

**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 FEBRUARY 27, 2024 AT 6:00 P.M.**

Present:	Richard D. Lopez	Mayor
	Edward T. Rodriguez	Councilor
	Karla Niemeier	Councilor
	Jason O. Chavez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor
	Mary Garwood	Councilor
Absent:	Lisa A. Anaya Flores	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney <i>via GoTo</i>
	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
	Katey Prell	Dispatch Commander
	Missi Currier	NM Oil and Gas Association
	Farley Vener	Hinkle and Landers <i>via GoTo</i>
	Edward VanScotter	Museum Director
	Gerry Washburn	Superintendent

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**

0:00:10 Invocation | Pledge of Allegiance

0:00:44 **Mayor Lopez** welcomed Missi Currier with the New Mexico Oil and Gas Association. **Ms. Currier** said she wanted to give an update on the legislative session. She said it was a decent legislative session for business in New Mexico. She said in the tax package, there is a severance tax bill that will allow smaller oil and gas producers to have a tax break that would allow them to continue using their smaller wells and come to be in compliance with environmental standards. She said this is a good environmental bill and a good fiscal policy for smaller companies. She said it is not a tax break that large companies can utilize, it is specifically for smaller operators that have older wells. **Ms. Currier** said they are working closely with the Governor's office to hopefully have this signed into law. She said there were egregious oil and gas bills that were not on the Governor's call. She said they will have to fight these bills going forward into the interim as well as going into the 60-day session. She said one of the things that will need to be cognizant of are setbacks. She said setbacks are where the actual infrastructure is for the oil and gas equipment compared to where schools, hospitals, and other facilities can be. She said oil and gas can be supportive of setbacks within reason. **Ms. Currier** said they are working diligently to have interim committees come to Carlsbad.

0:03:47 **PRESENTATION ON RAVE EMERGENCY ALERT SYSTEM BY KATEY PRELL**

Mayor Lopez welcomed Katey Prell. **Ms. Prell**, Dispatch Commander, presented a project that has been underway for the communities of Carlsbad and Artesia and all of Eddy County. She said the name of the project is Smart911 or RAVE. She said it is a web-based program with an application called Smart911, which is a nationwide application that can be used anywhere and it has been adopted in Carlsbad and all of Eddy County. **Ms. Prell** said individuals in the community can create a safety profile. She said once the profile is created, when 911 is dialed, the dispatch center will have all of the individuals' information readily available. She said having this information as soon as a call is made to 911, can save time and the individual can have faster service. She said it is a free service that is secure. **Ms. Prell** said the dispatch center can see someone's information when 911 is dialed and it stays in the system for up to ten minutes after a call. She said Smart911 is newer technology and all systems have been updated to be able to use it. She said the application is one side of the project. She said the City of Carlsbad, the City of Artesia, and all of Eddy County have purchased the RAVE alert system. She said this is going to be the emergency notification system that can be subscribed to after creating a profile in Smart911. She said this can be the main source for notifications instead of having to look on social media. **Ms. Prell** said the plan is to do a public launch with this project in the next week.

0:16:28 **1. APPROVAL OF AGENDA**

0:16:30 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Walterscheid to approve the Agenda.

0:16:36 **VOTE**

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

0:16:50 **2. CITY OF CARLSBAD FINANCIALS - JANUARY 2024**

Ms. Salcido reviewed the revenues and expenditures as of January 2024 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:18:25 **3. CONSIDER APPROVAL OF RESOLUTION 2024-06, A RESOLUTION ACCEPTING AND APPROVAL OF THE INDEPENDENT AUDITOR S REPORT FOR THE YEAR ENDED JUNE 30, 2023**

Ms. Salcido said the City of Carlsbad is required to complete a financial audit every year. She said City of Carlsbad's financial statements, notes, and the independent auditor's reports were submitted timely to the state auditor. She introduced Farley Vener, the President and Managing Shareholder of Hinkle and Landers. **Mr. Vener** presented the results of the 2023 audit.

0:33:51 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Niemeier to approve Resolution 2024,06, a Resolution accepting and approval of the Independent Auditor s Report for the year ended June 30, 2023.

0:33:57 **VOTE**

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

0:34:13 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on February 13, 2024
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Request for Proposals for design services for Alejandro Ruiz Senior Center Renovation Phase III
 - 2) Consider Approval to Award Bid 2023-16 to Border States for electrical equipment for the Par 3 Golf Course
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Southeast New Mexico Community Action Corporation for lease of a portion of the property commonly known as the Alejandro Ruiz Senior Center for use as a Meal Site and lease Commercial Kitchen Equipment and Program Vehicles
 - 2) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere Financial for Grounds Maintenance Equipment for use at the Bob Forrest Youth Sports Complex
 - 3) Consider Approval of Agreement between the City of Carlsbad and Shorthorn Little League for League Services at Bob Forrest Youth Sports Complex

4) Consider Approval of Agreement between the City of Carlsbad and National Little League Girls Softball for League Services at the Bob Forrest Youth Sports Complex

5) Consider Approval of Lease Agreement between the City of Carlsbad and Air Methods LLC for Ground Space at the Cavern City Air Terminal.

E. Monthly Reports

1) Transportation and Facilities Department January 2024

2) Utilities Department January 2024

F. Board Appointments

1) Board of Water and Sewer Commissioners reappoint Ex-officio Eddie Rodriguez four year term

0:34:34 **Mayor Lopez asked Mrs. Barrios-Testa to briefly discuss Agenda item C1, Consider Approval to Advertise Request for Proposals for design services for Alejandro Ruiz Senior Center Renovation Phase III.**

Mrs. Barrios-Testa said the City of Carlsbad is requesting approval to solicit design services. She said the City currently has Aging and Long-Term Services funding that will help begin the process. She said the City is combining the funds as a leverage for the CDBG project. She said this contract is anticipated to be approximately \$123,000.

0:35:42 **Mayor Lopez asked Mrs. Barrios-Testa to briefly discuss Agenda item D1, Consider Approval of Agreement between the City of Carlsbad and Southeast New Mexico Community Action Corporation for lease of a portion of the property commonly known as the Alejandro Ruiz Senior Center for use as a Meal Site and lease Commercial Kitchen Equipment and Program Vehicles.**

Mrs. Barrios-Testa said this is a lease agreement with Southeast New Mexico Community Action Corporation and they currently provide the nutritional program at the Alejandro Ruiz Senior Center. She said there is a one-time option for renewal for another five years. She said the City has a strong partnership with the organization.

0:36:35 **MOTION**

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

0:36:40 **VOTE**

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

0:36:55 **5. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY AT THE CARLSBAD BEACH PARK AND THE RAY ANAYA SAN JOSE PLAZA BY THE COLD SHOULDER OWNER: VANESSA RAMIREZ**

Mr. Patterson said the applicant would like to locate at the Ray Anaya San Jose Plaza and the Carlsbad Beach Park. He said the Planning Department would recommend

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, the applicant shall provide hours of operation, the applicant shall vend toward the sidewalk and avoid vending toward a roadway or drive aisle, the applicant shall dispose of all trash generated from the vending activities by utilizing their own trash disposal arrangements and avoid utilizing city trash receptacles. Mr. Patterson said approval of this request grants permission to the applicant to vend shaved ice and related food and drinks (non-alcoholic) on city-owned property at the Beach Park near the Carlsbad Water Park and within the Ray Anaya San Jose Park beginning on February 28, 2024 through December 31, 2024. He said the applicant will need to provide a surety bond to the City.

0:39:06 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to approve of Temporary Use Application to allow for mobile sales (vending) of shaved ice on City property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza by the Cold Shoulder Owner: Vanessa Ramirez.

0:39:11 **VOTE**

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

0:39:32 **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY AT THE CARLSBAD BEACH PARK AND THE RAY ANAYA SAN JOSE PLAZA BY CURBSIDE CRAVINGS OWNER: ROBERT DURAN**

Mr. Patterson said the applicant would like to locate at the Ray Anaya San Jose Plaza and the Carlsbad Beach Park. He said the applicant has requested to set up for business from Sunday through Saturday, 5:00 am to 11:00 pm at the Ray Anaya San Jose Plaza Park and 5:00 pm to 9:00, Saturday through Sunday at the Carlsbad Beach Park. He said the Planning Department would recommend 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, the applicant shall vend toward the sidewalk and avoid vending toward a roadway or drive aisle, the applicant shall dispose of all trash generated from the vending activities by utilizing their own trash disposal arrangements and avoid utilizing city trash receptacles. He said approval of this request grants permission to the applicant to vend food and drinks (non-alcoholic) on city-owned property at the Ray Anaya San Jose Park, Sunday through Saturday, 5:00 am to 11:00 pm, and at the Carlsbad Beach Park, Saturday through Sunday, 5:00 pm to 9:00 pm beginning on February 28, 2024 through December 31, 2024. He said the applicant will need to provide a surety bond to the City.

0:41:24 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve of Temporary Use Application to allow for mobile sales (vending) of food and drinks (non-alcoholic) on City property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza by Curbside Cravings Owner: Robert Duran.

0:41:31 **VOTE**

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

0:41:49 **7. CONSIDER APPROVAL OF ACCEPTANCE OF 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR ALEJANDRO RUIZ SENIOR CENTER RENOVATION PHASE III PROJECT**

Mrs. Barrios-Testa said this is a grant award for the 2023 Community Development Block Grant that comes through New Mexico Department of Finance (NMDFA) for Phase III renovations to the center. She said the project is anticipated to cost just under \$3 million. She said the funding is provided as a state pass-through from the US Housing and Urban Development, therefore it does have federal regulations and laws to follow. She said this grant will be \$750,000 and it requires a 10% match.

0:42:55 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of acceptance of 2023 Community Development Block Grant for Alejandro Ruiz Senior Center Renovation Phase III Project.

0:43:02 **VOTE**

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

0:43:17 **8. CONSIDER APPROVAL OF ACCEPTANCE OF 2023 FEDERAL MATCHING GRANT FROM NEW MEXICO DEPARTMENT OF FINANCE TO MATCH THE COMMUNITY DEVELOPMENT BLOCK GRANT FEDERAL FUNDS FOR THE ALEJANDRO RUIZ SENIOR CENTER RENOVATION PHASE III PROJECT**

Mrs. Barrios-Testa said NMDFA invited the City of Carlsbad to apply for additional funds because there were remaining funds for matching. She said \$75,000 was awarded to cover the 10% match.

0:44:32 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of acceptance of 2023 Federal Matching Grant from New Mexico Department of Finance to match the Community Development Block Grant Federal Funds for the Alejandro Ruiz Senior Center Renovation Phase III Project.

0:44:39 VOTE

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

0:44:55 **9. CONSIDER APPROVAL OF ACCEPTANCE OF CARLSBAD COMMUNITY FOUNDATION CHEVRON CATALYST GRANT FOR CARLSBAD MUSEUM FOR CARLSBAD SCHOOLS STUDENT BUS TRIPS TO THE MUSEUM**

Mr. VanScotter said the Carlsbad Museum applied for this \$2,000 grant in October 2023 in order to pay for bus rides to get children to the Carlsbad Museum. He said as of right now in the Carlsbad Municipal Schools, each class is allowed one bus ride per year. He said this is a repeat of a grant that was applied for and funded last year. He said the previous grant allowed every fourth-grade class in Carlsbad Municipal Schools to the Carlsbad Museum.

0:46:35 MOTION

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of acceptance of Carlsbad Community Foundation Chevron Catalyst Grant for Carlsbad Museum for Carlsbad Schools Student Bus Trips to the Museum.

0:46:41 VOTE

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

0:46:56 **10. CONSIDER APPROVAL OF RESOLUTION 2024-07, A RESOLUTION OF SUPPORT FOR CARLSBAD MUNICIPAL SCHOOL GENERAL OBLIGATION BOND**

Dr. Washburn said this bond amount is for \$300 million and will primarily replace and rebuild Carlsbad High School. He said the original high school was built in 1908 and P.R Leyva was built in the 1930s and it served the community until 1962. He said the main building is an iconic building with an open concept but it does not have the same durability it used to have. He said the open concept plan has created some significant security issues to keep the children and staff safe. He said because of this, they would rather replace the building than remodel it. **Dr. Washburn** said the plan is to ask the architects to honor the open concept and build a building with an open interior but as an enclosed building. He said the sq. footage would be significantly increased. He said the tax rates will remain the same as they have been since 2015. **Dr. Washburn** said this is a multi-generational opportunity for this community to replace all facilities and have them paid off by 2027.

Councilor Rodriguez said when he was a child he did not understand the concept of bonds at the time but as a young adult, he started to understand the importance of school bonds. He said he encourages everyone to support the school district and allow us to continue to grow and prosper.

Councilor Chavez said the main building is an iconic part of Carlsbad and he would hope that this is stressed to the community. **Dr. Washburn** said this has been recognized and any design will incorporate features to where people can see the resemblance. He said he will accept full responsibility for building the Performing Arts Center and how it blocks the view of the city from the main building. He said moving the main building to a different place will replace the ability to see the city from that building. He said the other part of this bond is to remodel and rebuild P.R. Leyva. He said the front will remain the way it is but the inside will be modernized.

Councilor Walterscheid thanked Dr. Washburn for his leadership.

Councilor Niemeier thanked Dr. Washburn for being proactive and utilizing the funds that the city currently has with the oil and gas industry.

Councilor Garwood said she appreciates the safety factors that are being considered into the new plans.

Councilor Forrest asked Dr. Washburn if the new building is on the same plot of land. **Dr. Washburn** said yes. **Councilor Forrest** asked if it is going to be built between the buildings already there or on the parking lot. **Dr. Washburn** said the main part of construction will occur on the parking lot between the PAD building and the cafeteria. He said they are planning on utilizing the footprint so there will not be a lot of excavating. He said with this comes a challenge in how many portables can be placed since school will still occur on the campus during construction. He said the Alta Vista campus will be used to house the P.R. Leyva students when that construction starts. He said at the high school, the plan is to replace all the buildings excluding the gyms, although a new gym will be built.

0:58:20 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2024-07, a Resolution of support for Carlsbad Municipal School General Obligation Bond.

0:58:25 **VOTE**

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

0:58:43 **11. COUNCIL COMMITTEE REPORT**

Mayor Lopez called Carlos Romero, Associate Vice President of Research and Economic Development, and Valerie Davis, Interim Director, to the podium for an update on the National Cave and Karst Research Institute (NCKRI). **Mr. Romero** said NCKRI has had its headquarters in Carlsbad since its formation. He said the Executive Director retired last year and since then they have conducted a national search for a

replacement. He said there are three finalists. He said they are hoping to get constituent feedback within the next few weeks and then they will proceed from there.

Councilor Niemeier said she appreciates the City of Carlsbad being looped back into this process.

Mr. Romero said NMTech is in a time of transition with a new President coming in next month. He said he encouraged the President and the Board of Regions to visit Carlsbad.

Councilor Garwood said RiverBlitz is on Saturday, March 2. She thanked the Parks Department, the Street Department, and the Solid Waste Department for helping her coordinate the event this year. She said this has been the highest pre-registered amount she has had with 232 people.

1:02:38 **Mayor Lopez** asked if anyone in the audience would like to address the Council. No one appeared.

1:02:44 **12. ADJOURN**

1:02:46 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Forrest to adjourn.

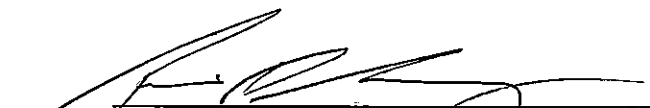
1:02:52 **VOTE**


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

1:03:07 **Adjourn**

There being no further business, the meeting was adjourned at 7:03 p.m.




Richard D. Lopez, Mayor


Nadine Mireles, City Clerk