

**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 JANUARY 09, 2024 AT 6:00 P.M.**

Present:	Richard D. Lopez	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor
	Karla Niemeier	Councilor
	Mary Garwood	Councilor
Absent:	Jason O. Chavez	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Ted Cordova	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Quay Dominguez	Compliance Clerk
	Angie Barrios-Testa	Director of Grant Programs
	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
	Charlie Garcia	Police Officer
	Edward VanScotter	Museum Director
	Eric Koenig	WSP
	Bradley Bishop	Mewbourne Oil Company
	Patricia Garcia	Citizen
	Josue Garcia	Citizen
	Samuel Escareno	Citizen
	Frances F. Trevino	Citizen
	Joel Barrett	Citizen
	Rochelle Bendiola	Citizen
	Belia Munoz	Citizen
	Brenda Lara Alonso	Citizen
	Brendan McCardle	Allsup's Engineer

Dale Vordic
Marvin Albright
David Klein
Steve McCutcheon
Bo Bowen

Allsup's District Manager
Citizen
Citizen
Senator
Eddy County Commissioner

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**

1. APPROVAL OF AGENDA

0:00:02 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Anaya-Flores to approve the Agenda.

0:00:05 **VOTE**

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

0:00:21 **2. CITY OF CARLSBAD FINANCIALS - NOVEMBER 2023**

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

0:01:56 **3. CONSIDER APPROVAL OF RESOLUTION 2024-02, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2023-24 FISCAL YEAR BUDGET**

Ms. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2024 Fiscal Year Budget highlighting the General Fund, the Fire Protection Fund, the Lodgers' Tax Non-Promotional Fund, and the Lodgers' Tax Promotional Fund.

0:03:55 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve of Resolution 2024-02, a Resolution making certain Budgetary Adjustments to the 2023-24 Fiscal Year Budget.

0:04:08 **VOTE**

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

0:04:31 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on December 12, 2023
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Invitation to Bid for electrical equipment for the Par 3 at the Lake Carlsbad Municipal Golf Course
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and EMS Management and Consultants, Inc for Ambulance Billing Services for Carlsbad Fire Department
 - 2) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere Financial for Mowing Equipment for Lake Carlsbad Golf Course
- E. Monthly Reports
 - 1) Community Development Department November 2023
 - 2) Human Resources Department December 2023
 - 3) Municipal Court Department November 2023
 - 4) Municipal Services Department November 2023
 - 5) Transportation and Facilities Department November 2023
 - 6) Utilities Department November 2023
- F. Set the Date: February 13, 2024
 - 1) Ordinance rezoning part of R-1 Residential 1 District to R-2 Residential 2 District for an approximately 0.17 acre property located at 501 N Maple Street
 - 2) Ordinance rezoning part of R-1 Residential 1 District to C-2 Commercial 2 District for an approximately 0.864 acre property located at 219 W Pecan Street

Mayor Lopez asked Mr. Cass to briefly discuss Agenda item C1, Consider Approval to Advertise Invitation to Bid for electrical equipment for the Par 3 at the Lake Carlsbad Municipal Golf Course.

Mr. Cass said the City staff is seeking approval to put out to bid for the equipment necessary to light the Par 3 at the Lake Carlsbad Municipal Golf Course. **Mr. Cass** said this project will be installed by City staff.

0:05:54 **MOTION**

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

0:05:59 **VOTE**

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

0:06:12 **5. CONSIDER APPROVAL OF REQUEST FOR A RESTAURANT A BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION FROM MONARCA EXPRESS, LLC RESTAURANT LOCATED AT 403 E GREENE STREET**

Mrs. Austin said this request is for an on-premise type A liquor license, which is for serving beer and wine only. She said the request has been preliminary approved by the New Mexico Regulation and Licensing Department and the Alcohol Beverage Control Division. **Mrs. Austin** said the property associated with the request is located in Commercial 2 District, which allows for a restaurant to serve alcohol and spirits. She said this location has met all of the guidelines.

0:07:24 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of request for a Restaurant A Beer and Wine Liquor License with on premises consumption from Monarca Express, LLC Restaurant located at 403 E Greene Street.

0:07:28 **VOTE**

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

0:07:48 **6. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MUSEUM AND MILTON S BREWING TO SERVE ALCOHOL (BEER AND WINE) DURING AN OPEN MIC NIGHT AT THE CARLSBAD MUSEUM**

Mr. VanScotter said he is seeking approval of the request to have alcohol at an open mic event at the Carlsbad Museum on January 19, 2024. He said the Carlsbad Museum currently has a guitar exhibit from the National Guitar Museum that closes on January 20, 2024. He said security has been hired, due to it being an event that will have alcohol.

Councilor Walterscheid asked why are they hosting the event at the Carlsbad Museum if they could do it at Milton's Brewing. **Mr. VanScotter** said he believes it would be a neat way to close the guitar exhibit. He said it would fit well with the event to have an open mic surrounded by high-class guitars.

0:09:36 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of the request from Carlsbad Museum and Milton s Brewing to serve alcohol (beer and wine) during an open mic night at the Carlsbad Museum.

0:09:43 **VOTE**

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

0:09:59 **7. CONSIDER APPROVAL OF REQUEST FROM MEWBOURNE OIL COMPANY TO DRILL AND CONSTRUCT A GAS PRODUCTION WELL, SUNRISE 31/32 FEE #826H WITHIN THE CITY LIMITS**

Mrs. Madrid-Boyea said Mewbourne Oil Company has approached the City of Carlsbad requesting permission to drill and construct a gas production well within City

limits and construct and operate the associated pipelines. She said Carlsbad Code of Ordinance Chapter 34, Oil and Gas Wells and Pipelines, outlines the process for the applicant to obtain a permit for this activity. **Mrs. Madrid-Boyea** said the City of Carlsbad, by approval of the governing body, retained a company by the name of WSP to act as inspector. She said on December 15, 2023, WSP deemed the application complete and ready for consideration by the City Council. She said WSP recommends approval of the permit application. **Mrs. Madrid-Boyea** introduced a representative of WSP to give a presentation to Council members.

Eric Koenig, WSP Geologist, said Sunrise 31/32 Fee #826H is the name of the well that Mewbourne proposes to drill within the City limits. He said they would be drilling into a formation called the Wolfcamp Shale which is approximately 8,700 ft. below the surface. He said the City of Carlsbad is WSP's client, therefore it is WSP's obligation to review the parts of the application and make sure it complies with the City Ordinances. He said part of the permit application process is blowout prevention. He said the applicant is to include a diagram of their blowout prevention apparatus and what it is rated for.

Councilor Forrest asked if this well is the same well that was mentioned in a previous Council meeting. **Mr. Koenig** said no, it is about 40 feet north, which is enough to be outside of the 500 ft. distance to the nearest business. **Councilor Forrest** asked if the drilling has started or if they are asking permission to drill. **Mr. Koenig** said the drilling has not started and they are asking for permission. He said the anticipated start date was January 9, 2024 but the permit has not been approved yet.

Councilor Walterscheid said about twenty years ago, there was a blowout on a well that was south of the City. He asked how this outcome can be prevented with this well. **Councilor Walterscheid** asked if this is private land. **Mr. Koenig** said he believes it is private land. **Councilor Walterscheid** asked who is going to supervise this to make sure that doesn't happen. **Mr. Koenig** said he believes the OCD is mostly responsible for oversight. He said by looking at the diagrams that were submitted and the ratings of the equipment, everything seems to match the conditions that are expected in this drilling. **Councilor Walterscheid** asked with ground water being at 200 ft., is there going to be triple protection going through the ground water. **Mr. Koenig** said he believes so.

Councilor Niemeier asked why is it so important to drill on this piece of property. **Mr. Koenig** said he is unsure of the answer, but possibly because they already purchased it. **Mayor Lopez** said these questions can be directed towards Mewbourne Oil Company.

Bradley Bishop with Mewbourne Oil Company said one of these wells is a one mile well that went east and another was a two mile well that went east. He said there were two other permits approved previously and they drilled those two wells. He said there are houses east of this surface location and that is why they didn't service on that side.

Councilor Rodriguez asked if the distances are Mewbourne's measurements and if so, does WSP agree with them to make that recommendation. **Mr. Koenig** said they are Mewbourne's distances but he plotted the coordinates of their well and it matched.

Councilor Anaya-Flores asked how close are the residents to the proposed wellsite. **Mr. Bishop** said there is a commercial building that is about 508 ft. from the well site. **Councilor Anaya-Flores** asked if there are any private residents. **Mr. Bishop** said there are not any that he is aware of, but the closest is approximately over half a mile to the north.

Councilor Forrest said that area is fairly industrial. He said there are not a lot of houses in the area.

0:29:28 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Forrest to approve of the request from Mewbourne Oil Company to drill and construct a gas production well, Sunrise 31/32 Fee #826H within the City limits.

0:29:36 **VOTE**

The vote was as follows: Yes - Forrest, Walterscheid, Foreman, Rodriguez; No - Niemeier, Anaya-Flores, Garwood; Absent - Chavez; the motion carried.

0:30:19 **8. CONSIDER APPROVAL OF SUBMISSION OF A CULTURAL PROPERTIES RESTORATION FUND GRANT APPLICATION FOR THE CARLSBAD PUBLIC LIBRARY AND CARLSBAD MUSEUM BUILDING AND THE RESTORATION OF ITS ART MURAL**

Mrs. Barrios-Testa said the City wishes to apply for the maximum amount available for this grant, which is \$250,000. She said if selected for the award, the plan is to paint the museum and library building to restore and preserve it. She said the project includes restoration of the existing Eddy County mural. **Mrs. Barrios-Testa** said this art piece was dedicated in 2006 and was anticipated to last approximately 20 years. She said since we are now nearing this time frame, a specialized consultant will have to be hired to do this work since the original artist is no longer living.

0:31:53 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve of submission of a Cultural Properties Restoration Fund Grant Application for the Carlsbad Public Library and Carlsbad Museum Building and the Restoration of its Art Mural.

0:31:59 **VOTE**

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

0:32:16 **9. CONSIDER APPROVAL OF SUBMISSION OF A DEPARTMENT OF ENERGY OFFICE OF EMERGENCY MANAGEMENT COMMUNITY CAPACITY BUILDING GRANT APPLICATION FOR CANAL STREET STORM DRAINAGE PROJECT**

Mrs. Barrios-Testa said the amount available for this grant is ranged between \$500,000 and \$2 million. She said this opportunity opened up on December 6, 2023, and the City is required to submit a letter of interest by January 11, 2024. She said this project is currently on the ICIP and the City has received state capital outlay funds for \$600,000 and the City has used it for plan and design. **Mrs. Barrios-Testa** said this is to allow for public input as the City puts this grant application together. She said the funding is restricted to areas and communities affected by nuclear industries.

Councilor Walterscheid asked if Canal St. will be under construction if approved. **Mrs. Barrios-Testa** said it is not along Canal St. since that system is already in place. She said this will be along Halagueno St.

Councilor Garwood asked if this will help the area along the intersection of Tansill and Canal.

Mayor Lopez asked **Mr. Cass** to go into further detail on the drainage project.

Mr. Cass said no, this will not address that area. He said it will address the intersection of Greene St. and Canal St. He said it is mostly to alleviate the flooding on Greene St. and Halagueno St.

Councilor Walterscheid asked how long this project will take to complete. **Mr. Cass** said probably between four to six months.

0:37:50 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Rodriguez to approve of submission of a Department of Energy Office of Emergency Management Community capacity Building Grant Application for Canal Street Storm Drainage Project.

0:37:56 **VOTE**

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

0:38:18 **10. CONSIDER APPROVAL TO ACCEPT A DEPARTMENT OF ENERGY'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EEDBG) PROGRAM EQUIPMENT REBATE VOUCHER AWARD FOR BOB FORREST YOUTH SPORTS COMPLEX**

Mrs. Barrios-Testa said the City of Carlsbad applied for a formula grant; there was money set aside for the City to do energy efficient type projects. She said we completed

the initial request and put together a energy efficiency and conservation type strategy for this funding. **Mrs. Barrios-Testa** said if the agreement is accepted, we will begin the procurement process as the funds are already budgeted.

0:39:35 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve to accept a Department of Energy’s Energy Efficiency and Conservation Block Grant (EEDBG) Program Equipment Rebate Voucher Award for Bob Forrest Youth Sports Complex.

0:39:42 **VOTE**

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

0:40:00 **11. CONSIDER APPROVAL OF ORDINANCE 2024-01, AN ORDINANCE REZONING PART OF R-1 RESIDENTIAL 1 DISTRICT TO R-2 RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.14 ACRE PROPERTY LOCATED AT 602 PRESIDIO STREET APPLICANT/OWNER: JOSUE GARCIA**

Mr. Patterson said this request is for a zone change from “R-1” Residential 1 District to “R-2” Residential 2 District. He said the properties to the north, south, east & west are zoned “R-1” Residential 1 District, therefore, this request would create a spot-zone. **Mr. Patterson** said the applicant would like to place a multiple family structure at the property. He said the application was brought before the Planning and Zoning Commission at the December 4, 2023 meeting; the commission considered this item and voted to recommend denial, with a vote of four in favor of denial, none against, and one absent.

Councilor Walterscheid asked what multiple-family housing means. **Mr. Patterson** said the applicant stated at the commission meeting that he is going to place a five-unit structure at the property.

0:42:00 **A. Public Hearing**

Mayor Lopez asked if anyone would like to speak in favor of the Ordinance.

Patricia Garcia came to the podium and said she is the sister of the applicant, Josue Garcia, and is going to be translating for him. She said it is not five-units, but a single wide home with five bedrooms and five bathrooms. She said there is one kitchen and one living room.

Councilor Forrest asked if the rooms would be rented out to different people. **Ms. Garcia** yes.

Councilor Walterscheid asked if it is technically a man camp. **Ms. Garcia** said yes.

Ms. Garcia said her brother wanted to mention that before her brother bought the property there was a house on the property that needed to be torn down. She said his plans are to now build a nice home on the property.

Ms. Garcia said her brother made a LLC with a bank and he has another property where he does the same business. She said her brother wanted to mention that at the Planning and Zoning Commission meeting, there were concerns that were brought up by surrounding residents about the traffic but he said he cannot control that and he does not want any problems. **Ms. Garcia** said the City of Carlsbad said to her brother that he would need ten parking spots on the property. She asked if five is allowed since it is a five-bedroom house and it is going to be rented out to one person each.

0:46:17 **Mayor Lopez asked if anyone would like to speak against the Ordinance.**

Samuel Escareno came to the podium and said he lives directly behind the property that is in question. He said it is a tight-knit neighborhood and it is concerning that he is going to be renting to different people at different times. He said there are children in the neighborhood and the residents don't know who the applicant will rent out to and he is worried about the neighborhood being safe.

Frances F. Trevino came to the podium and said she lives next door to this property and is concerned that the rooms will be rented out to people without background checks.

Joel Barrett said his concern is that this is going to create a spot-zone. He said it will essentially establish a capitalist society for other businesses to come in and gentrify the neighborhood. He said this will clog up the streets, already in a high-traffic area with children in the neighborhood. He thanked Council members for their time.

Rochelle Bendiola said she lives in the neighborhood and her concern is for her grandchildren and the other children in the neighborhood. She said there is a bus stop right in front of the applicant's property and she believes a man camp being in the area will disrupt it. She said a man camp does not need to be in a residential area.

JoAnne Newcomb said the neighborhood is quiet and if a man camp is in the area it would disrupt the peace.

Belia Munoz said she lives in the neighborhood and she does not want any new people in the neighborhood unless there will be background checks.

Brenda Lara Alonso said she has been a resident in the neighborhood for over 50 years. She said she understands making a home for your family but it is a residential area and the neighborhood wants to keep it a residential area.

0:57:19 Mayor Lopez 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

0:57:27 B. Approval of Ordinance

0:57:33 MOTION

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to deny Ordinance 2024-01, an Ordinance rezoning part of R-1 Residential 1 District to R-2 Residential 2 District for an approximately 0.14 acre property located at 602 Presidio Street Applicant/Owner: Josue Garcia.

0:57:49 VOTE

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

0:58:07 **12. CONSIDER APPROVAL OF ORDINANCE 2024-02, AN ORDINANCE REZONING PART OF R-R RURAL RESIDENTIAL DISTRICT TO C-2 COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 1.5 ACRE PROPERTY LOCATED AT 4412 NATIONAL PARKS HIGHWAY APPLICANT: BW GAS & CONVENIENCE RETAIL, LLC**

Mr. Patterson said this is a request for a zone change from "R-R" Rural Residential District to "C-2" Commercial 2 District. He said the applicant is Allsup's and they would like to expand their operation to the east. He said the properties to the south and east are zoned "R-R" Rural Residential District and the properties to the north and west are zoned "C-2" Commercial 2 District, therefore this request would not create a spot-zone. Mr. Patterson said the applicant brought their request before the Planning and Zoning Commission at the October 10, 2023 meeting; the commission considered this item and recommended denial with a vote of four in favor of denial, none against, and one absent.

Councilor Walterscheid asked if this is going to be where they park overnight. Mr. Patterson said yes, he believes that is what the applicant stated at the Planning and Zoning Commission meeting.

1:00:36 A. Public Hearing

Mayor Lopez asked if anyone would like to speak in favor of the Ordinance.

Brendan McCardle came to the podium and said he is the applicant's engineer and the project manager. He said in reviewing Allsup's plans, they are trying to alleviate traffic and pass the trucks through in a better traffic motion and provide safety to everyone that uses the site.

Councilor Walterscheid asked if the designated parking area will be fenced. **Mr. McCardle** said that is not planned at this time but it is a possibility. He said they are trying to keep that area separate from any other property.

Councilor Niemeier asked what is the return of investment for building a bigger parking lot. **Mr. McCardle** said he is unsure of the answer since he is the engineer. He said he does not have any of the financials.

Councilor Rodriguez said how will introducing more trucks alleviate traffic in the area. **Mr. McCardle** said it is for the traffic pattern. He said there is no room for the trucks when they are stopping for a short amount of time. **Councilor Rodriguez** asked if he means Allsup's traffic or Carlsbad traffic. **Mr. McCardle** said Allsup's traffic.

Councilor Forrest said he does not believe Chapman is big enough to handle this type of traffic.

Councilor Walterscheid asked if it is 24-hour parking. **Mr. McCardle** said it is not advertised as a truck stop.

Dale Vordic, District Manager of Allsup's, said they are not introducing more trucks. He said the problem he saw was that trucks do come in, park, and sleep overnight. He said the parking lot is not big enough to hold the traffic that is already there. He said the trucks are parking on the side of the road in residential areas. He said fencing is something that they are willing to do. **Mr. Vordic** said there will be lighting in the parking lot for safety and it will be downlighting so it can reduce light pollution.

Mr. Vordic said this will create safety in the long-run and will take the trucks off the side of the road. He said he lives nearby and there is an apartment complex where a semi-truck would park on the side of the road. He said this addition would be to prevent that.

Councilor Niemeier asked if a strip-mall is going to be built next to the Allsup's and how much space it is going to take up. **Mr. Patterson** said that is the preliminary plan. He said there has not been actual building plans submitted. **Mr. Patterson** said it will take up a majority of the space to the north. **Councilor Niemeier** asked how close is the new development to this proposal. **Mr. Patterson** said based on the discussions that he has been part of, he does not think that Phase 1 of the strip-mall to the north is going to come that far south. He said it is possible in subsequent phases of that development that they will reach that point to the south along Chapman. He said it is still under discussion and he is unsure what is going to be proposed once they start the job.

Brendan McCardle said the division manager, Brian Ashburn, authorizes to hire employees to manage the outside. He said it is their duty to make sure that trash is picked up and everything is maintained.

1:09:52 Mayor Lopez asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session.

1:09:59 B. Approval of Ordinance

1:10:04 Councilor Niemeier asked if conditions can be made to pass this item. Mayor Lopez said yes.

1:10:10 MOTION

The motion was made by Councilor Niemeier and seconded by Councilor Walterscheid to approve Ordinance 2024-02, an Ordinance rezoning part of R-R Rural residential District to C-2 Commercial 2 District for an approximately 1.5 acre property located at 4412 National Parks Highway Applicant: BW Gas & Convenience Retail, LLC with the stipulation that the applicant installs a solid fence to cover the area.

1:10:48 VOTE

The vote was as follows: Yes - Niemeier, Walterscheid, Foreman; No - Forrest, Anaya-Flores, Garwood, Rodriguez; Absent - Chavez; the motion failed.

1:11:26 13. CONSIDER APPROVAL OF ORDINANCE 2024-03, AN ORDINANCE REZONING PART OF R-R RURAL RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 8.74 ACRE PROPERTY LEGALLY DESCRIBED AS TRACT B, ALBRIGHT REPLAT #3 APPLICANT/OWNER: MARVIN ALBRIGHT

Mr. Patterson said this is a request from "R-R" Rural 1 Residential District to "R-2" Residential 2 District. He said the properties to the north, south, east, and west are zoned R-R Rural Residential District, therefore, this request would create a spot-zone. He said the applicant stated at the Planning and Zoning Commission meeting that they plan to pursue apartment complex housing at this location. He said the applicant brought this item before the Planning and Zoning Commission at the December 4, 2023 meeting; the commission considered this item and recommended approval with a vote of four in favor of approval, none against, and one absent.

1:13:04 A. Public Hearing

Mayor Lopez asked if anyone would like to speak in favor of the Ordinance.

Marvin Albright came to the podium and said he is the owner of the property. He said his plans are pursuing the possibility of building an apartment complex. He said this is the first phase of the project.

Councilor Forrest asked if it will be an apartment complex or a man camp. Mr. Albright said an apartment complex.

Councilor Rodriguez said one of his concerns is for fire and rescue to come in and out of the property. He said at the moment, it is single-entry, but there is a potential road along the south end. **Councilor Rodriguez** asked if it is possible during construction to consider another exit. **Mr. Albright** said the place Councilor Rodriguez is referring to is a separate property.

Councilor Walterscheid asked if it is required to have two entrances for emergency services. **Mr. Albright** said there would only be one entrance. He said at this time there is no other way to enter or exit.

Councilor Rodriguez said there are a lot of apartment complexes with a single-entry road. He said at the time Mr. Albright submits final plans, the Fire Department has the right to make a recommendation.

Councilor Walterscheid asked if it is required for subdivisions to have two entry ways. **Mr. Patterson** said it is something that the City requests to guarantee multiple ways to access the property in the event of an emergency. **Councilor Walterscheid** asked if the same rule would apply to Mr. Albright's plans. **Mr. Patterson** said once Mr. Albright gets to the point where he is proposing what he wants to build, we can address it at that time.

1:17:07 **Mayor Lopez asked if anyone would like to speak against the Ordinance.**

Joel Barrett said there is a severe lack of affordable housing in Carlsbad. He said without any options for affordable housing, there is already enough apartment complexes to cater to transitional and migratory housing. He said he is not against the rezoning but he looks forward to seeing what the project comes to.

1:18:03 **Mayor Lopez 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.**

1:18:11 **B. Approval of Ordinance**

Councilor Garwood asked how many apartments is the applicant wanting to put on the property. **Mr. Albright** said there are no plans at the moment, but he suspects about 60 units.

Councilor Forrest asked what is on the south end. **Mr. Albright** said it is a mobile home park.

1:19:35 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Ordinance 2024-03, an Ordinance rezoning part of R-R Rural Residential

District to R-2 Residential 2 District for an approximately 8.74 acre property legally described as Tract B, Albright Replat #3 Applicant/Owner: Marvin Albright.

1:19:42 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Garwood, Foreman, Rodriguez; No - Anaya-Flores; Absent - Chavez; the motion carried.

1:19:58 **14. CONSIDER APPROVAL OF ORDINANCE 2024-04, AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-67.72 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, LOCATED NORTH AND SOUTH OF DONA ANA STREET APPLICANTS: DAVID KLEIN, JOEL KLEIN, JACKIE WEBB**

Mr. Patterson said this is a petition to annex approximately 67.72 acres along Dona Ana Road. He said the plots of land that are targeted are contiguous to the current City boundary and therefore eligible for annexation. He said the applicants brought their petition before the Planning and Zoning Commission at the December 4, 2024 meeting; the commission considered the item and recommended approval with a vote of four in favor of approval, none against, and one absent.

Councilor Forrest asked if this is for land that is out of City limits that the applicants are wanting to bring into the City. Mr. Patterson said yes.

1:21:30 **A. Public Hearing**

Mayor Lopez asked if anyone would like to speak in favor of the Ordinance.

David Klein came to the podium on behalf of his sister and brother. He said this is of the estate of his parents. He said their proposal is to bring this land into the City and zone it "R-R" Rural Residential for a single-family dwelling with access to City water. He said there will be approximately 31 lots, roughly 1.5 acre each lot.

1:22:29 **Mayor Lopez asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council into regular session.**

1:22:50 **B. Approval of Ordinance**

1:22:53 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Forrest to approve of Ordinance 2024-04, an Ordinance annexing a portion of land containing +/- 67.72 acres more or less, contiguous to the City of Carlsbad, located North and South of Dona Ana Street Applicants: David Klein, Joel Klein, Jackie Webb.

1:23:01 **VOTE**

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

1:23:20 **15. CONSIDER APPROVAL OF ORDINANCE 2024-05, AN ORDINANCE APPLYING R-R RURAL RESIDENTIAL DISTRICT TO AN APPROXIMATELY 67.72 ACRE PROPERTY, LOCATED NORTH AND SOUTH OF DONA ANA STREET APPLICANTS: DAVID KLEIN, JOEL KLEIN, JACKIE WEBB**

Mr. Patterson said this is a request to apply for "R-R" Rural Residential District zoning for the previous Agenda item, having approved the annexation, this Ordinance will apply the Rural-Residential zoning to those properties. He said the properties to the west, south, and north currently lie outside the Carlsbad city limits, and properties to the east are zoned "R-R" Rural-Residential District; therefore, this request would not create a spot-zone. Mr. Patterson said the applicant brought this request before the Planning and Zoning Commission at their December 4, 2023 meeting; the commission considered the item and recommended approval with a vote of four in favor of approval, none against, and one absent.

1:24:36 **A. Public Hearing**

Mayor Lopez 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.

1:25:19 **B. Approval of Ordinance**

1:25:23 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Anaya-Flores to approve of Ordinance 2024-05, an Ordinance applying R-R Rural Residential District to an approximately 67.72 acre property, located North and South of Dona Ana Street Applicants: David Klein, Joel Klein, Jackie Webb.

1:25:27 **VOTE**

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

1:26:21 **16. COUNCIL COMMITTEE REPORTS**

No reports.

1:26:30 **Mayor Lopez asked if anyone in the audience would like to address the Council.**

Steve McCutcheon, senator for Southeast New Mexico, said there is a windfall of money provided by oil and gas companies like Mewbourne Oil Company. He said 53% of the state budget comprises of money from oil and gas.

Bo Bowen said he is the newly elected chairmen of the Eddy County Board of Commissioners. He said he would like to improve the relationship between the City of Carlsbad and Eddy County. He said we need to work together to become a stronger

community and we can accomplish much more alongside one another. **Mr. Bowen** thanked Council members for their support of Mewbourne Oil Company and the oil and gas industry.

1:28:38 **Mayor Lopez asked if anyone else in the audience would like to address the Council. No one appeared.**

1:28:42 **17. ADJOURN**

1:28:52 **MOTION**

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

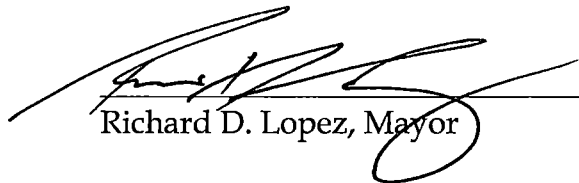
1:28:59 **VOTE**

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

1:29:18 **Adjourn**

There being no further business, the meeting was adjourned at 7:29 p.m.




Richard D. Lopez, Mayor


Nadine Mireles, City Clerk