

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

Present:	Richard D. Lopez	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Karla Niemeier	Councilor
	Jason O. Chavez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Mary Garwood	Councilor
Absent:	Jeff Forrest	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Jalynn Dominguez	Compliance Clerk
	Angie Barrios-Testa	Director of Grant Programs
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Nick Sullivan	Building Inspector
	Edward VanScotter	Museum Director
	Charlie Garcia	Police Officer
	Jesus Juarez	Citizen
	Paul Orr	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**

0:00:05 Invocation – Pledge of Allegiance

0:00:37 **1. APPROVAL OF AGENDA**

0:00:40 **MOTION**

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

0:00:45 **VOTE**

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

0:01:07 **2. CITY OF CARLSBAD FINANCIALS - FEBRUARY 2024**

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

0:02:45 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 12, 2024
- B. City Personnel Report
- C. Monthly Reports
 - 1) Community Development Department January 2024 and February 2024
 - 2) Municipal Services Department January 2024 and February 2024

0:03:04 **MOTION**

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

0:03:10 **VOTE**

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

0:03:27 **4. CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN APPLICANT: COURTESY SPORTING AND PAWN**

Mr. Patterson said this request to renew a business license for Courtesy Sporting and Pawn is required by Ordinance. He said the application was submitted on March 12, 2024. He said the Planning staff received a background check report from the Police Department which indicated that Courtesy Sporting and Pawn should be allowed to continue business within the City of Carlsbad.

0:04:13 **MOTION**

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

0:04:18 **VOTE**

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

0:04:31 **5. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MUSEUM AND MILTON'S BREWING TO SERVE ALCOHOL (BEER AND WINE) DURING A LEADERSHIP NEW MEXICO COMMUNITY RECEPTION**

Mr. VanScotter said this is a request for approval to serve alcohol at a Leadership New Mexico Community conference on April 18, 2024. He said Leadership New Mexico Community is teaming up with Milton's Brewing. He said security has been hired for the event.

0:05:24 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of request from Carlsbad Museum and Milton's Brewing to serve alcohol (beer and wine) during a Leadership New Mexico Community Reception.

0:05:30 **VOTE**

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

0:05:44 **6. CONSIDER APPROVAL OF RESOLUTION 2024-11, A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW MEXICO TOURISM DEPARTMENT FOR THE FY25 NEW MEXICO CLEAN AND BEAUTIFUL GRANT PROGRAM**

Mrs. Barrios-Testa said this request is to submit a grant application to the New Mexico Tourism Department under the FY25 Clean and Beautiful Program. She said the estimated amount that is being requested is about \$42,000. She said the grant requires a minimum of 25% City match which is approximately \$11,000. She said if awarded, the funds will be used for a variety of the same programs the City has had in the past, including youth litter clean-ups, RiverBlitz promotion, dues and conferences cost for the Beautification Director, and a youth art contest will be added. She said the waste receptacles were listed but this will be funded through the Beautification Department's operating funds. She said the application deadline is April 5, 2024.

Councilor Walterscheid asked who administers the funds. Mrs. Barrios-Testa said several City staff members are working on it.

0:07:45 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2024-11, a Resolution authorizing the submission of an application to the New Mexico Tourism Department for the FY25 New Mexico Clean and Beautiful Grant Program.

0:07:50 **VOTE**

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

0:08:04 **7. CONSIDER APPROVAL OF RESOLUTION 2024-12, A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TOURISM UNDER THE DESTINATION FORWARD GRANT PROGRAM FOR THE CARLSBAD MUSEUM ARCHIVE AND COLLECTION ANNEX**

Mrs. Barrios-Testa said this Resolution is under the same state agency as the last Agenda item. She said City staff is recommending planning, designing, and construction renovations to the property that will be the Carlsbad Museum Archive and Collection Annex. She said this project has been on the City of Carlsbad's ICIP for several years and it is also under the New Mexico Tourism list. She said there is several tiers of funding and the plan is to apply for tier 2 in the amount of \$500,000. She said the program requires a match of 5%, which is \$25,000. She said the deadline to apply is April 10, 2024.

0:09:36 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Niemeier to approve of Resolution 2024-12, a Resolution authorizing the submission of an application to the New Mexico Department of Tourism Under the Destination Forward Grant Program for the Carlsbad Museum Archive and Collection Annex.

0:09:41 **VOTE**

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

0:09:56 **8. CONSIDER APPROVAL TO REMOVE FROM TABLE PROPOSED RECONSIDERATION OF RESOLUTION 2023- 65, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE AT 1916 W LEA STREET OWNER: ERICA CORRALEZ C/O JESUS R. JUAREZ**

Mrs. Boyea-Madrid said at the last meeting this Agenda item was tabled and now it is the Council's choice on whether to keep or remove this Agenda item from the table.

0:10:50 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to remove from table proposed reconsideration of Resolution 2023- 65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W Lea Street Owner: Erica Corralez c/o Jesus R. Juarez.

0:10:55 **VOTE**

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

0:11:12 **9. CONSIDER APPROVAL OF PROPOSED RECONSIDERATION OF RESOLUTION 2023-65, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE AT 1916 W LEA STREET OWNER: ERICA CORRALEZ C/O JESUS R. JUAREZ**

Mrs. Madrid-Boyea said this Resolution requires the removal of the ruined, damaged, or dilapidated building or structure at 1916 W. Lea. She said on March 12, 2024, City Council considered whether to reconsider Resolution 2023-65. She said Council members tabled their decision until the March 23, 2024 City Council meeting, and it was requested that updated information from the Building Inspector, Nick Sullivan, be provided. She said a copy of the report from Mr. Sullivan is included in the City Council packet which indicates that the Building Inspector did in fact revisit the property. **Mrs. Madrid-Boyea** said at this time, City Council members are being asked whether Council members wish to reconsider Resolution 2023-65 and determine whether it should remain in place or be rescinded.

Councilor Walterscheid asked what the Building Inspector's report indicated. **Mrs. Madrid-Boyea** asked Mr. Sullivan to read the report and to answer any questions. **Mr. Sullivan** said on March 8, 2024, he met with the homeowner and the potential buyer for the property at 1916 W. Lea St. He said they discussed what would be necessary to remodel the existing structure and bring it up to current codes. He said the foundation of the house does not seem to have many issues; there were no signs of cracking or fractures that led him to believe the foundation is compromised. **Mr. Sullivan** said the exterior sighting is weathered and damaged without repair for many years, therefore it would need further inspection once the sighting is removed to determine the extent of water damage to the low-bearing structure of the house. He said the interior walls and coverings are in poor condition and the dry wall would need to be completely removed and at this point the interior framing can be assessed. He said the concerns were discussed with the homeowner and potential buyer and he made a point to say the electrical plumbing and mechanical systems to the house would need to be brought up to code with the use of licensed contractors and permitting. **Mr. Sullivan** said the foundation is in fairly good shape. He said he cannot speak for the underground plumbing, sewer lines, or water lines. He said the entire house will need to be rewired and it will need new HVAC equipment. He said to be sure on whether the house can be rebuilt will need to be determined once it is stripped down to see the framing. He said he does not know the extent of water damage or termite damage, if any.

Councilor Walterscheid asked if the outside layers of the house will be taken off. **Mr. Sullivan** said he would have to refer to the current homeowner. He said he would recommend it get stripped down and then review the studs before anything is covered up. **Councilor Walterscheid** asked if there is any black mold. **Councilor Garwood** said

she brought the concern of black mold into the conversation at the previous Council meeting. **Mr. Sullivan** said it is a possibility, but without sampling he is unsure. He said the State of New Mexico does not consider black mold as a hazard. He said the house can be saved with a lot of money and time.

Councilor Niemeier said her concern is this house will sit in this condition for a long period of time.

Councilor Chavez asked Mr. Orr if he has started the application process for the electrical, windows and doors. **Mr. Orr** said no, they went to Guarantee Title to purchase the home and get a title binder to make sure that Mr. Juarez had a clear title to be able to sell the home. He said the closing was scheduled but a Resolution was required to proceed with purchasing the home. He said if the Council approves, a closing will be rescheduled. **Councilor Chavez** asked how long will it take to get the exterior finished. **Mr. Orr** said about six months.

Councilor Walterscheid said as long as progress is being made and it is not sitting there in the same condition.

Councilor Rodriguez said it is obvious that there has been significant leakage into the house. He asked Mr. Orr if the trusses will be inspected. **Mr. Orr** said yes. **Councilor Rodriguez** asked Mr. Orr, once the house is stripped down and termites or water damage is found, is he willing to take it down to the slab and start from scratch. **Mr. Orr** said yes.

Councilor Rodriguez asked if there was an asbestos inspection done. **Mrs. Madrid-Boyea** said yes, there is documentation of it being done and the results were negative.

Mrs. Madrid-Boyea said to clarify, the question is whether to keep the Resolution in place or rescind it.

0:23:00 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to rescind of proposed reconsideration of Resolution 2023-65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W Lea Street Owner: Erica Corrales c/o Jesus R. Juarez.

0:23:20 **VOTE**

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

0:23:40 **10. COUNCIL COMMITTEE REPORTS**

No reports.

0:23:49 **Mayor Lopez asked if anyone in the audience would like to address the Council. No one appeared.**

0:23:57 **11. ADJOURN**

0:23:59 **MOTION**

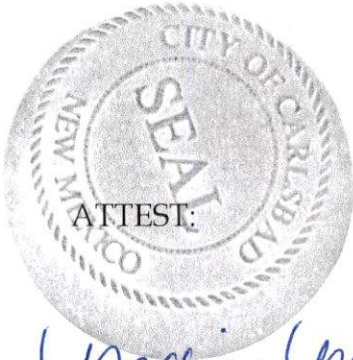
The motion was made by Councilor Anaya-Flores and seconded by Councilor Gawoord to adjourn.

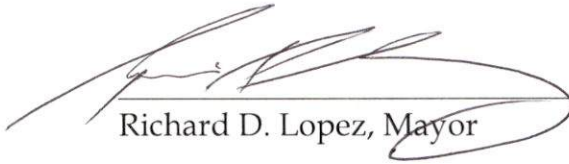
0:24:10 **VOTE**


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

0:24:23 **Adjourn**

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




Richard D. Lopez, Mayor


Nadine Mireles, City Clerk