears to be a dilapidated structure on the property as well as an abandoned recreational vehicle filled with junk; debris, and weeds. She said the Eddy County Assessor's Office lists Erica Corralez c/o Jesus Juarez as owning or having an interest in the property. **Mrs. Madrid-Boyea** said the property is not secured and is considered a nuisance. She said there is rubbish stored inside a dilapidated recreational vehicle. She said on October 4, 2023, the Deputy Planning Director and Building Inspector met with the owner to discuss the property. She said a Notice of Violation was mailed to the owner in July 2023 and a verbal warning was given on October 4, 2023. **Mrs. Madrid-Boyea** 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. She said the Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned, and the debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for Council consideration which would require the owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris, and weeds from the property within 30 days of service of the Resolution.

Councilor Forrest asked if the building is unsafe. **Mrs. Madrid-Boyea** said yes, although they have cleaned a lot of the outside, the structure itself has some issues.

Jesus Juarez said he got ahold of this property in April 2023. He said he has been struggling with other personal things and he has tried to start the process of getting the house in his name. He said he and his sons have worked on cleaning the outside of the property and recently started on the inside of the house. **Mr. Juarez** said he is a single father and he has tried to reach out to organizations for help.

Councilor Forrest said he can tell Mr. Juarez has been cleaning the property. He asked what are the main expenses he has to fix. Mr. Juarez said he was told they want to tear everything down and charge \$35,000 for it.

Juanita Whglyes said she has tried to help as much as she can. She said she is trying to find someone to help with the clean-up.

Councilor Walterscheid asked how long would it take for the appropriate clean-up. Mr. Juarez said possibly six months.

Councilor Niemeier said the Building Inspector has already condemned the house. She asked if a house has been condemned, can someone correct everything enough to make it livable. Mr. Patterson said the Building Inspector has made his report and he red-tagged the property which deems it uninhabitable. He said upon the review, the Building Inspector suggests it to be tore down. Mr. Patterson said there are some things a home owner can do to fix the property and bring it to code, but they would need licensed contractors to fix it. He said it can be fixed but it would take a lot of money to do so.

Councilor Rodriguez said six months seems like a long time for the condition the house is in. He asked if there is any way they could move a little faster on the clean-up. Mr. Juarez said he is asking for any extra time.

0:27:35 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to table Resolution 2023-65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure, ruins, rubbish, wreckage, and debris at 1916 W Lea Street Owner: Erica Corrales c/o Jesus Juarez, for four months and get the property reinspected at that time.

0:28:20 **VOTE**

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

0:28:42 **9. CONSIDER APPROVAL OF RESOLUTION 2023-66, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE, RUINS, RUBBISH, WRECKAGE AND DEBRIS AT LOTS 15,16,17 & 18, BLOCK D, JOEL SUBDIVISION (EAST OF 909 LOVING AVENUE) OWNER: THREE RIVERS TRUCKING INC**

Mrs. Madrid-Boyea said there appears to be a dilapidated structure on the property as well as junk, debris, trash, and an inoperable vehicle. She said the Eddy County Assessor's Office lists Three Rivers Trucking Inc. as owning or having an interest in the property. Mrs. Madrid-Boyea said the property is not secured and it has not been maintained in years. She said a Notice of Violation was mailed to the owner on August

14, 2023. **Mrs. Madrid-Boyea** 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. She said the Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned, and the debris be removed. **Mrs. Madrid-Boyea** said a Resolution has been prepared for Council consideration which would require the owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris, and weeds from the property within 30 days of service of the Resolution.

0:32:09 **MOTION**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve of Resolution 2023-66, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure, ruins, rubbish, wreckage and debris at Lots 15,16,17, & 18, Block D, Joel Subdivision (East of 909 Loving Avenue) Owner: Three Rivers Trucking Inc.

0:32:19 **VOTE**

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

0:32:59 **10. CONSIDER APPROVAL OF RESOLUTION 2023-67, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS OR WEEDS AT 1008 BIRCH LANE OWNER: JAMES DICKMAN**

Mrs. Madrid-Boyea said there appears to be a residence on the property as well as a large amount of junk and debris. She said the Eddy County Assessor's Office lists James Dickman as owning or having an interest in the property. She said the owner's son, Jason Dickman, has been contacted and has indicated that the owner is deceased. She said a Notice of Violation was mailed on August 10, 2023. **Mrs. Madrid-Boyea** said the property has been inspected by Code Enforcement and the Fire Marshall, and they found the property remains out of compliance with applicable codes. She said the Fire Marshall 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 Council consideration 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 Walterschied asked if the integrity of the house is at risk. **Mrs. Madrid-Boyea** said no, the outside is what is being asked to clean-up.

0:35:42 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2023-67, a Resolution requiring the removal of the ruins, rubbish, wreckage, debris or weeds at 1008 Birch Lane Owner: James Dickman.

0:35:57 **VOTE**

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

0:36:12 **11. CONSIDER APPROVAL OF ORDINANCE 2023-20, AN ORDINANCE AMENDING A PORTION OF SECTION 63(A) AND (B) OF CHAPTER 34 OF THE CODE OF ORDINANCES, REGARDING THE PROXIMITY OF WELLS, TANKS OR PIPELINES TO BUILDINGS**

0:36:37 **A. Public Hearing**

Mrs. Madrid-Boyea said this item involves a proposed amendment to Section 63(a) and (b) of Chapter 34 of the Code of the Ordinances of the City of Carlsbad, regarding the proximity of wells, tanks, or pipelines to commercial buildings. She said currently, the distance may be no closer than 500 ft. to any existing commercial building. She said the Ordinances proposed to be amended to allow a distance no closer than 400 ft. to an existing commercial building. She said the remaining provisions of Section 63 of Chapter 34 should remain in full force and effect, including a distance of no closer than 500 ft. to an existing residence. She said the Council may still require a greater distance than 500 ft. to either a residence or 400 ft. to an existing commercial building depending on the circumstances.

0:38:16 **Mayor Janway asked if anyone would like to speak regarding the Ordinance.**

Bradley Bishop came to the podium and said this process is due to a mistake. He said Mewbourne Oil Company permitted a well, contacted the service owner and gained approval, and used a map from the NMOCD that was incorrect. He said he supports this Ordinance and recognizes that 400 ft. is not a big change.

Councilor Walterscheid asked Mr. Bishop if he has ever been in close proximity to these wells during a flare. **Mr. Bishop** said yes. **Councilor Walterscheid** said why would a home owner want their residence closer to these wells when there is already a large amount of heat in a 500 ft. distance. He said the flares are tremendous and are much more than what they ever used to be. **Councilor Walterscheid** said he believes 500 ft. is already too close.

Councilor Forrest said this Ordinance originally came in place in the early 2000s based off an issue with the well that blew up outside of town, which was very close to burning down multiple structures. He said 500 ft. was the minimum. He said he saw the map Mewbourne Oil Company used and it was noticeable that it was too close. **Councilor**

Forrest said this is a bad idea for our City and he sympathizes that a mistake was made and will cost money, however we need to protect our citizens.

Councilor Rodriguez said he was a member of the Oil and Gas Committee in 2003 and at the time, the major consideration were the homes. He said there was a lot of discussion on the distance and 500 ft. was what was agreed on. He said for a point of clarity, the 400 ft. is not to a home, it is to a commercial building.

0:44:19 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.

0:44:23 B. Approval of Ordinance

0:44:25 MOTION

The motion was made by Councilor Forrest and seconded by Councilor Anaya-Flores to deny Ordinance 2023-20, an Ordinance amending a portion of Section 63(a) and (b) of Chapter 34 of the Code of Ordinances, regarding the proximity of wells, tanks or pipelines to buildings.

0:44:39 VOTE

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

0:45:10 **12. CONSIDER APPROVAL OF ORDINANCE 2023-21 AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.16 ACRE PROPERTY LOCATED AT 513 S ALAMEDA STREET APPLICANT: CITY OF CARLSBAD**

0:45:34 A. Public Hearing

Mr. Patterson said the property to the north is zoned "C-1" Commercial 1 District and the properties to the south and east are zoned "C-2" Commercial 2 District, and the property to the west is zoned "R-2" Residential 2 District, therefore this request would not create a spot-zone. He said this item was brought before the Planning & Zoning Commission at the September 11, 2023 meeting, and the body considered the item and recommends approval with a vote of four in favor of approval, none against, and one absent.

0:46:37 Mayor Janway asked if anyone would like to speak regarding the Ordinance.

Chester Miller said Mt. Olive Baptist Church was thrown into a commercial Ordinance but believes it should be residential for tax and insurance purposes. He said there is no commercial business at the church.

0:47:44 **B. Approval of Ordinance**

Councilor Walterscheid asked if churches are considered commercial. **Mrs. Madrid-Boyea** said yes, they can be considered commercial, but this church is in a residential area.

0:49:03 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to approve of Ordinance 2023-21 an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.16 acre property located at 513 S Alameda Street Applicant: City of Carlsbad

0:49:07 **VOTE**

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

0:49:22 **13. CONSIDER APPROVAL OF ORDINANCE 2023-22, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR AN APPROXIMATELY 0.24 ACRE PROPERTY LOCATED AT 400 KIRCHER STREET APPLICANT: JOSE HERNANDEZ**

0:49:48 **A. Public Hearing**

Mr. Patterson said the properties to the north, south, and east are all zoned "R-1" Residential 1 District, and the properties to the west are zoned "C-2" Commercial 2 District, so this request would create a spot zone. He said this item was brought before the Planning and Zoning Commission at the September 11, 2023 meeting and the body considered the item and recommends approval with a vote of four in favor of approval, none against, and one absent.

Councilor Walterscheid asked if this property has a business on it. **Mr. Patterson** said no, this property has a residence on it.

Councilor Niemeier asked what they are wanting to do with the property. **Mr. Patterson** said he believes the applicant stated that he wants to place a food truck on the property. **Councilor Niemeier** said once it is changed, it is changed permanently. **Mr. Patterson** said "C-1" allows limited commercial and if approved, anything allowed in "C-1" would be allowed to take place at the property.

Councilor Chavez asked if a conditional use permit can be issued instead. **Mr. Patterson** said a conditional use permit does not allow the use that he is proposing in an "R-1".

Elvira VanPatten came to the podium as a translator for Jose Hernandez. Ms. VanPatten said this property was commercial in the past and Kircher St. is all businesses. She said Mr. Hernandez lives at this property and wants to change the zoning because it is a very populated area and wants to take advantage of the opportunity.

0:54:05 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.

0:54:13 B. Approval of Ordinance

Councilor Niemeier asked Mr. Patterson if this property was previously commercial. Mr. Patterson said he is not aware of it being commercial. He said he remembers the Planning Department had to do a lot line adjustment to draw the property lines for the residence and applied the "R-1" zoning at the owners request at the time.

0:55:50 MOTION

The motion was made by Councilor Carter and seconded by Councilor Forrest to deny Ordinance 2023-22, an Ordinance rezoning part of "R-1" Residential 1 District to "C-1" Commercial 1 District for an approximately 0.24 acre property located at 400 Kircher Street Applicant: Jose Hernandez

0:56:25 VOTE

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

0:56:47 **14. CONSIDER APPROVAL OF ORDINANCE 2023-23, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "R-R" RURAL RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 1.766 ACRE PROPERTY LOCATED EAST OF HAMILTON STREET APPLICANT: MARTIN FARMS SUBDIVISION, INC**

0:57:12 A. Public Hearing

Mr. Patterson said the properties to the south, east, and west are zoned "R-1" Residential 1 District and the properties to the north are zoned "R-R" Rural Residential District, therefore this request would not create a spot zone. He said this item was brought before the Planning & Zoning Commission at the September 11, 2023 meeting and the body considered the item and recommends approval with a vote of three in favor of approval, one against, and one absent.

Councilor Niemeier asked what do they plan on doing with the property. Mr. Patterson said the applicants are planning to place a self-storage facility on the property.

Mayor Janway asked if anyone would like to speak regarding the Ordinance. George Dunagan came to the podium and said he is an agent for Martin Farms Subdivision, Inc. He said the owners believe this is a good business opportunity.

Councilor Forrest asked if the owners want to build houses around the storage unit in the future. Mr. Dunagan said yes, there is a planned easement extension on Hamilton St. that would go to the property.

Luz Tatum said there is already a storage unit next to Walmart and there are others in the area. She said she does not think it is feasible for a neighborhood.

Councilor Anaya-Flores said since it is a commercial property, would it not stay commercial since there is money being made. Mr. Patterson said according to the current zoning Ordinance, Rural Residential does allow limited commercial enterprise.

1:03:37 Mayor Janway asked if anyone else 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.

1:03:38 B. Approval of Ordinance

1:03:41 MOTION

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve of Ordinance 2023-23, an Ordinance rezoning part of "R-1" Residential 1 District to "R-R" Rural Residential District for an approximately 1.766 acre property located East of Hamilton Street Applicant: Martin Farms Subdivision, Inc

1:03:46 VOTE

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

1:04:02 15. COUNCIL COMMITTEE REPORTS

Councilor Chavez said he recently visited Austria for the United Nations Conference for the International Atomic Energy Association. He said he met with multiple counterparts around the world to discuss hosting communities to engaging with government industries. Councilor Chavez said a global partnership was created for nuclear communities, with Carlsbad being involved. He said he met with multiple governments and discussed nuclear disposal.

1:07:39 Mayor Janway asked if anyone in the audience would like to address the Council.

Luz Tatum spoke about children's safety on Lea St. and her issues with Carlsbad Police Department. She said the school zone safety lights were never redone for Cottonwood Elementary. She said the school zone lights are not far enough apart. **Ms. Tatum** said the crossing guards leave before some children are released from school. She said she is being criminalized for advocating for the safety issues. She said the school zone lights need to be replaced or moved.

1:10:49 **16. ADJOURN**

1:10:52 **MOTION**

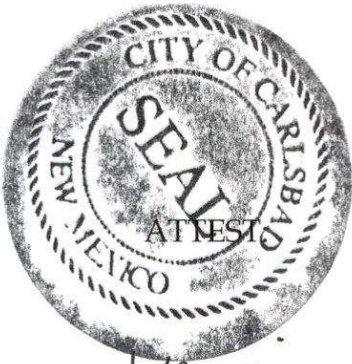
The motion was made by Councilor Anaya-Flores and seconded by Councilor Waters to adjourn.

1:10:59 **VOTE**

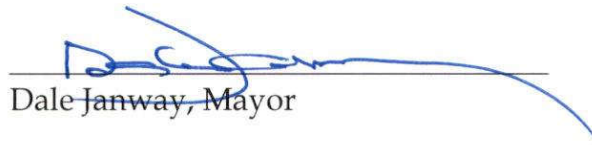
The vote was as follows: Yes - Rodriguez, Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Waters, Carter; No - None; Absent - None; the motion carried.

1:11:11 **Adjourn**

There being no further business, the meeting was adjourned at 7:11 p.m.




Nadine Mireles, City Clerk


Dale Janway, Mayor