

**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 23, 2024 AT 6:00 P.M.**

Present:	Richard D. Lopez	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Jason O. Chavez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor <i>via phone</i>
	Mary Garwood	Councilor
Absent:	Karla Niemeier	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Ted Cordova	Deputy City Administrator
	Nadine Mireles	City Clerk
	Quay Dominguez	Compliance Clerk
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Melissa Salcido	Finance Director
	John Majerus	Assistant Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Charlie Garcia	Police Officer
	Rich Olson	Attorney
	Tye Bryson	Bureau of Land Management
	Kat Davis	Carlsbad Mainstreet
	Norbert Rempe	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**

0:00:19 Invocation | Pledge of Allegiance

0:00:50 **1. APPROVAL OF AGENDA**

0:00:58 **MOTION**

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

0:01:02 **VOTE**

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

0:01:19 **2. CITY OF CARLSBAD FINANCIALS | DECEMBER 2023**

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

0:02:56 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Organizational Meeting held on January 9, 2024
- B. Minutes of the Regular City Council Meeting held on January 9, 2024
- C. City Personnel Report
- D. Purchasing
 - 1) Consider Approval to Advertise Request for Proposals for the City of Carlsbad Annual Financial Audit
- E. Contracts and Agreements
 - 1) Consider Approval of Memorandum of Understanding between the City of Carlsbad, Carlsbad Police Department and Carlsbad Municipal School District for the School Resource Officer Program
- F. Monthly Reports
 - 1) Community Development Department December 2023
 - 2) Municipal Court Department December 2023
 - 3) Municipal Services Department December 2023
 - 4) Transportation and Facilities Department December 2023
- G. Board Appointments
 - 1) Alejandro Ruiz Senior Center Advisory Board Appoint Robert Echavarria four- year term
 - 2) Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG) Board Appoint Lisa Anaya Flores two-year term
- H. Set the Date: February 13, 2024
 - 1) Ordinance amending a portion of Section 28 of Chapter 16 of the Code of Ordinances, City of Carlsbad, to increase the Municipal Judges Salary

0:03:16 **Mayor Lopez asked Mrs. Austin to briefly discuss Agenda item D1, Consider Approval to Advertise Request for Proposals for the City of Carlsbad Annual Financial Audit.**

Mrs. Austin said the City is required by state statute to engage in a yearly financial audit. She said the City has worked with its current auditor, Hinkle and Landers, for eight years. She said state audit requires that government agencies, including local

governments, cannot utilize the same auditor for more than eight consecutive years; in addition, a two-year period must pass before a government agency, or local government, can re-engage the same auditor that was utilized during the previous eight years. She said this RFP is required so that the City is able to engage an auditor for Fiscal Year 2024, and so that the City follows state statute and the state audit rule.

0:04:18 **Mayor Lopez asked Chief Skinner to discuss Agenda item E1, Consider Approval of Memorandum of Understanding between the City of Carlsbad, Carlsbad Police Department and Carlsbad Municipal School District for the School Resource Officer (SRO) Program.**

Chief Skinner said this was unanimously approved by the Carlsbad Municipal School District at their regular meeting on January 16, 2024. He said there is strict reporting requirements but he does not anticipate any hang-ups.

Councilor Chavez asked if this is for six positions. **Chief Skinner** said this is for an additional five SRO's and an additional sergeant position. **Councilor Chavez** asked if this includes the elementary schools. **Chief Skinner** said yes. He said the tentative plan is to place 3 SRO's at the high school. He said there will be one at each middle school, one rotating person at the elementary schools on the south end of town, and one rotating person on the north end of town. **Chief Skinner** said the sergeant will help amongst all of the schools. He said the plan is to have daily presence in all of the schools.

Councilor Garwood said she is glad to see this come to fruition.

Chief Skinner said he would like to thank the Finance Department and the Grant Programs Department for their hard work.

0:08:02 **MOTION**

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

0:08:07 **VOTE**

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

0:08:23 **4. CONSIDER APPROVAL OF CONTRIBUTED FUNDS AGREEMENT FOR REIMBURSEMENT OF COSTS RELATED TO A DIRECT LAND SALE BETWEEN THE CITY OF CARLSBAD AND THE US BUREAU OF LAND MANAGEMENT**

Mrs. Austin said the City of Carlsbad wishes to enter into an agreement with the Bureau of Land Management (BLM) that allows for the City to reimburse the BLM the cost associated with preparing the documentation necessary to convey 495.5 acres of public lands to the City for the development of single-family homes. She said this

agreement does not include the conveyance of the public lands, but the agreement to work on the conveyance of the public lands. **Mrs. Austin** said these costs are approximately \$56,000 and include federal registration publication, publication in the local newspaper, salary costs, travel costs, and indirect costs. She said this parcel of land is north of Ocotillo Elementary School and the estimated processing time to prepare the documentation is anywhere between 12-24 months.

Tye Bryson, BLM Deputy Field Manager, said he wants to express gratitude to the City for taking on the project. He said it is important for BLM to provide housing for their employees.

Councilor Walterscheid asked Mr. Bryson if BLM is supplying just the land. **Mr. Bryson** said yes. **Councilor Walterscheid** asked if infrastructure is included. **Mr. Bryson** said not at this time.

0:11:00 **MOTION**

The motion was made by Councilor Garwood and seconded by Councilor Walterscheid to approve of Contributed Funds Agreement for Reimbursement of Costs Related to a Direct Land Sale between the City of Carlsbad and the US Bureau of Land Management.

0:11:08 **VOTE**

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

0:11:25 **5. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY LOCATED 300 DIAZ STREET, THE RAY ANAYA SAN JOSE PLAZA PARK FOR HOUSE OF GRUB OWNER: PATRICK RENFRO**

Mr. Patterson said this request is to allow vending of food and drinks on City-owned property in the parking area along Diaz St. within the Ray Anaya San Jose Plaza Park, near the intersection of Diaz St. and San Jose Blvd. He said the applicant applied for an annual city business license and the applicant will also need to provide a certificate of liability insurance. He said the applicant wishes to vend from 11:00 AM to 7:00 PM, Wednesday through Saturday, each week throughout the year. **Mr. Patterson** said the Planning Department recommends approval of the request with the following conditions; the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music, or other disruptive noise; the applicant shall limit vending from 11:00 AM to 7:00 PM as per the application information. He said the approval of this request grants permission to the applicant to vend food and drinks (non-alcoholic) on City-owned property in the Ray Anaya San Jose Plaza Park parking lot from January 10, 2024 to December 31, 2024.

Councilor Rodriguez asked if the applicant can be held responsible to police the trash and keep the area as clean as possible. **Mr. Patterson** said yes.

Councilor Chavez asked how many applicants have been in that area. **Mr. Patterson** said there is another applicant requesting to be in this park, but so far this is the first request for this calendar year.

Mayor Lopez asked if this is the same location the applicant was at last year. **Mr. Patterson** said yes.

0:13:57 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Anaya-Flores to approve of Temporary Use Application to allow for mobile sales (vending) of food and drinks (non-alcoholic) on City property located 300 Diaz Street, the Ray Anaya San Jose Plaza Park for House of Grub Owner: Patrick Renfro.

0:14:03 **VOTE**

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

0:14:18 **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION**

TO ALLOW FOR MOBILE SALES (VENDING) OF FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY LOCATED 300 DIAZ STREET, THE RAY ANAYA SAN JOSE PLAZA PARK FOR TASTY POP MANAGER: CHERRY RIDER

Mr. Patterson said this request is to allow vending of food and drinks on City-owned property in the parking area along Diaz St. within the Ray Anaya San Jose Plaza Park, near the intersection of Diaz St. and San Jose Blvd. He said the applicant applied for an annual city business license and the applicant will also need to provide a certificate of liability insurance. He said the applicant wishes to vend from 10:00 AM to 6:00 PM, alternating every other Friday and Saturday throughout the year. **Mr. Patterson** said the Planning Department recommends approval of the request with the following conditions; the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music, or other disruptive noise; the applicant shall limit vending from 10:00 AM to 6:00 PM as per the application information. He said the approval of this request grants permission to the applicant to vend food and drinks (non-alcoholic) on City-owned property in the Ray Anaya San Jose Plaza Park parking lot from January 26, 2024 to December 31, 2024. **Mr. Patterson** said the Planning Department will let the vendor know to police the area from trash.

0:15:49 **MOTION**

The motion was made by Councilor Rodriguez, pending the caveats addressed in the ABM, and seconded by Councilor Foreman to approve of Temporary Use Application to allow for mobile sales (vending) of food and drinks (non-alcoholic) on City property

located 300 Diaz Street, the Ray Anaya San Jose Plaza Park for Tasty Pop Manager: Cherry Rider.

0:16:02 **VOTE**

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

0:16:22 **7. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MAINSTREET FOR A TEMPORARY USE APPLICATION TO ALLOW THE PARKING OF A TEMPORARY FOOD TRUCK AND FOOD SALES IN THE DOWNTOWN AREA ALONG NORTH CANYON STREET WITHIN THE PUBLIC STREET RIGHT-OF-WAY (ROW) APPLICANT: CARLSBAD MAINSTREET**

Mr. Patterson said Carlsbad MainStreet is requesting permission from the City Council to host a food truck in the downtown district within the public street ROW of N. Canyon St. He said MainStreet Executive Director, Kat Davis, plans to contact and invite local food truck owners to park within the on-street parking spaces on the west side of N. Canyon St. just north of the Canyon and Mermod intersection. He said the plan is to have one truck sign up through MainStreet and use the space for one week at a time. He said MainStreet will vet all food trucks to ensure that the truck owners have all required licensing and permitting through the City and the State. Mr. Patterson said approval of this Temporary Use Permit will give MainStreet a blanket permission to place one truck at a time within the subject ROW. He said the goal of this request is to utilize the presence of the food trucks to increase visitors to the downtown area. He said the applicant will be required to provide a surety bond for this type of request. Mr. Patterson 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; approval of this request grants permission to the applicant to host food trucks within the downtown district along N. Canyon St. He said the food trucks will be set up within the public street ROW, one truck at a time. He said the trucks will set on any day of the week and during MainStreet events from January 24, 2024 to December 31, 2024. Mr. Patterson said the Planning Department will let the vendor know to police the area from trash.

0:18:20 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Foreman to approve of Request from Carlsbad MainStreet for a Temporary Use Application to allow the parking of a temporary food truck and food sales in the downtown area along North Canyon Street within the public street Right-of-Way Applicant: Carlsbad MainStreet.

0:18:30 **VOTE**

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

0:18:46 **8. CONSIDER APPROVAL OF REQUEST FROM MILTON'S BREWERY TO SERVE ALCOHOL (BEER & WINE) ON CITY STREETS DURING MILTON'S BREWING BLOCK PARTY APPLICANT: MILTON'S BREWERY**

Mr. Patterson said Milton's Brewing wishes to host a "Block Party" on Saturday, February 24, 2024. He said the event will be from 4:00 pm to 11:00 pm along Mermod St. and Canyon St. He said as part of this event, Milton's Brewing plans for food trucks, local vendors, and alcohol service (beer & wine). He said the event will be set up by a licensed alcohol server and will be cordoned off. He said alcohol will be served from 4:00 pm to 10:00 pm, the event will have one controlled entrance for attendees, and security will be provided. He said the event organizers would like for the event to be an "open alcohol carry" throughout the event area. He said all entrants, 21 years or older, will be given a bracelet to wear to purchase beer or liquor within the event. He said all designated drivers that enter the event area will be given a separate bracelet as identification and no alcohol will be allowed to be taken out of the designated event area. Mr. Patterson said the Planning Department recommends approval of this request with the following requirements; the alcohol server obtain all required licenses and permits; Milton's Brewing comply with all laws, rules, regulations, requirements and restrictions for service at the location, included but not limited to, fencing of service area, carding of customers, and providing appropriate security; Milton's Brewing shall name the City of Carlsbad as an additional insured on their general liability insurance and liquor server insurance in an amount to be approved by the City Administrator.

Councilor Walterscheid asked if Milton's has done well with their events in the past. Mr. Patterson said he has not received any complaints regarding how the events have gone.

0:20:58 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve of Request from Milton's Brewery to serve alcohol (beer & wine) on City streets during Milton's Brewing Block Party Applicant: Milton's Brewery.

0:21:05 **VOTE**

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

0:21:20 **9. CONSIDER APPROVAL OF SUBMISSION OF A NATIONAL PARKS SERVICE GRANT APPLICATION FOR AN OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT FOR SHORTHORN PARK REHABILITATION**

Mrs. Austin said the purpose of the National Parks Service Outdoor Recreation Legacy Partnership (ORLP) is to renew or significantly improve recreation opportunities in urban, disadvantaged communities lacking access to walkable outdoor recreation consistent with the purposes and requirements of the Land and Water Conservation Act. She said the National Parks Service is expected to award eligible projects from \$300,000 to \$10,000,000 under this notice of funding opportunity. Mrs. Austin said the

City wishes to apply for funding to rehabilitate Shorthorn Park into a new and improved sports and recreation area for this centrally located and disadvantaged community. She said according to the Climate and Economic Justice Screening Tool, this area qualifies under the climate change and health disadvantaged and socioeconomic threshold. She said the City of Carlsbad also qualifies as a community having a population of 30,000 or more in the 2020 Census. She said the funding opportunity does require a 1:1 match. She said staff is currently working with an on-call engineering firm to complete a revised conceptual plan to offer the public an option for more amenities. She said the conceptual plan is being modified to add basketball and volleyball courts in addition to the playground, baseball fields, and other amenities. **Mrs. Austin** said the current estimate of probable cost is \$2.876 million; however, the City anticipates the cost to change slightly due to design and build to federal standards. She said in addition, staff requests approval on the match requirement to be secured with the City's general project funds once the final plan is approved. She said the estimate for the match at \$3 million for the project is \$1.5 million.

0:23:30 **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.

0:23:55 **B. Consider Approval of Application Submission**

Councilor Garwood said with the recent campaign, this recent area was brought to her attention. She said she fully supports this project.

Mrs. Austin said this land has covenants on it that allows us to only keep it as a green space.

Councilor Walterscheid asked since the City already has the Bob Forrest Youth Sports Complex, is this project for practice fields. **Mayor Lopez** said that is a possibility, but the main idea is for a neighborhood park.

Councilor Rodriguez said this is going to be grass, not designated baseball or soccer fields.

Councilor Walterscheid asked if the City is going to take care of these fields. **Mayor Lopez** said yes.

Councilor Chavez said this is going to be a great project for the City and the neighborhood.

0:26:03 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Garwood to approve of Submission of a National Parks Service Grant Application for an Outdoor Recreation Legacy Partnership Grant for Shorthorn Park Rehabilitation.

0:26:11 **VOTE**

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

0:26:26 **10. CONSIDER APPROVAL TO ACCEPT A 2023 NM AGING AND LONG-TERM SERVICES DEPARTMENT GRANT TO PURCHASE EQUIPMENT FOR THE MEALS PROGRAM AT THE ALEJANDRO RUIZ SENIOR CENTER**

Mrs. Austin said in May of 2022, the City of Carlsbad submitted a 2023 Capital Outlay Grant Application to the State of New Mexico Aging and Long-Term Services Department (ALTSD) for the purchase of commercial kitchen equipment for the Alejandro Ruiz Senior Center Nutritional Meals Program operated by Southeast New Mexico Community Corporation. She said all capital outlay requests for senior programs follow an application process and the funding was allocated during the 2023 Legislative Session under the Laws of 2023, Chapter 199, Section 4, Paragraph 1, in the amount of \$72,258. Mrs. Austin said the plan was to purchase equipment including a walk-in refrigerator, replacement of the round meal tables, and other eligible equipment for the Alejandro Ruiz Senior Center. She said the equipment will be added to the lease schedule of equipment under the existing agreement between the City and SNMCAC for the program. She said in anticipation of the funds, the project has been budgeted under Project No. 100930. She said once the award is accepted, the City will incur the expenditures upfront and will submit reimbursement requests to ALTSD as the funds are spent. Mrs. Austin said staff seeks the City Council's consideration for acceptance and approval of the grant agreement, and to designate the Mayor or his designee to sign the grant agreement and any related documents.

0:28:12 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve to accept a 2023 NM Aging and Long-Term Services Department Grant to purchase equipment for the Meals program at the Alejandro Ruiz Senior Center.

0:28:21 **VOTE**

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

0:28:35 **11. CONSIDER APPROVAL TO ACCEPT A 2023 NM AGING AND LONG-TERM SERVICES DEPARTMENT GRANT FOR RENOVATIONS AT THE ALEJANDRO RUIZ SENIOR CENTER**

Mrs. Austin said in May of 2022, the City of Carlsbad submitted a 2023 Capital Outlay Grant Application to the State of New Mexico Aging and Long-Term Services Department (ALTSD) for additional funding needed for Phase II of the Alejandro Ruiz

Senior Center. She said Phase II renovations included a roof, ADA parking, and secure and expanded parking. **Mrs. Austin** said due to rising costs, the City was not able to complete all of the planned improvements and thus submitted a request to complete the parking expansion, secure fenced parking for meals program vehicles, site lighting, and other associated ADA improvements. She said all capital outlay requests for senior programs follow an application process. She said the funding was allocated during the 2023 Legislative Session under the Laws of 2023, Chapter 199, Section 4, Paragraph 1, in the amount of \$402,306 minus the 1% in the Arts in Public Places of \$4,023 for a total of \$398,283.00. **Mrs. Austin** said in anticipation of the funds, the project has been budgeted under Project No. 100931. She said once the award is accepted, the City will incur the expenditures upfront and will submit reimbursement requests to ALTSD as the funds are spent. **Mrs. Austin** said staff seeks the City Council's consideration for acceptance and approval of the grant agreement, and to designate the Mayor or his designee to sign the grant agreement for any related documents.

0:30:24 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Walterscheid to approve to accept a 2023 NM Aging and Long-Term Services Department Grant for renovations at the Alejandro Ruiz Senior Center.

0:30:29 **VOTE**

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

0:30:43 **12. CONSIDER APPROVAL TO ACCEPT A 2023 NM AGING AND LONG-TERM SERVICES DEPARTMENT GRANT FOR OUTDOOR RENOVATIONS AND EQUIPMENT FOR NORTH MESA SENIOR CENTER**

Mrs. Austin said in May of 2022, the City of Carlsbad submitted a 2023 Capital Outlay Grant Application to the State of New Mexico Aging and Long-Term Services Department (ALTSD) funding to renovate the outdoor parking, provide outdoor exercise equipment, and other safety features at the North Mesa Senior Recreation Center. She said the North Mesa Senior Recreation Center has only been on the list for senior centers in New Mexico in the past few years and is now eligible to apply for Capital Outlay funds under the ALTSD program. She said all capital outlay requests for senior programs follow an application process. She said the funding was allocated during the 2023 Legislative Session under the Laws of 2023, Chapter 199, Section 4, Paragraph 19, in the amount of \$431,021 minus the 1% in Arts in Public Places of \$4,310 for a total of \$426,711. **Mrs. Austin** said in anticipation of the funds, the project has been budgeted under Project No. 100935. She said once the award is accepted, the City will incur the expenditures upfront and will submit reimbursement requests to ALTSD as the funds are spent. **Mrs. Austin** said staff seeks the City Council's consideration for acceptance and approval of the grant agreement, and to designate the Mayor or his designee to sign the grant agreement and any related documents.

0:32:30 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Walterscheid to approve to accept a 2023 NM Aging and Long-Term Services Department Grant for Outdoor Renovations and Equipment for North Mesa Senior Center.

0:32:35 **VOTE**

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

0:32:49 **13. CONSIDER APPROVAL TO ACCEPT A NEW MEXICO DEPARTMENT OF FINANCE ECONOMIC RECOVERY GRANT FOR THE DOUBLE EAGLE WATERLINE REPLACEMENT PROJECT**

Mrs. Austin said in May 22, 2023, the New Mexico Department of Finance Administration (NMDFA) announced the Economic Recovery Fund opportunity available for communities impacted by mineral and energy development as well as those who received federal stimulus funding. She said City staff identified the Double Eagle Waterline Replacement project as one that fit the funding criteria and needed additional funds to complete the project. She said \$6 million in funds were made available under the grant program and allocated during the 2021 Legislative Session for these types of projects. **Mrs. Austin** said the City submitted a grant application for \$1 million for the Double Eagle Waterline Replacement project which had received the Economic Development and Administration American Rescue Plan funding. She said the City of Carlsbad was notified of a conditional award on November 6, 2023, stipulating that the City attend a Community Development Council (CDC) hearing on December 12, 2023, to present the project and respond to any questions from the CDC. She said the CDC unanimously voted for approval of all the projects presented including an award to the City of Carlsbad of \$1,000,000 for the Double Eagle Waterline Extension project. She said once the grant agreement is accepted, the City will incur the expenditures upfront and will submit reimbursement requests to NMDFA as the funds are spent. She said the reversion date for this grant is June 30, 2025.

Councilor Walterscheid asked how long is the pipeline. **Mr. Cass** said it is approximately 5.5 miles. He said this is the funding the City has been looking for to complete this project. He said our most productive wells lie in the Double Eagle system. He said it provides a stub out down the ROW to bring Tatum water into Carlsbad.

Councilor Walterscheid asked if this water is coming from Tatum. **Mr. Cass** said this is the Double Eagle water field. He said Tatum is north of that and it is recently drilled and about to be put into production. **Councilor Walterscheid** asked how long is it going to be before the other wells are complete. He asked if we are waiting on the feasibility study on the other wells. **Councilor Rodriguez** said the City was working with another company to get the wells developed and pumping. He said when the City is ready, the rights would be leased.

0:36:56 **Mayor Lopez** asked how much this would cost the City. **Mr. Cass** said approximately \$300,000 to complete. **Mayor Lopez** asked if this grant will fund a majority of the cost. **Mr. Cass** said yes, it lets the City catch the wells that are furthest east that are the most productive.

Councilor Rodriguez asked if the City would be able to placemark this grant and resubmit for next year if the City is not ready to move forward. **Mr. Cass** said yes that would be the case. He said clearing has been complete on the project, pipe has been received, and a belt trencher has been mobilized. He said the ditch is being dug right now, so he does not anticipate a problem.

0:38:33 **MOTION**

The motion was made by Councilor Foreman and seconded by Councilor Garwood to approve to accept a New Mexico Department of Finance Economic Recovery Grant for the Double Eagle Waterline Replacement Project.

0:38:40 **VOTE**

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

0:38:54 **14. CONSIDER APPROVAL OF RESOLUTION 2024-03, A RESOLUTION TO ADOPT THE ARTS AND CULTURAL DISTRICT CULTURAL ECONOMIC DEVELOPMENT PLAN**

Mrs. Austin said in 2022, the City of Carlsbad accepted a grant as the fiscal agent on behalf of Carlsbad MainStreet to develop a Cultural Economic Development Plan for Pearl of the Pecos Arts and Cultural District. She said the City contracted with Sites Southwest to develop this plan. She said this plan is one of the final requirements needed for Carlsbad MainStreet to move forward with state authorization for an Arts and Culture District. She said this plan has been reviewed and approved by the Pearl of the Pecos Steering Committee, Carlsbad MainStreet Board, NM MainStreet, NM Arts, and the Historic Preservation Department. **Mrs. Austin** said in developing the plan, several city departments and community partners were involved in the process. She said the Plan outlines projects and priorities for the Arts and Culture District to focus on for the next few years.

Councilor Walterscheid asked what are the future plans for MainStreet. **Ms. Davis** said we have been working on this specific plan since 2021 but it has been a project for Carlsbad since 2016. She said this plan is a guiding tool for our Arts and Cultural District for the next 3-5 years. She said following the adoption of this plan, we will be going to Santa Fe to officially request a state authorization as an Arts and Cultural district. **Ms. Davis** said Arts and Cultural districts in the state of New Mexico are a newer concept whilst MainStreet is a household name. She said in the state of New Mexico, there are 32 accredited MainStreet districts and only seven Arts and Cultural

districts, therefore it is a rigorous process. She said once the proposed Resolution is adopted and the City has state authorization, it will open the City up to more funding and opportunities to partner with other communities throughout the state. **Ms. Davis** said she is hopeful that this Resolution is a guiding tool for the next 3-5 years.

0:45:25 **MOTION**

The motion was made by Councilor Foreman and seconded by Councilor Garwood to approve of Resolution 2024-03, a Resolution to adopt the Arts and Cultural District Cultural Economic Development Plan.

0:45:30 **VOTE**

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

0:45:46 **15. CONSIDER APPROVAL OF RESOLUTION 2024-04, A RESOLUTION AUTHORIZING THE CITY OF CARLSBAD TO ACCEPT DEDICATION OF A PORTION OF REAL ESTATE THAT IS APPROXIMATELY 1,300 SQUARE FEET AND IS LOCATED ON RUSSELL STREET AS IT ENTERS ONTO NATIONAL PARKS HIGHWAY**

Mrs. Austin said the owner of Guadalupe Mountain Brewing Co. L.L.C is requesting that the City accept a dedication of a portion of land that is approximately 1,300 square feet, that is currently utilized as a right-of-way on Russell Street as it enters onto National Parks Highway. She said this portion of real estate includes a stop sign. She said the common street address of the property is 3324 National Parks Highway, Carlsbad, New Mexico. She said there are two lots at this address: Lots 10A and 10B and the owner would like to dedicate only Lot 10B to the City. **Mrs. Austin** said the City would receive the land through a quitclaim deed, subject to taxes, reservations in patents, easements, rights of way, leases, covenants and restrictions and reservations of record. **Mrs. Austin** said it is recommended by City staff to accept this piece of land so it can be included in ROWs.

0:47:19 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve of Resolution 2024-04, a Resolution authorizing the City of Carlsbad to accept dedication of a portion of real estate that is approximately 1,300 square feet and is located on Russell Street as it enters onto National Parks Highway.

0:47:22 **VOTE**

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

0:47:38 **16. COUNCIL COMMITTEE REPORTS**

No reports.

0:47:45 **Mayor Lopez asked if anyone in the audience would like to address the Council.**

Norbert Rempe encouraged City Council to mirror surrounding counties on passing Ordinances to protect the lives of unborn children.

0:50:34 **Mayor Lopez asked if anyone else in the audience would like to address the Council. No one appeared.**

Councilor Walterscheid said he wants to acknowledge Mrs. Barrios-Testa for all that she has done for the City of Carlsbad.

Councilor Chavez said he wants to thank City Council members for electing him as Mayor Pro Tem. He said he feels honored to be able to accept it.

0:51:29 **17. ADJOURN**

0:51:33 **MOTION**

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

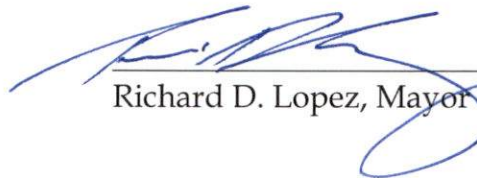
0:51:42 **VOTE**

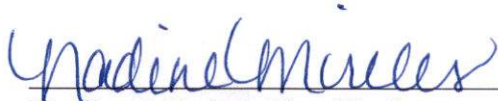
The vote was as follows: Yes - Forrest, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Niemeier; the motion carried.

0:51:57 **Adjourn**

There being no further business, the meeting was adjourned at 6:51 p.m.




Richard D. Lopez, Mayor


Nadine Mireles, City Clerk