



**A G E N D A**  
Carlsbad City Council  
**Organizational Meeting**  
Municipal Building, 101 North Halagueno  
Carlsbad, New Mexico  
March 11, 2014 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Elect Mayor Pro Tem
3. Determine Time and Place of Council Meetings
4. Determine Rules of Proceedings
5. Consider approval of Resolution No. 2014-14, a Resolution confirming the names of persons who shall fill the employment and appointive offices of the municipality
6. Adjourn

INFORMATION ONLY

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**NEXT REGULAR CITY COUNCIL MEETINGS**

- Regular City Council Meeting on Tuesday, March 25, 2014 at 6:00 p.m.
- Regular City Council Meeting on Tuesday, April 8, 2014 at 6:00 p.m.

<p>If you require hearing interpreters, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.</p>
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**No document for this  
Agenda Item**

**No document for this  
Agenda Item**

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Agenda Item**



RESOLUTION NO. 2014-\_\_

A RESOLUTION CONFIRMING THE NAMES OF PERSONS WHO SHALL FILL THE  
APPOINTIVE OFFICES OF THE MUNICIPALITY AND THE NAMES OF THE PERSONS WHO  
SHALL BE EMPLOYED BY THE MUNICIPALITY

WHEREAS, Section 3-11-5(A), NMSA, 1978, as amended, requires that at the organizational meeting of the governing body, the Mayor shall submit, for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality and the names of persons who shall be employed by the municipality; and

WHEREAS, the Mayor has submitted to the Council the names of the persons who shall fill the various appointive offices of the City and the names of persons who shall be employed by the City;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad that:

1. The persons whose names appear on the list of appointive offices submitted by the Mayor and incorporated herein by reference are hereby confirmed for such appointive offices.
2. The persons whose names appear on the list of persons to be employed by the City submitted by the Mayor and incorporated herein by reference are hereby confirmed for employment.

INTRODUCED, PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
Dale Janway, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

LAST	FIRST	MI	CLASSIFICATION
Barrick	J.	Annette	City Clerk/Asst to City Adm
Bendixsen	Scot	D.	Human Resources Director
Camero	Luis	R.	Director of Utilities
Carlson	Thomas	F.	Director of Public Works
Harris	Monica	D.	Dir of Finance/Treasurer
Lopez	Richard	D.	Fire Chief
McCutcheon	Steven	V.	City Administrator
Plumlee, Jr.	Sam		IT Director
Riordan	Eileen	P.	City Attorney
Shumsky	Stephanie	E.	Planning Director
Waller	D.	Kent	Chief of Police
Abbott	Blanche	A.	Transit Driver
Abell	Ivan	Michael	Construction Inspector
Abeyta	J.	A., Jr.	School Crossing Guard
Acosta	Sabrina	M.	Library Clerk
Adkins	John	D.	Lieutenant EMT-I
Aguilar	Richard	L.	Environmental Serv Superintendent
Aguilar	Ruben	P.	Construction Maintenance 2
Ahrens	Kenneth	S.	Staff Development Officer
Alam	Mark	J.	Lieutenant/EMT-I
Alanzo	Elba	R.	Recreation Attendant
Aldaz	Gary	D.	Battalion Chief/EMT-I
Anaya	Daniel	L.	Transit Driver, on call
Anaya	Jose	Benito, III	Caretaker
Anaya	Richard	R.	Waste Water Operator 3
Aranda	Roberto	C.	Heavy Equipment Operator 1
Armstrong	Sally	M.	Court Clerk
Arnold	Cassandra	A.	Library Director
Asbury	Joshua	K.	Caretaker
Atchley	E.	Wayne	Patrolman
Auberry	Romey	R.	Truck Driver
Austin	Anna	E.	Corporal
Austin	Christopher	J.	Corporal
Autrey	Brandy	E.	Telecommunicator
Baca	Antonio	L.	Corporal
Baker	Guy	R.	ARC Driver
Baldwin	Jason	L.	Telecommunicator
Balencia	Jaime	N.	Lieutenant
Ballard	Jill	K.	ARC Driver
Ballew	Robert	D.	Code Enforcement Officer
Barnett	Tommy	R.	Lieutenant
Barrera	Oscar		ARC Driver
Beason	Anna	M.	Special Projects Administrator
Beason	John	Henry	Court Bailiff
Beason	Patricia	S.	Senior Recreation Manager
Bird	Zachary	N.	Patrolman
Bishop	Jeffrey	Travis	Firefighter/Rookie EMT-B
Blackmon	Jon	D.	Detective, Lieutenant
Bland	Loretta	A.	Transit Data Entry Clerk
Bock	Karen	E.	Executive Secretary
Bohner	Michael	G.	Master Mechanic
Bonney	Ellen	Brooke	Account Clerk III
Boudrie	Michelle	L.	Animal Control Officer
Bowie	Norman	O.	Patrolman
Britton	Luther	Howard	Water Operator 2
Broom	Crystal	A.	School Crossing Guard
Bryant	Patrick	N.	Patrolman
Buendia	Armando	V.	Heavy Equipment Operator 1
Bunch	Charles	E.	School Crossing Guard

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Burger	Jeffrey	W.	Electrical Inspector
Burke	Brian	P.	Detective, Senior
Burt	James	B.	Lieutenant/EMT-P
Bussell	Claire	E.	Receptionist P/T
Caddell	Kira	M.	Recreation Attendant, on call
Caddell	Wanda	R.	Recreation Ctr Asst Manager
Calderon	Cecilia	N.	Transit Driver
Calderon	LaTrisha	D.	Telecommunicator
Calderon	Manuel	B.	Construction Maintenance 2
Calderon	Martin	N.	Facility Maintenance
Campbell	Lawrence		ARC Driver
Campos	Jennifer	M.	Executive Secretary
Campos	Jose	D.	Firefighter/EMT-I
Campos-Hernandez	Lisa	M.	Project Assistant
Carbajal	Sarah	A.	Recreation Attendant
Carlsen	Bradley	W.	Engineer/EMT-P
Carnero	Ashley	R.	Court Clerk
Carnero	Patricia		Meter Reader Representative
Carrasco	Michael	D.	Facility Maintenance
Carrasco	Patricia	A.	Receptionist P/T
Carrigan	Tamara	L.	Account Clerk II
Carrillo	Arturo	M.	Transit Driver. on call
Carrillo	Margarito	M.	ARC Driver
Carrillo	Richard	A.	Firefighter/EMT-I
Carter	Jay	A.	Lieutenant/EMT-I
Cartwright	Zuzana		Museum Attendant P/T
Cass	J.	Patrick	Field Maintenance Superintendent
Cass	Kenneth	C.	Building Official
Castaneda	Henry	Jacob	Animal Control Officer
Castaneda	Rory	J.	Corporal
Castillo	Albert	R., Jr.	Corporal
Castillo	Robert	Jr.	Engineer/EMT-I
Castillo	Robert	A.	Foreman
Castillo	Victor	L.	Welder 2
Castro	George	U.	Water Operator 2
Chandler	Sherri	E.	Airport Manager
Chapman	Lance	J.	Caretaker
Chavez	Bernice	M.	Telecommunicator
Christesson	Robert	D.	Water Operator 1
Coggin	Cecilia	Joanne	Records Clerk
Collins	Robert	Casey	Firefighter/EMT-I
Colorado	Belinda	K.	Transit Driver
Contreras	Dennis	P.	Facility Maintenance
Cooper	Clarence	J.	School Crossing Guard
Corman	John	R.	Foreman, Electrical
Cox	Alvin	John	Caretaker
Crabb-Ramirez	Paula	D.	Secretary
Cunningham	D.	Duane	Battalion Chief/EMT-I
Cureton	Tom	E.	Street Sweeper Operator
DeLaPaz	Timoteo		Water Operator 2
DeSantiago	David	A.	Patrolman
Dionne	Ashlee	A.	Patrolman 2
Dodson	Connie	L.	Transit Driver, on call
Dominguez	Edward	L.	Heavy Equipment Operator 2
Dominguez	Ernest	Dyllan	Recreation Attendant
Dominguez	Ernie		Foreman, Welder
Doporto	Ray	P.	Irrigation Maintenance
Dorado	Diana	L.	Secretary
Dorado	Samuel	S.	Corporal
Dorado	Steven	S.	Lieutenant/EMT-P
Dorado	Tina	R.C.	Patrolman
Dougan	Joshua	J.	Water Maintenance Supervisor
Duarte	Edwardo		Sergeant
Dunn	Catherine	D.	Support Services Sergeant
Duran	Virginia	M.	Records Supervisor

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Eastman	Linda	R.	Museum Attendant P/T
Ebright	Gilbert	E.	Transit Driver, on call
Echavarria	Ricardo	C.	Facility Maintenance
Edwards	Debra	A.	Water Maintenance Supervisor
Emison	Noble	Ross	Journeyman Wireman
England	Robert	R.	Heavy Equipment Operator 1
Estrada	Albert	H.	Foreman
Estrada	Rodolfo	M.	Lubrication
Etcheverry	Leslie	Tai	Internal Auditor
Evans	David	E.	Facility Maintenance
Evans	Leo	T.	Electronics Technician
Ferrales	Elizabeth	M.	Detective
Fierro	Fidel	V.	School Crossing Guard
Fitch	Lexie	P.	BPA Intern
Fletcher	Matthew	S.	Purchasing Manager
Flores	David	R.	Solid Waste Supervisor
Flores	Eric	N.	Engineer/EMT-P
Flores	James	D.	Corporal
Flores	Laura	M.	Account Clerk I
Florez	Bryanna	A.	BPA Intern
Florez	Cynthia	M.	Secretary
Florez	Isaac	S.	Animal Control Officer
Florez	Jarod	A.	Captain
Florez	Kevin	J.	Police Chief, Asst.
Florez	Selena	M.	Telecommunicator
Forni	Clifton	L.	Facility Maintenance
Fox	Patrick	J.	ARC Driver
Franco	Bobby	S.	Meter Reader Representative
Franco	Emma		Telecommunicator
Franco	Lonnie	M.	ARC Driver
Franks	Anthony	J.	Engineer/EMT-I
Frintz	James	K.	ARC Driver
Frintz	Tyson	H.	Code Enforcement Officer
Gage	Charles	O.	School Crossing Guard
Galindo	Randy	S.	Safety Manager
Garcia	Bebe	L.	Telecommunicator
Garcia	Carlos		Corporal
Garcia	Steven	E.	Foreman, Construction
Garcia	Velma	C.	School Crossing Guard
Garza	Donna	M.	Custodian
Garza	Ian	L.	Recreation Attendant, on call
Gates-Johnson	Collis	L.	Court Administrator
Gilbert	Melvin	H.	Meter Reader Representative
Goad	Mark	A.	Waste Water Lab Technician
Goff	Scott	T.	Water Operator, Appr.
Gomez	Cecilia	A.	Secretary
Gonzales	David	C.	Construction Supervisor
Gonzales	Yanira	S.	RSVP Coordinator
Gonzalez	Antonia	F.	School Crossing Guard
Gonzalez	Edwin	O.	Foreman
Gonzalez	Misty	J.	Library Page P/T
Gonzalez	Sandy	N.	Budget Manager
Graham	Katie	C.	School Crossing Guard
Graham	Mitzi	A.	Transit Clerk
Granger	Allen	J.	Foreman
Granger	Danny	L.	Irrigation Specialist
Granger	Edmund	J., Jr.	Water Operator, Appr.
Granger	Jessica	L.	Caretaker
Griffin	Jason	G.	Sergeant
Gutierrez	Enrique	Q.	Foreman
Haas	Jesse	W.	Sports & Recreation Attendant
Hall	Julie	A.	Library Clerk
Hardin	Gina	L.	Recreation Attendant, on call
Harris	Robby	N.	Firefighter/EMT-P
Harvey	Joseph	P.	Water Superintendent

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Hatch	Troy	L.	Traffic Signer
Hatfield	Wayne	R.	IT Manager
Hendley	Stephen	G.	Golf Course Superintendent
Hepler	Guy	C.	Engineering Assistant
Hernandez	Anthony	J.	Meter Reader Representative
Hernandez	Bertha	Z.	Senior Recreation Attendant P/T
Hernandez	Kimberley	A.	Court Clerk
Hernandez	Lorena	E.	Court Clerk
Hernandez	Martin	B.	Evidence Technician
Hernandez	Michael	A.	Deputy Director of Utilities
Hernandez	Michael	R.	Foreman
Hernandez	Robert	P.	Meter Reader Foreman
Hernandez	Tony	L.	Master Mechanic
Hinojos	Adolfo	N.	Transit Driver, on call
Hinojos	David	N., Jr.	Waste Water Operator, Appr.
Hobbs	John	P.	School Crossing Guard
Howerton	R.	Dianne	Library Clerk
Hughes	Laura	A.	Library Page P/T
Ingram	Elaine	E.	Payroll Clerk
Jackson	Ricky	A.	Airport Operations Specialist
Jackson-Christopher	Patsy	F.	Dir of Culture, Rec & Comm Serv
Jaquez	Gerard	T.	Engineer/EMT-I
Jaquez	Leonel		Firefighter Rookie/EMT-B
Jaure	JoAnne	J.	Fixed Asset Coordinator
Juarez	Olga	T.	Recreation Center Assistant Mgr.
Jolly	Brenda	J.	Transit Driver
Jones	Danny	J.	Building Inspector, Senior
Kirby	Robin	Y.	Assistant Treasurer
Klein	Julie	J.	Librarian, Information, on call
LaBranche	Deborah	S.	Purchasing Clerk
Laney	Alexander	Zane	Caretaker
Langlitz	Matthew	T.	Patrolman
Lara	Abel	C.	Foreman
Lawson	Cory	R.	Caretaker
Lawson	Joshua	A.	Waste Water Foreman
Lester	Jesse	James	ARC Driver
Leyva	Frances	G.	Executive Secretary
Leyva	Raquel	R.	ARC Driver
Lily	Tiger		Museum Attendant P/T
Lofton	Betty	C.	Transit Driver
Logsdon	James	E.	Patrolman
Lopez	Bruce	L.	Caretaker
Lopez	Eloy	H., Jr.	Tireman
Lopez	Gail	M.	Account Clerk I
Lopez	Gwen	E.	Telecommunicator
Lopez	John	A.	Construction Maintenance 2
Lopez	Keith	R.	Recreation Attendant, on call
Lopez	Liza	E.	Custodian
Lopez	Louis	J., Sr.	Construction Maintenance 2
Losoya	Carla	J.	School Crossing Guard
Lowe	John	N.	Sports & Recreation Superintendent
Lowe	Michael	Jason	Lieutenant/EMT-I
Lujan	Keith	G.	Master Mechanic
Lujan	Mark	A.	ARC Driver
Lujan	Sylvia	S.	Records Clerk
Luna	Alexander		Engineer/EMT-P
Luzik	Cheri	L.	Beautification Coordinator
Macha	Phillip	B.	Patrolman
Madrid	Ajay	M.	Firefighter Rookie/EMT-B
Madrid	Benjamin	L.	Foreman, Shop
Madrid	Patsy		Records Clerk
Madrid	Renee	L.	Riverwalk Rec Center Manager
Majerus	John	P.	Firefighter/EMT-I
Mansfield	Margie	J.	Library Clerk
Marrs	Cody	L.	Engineer/EMT-I

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Martinez	Angel	J.	Foreman
Martinez	Armando		Container Maintenance
Martinez	David	M.	Transit Driver, on call
Martinez	Eric	L.	Caretaker
Martinez	Naaman	E.	Patrolman
Martinez	Richard	C.	Construction Maintenance 2
Martinez	Sabino	M., Jr.	ARC Driver
Marzett	Leroy	Jr.	Transit Driver
Mathis	Terry	M.	Maintenance Superintendent
Matta	Andrew	V.	Patrolman
Matthews	Kevin	W.	Corporal
Maxwell	Scott	F.	Engineer/EMT-P
McCormick	Ronald	D.	Water Operator 3
McDougall	Amanda	J.	Secretary
McDougall	David	M.	Engineer/EMT-I
McGill	Teddy	L.	Lieutenant/EMT-P
McGonagill	Cody	J.	Firefighter/EMT-I
McMinn	Karl	W.	Transit Driver, P/T
Medina	Stephanie	A.	BPA Intern
Mendoza	Angelina	F.	Senior Recreation Attendant P/T
Mendoza	Benito		School Crossing Guard
Mendoza	Brian	K.	Fire Chief, Asst.
Mendoza	Ernesto	J.	Sergeant
Mendoza	Mike	A.	Heavy Equipment Operator 2
Methola	Rosario	D.	Executive Assistant
Miller	John	R.	Fire Marshal
Mireles	Nadine	D.	Deputy City Clerk
Moisa	Albert		Solid Waste Supervisor
Montoya	Lorraine	Y	ARC Driver
Mooney	Jeffrey	R.	Caretaker
Moore	Jo Ann	R.	Transit Manager
Morales	Isaiah	M.	Caretaker
Moran	Eric	N.	Patrolman 2
Moreno	Edilberto		Water Operator 4
Moreno	Mark		Engineer/EMT-P
Morgan	Dave	W.	Museum Director
Morgan	Henry	F.	Airport Operations Specialist
Morton	Robert	N., Jr.	Irrigation Maintenance
Moyers	Jennifer	D.	Lieutenant
Moyers	Jonathan	F.	Captain
Munoz	Jonathan	J.	Caretaker
Munro	Marsha		Transit Driver, on call
Murray	Christopher	L.	Master Mechanic
Myers	Ronald	W.	Water Maintenance Supervisor
Najar	Kelly	L.	Foreman, Construction
Najar	Salvador		Equipment Maintenance
Nalley	Carrie	R.	School Crossing Guard
Nalley	Taylor	R.	School Crossing Guard
Nava	Hector	M.	Waste Water Operator 2
Navarrete	Eric	D.	City Engineer
Navarrete	Mike	C.	Caretaker
Navarrette	A.	Dina	Assistant Sports & Rec Coordinator
Navarrette	Ida	M.	Sr Rec Asst Manager
Navarrette	Mary	M.	Administrative Coordinator
Navarrette	Monica	M.	Court Administrator, Asst
Naylor	Robert	Scot	Detective
Nesbit	Bobby	G.	Welder 2
Nesbit	Dale	E.	Journeyman Wireman
Nichols	Wesley	W.	HVAC Technician
Nieman	Beth	A.	Librarian
Nodine	Anthony	W.	Transit Driver, on call
O'Hearon	Larry	D.	ARC Driver
Oliphant	Peter	E.	Waste Water Operator 2
Ontiveros	Geronimo	S.	Lieutenant/EMT-I
Ornelas	Lupe	Q.	Cemetery Manager

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Orozco	Francisco	D.	Waste Water Operator, Appr.
Ortega	Gilbert	J.	Community Service Officer
Ortiz	Manuel	D.	Container Maintenance Assistant
Padilla	Jimmy	J.	Journeyman Wireman
Parks	Cassandra	J.	Museum Assistant Director
Parks	Danny	R.	Journeyman Wireman
Parraz	Alfredo	L., Jr.	Water Operator 2
Parraz	Casey	G.	ARC Driver
Parraz	Imy	J.	Telecommunicator
Parsons	William	J.	Water Operator, Appr.
Patterson	Jeffery	E.	GIS Technician
Pearson	Julie	L.	Librarian
Perez	David	S.	Construction Maintenance 2
Perez	John	G.	Water Operator, Appr.
Peterson	George	G.	Water Operator 4
Phelps	Earl	M.	Lieutenant/EMT-P
Phillips	Joshua	D.	Corporal
Pickens	Lin	W.	Warehouse Supervisor
Pistole	Patricia	V.	Secretary
Ponce	Jessica	A.	Payroll Clerk
Potter	Billy	W.	Custodian
Preece	Rory	T.	Patrolman 2
Prell	Kathryn	A.	Telecommunicator
Pruitt	Maurice		Battalion Chief/EMT-I
Quintana	Luz	G.	School Crossing Guard
Quiroz	Billy	Ray	Firefighter Rookie/EMT-B
Ramirez	Abrianiza	S.	Library Page P/T
Ramirez	Alicia	R.	Archive Secretary
Ramirez	Ashley	M.	Recreation Attendant, on call
Ramirez	Bianca	L.	Recreation Attendant, on call
Ramirez	George	L.	Construction Maintenance 2
Ramirez	Jesse	D.	Firefighter Rookie/EMT-I
Ramirez	Jose	C.	Waste Water Sr Lab Tech
Ramirez	Logan	M.	Customer Service Operator
Ramirez	Lupe	F.	Caretaker
Ramirez	Michael	A.	Water Operator, Appr.
Ramirez	Olga	E.	Executive Assistant
Ramirez	Ruben	R.	Solid Waste Superintendent
Ramos	Rene	N.	Warehouse Clerk
Ramos	Sergio	E.	Engineer/EMT-I
Reiner	Zachery	A.	Community Service Officer
Rennie	Steven	Blaine	Sergeant
Renteria	Luis	C.	Parks Superintendent
Rhoades	Daniel	B.	Patrolman 2
Riddle	John	R.	Engineer/EMT-I
Ristom	Michael	E.	EMS Division Chief
Rivera	Samuel	Adrian	Sergeant
Robb	Katie	M.	Transit Driver, P/T
Roberts	Kayla	L.	BPA Intern
Robertson	Michele	D.	Museum Attendant P/T
Robinson	Eric	P.	Lieutenant/EMT-P
Rodriguez	Adrian	R.	Sergeant
Rodriguez	Bradley	S.	Sergeant
Rodriguez	Jessie	J.	Sergeant
Rodriguez	Joe	L.	Librarian, Information, on call
Rodriguez	Joshua	M.	Patrolman 2
Rodriguez	Melissa	L.	Recreation Attendant, on call
Rodriguez	Raymon	R.	Firefighter/EMT-I
Rodriguez	Ryan	P.	Corporal
Rodriguez	Steven	N.	Master Mechanic
Rodriguez	William	B.	Construction Maintenance 2
Rodriguez	Michelle	P.	Library Page P/T
Romero	Teanna	N.	Recreation Attendant, on call
Rook	William	N.	Fire Marshall
Ross	Barbara	A.	Custodian

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Rountree	Melinda	A.	Executive Secretary
Rubalcava	Jonathan	C.	Water Operator, Appr.
Ruiz	Andres	F.	Firefighter/EMT-I
Ruiz	Monceis	M.	ARC Driver
Runnels	Angela	J.	Caretaker
Runnels	Christopher	S.	Caretaker
Rusk	Christopher	D.	Engineer/EMT-P
Salcido	Melissa	M.	Account Clerk 1
Sanchez	Allen	D.	Sergeant
Sanchez	Bernard	M.	Water Operator, Appr.
Sanchez	Elizabeth	L.	Transit Driver, P/T
Sanchez	Robert	P.	Lieutenant/EMT-I
Schneider	Sylvia	A.	Solid Waste Coordinator
Schwiger	Jamey	L.	Double Eagle Superintendent
Serrano	Nicole	M.	Executive Secretary
Settle	Keith	D.	Engineer/EMT-I
Shelton	Catherine	G.	Support Commander
Shott	Michael		Corporal
Silva	Annette	D.	Telecommunicator
Skelton	Nathan	R.	Lieutenant/EMT-P
Smedley	Phyllis	J.	Executive Secretary
Smith	Michelle	I.	Account Supervisor
Smith	Rebecca		Caretaker
Smithfield	Ryan	C.	Firefighter/EMT-P
Sneathen	John	R.	Patrolman
Sosa	Ivan	A.	Utility Surveyor/Auditor
Starr	David		Street Sweeper Operator
Steiner	Samuel	L.	Patrolman 2
Stubbe	Paul	J.	Foreman, Water
Sullivan	Nicholas	A.	Construction Maintenance 1
Swanson	Andrew	T.	Corporal
Swindell	Tina	R.	Senior Recreation Attendant P/T
Tavarez	Dora	A.	Executive Secretary
Tavarez	Rafael	R.	Water Operator 2
Tavarez	Victor	R.	Street Superintendent
Taylor	Michael	W.	Community Service Officer
Thomas	Elizabeth	G.	Librarian, Information, on call
Thompson	Jeanne	M.	Executive Assistant
Tiller	Tonia	R.	Detective, Senior
Tomko	John	F.	Evidence Clerk
Trautner	Robert		Firefighter Rookie/EMT-B
Trevino	Dana		Purchasing Clerk
Trujillo	Mark	C.	Electronics Technician
Trujillo	Michael	A.	Firefighter/EMT-P
Utter	Amada	V.	Recreation Attendant
Utter	William	R.	Recreation Attendant, on call
Valdez	Felix	A.	Water Operator 2
Valenzuela	Alejandro	H.	Foreman, Shop
Valenzuela	Mary	Helen	Custodian
Vannatter	Todd	R.	Firefighter/EMT-I
Vasquez	Alysha	M.	Records Clerk
Vasquez	Amparo	C.	Senior Recreation Manager
Vasquez	Guadalupe	J.	Lubrication
Vaughn	Jackie	I.	Transit Driver, on call
Veilleux	Michael	Jeffrey	Lieutenant/EMT-I
Venegas	Adan	T.	Transit Driver, on call
Venegas	Sylvia	R.	Transit Driver, on call
Vera	Alejandro	G.	Heavy Equipment Operator 2
Vigil	Dolores	A.	Transit Driver, P/T
Villa	Samantha	R.	Librarian
Villalobos, Jr.	Ignacio		Firefighter Rookie/EMT-B
Villareal	Felipe	N., Jr.	Caretaker
Villegas	Orlando		Traffic Signer
Wachholz	Kadee	V.	Executive Secretary
Walker	Alton	L.	Street/Community Service Supv.



## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Walterscheid	Sybil	I.	Library Director, Asst.
Warmbein	Mark	A.	Master Mechanic
Warren	Thomas	L.	Facility Maintenance
West	Clinton	C.	Code Enforcement Supervisor
Westfall	Brenda	J.	Sports & Recreation ATtendant
Whitzel	David	B.	Narcotics Officer
Whobrey	Roger	W.	Transit Driver, P/T
Whygles	Jessica	L.	Transit Driver, on call
Williams	David	M.	Patrolman 2
Williams	Reginald	C.	Laborer
Williamson	Ronnie		Recreation Attendant, on call
Workman	Jimmy	D.	Lubrication
Wright	Alexis	R.	BPA Intern
Wright	K.	Gayle	Transit Clerk
Wyatt	Dustin	A.	IT Technician
Yackel	Martin	J.	Patrolman 2
Yturalde	Larry	G.	Engineer/EMT-I

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

LAST	FIRST	MI	CLASSIFICATION
Barrick	J.	Annette	City Clerk/Asst to City Adm
Bendixsen	Scot	D.	Human Resources Director
Camero	Luis	R.	Director of Utilities
Carlson	Thomas	F.	Director of Public Works
Harris	Monica	D.	Dir of Finance/Treasurer
Lopez	Richard	D.	Fire Chief
McCutcheon	Steven	V.	City Administrator
Plumlee, Jr.	Sam		IT Director
Riordan	Eileen	P.	City Attorney
Shumsky	Stephanie	E.	Planning Director
Waller	D.	Kent	Chief of Police
Abbott	Blanche	A.	Transit Driver
Abell	Ivan	Michael	Construction Inspector
Abeyta	J.	A., Jr.	School Crossing Guard
Acosta	Sabrina	M.	Library Clerk
Adkins	John	D.	Lieutenant EMT-I
Aguilar	Richard	L.	Environmental Serv Superintendent
Aguilar	Ruben	P.	Construction Maintenance 2
Ahrens	Kenneth	S.	Staff Development Officer
Alam	Mark	J.	Lieutenant/EMT-I
Alanzo	Elba	R.	Recreation Attendant
Aldaz	Gary	D.	Battalion Chief/EMT-I
Anaya	Daniel	L.	Transit Driver, on call
Anaya	Jose	Benito, III	Caretaker
Anaya	Richard	R.	Waste Water Operator 3
Aranda	Roberto	C.	Heavy Equipment Operator 1
Armstrong	Sally	M.	Court Clerk
Arnold	Cassandra	A.	Library Director
Asbury	Joshua	K.	Caretaker
Atchley	E.	Wayne	Patrolman
Auberry	Romey	R.	Truck Driver
Austin	Anna	E.	Corporal
Austin	Christopher	J.	Corporal
Autrey	Brandy	E.	Telecommunicator
Baca	Antonio	L.	Corporal
Baker	Guy	R.	ARC Driver
Baldwin	Jason	L.	Telecommunicator
Balencia	Jaime	N.	Lieutenant
Ballard	Jill	K.	ARC Driver
Ballew	Robert	D.	Code Enforcement Officer
Barnett	Tommy	R.	Lieutenant
Barrera	Oscar		ARC Driver
Beason	Anna	M.	Special Projects Administrator
Beason	John	Henry	Court Bailiff
Beason	Patricia	S.	Senior Recreation Manager
Bird	Zachary	N.	Patrolman
Bishop	Jeffrey	Travis	Firefighter/Rookie EMT-B
Blackmon	Jon	D.	Detective, Lieutenant
Bland	Loretta	A.	Transit Data Entry Clerk
Bock	Karen	E.	Executive Secretary
Bohner	Michael	G.	Master Mechanic
Bonney	Ellen	Brooke	Account Clerk III
Boudrie	Michelle	L.	Animal Control Officer
Bowie	Norman	O.	Patrolman
Britton	Luther	Howard	Water Operator 2
Broom	Crystal	A.	School Crossing Guard
Bryant	Patrick	N.	Patrolman
Buendia	Armando	V.	Heavy Equipment Operator 1
Bunch	Charles	E.	School Crossing Guard

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Burger	Jeffrey	W.	Electrical Inspector
Burke	Brian	P.	Detective, Senior
Burt	James	B.	Lieutenant/EMT-P
Bussell	Claire	E.	Receptionist P/T
Caddell	Kira	M.	Recreation Attendant, on call
Caddell	Wanda	R.	Recreation Ctr Asst Manager
Calderon	Cecilia	N.	Transit Driver
Calderon	LaTrisha	D.	Telecommunicator
Calderon	Manuel	B.	Construction Maintenance 2
Calderon	Martin	N.	Facility Maintenance
Campbell	Lawrence		ARC Driver
Campos	Jennifer	M.	Executive Secretary
Campos	Jose	D.	Firefighter/EMT-I
Campos-Hernandez	Lisa	M.	Project Assistant
Carbajal	Sarah	A.	Recreation Attendant
Carlsen	Bradley	W.	Engineer/EMT-P
Carnero	Ashley	R.	Court Clerk
Carnero	Patricia		Meter Reader Representative
Carrasco	Michael	D.	Facility Maintenance
Carrasco	Patricia	A.	Receptionist P/T
Carrigan	Tamara	L.	Account Clerk II
Carrillo	Arturo	M.	Transit Driver. on call
Carrillo	Margarito	M.	ARC Driver
Carrillo	Richard	A.	Firefighter/EMT-I
Carter	Jay	A.	Lieutenant/EMT-I
Cartwright	Zuzana		Museum Attendant P/T
Cass	J.	Patrick	Field Maintenance Superintendent
Cass	Kenneth	C.	Building Official
Castaneda	Henry	Jacob	Animal Control Officer
Castaneda	Rory	J.	Corporal
Castillo	Albert	R., Jr.	Corporal
Castillo	Robert	Jr.	Engineer/EMT-I
Castillo	Robert	A.	Foreman
Castillo	Victor	L.	Welder 2
Castro	George	U.	Water Operator 2
Chandler	Sherri	E.	Airport Manager
Chapman	Lance	J.	Caretaker
Chavez	Bernice	M.	Telecommunicator
Christesson	Robert	D.	Water Operator 1
Coggin	Cecilia	Joanne	Records Clerk
Collins	Robert	Casey	Firefighter/EMT-I
Colorado	Belinda	K.	Transit Driver
Contreras	Dennis	P.	Facility Maintenance
Cooper	Clarence	J.	School Crossing Guard
Corman	John	R.	Foreman, Electrical
Cox	Alvin	John	Caretaker
Crabb-Ramirez	Paula	D.	Secretary
Cunningham	D.	Duane	Battalion Chief/EMT-I
Cureton	Tom	E.	Street Sweeper Operator
DeLaPaz	Timoteo		Water Operator 2
DeSantiago	David	A.	Patrolman
Dionne	Ashlee	A.	Patrolman 2
Dodson	Connie	L.	Transit Driver, on call
Dominguez	Edward	L.	Heavy Equipment Operator 2
Dominguez	Ernest	Dyllan	Recreation Attendant
Dominguez	Ernie		Foreman, Welder
Doporto	Ray	P.	Irrigation Maintenance
Dorado	Diana	L.	Secretary
Dorado	Samuel	S.	Corporal
Dorado	Steven	S.	Lieutenant/EMT-P
Dorado	Tina	R.C.	Patrolman
Dougan	Joshua	J.	Water Maintenance Supervisor
Duarte	Edwardo		Sergeant
Dunn	Catherine	D.	Support Services Sergeant
Duran	Virginia	M.	Records Supervisor

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Eastman	Linda	R.	Museum Attendant P/T
Ebright	Gilbert	E.	Transit Driver, on call
Echavarria	Ricardo	C.	Facility Maintenance
Edwards	Debra	A.	Water Maintenance Supervisor
Emison	Noble	Ross	Journeyman Wireman
England	Robert	R.	Heavy Equipment Operator 1
Estrada	Albert	H.	Foreman
Estrada	Rodolfo	M.	Lubrication
Etcheverry	Leslie	Tai	Internal Auditor
Evans	David	E.	Facility Maintenance
Evans	Leo	T.	Electronics Technician
Ferrales	Elizabeth	M.	Detective
Fierro	Fidel	V.	School Crossing Guard
Fitch	Lexie	P.	BPA Intern
Fletcher	Matthew	S.	Purchasing Manager
Flores	David	R.	Solid Waste Supervisor
Flores	Eric	N.	Engineer/EMT-P
Flores	James	D.	Corporal
Flores	Laura	M.	Account Clerk I
Florez	Bryanna	A.	BPA Intern
Florez	Cynthia	M.	Secretary
Florez	Isaac	S.	Animal Control Officer
Florez	Jarod	A.	Captain
Florez	Kevin	J.	Police Chief, Asst.
Florez	Selena	M.	Telecommunicator
Forni	Clifton	L.	Facility Maintenance
Fox	Patrick	J.	ARC Driver
Franco	Bobby	S.	Meter Reader Representative
Franco	Emma		Telecommunicator
Franco	Lonnie	M.	ARC Driver
Franks	Anthony	J.	Engineer/EMT-I
Frintz	James	K.	ARC Driver
Frintz	Tyson	H.	Code Enforcement Officer
Gage	Charles	O.	School Crossing Guard
Galindo	Randy	S.	Safety Manager
Garcia	Bebe	L.	Telecommunicator
Garcia	Carlos		Corporal
Garcia	Steven	E.	Foreman, Construction
Garcia	Velma	C.	School Crossing Guard
Garza	Donna	M.	Custodian
Garza	Ian	L.	Recreation Attendant, on call
Gates-Johnson	Collis	L.	Court Administrator
Gilbert	Melvin	H.	Meter Reader Representative
Goad	Mark	A.	Waste Water Lab Technician
Goff	Scott	T.	Water Operator, Appr.
Gomez	Cecilia	A.	Secretary
Gonzales	David	C.	Construction Supervisor
Gonzales	Yanira	S.	RSVP Coordinator
Gonzalez	Antonia	F.	School Crossing Guard
Gonzalez	Edwin	O.	Foreman
Gonzalez	Misty	J.	Library Page P/T
Gonzalez	Sandy	N.	Budget Manager
Graham	Katie	C.	School Crossing Guard
Graham	Mitzi	A.	Transit Clerk
Granger	Allen	J.	Foreman
Granger	Danny	L.	Irrigation Specialist
Granger	Edmund	J., Jr.	Water Operator, Appr.
Granger	Jessica	L.	Caretaker
Griffin	Jason	G.	Sergeant
Gutierrez	Enrique	Q.	Foreman
Haas	Jesse	W.	Sports & Recreation Attendant
Hall	Julie	A.	Library Clerk
Hardin	Gina	L.	Recreation Attendant, on call
Harris	Robby	N.	Firefighter/EMT-P
Harvey	Joseph	P.	Water Superintendent

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Hatch	Troy	L.	Traffic Signer
Hatfield	Wayne	R.	IT Manager
Hendley	Stephen	G.	Golf Course Superintendent
Hepler	Guy	C.	Engineering Assistant
Hernandez	Anthony	J.	Meter Reader Representative
Hernandez	Bertha	Z.	Senior Recreation Attendant P/T
Hernandez	Kimberley	A.	Court Clerk
Hernandez	Lorena	E.	Court Clerk
Hernandez	Martin	B.	Evidence Technician
Hernandez	Michael	A.	Deputy Director of Utilities
Hernandez	Michael	R.	Foreman
Hernandez	Robert	P.	Meter Reader Foreman
Hernandez	Tony	L.	Master Mechanic
Hinojos	Adolfo	N.	Transit Driver, on call
Hinojos	David	N., Jr.	Waste Water Operator, Appr.
Hobbs	John	P.	School Crossing Guard
Howerton	R.	Dianne	Library Clerk
Hughes	Laura	A.	Library Page P/T
Ingram	Elaine	E.	Payroll Clerk
Jackson	Ricky	A.	Airport Operations Specialist
Jackson-Christopher	Patsy	F.	Dir of Culture, Rec & Comm Serv
Jaquez	Gerard	T.	Engineer/EMT-I
Jaquez	Leonel		Firefighter Rookie/EMT-B
Jaure	JoAnne	J.	Fixed Asset Coordinator
Juarez	Olga	T.	Recreation Center Assistant Mgr.
Jolly	Brenda	J.	Transit Driver
Jones	Danny	J.	Building Inspector, Senior
Kirby	Robin	Y.	Assistant Treasurer
Klein	Julie	J.	Librarian, Information, on call
LaBranche	Deborah	S.	Purchasing Clerk
Laney	Alexander	Zane	Caretaker
Langlitz	Matthew	T.	Patrolman
Lara	Abel	C.	Foreman
Lawson	Cory	R.	Caretaker
Lawson	Joshua	A.	Waste Water Foreman
Lester	Jesse	James	ARC Driver
Leyva	Frances	G.	Executive Secretary
Leyva	Raquel	R.	ARC Driver
Lily	Tiger		Museum Attendant P/T
Lofton	Betty	C.	Transit Driver
Logsdon	James	E.	Patrolman
Lopez	Bruce	L.	Caretaker
Lopez	Eloy	H., Jr.	Tireman
Lopez	Gail	M.	Account Clerk I
Lopez	Gwen	E.	Telecommunicator
Lopez	John	A.	Construction Maintenance 2
Lopez	Keith	R.	Recreation Attendant, on call
Lopez	Liza	E.	Custodian
Lopez	Louis	J., Sr.	Construction Maintenance 2
Losoya	Carla	J.	School Crossing Guard
Lowe	John	N.	Sports & Recreation Superintendent
Lowe	Michael	Jason	Lieutenant/EMT-I
Lujan	Keith	G.	Master Mechanic
Lujan	Mark	A.	ARC Driver
Lujan	Sylvia	S.	Records Clerk
Luna	Alexander		Engineer/EMT-P
Luzik	Cheri	L.	Beautification Coordinator
Macha	Phillip	B.	Patrolman
Madrid	Ajay	M.	Firefighter Rookie/EMT-B
Madrid	Benjamin	L.	Foreman, Shop
Madrid	Patsy		Records Clerk
Madrid	Renee	L.	Riverwalk Rec Center Manager
Majerus	John	P.	Firefighter/EMT-I
Mansfield	Margie	J.	Library Clerk
Marrs	Cody	L.	Engineer/EMT-I

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Martinez	Angel	J.	Foreman
Martinez	Armando		Container Maintenance
Martinez	David	M.	Transit Driver, on call
Martinez	Eric	L.	Caretaker
Martinez	Naaman	E.	Patrolman
Martinez	Richard	C.	Construction Maintenance 2
Martinez	Sabino	M., Jr.	ARC Driver
Marzett	Leroy	Jr.	Transit Driver
Mathis	Terry	M.	Maintenance Superintendent
Matta	Andrew	V.	Patrolman
Matthews	Kevin	W.	Corporal
Maxwell	Scott	F.	Engineer/EMT-P
McCormick	Ronald	D.	Water Operator 3
McDougall	Amanda	J.	Secretary
McDougall	David	M.	Engineer/EMT-I
McGill	Teddy	L.	Lieutenant/EMT-P
McGonagill	Cody	J.	Firefighter/EMT-I
McMinn	Karl	W.	Transit Driver, P/T
Medina	Stephanie	A.	BPA Intern
Mendoza	Angelina	F.	Senior Recreation Attendant P/T
Mendoza	Benito		School Crossing Guard
Mendoza	Brian	K.	Fire Chief, Asst.
Mendoza	Ernesto	J.	Sergeant
Mendoza	Mike	A.	Heavy Equipment Operator 2
Methola	Rosario	D.	Executive Assistant
Miller	John	R.	Fire Marshal
Mireles	Nadine	D.	Deputy City Clerk
Moisa	Albert		Solid Waste Supervisor
Montoya	Lorraine	Y	ARC Driver
Mooney	Jeffrey	R.	Caretaker
Moore	Jo Ann	R.	Transit Manager
Morales	Isaiah	M.	Caretaker
Moran	Eric	N.	Patrolman 2
Moreno	Edilberto		Water Operator 4
Moreno	Mark		Engineer/EMT-P
Morgan	Dave	W.	Museum Director
Morgan	Henry	F.	Airport Operations Specialist
Morton	Robert	N., Jr.	Irrigation Maintenance
Moyers	Jennifer	D.	Lieutenant
Moyers	Jonathan	F.	Captain
Munoz	Jonathan	J.	Caretaker
Munro	Marsha		Transit Driver, on call
Murray	Christopher	L.	Master Mechanic
Myers	Ronald	W.	Water Maintenance Supervisor
Najar	Kelly	L.	Foreman, Construction
Najar	Salvador		Equipment Maintenance
Nalley	Carrie	R.	School Crossing Guard
Nalley	Taylor	R.	School Crossing Guard
Nava	Hector	M.	Waste Water Operator 2
Navarrete	Eric	D.	City Engineer
Navarrete	Mike	C.	Caretaker
Navarrette	A.	Dina	Assistant Sports & Rec Coordinator
Navarrette	Ida	M.	Sr Rec Asst Manager
Navarrette	Mary	M.	Administrative Coordinator
Navarrette	Monica	M.	Court Administrator, Asst
Naylor	Robert	Scot	Detective
Nesbit	Bobby	G.	Welder 2
Nesbit	Dale	E.	Journeyman Wireman
Nichols	Wesley	W.	HVAC Technician
Nieman	Beth	A.	Librarian
Nodine	Anthony	W.	Transit Driver, on call
O'Hearon	Larry	D.	ARC Driver
Oliphant	Peter	E.	Waste Water Operator 2
Ontiveros	Geronimo	S.	Lieutenant/EMT-I
Ornelas	Lupe	Q.	Cemetery Manager

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Orozco	Francisco	D.	Waste Water Operator, Appr.
Ortega	Gilbert	J.	Community Service Officer
Ortiz	Manuel	D.	Container Maintenance Assistant
Padilla	Jimmy	J.	Journeyman Wireman
Parks	Cassandra	J.	Museum Assistant Director
Parks	Danny	R.	Journeyman Wireman
Parraz	Alfredo	L., Jr.	Water Operator 2
Parraz	Casey	G.	ARC Driver
Parraz	Imy	J.	Telecommunicator
Parsons	William	J.	Water Operator, Appr.
Patterson	Jeffery	E.	GIS Technician
Pearson	Julie	L.	Librarian
Perez	David	S.	Construction Maintenance 2
Perez	John	G.	Water Operator, Appr.
Peterson	George	G.	Water Operator 4
Phelps	Earl	M.	Lieutenant/EMT-P
Phillips	Joshua	D.	Corporal
Pickens	Lin	W.	Warehouse Supervisor
Pistole	Patricia	V.	Secretary
Ponce	Jessica	A.	Payroll Clerk
Potter	Billy	W.	Custodian
Preece	Rory	T.	Patrolman 2
Prell	Kathryn	A.	Telecommunicator
Pruitt	Maurice		Battalion Chief/EMT-I
Quintana	Luz	G.	School Crossing Guard
Quiroz	Billy	Ray	Firefighter Rookie/EMT-B
Ramirez	Abrianiza	S.	Library Page P/T
Ramirez	Alicia	R.	Archive Secretary
Ramirez	Ashley	M.	Recreation Attendant, on call
Ramirez	Bianca	L.	Recreation Attendant, on call
Ramirez	George	L.	Construction Maintenance 2
Ramirez	Jesse	D.	Firefighter Rookie/EMT-I
Ramirez	Jose	C.	Waste Water Sr Lab Tech
Ramirez	Logan	M.	Customer Service Operator
Ramirez	Lupe	F.	Caretaker
Ramirez	Michael	A.	Water Operator, Appr.
Ramirez	Olga	E.	Executive Assistant
Ramirez	Ruben	R.	Solid Waste Superintendent
Ramos	Rene	N.	Warehouse Clerk
Ramos	Sergio	E.	Engineer/EMT-I
Reiner	Zachery	A.	Community Service Officer
Rennie	Steven	Blaine	Sergeant
Renteria	Luis	C.	Parks Superintendent
Rhoades	Daniel	B.	Patrolman 2
Riddle	John	R.	Engineer/EMT-I
Ristom	Michael	E.	EMS Division Chief
Rivera	Samuel	Adrian	Sergeant
Robb	Katie	M.	Transit Driver, P/T
Roberts	Kayla	L.	BPA Intern
Robertson	Michele	D.	Museum Attendant P/T
Robinson	Eric	P.	Lieutenant/EMT-P
Rodriguez	Adrian	R.	Sergeant
Rodriguez	Bradley	S.	Sergeant
Rodriguez	Jessie	J.	Sergeant
Rodriguez	Joe	L.	Librarian, Information, on call
Rodriguez	Joshua	M.	Patrolman 2
Rodriguez	Melissa	L.	Recreation Attendant, on call
Rodriguez	Raymon	R.	Firefighter/EMT-I
Rodriguez	Ryan	P.	Corporal
Rodriguez	Steven	N.	Master Mechanic
Rodriguez	William	B.	Construction Maintenance 2
Rodriguez	Michelle	P.	Library Page P/T
Romero	Teanna	N.	Recreation Attendant, on call
Rook	William	N.	Fire Marshall
Ross	Barbara	A.	Custodian

## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Rountree	Melinda	A.	Executive Secretary
Rubalcava	Jonathan	C.	Water Operator, Appr.
Ruiz	Andres	F.	Firefighter/EMT-I
Ruiz	Monceis	M.	ARC Driver
Runnels	Angela	J.	Caretaker
Runnels	Christopher	S.	Caretaker
Rusk	Christopher	D.	Engineer/EMT-P
Salcido	Melissa	M.	Account Clerk 1
Sanchez	Allen	D.	Sergeant
Sanchez	Bernard	M.	Water Operator, Appr.
Sanchez	Elizabeth	L.	Transit Driver, P/T
Sanchez	Robert	P.	Lieutenant/EMT-I
Schneider	Sylvia	A.	Solid Waste Coordinator
Schwiger	Jamey	L.	Double Eagle Superintendent
Serrano	Nicole	M.	Executive Secretary
Settle	Keith	D.	Engineer/EMT-I
Shelton	Catherine	G.	Support Commander
Shott	Michael		Corporal
Silva	Annette	D.	Telecommunicator
Skelton	Nathan	R.	Lieutenant/EMT-P
Smedley	Phyllis	J.	Executive Secretary
Smith	Michelle	I.	Account Supervisor
Smith	Rebecca		Caretaker
Smithfield	Ryan	C.	Firefighter/EMT-P
Sneathen	John	R.	Patrolman
Sosa	Ivan	A.	Utility Surveyor/Auditor
Starr	David		Street Sweeper Operator
Steiner	Samuel	L.	Patrolman 2
Stubbe	Paul	J.	Foreman, Water
Sullivan	Nicholas	A.	Construction Maintenance 1
Swanson	Andrew	T.	Corporal
Swindell	Tina	R.	Senior Recreation Attendant P/T
Tavarez	Dora	A.	Executive Secretary
Tavarez	Rafael	R.	Water Operator 2
Tavarez	Victor	R.	Street Superintendent
Taylor	Michael	W.	Community Service Officer
Thomas	Elizabeth	G.	Librarian, Information, on call
Thompson	Jeanne	M.	Executive Assistant
Tiller	Tonia	R.	Detective, Senior
Tomko	John	F.	Evidence Clerk
Trautner	Robert		Firefighter Rookie/EMT-B
Trevino	Dana		Purchasing Clerk
Trujillo	Mark	C.	Electronics Technician
Trujillo	Michael	A.	Firefighter/EMT-P
Utter	Amada	V.	Recreation Attendant
Utter	William	R.	Recreation Attendant, on call
Valdez	Felix	A.	Water Operator 2
Valenzuela	Alejandro	H.	Foreman, Shop
Valenzuela	Mary	Helen	Custodian
Vannatter	Todd	R.	Firefighter/EMT-I
Vasquez	Alysha	M.	Records Clerk
Vasquez	Amparo	C.	Senior Recreation Manager
Vasquez	Guadalupe	J.	Lubrication
Vaughn	Jackie	I.	Transit Driver, on call
Veilleux	Michael	Jeffrey	Lieutenant/EMT-I
Venegas	Adan	T.	Transit Driver, on call
Venegas	Sylvia	R.	Transit Driver, on call
Vera	Alejandro	G.	Heavy Equipment Operator 2
Vigil	Dolores	A.	Transit Driver, P/T
Villa	Samantha	R.	Librarian
Villalobos, Jr.	Ignacio		Firefighter Rookie/EMT-B
Villareal	Felipe	N., Jr.	Caretaker
Villegas	Orlando		Traffic Signer
Wachholz	Kadee	V.	Executive Secretary
Walker	Alton	L.	Street/Community Service Supv.



## CITY OF CARLSBAD EMPLOYEE LIST 03/06/14

Walterscheid	Sybil	I.	Library Director, Asst.
Warmbein	Mark	A.	Master Mechanic
Warren	Thomas	L.	Facility Maintenance
West	Clinton	C.	Code Enforcement Supervisor
Westfall	Brenda	J.	Sports & Recreation ATtendant
Whitzel	David	B.	Narcotics Officer
Whobrey	Roger	W.	Transit Driver, P/T
Whygles	Jessica	L.	Transit Driver, on call
Williams	David	M.	Patrolman 2
Williams	Reginald	C.	Laborer
Williamson	Ronnie		Recreation Attendant, on call
Workman	Jimmy	D.	Lubrication
Wright	Alexis	R.	BPA Intern
Wright	K.	Gayle	Transit Clerk
Wyatt	Dustin	A.	IT Technician
Yackel	Martin	J.	Patrolman 2
Yturalde	Larry	G.	Engineer/EMT-I

**No document for this  
Agenda Item**



## **A G E N D A**

Carlsbad City Council

### **Regular Meeting**

Municipal Building, 101 North Halagueno

Carlsbad, New Mexico

March 11, 2014 at 6:00 p.m.

(Immediately following the Organizational Meeting of the Carlsbad City Council)

#### Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Budget Review
3. Consider approval of Resolution No. 2014-11, Budget Adjustments
4. Presentation and approval of the City of Carlsbad Annual Audit
5. File Election Certificate
6. Routine and Regular Business

**All matters under this heading are considered routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items. If discussion is desired on a particular item, upon request, that item may be removed from the Routine and Regular Business and be considered separately.**

- A. **Minutes of the Regular City Council Meeting held on February 25, 2014**
- B. **Personnel Report**
- C. **Purchasing:**
  - 1) Consider approval to Award Bid No. 2014-02, Alternate No. 1, for the rehabilitation of Taxiway D, to Constructors Inc. in the amount of \$885,473.01
- D. **Contracts and Agreements:**
  - 1) Consider approval of Agreement between the City of Carlsbad and the National Little League for Grounds Keeping Services at the McClenathan Park Fields
  - 2) Consider approval of Renewal of Memorandum of Understanding between the City of Carlsbad and New Mexico State University for Sound and Lighting Equipment
  - 3) Consider approval of Renewal of Agreement between the City of Carlsbad and Becky Thompson for Concession Services at the Bob Forrest Youth Sports Complex
  - 4) Consider approval of Grant Application to New Mexico Aviation Division for Fencing at Cavern City Air Terminal
  - 5) Consider approval of the Second Amendment to the Memorandum of Agreement between NM Department of Transportation and Safe Routes to School Phase 2 Non-Infrastructure Funds
  - 6) Consider approval of Sale of Property to Boys and Girls Club of Carlsbad, Inc.

- 7) Consider approval of Infrastructure Reimbursement Agreements:
  - a) Ken Thurston- Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5
  - b) Ken Thurston- Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6
  - c) Mesa Properties of Carlsbad LLC- Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1
  - d) Desert Sky Construction, LLC - Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.

**E. Monthly Department Reports:**

- 1) Municipal Court Monthly Report for March 2014
- 2) Personnel Department Monthly Report for February 2014

**F. Board Appointments:**

- 1) Carlsbad Golf Course Advisory Board: John Majerus, 4 year term

7. Consider approval of Renewal of a Business License for Courtesy Sporting and Pawn
8. Consider approval of Resolution No. 2014-12, a Resolution authorizing the submission of an application for Financial Assistance for Planning and Preliminary Engineering Services to the New Mexico Finance Authority for the Colonias Infrastructure Fund and Committing the City to the required Matching Funds
9. Consider approval of Resolution No. 2014-13, a Resolution authorizing the filing of an Application to the New Mexico Water Trust Board
10. Review and consider the status of 2410A Westernway which, under Resolution No. 2012-68 was required to have the building and debris removed
11. Consider approval of allowing Temporary Housing as a Temporary Use at 2700 E. Greene Street, legally described as Neal Line Adjustment Re-division, Tract A, Zoned "C2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13
12. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13
13. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13
14. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (less approx. 55.46 AC & less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13

15. Consider approval of Ordinance No. 2014-07, an Ordinance Amending Ordinance No. 2013-06 to Extend the Effective Date of Repeal of Chapter 56, Articles XX and XXI, of the Code of Ordinances, City of Carlsbad, New Mexico Entitled "Extraterritorial Commission" and "Extraterritorial Zoning" with such extension to be March 1, 2015
  - A. Public Hearing
  - B. Consider Ordinance No. 2014-07
16. Consider approval of Ordinance No. 2014-08, an Ordinance Amending Ordinance No. 2012-13 Regarding the Automatic Resignation of City Board, Commission and Committee Members for Absences
  - A. Public Hearing
  - B. Consider Ordinance No. 2014-08
17. Council Committee Reports
18. Adjourn

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#### INFORMATION ONLY

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### **NEXT REGULAR CITY COUNCIL MEETINGS**

- Regular City Council Meeting on Tuesday, March 25, 2014 at 6:00 p.m.
- Regular City Council Meeting on Tuesday, April 8, 2014 at 6:00 p.m.

<p>If you require hearing interpreters, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.</p>
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# Budget Review 1/31/2014

	As of 1/31/2014	Current Budget	% to Date	TARGET = <u>58%</u>	
<u>Revenues</u>					
Gross Receipts Tax	20,922,952	30,400,000	69%		
Property Tax	1,570,356	2,212,924	71%		
Franchise Tax	484,231	700,100	69%		
Other	<u>1,557,837</u>	<u>2,899,965</u>	<u>54%</u>		
TOTAL	24,535,377	36,212,989	68%		
<u>Tranfers</u>					
IN	3,276,746	4,926,955	67%		
OUT	3,229,725	6,128,982	53%		
<u>General Fund Expenditures</u>				<u>Salaries*</u>	<u>Notes</u>
Executive	1,422,250	2,728,239	52%	48%	
Personnel	118,404	232,479	51%	59%	Health Insurance
Judicial	265,506	564,041	47%	57%	Rebate
Riverwalk Recreation	248,594	587,901	42%	54%	
Information Technology	187,047	679,549	28%	36%	
Finance	952,850	1,748,836	54%	58%	
Public Safety	5,810,570	11,731,667	50%	53%	
Fire	4,033,683	7,576,363	53%	56%	
Street	1,091,021	2,377,913	46%	47%	
Garage	744,148	1,666,266	45%	55%	
Electrical	491,058	1,141,669	43%	49%	
Construction	586,565	1,233,685	48%	45%	
Community Service	155,362	321,213	48%	59%	Health Insurance
Golf	517,429	1,293,367	40%	51%	Rebate
Parks	873,810	2,738,989	32%	59%	Health Insurance
Airport	234,445	622,995	38%	55%	Rebate
Library	492,790	971,392	51%	54%	
Museum	170,484	404,143	42%	58%	
Planning, Engineering & Regulations	691,281	1,724,735	40%	52%	
Culture, Recreation & Community Svc	492,177	1,267,187	39%	45%	
San Jose SC	95,663	225,849	42%	55%	
North Mesa SC	<u>99,698</u>	<u>200,041</u>	<u>50%</u>	53%	
TOTAL	19,774,834	42,038,519	47%		

\* 15 of 26 pay periods = 58%

**Budget Review**  
**1/31/2014**  
*other than GF*

page 2 of 2

	As of 1/31/2014	Current Budget	% to Date	<b>TARGET = <u>58%</u></b>	
<u>Revenues</u>					
Transit	229,729	509,973	45%		
Civic Center	8,975				
Lodgers Tax	1,031,946	1,300,000	79%		
Solid Waste	3,121,938	5,061,893	62%		
Water & Sewer	10,281,299	13,468,000	76%		
RSVP	10,500	12,302	85%		
<u>Expenditures</u>				<u>*Salaries</u>	<u>Notes</u>
Transit	563,915	1,067,492	53%	56%	
Civic Center	50,010	336,275	15%	n/a	
Lodgers Tax	369,210	1,677,353	22%	n/a	
Solid Waste	1,845,916	3,512,017	53%	58%	
Water	2,668,751	5,645,148	47%	58%	
Sewer	862,414	1,557,345	55%	61%	Overtime
Double Eagle	864,642	9,316,421	9%	39%	
Lab Environmental Services	175,144	329,714	53%	57%	
Collection System	<u>457,376</u>	<u>3,196,002</u>	<u>14%</u>	58%	
Total Joint W & S	5,028,327	20,044,630	25%		
RSVP	28,819	83,844	34%	40%	

\* 15 of 26 pay periods = 58%

**RESOLUTION NO. 2014-11**

**A RESOLUTION MAKING CERTAIN BUDGETARY  
ADJUSTMENTS TO THE 2013-14 FISCAL YEAR BUDGET**

WHEREAS, it is necessary to amend the 2013-14 fiscal year budget to adjust revenues, transfers and expenditures as reflected on the attached pages, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD that the 2013-14 fiscal year budget be amended as attached.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 11<sup>th</sup> day of March, 2014.

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Mayor

ATTEST:

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City Clerk



**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
GENERAL FUND    FUND 01								
CASH BALANCE	18,461,987							18,461,987
REVENUE	36,212,989		-		3,949			36,216,938
NET TRANSFERS	(1,617,236)		415,209			(590,400)		(1,792,427)
TOTAL REVENUES AND TRANSFERS	34,595,753		415,209		3,949	(590,400)		34,424,511
PERSONNEL EXPENSE	28,925,226	12,996	446,034		10,449	6,873		29,401,578
OPERATING EXPENSE	7,134,749	18,600	41,175	5,011	(98,559)	5,000	111,172	7,217,148
CAPITAL OUTLAY	4,816,439	-	591,600	46,689	599,439	11,000	(111,172)	5,953,995
TOTAL EXPENSES	40,876,414	31,596	1,078,809	51,700	511,329	22,873	-	42,572,721
NET REVENUES/EXPENSES	(6,280,661)	(31,596)	(663,600)	(51,700)	(507,380)	(613,273)		(8,148,210)
ENDING CASH BALANCE	12,181,326	(31,596)	(663,600)	(51,700)	(507,380)	(613,273)		10,313,777

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH**

		Current Budget	Change Budget	New Budget	Item #
01-0000-45044-000000	STREET IMPROVEMENT TRANSFER OUT FOR ENGINEERING SERVICES ON 9TH ST	(2,589,256)	(57,500)	(2,646,756)	8
01-0000-45044-000000	STREET IMPROVEMENT TRANSFER OUT TO MILL & INLAY THE ROAD ASPHALT & CONFORM TO ADA COMPATIBILTY ON HALAGUENO STREET	(2,589,256)	(357,900)	(2,947,156)	9
01-0000-45049-000000	CIEP TRANSFER OUT TO COVER INCREASED COST OF HVAC REPLACEMENT AT THE LIBRARY	(735,000)	(25,000)	(760,000)	10
01-0000-45049-000000	CIEP TRANSFER OUT TO COVER THE SHORTFALL FOR HALAGUENO ARTS PARK PHASE II	(735,000)	(150,000)	(885,000)	11
	<b>TOTAL TRANSFERS GENERAL FUND</b>		<b>(590,400)</b>		
01-0021-50010-000000	SALARIES & BENEFITS INCREASE FOR FOUR (4) NEW P/T SEASONAL RECREATION ATTENDANT POSITIONS	307,975	6,375	314,350	1
01-0021-50012-000000	CITY SHARE - FICA INCREASE FOR FOUR (4) NEW P/T SEASONAL RECREATION ATTENDANT POSITIONS	23,822	488	24,310	1
01-0021-50015-000000	CITY SHARE-OTHER TAXES INCREASE FOR FOUR (4) NEW P/T SEASONAL RECREATION ATTENDANT POSITIONS	140	10	150	1
	<b>TOTAL EXPENDITURES DEPT. 21 - RECREATION</b>		<b>6,873</b>		
01-0050-85128-000000	REMODELING FIRE STA. #1 REMODEL WORK FOR FIRE STATION 1	6,323	3,000	9,323	2
	<b>TOTAL EXPENDITURES DEPT. 50 - FIRE</b>		<b>3,000</b>		
01-0070-85133-000000	SECURITY SYSTEM PURCHASE PORTABLE SECURITY CAMERA TO DETER CRIME THROUGHOUT THE CITY PARKS	-	8,000	8,000	3
	<b>TOTAL EXPENDITURES DEPT. 70 - PARKS</b>		<b>8,000</b>		
01-0083-69000-000000	NON-DEPREC ASSET PURCHASES PURCHASE A SPACESAVER STORAGE UNIT	-	5,000	5,000	4
	<b>TOTAL EXPENDITURES DEPT. 83 - MUSEUM</b>		<b>5,000</b>		
	<b>TOTAL EXPENDITURES GENERAL FUND</b>		<b>22,873</b>		
	<b>NET INC/DEC GENERAL FUND</b>		<b>(613,273)</b>		

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
MUNICIPAL TRANSIT    FUND 15								
CASH BALANCE	80,787							80,787
REVENUE	509,973		-			1,129		511,102
NET TRANSFERS	545,000		8,926			-		553,926
TOTAL REVENUES AND TRANSFERS	1,054,973		8,926			1,129		1,065,028
PERSONNEL EXPENSE	834,780		8,926					843,706
OPERATING EXPENSE	197,428		-			1,129		198,557
CAPITAL OUTLAY	26,358		-					26,358
TOTAL EXPENSES	1,058,566		8,926			1,129		1,068,621
NET REVENUES/EXPENSES	(3,593)		-	-	-	-		(3,593)
ENDING CASH BALANCE	77,194		-	-	-	-		77,194

CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH

		Current Budget	Change Budget	New Budget	Item #
15-0000-31345-000000	INSURANCE RECOVERIES	-	1,129	1,129	5
	REPAIR TRANSIT VEHICLE DAMAGED IN AN ACCIDENT				
	<b>TOTAL REVENUES MUNICIPAL TRANSIT</b>		<b>1,129</b>		
15-0150-60025-000000	VEHICLE MAINTENANCE & REPAIR	25,000	1,129	26,129	5
	REPAIR TRANSIT VEHICLE DAMAGED IN AN ACCIDENT				
	<b>TOTAL EXPENDITURES DEPT. 150 - MUNICIPAL TRANSIT</b>		<b>1,129</b>		
	<b>TOTAL EXPENDITURES MUNICIPAL TRANSIT</b>		<b>1,129</b>		
	<b>NET INC/DEC MUNICIPAL TRANSIT</b>		<b>-</b>		

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
SOLID WASTE      FUND 24								
CASH BALANCE	851,594							851,594
REVENUE	5,061,893	-	-					5,061,893
NET TRANSFERS	(1,696,360)		30,821					(1,665,539)
TOTAL REVENUES AND TRANSFERS	3,365,533		30,821					3,396,354
PERSONNEL EXPENSE	1,570,609		30,821					1,601,430
OPERATING EXPENSE	1,850,587	-	-			55,000		1,905,587
CAPITAL OUTLAY	60,000	-	-			(30,000)		30,000
TOTAL EXPENSES	3,481,196	-	30,821			25,000		3,537,017
NET REVENUES/EXPENSES	(115,663)	-	-			(25,000)		(140,663)
ENDING CASH BALANCE	735,931	-	-		-	(25,000)		710,931

CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH

		Current Budget	Change Budget	New Budget	Item #
24-0240-81016-000000	CONVENIENCE STATION IMPROVEMEN MOVE MONEY FOR COST OF SOLID WASTE AUDIT	60,000	(30,000)	30,000	6
24-0240-60040-000000	CONTRACTS & PROFESSIONAL FEES COST OF SERVICES TO PROVIDE A SOLID WASTE AUDIT	106,610	55,000	161,610	6
	<b>TOTAL EXPENDITURES DEPT. 240 - SOLID WASTE</b>		<b>25,000</b>		
	<b>TOTAL EXPENDITURES SOLID WASTE</b>		<b>25,000</b>		
	<b>NET INC/DEC SOLID WASTE</b>		<b>(25,000)</b>		

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
WATER & SEWER      FUND 36								
CASH BALANCE	15,630,207							15,630,207
REVENUE	13,468,000				20,200,000			33,668,000
NET TRANSFERS	(4,981,885)		65,843					(4,916,042)
TOTAL REVENUES AND TRANSFERS	8,486,115		65,843		20,200,000			28,751,958
PERSONNEL EXPENSE	4,463,766	-	65,843					4,529,609
OPERATING EXPENSE	2,971,442	-	-		4,500	53,719	15,000	3,044,661
CAPITAL OUTLAY	12,222,979	10,000	310,600		20,200,000		(15,000)	32,728,579
TOTAL EXPENSES	19,658,187	10,000	376,443		20,204,500	53,719	-	40,302,849
NET REVENUES/EXPENSES	(11,172,072)	(10,000)	(310,600)		(4,500)	(53,719)		(11,550,891)
ENDING CASH BALANCE	4,458,135	(10,000)	(310,600)		(4,500)	(53,719)		4,079,316

CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH

		Current Budget	Change Budget	New Budget	Item #
36-0360-60040-000000	CONTRACTS & PROFESSIONAL FEES	169,000	53,719	222,719	7
	CONDUCT AN INSPECTION & STRUCTURAL EVALUATION OF RESERVOIR #2				
	<b>TOTAL EXPENDITURES DEPT. 360 - WATER</b>		<b>53,719</b>		
	<b>TOTAL EXPENDITURES WATER &amp; SEWER</b>		<b>53,719</b>		
	<b>NET INC/DEC WATER &amp; SEWER</b>		<b>(53,719)</b>		



**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
STREET IMPROVEMENT      FUND 44								
CASH BALANCE	2,615,056							2,615,056
REVENUE	1,276,210							1,276,210
NET TRANSFERS	2,589,256					415,400		3,004,656
TOTAL REVENUES AND TRANSFERS	3,865,466					415,400		4,280,866
PERSONNEL EXPENSE	-		-					-
OPERATING EXPENSE	-		-					-
CAPITAL OUTLAY	6,062,281		35,000		169,447	415,400		6,682,128
TOTAL EXPENSES	6,062,281		35,000		169,447	415,400		6,682,128
NET REVENUES/EXPENSES	(2,196,815)		(35,000)		(169,447)	-		(2,401,262)
ENDING CASH BALANCE	418,241		(35,000)		(169,447)	-		213,794

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH**

		Current Budget	Change Budget	New Budget	Item #
44-0000-40001-000000	GENERAL FUND TRANSFER IN FOR ENGINEERING SERVICES ON 9TH ST	2,589,256	57,500	2,646,756	8
44-0000-40001-000000	GENERAL FUND TRANSFER IN TO MILL & INLAY THE ROAD ASPHALT & CONFORM TO ADA COMPATIBILTY ON HALAGUENO STREET	2,589,256	357,900	2,947,156	9
	<b>TOTAL TRANSFERS STREET IMPROVEMENT</b>		<b>415,400</b>		
44-0440-84030-000017	STREET IMPROVEMENTS MOVE MONEY FOR ENGINEERING SERVICES ON 9TH ST	50,000	(50,000)	-	8
44-0440-84030-000019	STREET IMPROVEMENTS COST OF ENGINEERING SERVICES ON 9TH ST	-	107,500	107,500	8
44-0440-84030-000058	STREET IMPROVEMENTS TO MILL & INLAY THE ROAD ASPHALT & CONFORM TO ADA COMPATIBILTY ON HALAGUENO STREET	-	357,900	357,900	9
	<b>TOTAL EXPENDITURES STREET IMPROVEMENT</b>		<b>415,400</b>		
	<b>NET INC/DEC STREET IMPROVEMENT FUND</b>		<b>-</b>		

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET**

		<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>FEBRUARY ADJUSTMENTS</b>	<b>MARCH ADJUSTMENTS</b>	<b>INCREASE/DECREASE ADJUSTMENTS</b>	<b>REVISED BUDGET</b>
CIEP	FUND 49								
CASH BALANCE		2,073,043							2,073,043
REVENUE		500,684		-					500,684
NET TRANSFERS		700,000		35,000			175,000		910,000
TOTAL REVENUES AND TRANSFERS		1,200,684		35,000			175,000		1,410,684
PERSONNEL EXPENSE		-		-					-
OPERATING EXPENSE		100,848		-					100,848
CAPITAL OUTLAY		3,159,601	-	35,000			175,000		3,369,601
TOTAL EXPENSES		3,260,449	-	35,000			175,000		3,470,449
NET REVENUES/EXPENSES		(2,059,765)	-	-	-	-	-		(2,059,765)
ENDING CASH BALANCE		13,278	-	-	-	-	-		13,278

**CITY OF CARLSBAD  
FY 2013-2014 BUDGET ADJUSTMENTS  
3RD QTR  
MARCH**

		Current Budget	Change Budget	New Budget	Item #
49-0000-40001-000000	GENERAL FUND	735,000	25,000	760,000	10
	TRANSFER IN TO COVER INCREASED COST OF HVAC REPLACEMENT AT THE LIBRARY				
49-0000-40001-000000	GENERAL FUND	735,000	150,000	885,000	11
	TRANSFER IN TO COVER THE SHORTFALL FOR HALAGUENO ARTS PARK PHASE II				
	<b>TOTAL TRANSFERS CIEP</b>		<b>175,000</b>		
49-0490-85134-000080	AIR CONDITIONER-LIBRARY	289,349	25,000	314,349	10
	INCREASED COST FOR HVAC REPLACEMENT AT THE LIBRARY				
49-0490-84008-000005	HALAGUENO ARTS PARK	2,284	150,000	152,284	11
	COVER SHORTFALL FOR HALAGUENO ARTS PARK PHASE II				
	<b>TOTAL EXPENDITURES CIEP FUND</b>		<b>175,000</b>		
	<b>NET INC/DEC CIEP FUND</b>		<b>-</b>		

# FIERRO & FIERRO, P.A.

## CERTIFIED PUBLIC ACCOUNTANTS

Ed Fierro, CPA • Rose Fierro, CPA

527 Brown Road • Las Cruces, NM 88005  
Bus: (575) 525-0313 • Fax: (575) 525-9708  
www.fierrocpa.com

March 4, 2014

Dale Janway, Mayor  
and City Councilors  
City of Carlsbad, New Mexico

Dear Mayor Janway and City Councilors:

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Carlsbad for the year ended June 30, 2013. We have also audited the combining and individual governmental funds of the City of Carlsbad for the year ended June 30, 2013. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and OMB Circular A-133, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 22, 2013. Professional standards also require that we communicate to you the following information related to our audit.

### Significant Audit Findings

#### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Carlsbad are described in Note 1 to the financial statements. As described in Note 10, with the exception of the implementation of GASB Statement No. 62, *Codification of Accounting and Financial Reporting* Guidance, GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, no new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2013. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the government-wide and proprietary financial statements were:

Management's estimate of the depreciation is based on estimated lives of property and equipment. We evaluated the key factors and assumptions used to develop the depreciation expense in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatement detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated January 17, 2014.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### Other Matters

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the city council and management of the City of Carlsbad and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Fierro + Fierro, P.A.*

Fierro & Fierro, P.A.  
Certified Public Accountants

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**

**FINANCIAL STATEMENTS WITH  
INDEPENDENT AUDITORS' REPORTS**

**JUNE 30, 2013**

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CITY OF CARLSBAD  
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**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
DIRECTORY OF OFFICIALS  
JUNE 30, 2013**

***ELECTED OFFICIALS***

Dale Janway.....	Mayor
Richard "Dick" W. Doss .....	Mayor Pro-Tem
Paul C. Aguilar .....	City Councilor
J.R. Doporto .....	City Councilor
Sandra K. Nunley .....	City Councilor
Nick G. Salcido.....	City Councilor
Jason G. Shirley.....	City Councilor
Judith E. Waters .....	City Councilor
Janell E. Whitlock .....	City Councilor

***DEPARTMENT HEADS***

Steve V. McCutcheon .....	City Administrator
Monica D. Harris .....	Director of Finance/City Treasurer
Annette Barrick.....	City Clerk
Daniel Fierro.....	Chief of Police
Richard D. Lopez .....	Fire Chief
Patsy F. Jackson-Christopher .....	Community Development Director
Scot Bendixsen .....	Human Resources Director
Luis R. Camero .....	Director of Utilities
Thomas F. Carlson.....	Director of Public Works
David L. Redford .....	Municipal Judge
Eileen P. Riordan .....	City Attorney

Ed Fierro, CPA • Rose Fierro, CPA

527 Brown Road • Las Cruces, NM 88005  
Bus: (575) 525-0313 • Fax: (575) 525-9708  
[www.fierrocpa.com](http://www.fierrocpa.com)

Independent Auditors' Report

Hector H. Balderas, State Auditor  
and  
Mayor and City Councilors  
City of Carlsbad  
Carlsbad, New Mexico

**Report on Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and the budgetary comparison for the general fund of the city of Carlsbad (city), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the city's basic financial statements as listed in the table of contents. We also have audited the financial statements of each of the city's nonmajor governmental, nonmajor enterprise, internal service funds, and the budgetary comparisons for the major capital project fund, enterprise funds, all nonmajor funds and internal service funds presented as supplementary information, as defined by the Government Accounting Standards Board, in the accompanying combining and individual fund financial statements as of and for the year ended June 30, 2013, as listed in the table of contents.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

**Auditors' Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion.

## **Auditors' Responsibility (continued)**

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the city of Carlsbad, as of June 30, 2013, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America. In addition, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of each nonmajor governmental, enterprise and internal service funds of the city of Carlsbad as of June 30, 2013, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America. In our opinion, the budgetary comparisons for the general, major capital project, enterprise and all nonmajor funds referred to above present fairly, in all material respects, the budgetary comparisons of the city for the year ended June 30, 2013, in conformity with the budgetary basis of accounting more fully described in Note 1D, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America required to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the city's financial statements, the combining and individual fund financial statements, and the budgetary comparisons. The Schedule of Expenditures of federal awards as required by Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and the other schedules required by 2.2.2 NMAC are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The schedule of expenditures of federal awards and other schedules required by 2.2.2 NMAC are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with the auditing standards generally accepted in the United States of America. In our opinion, schedule of expenditures of federal awards and other schedules required by 2.2.2 NMAC are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

### **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated January 17, 2014 on our consideration of the city's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the city's internal control over financial reporting and compliance.

*Fierro + Fierro, P.A.*

Fierro & Fierro, P.A.  
Las Cruces, New Mexico

January 17, 2014

## **GOVERNMENT-WIDE FINANCIAL STATEMENTS**



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STATEMENT OF NET POSITION**  
**JUNE 30, 2013**

	Governmental Activities	Business-Type Activities	Total
<b>Assets:</b>			
Current assets:			
Cash	\$ 42,134,100	\$ 19,318,936	\$ 61,453,036
Receivables, net	10,504,892	3,041,580	13,546,472
Inventory	-	539,262	539,262
Total current assets	52,638,992	22,899,778	75,538,770
Noncurrent assets:			
Restricted cash	950,009	9,418,215	10,368,224
Restricted investments	307,866	6,418,837	6,726,703
Prepaid bond insurance premiums	4,987	79,148	84,135
Capital assets:			
Land and construction in progress	4,571,244	9,841,911	14,413,155
Other capital assets, net of depreciation	77,280,825	50,443,208	127,724,033
Total noncurrent assets	83,114,931	76,201,319	159,316,250
<b>Deferred Outflows of Resources:</b>			
Deferred amount on advance refunding of debt	-	197,393	197,393
Total assets and deferred outflows of resources	<u>\$ 135,753,923</u>	<u>\$ 99,298,490</u>	<u>\$ 235,052,413</u>
<b>Liabilities:</b>			
Current liabilities:			
Accounts payable	\$ 1,051,666	\$ 516,716	\$ 1,568,382
Accrued salaries	533,292	103,136	636,428
Accrued liabilities	44,720	70,358	115,078
Accrued interest payable	47,606	511,241	558,847
Deposits payable	500	858,024	858,524
Current maturities of:			
Bonds payable	530,294	848,039	1,378,333
Notes payable	482,007	77,973	559,980
Compensated absences	415,110	85,605	500,715
Total current liabilities	3,105,195	3,071,092	6,176,287
Noncurrent liabilities:			
Bonds payable	6,423,142	17,150,911	23,574,053
Notes payable	464,749	14,888,548	15,353,297
Compensated absences	834,111	228,138	1,062,249
Landfill closure and post-closure	-	835,601	835,601
Total noncurrent liabilities	7,722,002	33,103,198	40,825,200
Total liabilities	10,827,197	36,174,290	47,001,487
<b>Deferred Inflows of Resources:</b>			
Deferred revenues	13,929	2,250	16,179
<b>Net Position:</b>			
Net investment in capital assets	80,905,313	43,156,700	124,062,013
Restricted for:			
Debt service	307,866	256,156	564,022
Endowment:			
Expendable	-	8,129,846	8,129,846
Unrestricted	43,699,618	11,579,248	55,278,866
Total net position	124,912,797	63,121,950	188,034,747
Total liabilities, deferred inflows of resources and net position	<u>\$ 135,753,923</u>	<u>\$ 99,298,490</u>	<u>\$ 235,052,413</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED JUNE 30, 2013**

Functions/Programs	Expenses	Program Revenues			Net (Expenses) Revenues and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business- Type Activities	Total
Primary Government:							
<b>Governmental activities:</b>							
General government	\$ 5,104,853	\$ 575,871	\$ -	\$ 2,261,422	\$ (2,267,560)	\$ -	\$ (2,267,560)
Public safety	17,424,719	1,443,777	1,206,963	-	(14,773,979)	-	(14,773,979)
Public works	7,426,951	133	29,729	2,153,501	(5,243,588)	-	(5,243,588)
Culture and recreation	6,193,838	450,734	65,802	-	(5,677,302)	-	(5,677,302)
Health and welfare	1,015,556	-	-	-	(1,015,556)	-	(1,015,556)
Economic development	23,579	-	-	106,074	82,495	-	82,495
Interest on long-term debt	361,903	-	-	-	(361,903)	-	(361,903)
Total governmental activities	37,551,399	2,470,515	1,302,494	4,520,997	(29,257,393)	-	(29,257,393)
<b>Business-type activities:</b>							
Water	5,343,147	12,835,517	-	-	-	7,492,370	7,492,370
Solid waste	3,307,109	4,339,622	111,000	-	-	1,143,513	1,143,513
Wastewater	2,562,595	3,727,708	-	-	-	1,165,113	1,165,113
Museum	3,080	5,391	1,000	-	-	3,311	3,311
Municipal transit	1,027,098	80,687	313,120	42,511	-	(590,780)	(590,780)
Performing arts center	148,442	15,230	-	-	-	(133,212)	(133,212)
Cemetery	453,853	176,029	-	-	-	(277,824)	(277,824)
Interest on long-term debt	1,112,447	-	-	-	-	(1,112,447)	(1,112,447)
Total business-type activities	13,957,771	21,180,184	425,120	42,511	-	7,690,044	7,690,044
Total primary government	\$ 51,509,170	\$ 23,650,699	\$ 1,727,614	\$ 4,563,508	(29,257,393)	7,690,044	(21,567,349)
<b>General Revenues:</b>							
Sales taxes					38,859,427	741,544	39,600,971
Property taxes, levied for general purposes					2,245,453	-	2,245,453
Lodgers' taxes					1,586,197	-	1,586,197
Franchise taxes					727,743	-	727,743
Public service taxes					521,195	-	521,195
Investment income					16,276	7,834	24,110
Donations					221,395	135,481	356,876
Insurance recoveries					889	4,148	5,037
<b>Special Item - gain on disposal of assets</b>					238,700	11,482	250,182
<b>Transfers</b>					(2,676,137)	2,676,137	-
Total general revenues, special items, and transfers					41,741,138	3,576,626	45,317,764
Change in net position					12,483,745	11,266,670	23,750,415
Net position, beginning of year					112,542,890	52,128,426	164,671,316
Restatements					(113,838)	(273,146)	(386,984)
Net position, beginning of year, restated					112,429,052	51,855,280	164,284,332
Net position, end of year					\$ 124,912,797	\$ 63,121,950	\$ 188,034,747

The accompanying notes are an integral part of these financial statements.

## **GOVERNMENTAL FUNDS FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**BALANCE SHEET**  
**GOVERNMENTAL FUNDS**  
**JUNE 30, 2013**

	General Fund	GRT Capital Outlay Fund	Other Governmental Funds	Total Governmental Funds
<b>Assets:</b>				
Cash	\$ 18,462,113	\$ 8,833,777	\$ 10,971,694	\$ 38,267,584
Receivables, net	7,025,345	490,457	2,948,552	10,464,354
Due from other funds	-	-	120,000	120,000
Restricted:				
Investments	-	-	307,866	307,866
<b>Total assets</b>	<b>\$ 25,487,458</b>	<b>\$ 9,324,234</b>	<b>\$ 14,348,112</b>	<b>\$ 49,159,804</b>
<b>Liabilities:</b>				
Accounts payable	\$ 544,628	\$ 98,071	\$ 385,056	\$ 1,027,755
Accrued salaries	522,992	-	10,300	533,292
Accrued interest payable	-	-	6,766	6,766
Accrued sales taxes payable	1,521	-	-	1,521
Accrued payroll taxes payable	43,199	-	-	43,199
Deposits payable	-	-	500	500
Due to other funds	-	-	120,000	120,000
<b>Total liabilities</b>	<b>1,112,340</b>	<b>98,071</b>	<b>522,622</b>	<b>1,733,033</b>
<b>Deferred Inflows of Resources:</b>				
Deferred revenues	115,845	-	13,929	129,774
<b>Fund Balances:</b>				
Restricted for:				
Debt service	-	-	326,610	326,610
State mandated per statutes	-	-	1,611,661	1,611,661
Committed for:				
One twelfth budget reserve	3,406,368	-	-	3,406,368
Subsequent years' expenditures	6,280,661	2,665,514	7,121,851	16,068,026
Assigned	-	6,560,649	4,751,439	11,312,088
Unassigned	14,572,244	-	-	14,572,244
<b>Total fund balances</b>	<b>24,259,273</b>	<b>9,226,163</b>	<b>13,811,561</b>	<b>47,296,997</b>
<b>Total liabilities, deferred inflows of resources and fund balances</b>	<b>\$ 25,487,458</b>	<b>\$ 9,324,234</b>	<b>\$ 14,348,112</b>	<b>\$ 49,159,804</b>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
RECONCILIATION OF THE BALANCE SHEET  
GOVERNMENTAL FUNDS  
TO THE STATEMENT OF NET POSITION  
JUNE 30, 2013

Amounts reported for governmental activities in the statement of net position are different because:

Total fund balance governmental funds (page seven)	\$ 47,296,997
Capital assets used in governmental activities are not financial resources and; therefore, are not reported in the governmental funds.	81,852,069
Insurance premiums paid during the issuance of bonds are not expensed in the current period. These costs are capitalized, in the statement of net position and are not reported in the governmental funds.	4,987
Certain accrued interest expenses are not due and payable in the current period and, therefore, are not reported in the governmental funds.	(40,840)
Long-term liabilities, including notes payable, that are not due and payable in the current period, and, therefore, are not reported in the governmental funds.	(9,149,413)
Recognition of property tax revenue is reflected on full accrual basis within the statement of net assets. Governmental funds recognize property tax on the modified accrual basis.	115,845
Residual balances of the internal service funds are included within the governmental activities and are not reported in the governmental funds.	<u>4,833,152</u>
Net position of governmental activities (page five)	<u><u>\$ 124,912,797</u></u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES  
GOVERNMENTAL FUNDS  
FOR THE YEAR ENDED JUNE 30, 2013

	General Fund	GRT Capital Outlay Fund	Other Governmental Funds	Total Governmental Funds
<b>Revenues:</b>				
Sales taxes	\$ 34,628,577	\$ 2,748,372	\$ 1,482,478	\$ 38,859,427
Property taxes	2,269,624	-	-	2,269,624
Franchise taxes	727,743	-	-	727,743
Lodgers' taxes	-	-	1,586,197	1,586,197
Public service taxes	-	-	521,195	521,195
Intergovernmental:				
Federal	47,538	-	2,727,916	2,775,454
State	732,242	-	707,943	1,440,185
Charges for services	1,522,313	-	145,512	1,667,825
Licenses and permits	274,061	-	73,052	347,113
Fines and forfeitures	331,825	-	-	331,825
Investment income	7,752	-	3,882	11,634
Miscellaneous	101,615	-	1,872,310	1,973,925
Total revenues	40,643,290	2,748,372	9,120,485	52,512,147
<b>Expenditures:</b>				
Current:				
General government	4,933,558	-	-	4,933,558
Public safety	15,159,944	-	446,145	15,606,089
Public works	4,713,121	21,418	582,711	5,317,250
Culture and recreation	3,734,000	-	1,600,396	5,334,396
Health and welfare	824,766	-	43,986	868,752
Economic development	-	-	23,579	23,579
Capital outlay	2,025,397	560,244	5,426,304	8,011,945
Debt service:				
Principal	-	-	981,201	981,201
Interest and other charges	-	-	363,783	363,783
Total expenditures	31,390,786	581,662	9,468,105	41,440,553
Excess (deficiency) of revenues over expenditures	9,252,504	2,166,710	(347,620)	11,071,594
<b>Other Financing Sources (Uses):</b>				
Transfers in	3,883,493	-	5,337,149	9,220,642
Transfers (out)	(6,317,346)	(508,159)	(6,658,600)	(13,484,105)
Total other financing sources (uses)	(2,433,853)	(508,159)	(1,321,451)	(4,263,463)
<b>Special Item:</b>				
Proceeds from sale of assets	259,633	-	1,955	261,588
Net change in fund balances	7,078,284	1,658,551	(1,667,116)	7,069,719
Fund balances, beginning of year	17,180,989	7,567,612	15,478,677	40,227,278
Fund balances, end of year	\$ 24,259,273	\$ 9,226,163	\$ 13,811,561	\$ 47,296,997

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCES – GOVERNMENTAL FUNDS**  
**TO THE STATEMENT OF ACTIVITIES**  
**FOR THE YEAR ENDED JUNE 30, 2013**

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances total governmental funds (page nine)	\$ 7,069,719
Net change in net position of internal service funds (page thirteen)	237,697
Governmental funds report capital outlay as expenditures in the amount of \$8,011,945; however, in the statement of activities, the costs of those assets are allocated over their estimated useful lives and reported as depreciation expense in the amount of \$3,708,888; therefore, the net adjustment is \$4,303,057.	4,303,057
Within the statement of activities, the basis of capital assets disposed of are netted with the gross proceeds to produce a gain or loss. The disposal of capital assets does not use current financial resources and, therefore, are not reported as expenditures in the governmental funds.	(89,493)
Some of the city's property taxes, along with other revenues, will be collected after year-end, but are not available soon enough to pay for the current period's expenditures, and therefore, are reported as deferred revenue in the funds.	15,439
Accrued interest expense not due within thirty days after year-end is not considered in the current period and is not reported in the governmental funds. The decrease of the accrued interest liability from the previous year decreases the interest expense within the statement of activities.	10,229
The repayment of principal of long-term debt consumes the current financial resources of the governmental funds; however, is not recorded as an expense within the statement of activities.	981,201
During the current year, the city recorded amortization expense in respect to the bond insurance premium. The expense is reflected within the statement of activities and the expense does not use a current financial resource, and is not recorded within the governmental funds.	(1,391)
Increase in the compensated absences liability is reflected as an expense within the statement of activities and the expense does not require the use of current financial resources and are not recorded within the governmental fund statements.	(42,713)
Net change in net position - government-wide financial statements (page six)	\$ 12,483,745

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**GENERAL FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Sales taxes	\$ 27,424,147	\$ 27,424,147	\$ 34,100,446	\$ 528,131	\$ 34,628,577	\$ 6,676,299
Property taxes	2,055,438	2,055,438	2,253,507	16,117	2,269,624	198,069
Franchise taxes	770,217	770,217	710,594	17,149	727,743	(59,623)
Intergovernmental:						
Federal	10,731	10,731	35,574	11,964	47,538	24,843
State	1,278,779	1,281,728	1,338,242	(606,000)	732,242	56,514
Charges for services	1,185,690	1,185,690	1,399,405	122,908	1,522,313	213,715
Licenses and permits	306,701	306,701	274,206	(145)	274,061	(32,495)
Fines and forfeitures	366,262	366,262	331,792	33	331,825	(34,470)
Investment income	8,027	8,027	7,854	(102)	7,752	(173)
Miscellaneous	1,628	1,628	89,211	12,404	101,615	87,583
<b>Total revenues</b>	<b>33,407,620</b>	<b>33,410,569</b>	<b>40,540,831</b>	<b>102,459</b>	<b>40,643,290</b>	<b>7,130,262</b>
<b>Expenditures:</b>						
Current:						
General government	5,221,446	5,688,238	4,912,257	21,301	4,933,558	775,981
Public safety	16,090,456	16,207,419	15,000,865	159,079	15,159,944	1,206,554
Public works	5,283,652	5,435,026	4,658,555	54,566	4,713,121	776,471
Culture and recreation	3,938,702	4,039,641	3,700,807	33,193	3,734,000	338,834
Health and welfare	819,182	838,516	824,817	(51)	824,766	13,699
Capital outlay	3,041,689	4,316,736	1,801,358	224,039	2,025,397	2,515,378
<b>Total expenditures</b>	<b>34,395,127</b>	<b>36,525,576</b>	<b>30,898,659</b>	<b>492,127</b>	<b>31,390,786</b>	<b>5,626,917</b>
Excess (deficiency) of revenues over expenditures	(987,507)	(3,115,007)	9,642,172	(389,668)	9,252,504	12,757,179
<b>Other Financing Sources (Uses):</b>						
Transfers in	4,064,012	4,934,279	3,934,104	(50,611)	3,883,493	(1,000,175)
Transfers (out)	(4,064,108)	(6,318,599)	(6,322,405)	5,059	(6,317,346)	(3,806)
<b>Total other financing sources (uses)</b>	<b>(96)</b>	<b>(1,384,320)</b>	<b>(2,388,301)</b>	<b>(45,552)</b>	<b>(2,433,853)</b>	<b>(1,003,981)</b>
<b>Special Item:</b>						
Proceeds from sale of assets	100	100	259,633	-	259,633	259,533
<b>Net change</b>	<b>(987,503)</b>	<b>(4,499,227)</b>	<b>7,513,504</b>	<b>\$ (435,220)</b>	<b>\$ 7,078,284</b>	<b>12,012,731</b>
Cash balance, beginning of year	10,948,609	10,948,609	10,948,609			-
Cash balance, end of year	<u>\$ 9,961,106</u>	<u>\$ 6,449,382</u>	<u>\$ 18,462,113</u>			<u>\$ 12,012,731</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ 53,973		
Change in accounts payable				(390,119)		
Change in accrued salaries				(160,051)		
Change in accrued liabilities				12,398		
Change in due to others				4,491		
Change in deferred revenues				44,088		
				<u>\$ (435,220)</u>		

The accompanying notes are an integral part of these financial statements.



## **PROPRIETARY FUNDS FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STATEMENT OF NET POSITION**  
**PROPRIETARY FUNDS**  
**JUNE 30, 2013**

	Business-Type Activities - Enterprise Funds				Governmental Activities Internal Service Funds
	Solid Waste Fund	Joint Water and Sewer Fund	Other Enterprise Funds	Total	
<b>Assets:</b>					
Current assets:					
Cash	\$ 4,255,450	\$ 14,407,447	\$ 656,039	\$ 19,318,936	\$ 3,866,516
Receivables, net	585,587	2,423,356	32,637	3,041,580	40,538
Inventory	-	539,262	-	539,262	-
Total current assets	4,841,037	17,370,065	688,676	22,899,778	3,907,054
Noncurrent assets:					
Restricted cash	-	9,418,215	-	9,418,215	950,009
Restricted investments	55,101	6,363,736	-	6,418,837	-
Prepaid bond insurance premiums	-	79,148	-	79,148	-
Capital assets:					
Land and construction in progress	1,067,887	8,550,158	223,866	9,841,911	-
Other capital assets, net of accumulated depreciation	1,185,680	45,908,073	3,349,455	50,443,208	-
Total noncurrent assets	2,308,668	70,319,330	3,573,321	76,201,319	950,009
<b>Deferred Outflows of Resources:</b>					
Deferred amount on advance refunding of debt	-	197,393	-	197,393	-
Total assets and deferred outflows of resources	\$ 7,149,705	\$ 87,886,788	\$ 4,261,997	\$ 99,298,490	\$ 4,857,063
<b>Liabilities:</b>					
Current liabilities:					
Accounts payable	\$ 54,302	\$ 431,178	\$ 31,236	\$ 516,716	\$ 23,911
Accrued salaries	28,266	62,177	12,693	103,136	-
Accrued liabilities	-	70,358	-	70,358	-
Accrued interest payable	374	510,867	-	511,241	-
Customer deposits	-	854,524	3,500	858,024	-
Current maturities of liabilities:					
Bonds payable	-	848,039	-	848,039	-
Notes payable	63,216	14,757	-	77,973	-
Compensated absences	22,362	53,368	9,875	85,605	-
Total current liabilities	168,520	2,845,268	57,304	3,071,092	23,911
Noncurrent liabilities:					
Bonds payable	-	17,150,911	-	17,150,911	-
Notes payable	-	14,888,548	-	14,888,548	-
Compensated absences	34,255	186,232	7,651	228,138	-
Landfill closure and post-closure	835,601	-	-	835,601	-
Total noncurrent liabilities	869,856	32,225,691	7,651	33,103,198	-
Total liabilities	1,038,376	35,070,959	64,955	36,174,290	23,911
<b>Deferred Inflows of Resources:</b>					
Deferred revenues	-	-	2,250	2,250	-
<b>Net Position:</b>					
Net investment in capital assets	2,245,452	37,337,927	3,573,321	43,156,700	-
Restricted:					
Debt service	55,101	201,055	-	256,156	-
Endowment:					
Expendable	-	8,129,846	-	8,129,846	-
Unrestricted	3,810,776	7,147,001	621,471	11,579,248	4,833,152
Total net position	6,111,329	52,815,829	4,194,792	63,121,950	4,833,152
Total liabilities, deferred inflows of resources and net position	\$ 7,149,705	\$ 87,886,788	\$ 4,261,997	\$ 99,298,490	\$ 4,857,063

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION**  
**PROPRIETARY FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Business-Type Activities - Enterprise Funds				Governmental Activities Internal Service Funds
	Solid Waste Fund	Joint Water and Sewer Fund	Other Enterprise Funds	Total	
<b>Operating Revenues:</b>					
Charges for services	\$ 4,339,622	\$ 16,565,330	\$ 277,337	\$ 21,182,289	\$ 4,643,241
<b>Operating Expenses:</b>					
Personnel services	1,502,943	3,829,340	736,831	6,069,114	-
Utilities	-	761,830	84,988	846,818	-
Contractual services	106,394	234,395	371,814	712,603	161,093
Repairs and maintenance	503,882	709,113	42,474	1,255,469	-
Insurance claims and expenses	-	-	-	-	5,494,102
Other supplies and expenses	878,220	526,394	137,583	1,542,197	342,317
Depreciation and amortization	315,670	1,844,670	258,783	2,419,123	-
Total operating expenses	3,307,109	7,905,742	1,632,473	12,845,324	5,997,512
Operating income (loss)	1,032,513	8,659,588	(1,355,136)	8,336,965	(1,354,271)
<b>Non-Operating Revenues (Expenses):</b>					
Sales taxes	741,544	-	-	741,544	-
Intergovernmental	111,000	-	313,120	424,120	-
Investment income	2,458	5,376	-	7,834	4,642
Miscellaneous	-	136,415	2,109	138,524	-
Interest expense	(4,309)	(1,108,138)	-	(1,112,447)	-
Total non-operating revenues (expenses)	850,693	(966,347)	315,229	199,575	4,642
Income (loss) before capital contributions and transfers	1,883,206	7,693,241	(1,039,907)	8,536,540	(1,349,629)
<b>Capital Contributions and Transfers:</b>					
Capital contributions	-	-	42,511	42,511	-
Transfers in	44,138	5,885,213	1,238,063	7,167,414	2,237,002
Transfers (out)	(1,571,453)	(2,893,784)	(26,040)	(4,491,277)	(649,676)
Total capital contributions and transfers	(1,527,315)	2,991,429	1,254,534	2,718,648	1,587,326
<b>Special Item:</b>					
Gain on sale of assets	4,675	6,348	459	11,482	-
Change in net position	360,566	10,691,018	215,086	11,266,670	237,697
Net position, beginning of year	5,750,763	42,397,957	3,979,706	52,128,426	4,595,455
Restatements	-	(273,146)	-	(273,146)	-
Net position, beginning of year, restated	5,750,763	42,124,811	3,979,706	51,855,280	4,595,455
Net position, end of year	\$ 6,111,329	\$ 52,815,829	\$ 4,194,792	\$ 63,121,950	\$ 4,833,152

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STATEMENT OF CASH FLOWS**  
**PROPRIETARY FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Business-Type Activities - Enterprise Funds				Governmental Activities Internal Service Funds
	Solid Waste Fund	Joint Water and Sewer Fund	Other Enterprise Funds	Total	
<b>Cash Flows From Operating Activities:</b>					
Cash received from customers	\$ 4,291,674	\$ 15,912,778	\$ 279,322	\$ 20,483,774	\$ -
Internal activity - receipts from other funds	-	-	-	-	4,639,403
Cash payments to suppliers for goods and services	(1,538,000)	(2,305,973)	(655,728)	(4,499,701)	-
Cash payments to employees for services	(1,489,204)	(3,663,723)	(730,592)	(5,883,519)	(6,049,326)
Net cash provided (used) by operating activities	1,264,470	9,943,082	(1,106,998)	10,100,554	(1,409,923)
<b>Cash Flows from Non-Capital and Related Financing Activities:</b>					
Cash received from sales taxes	730,100	-	-	730,100	-
Cash received from intergovernmental sources	111,000	-	317,148	428,148	-
Cash received from capital contributions	-	-	42,981	42,981	-
Cash received from miscellaneous sources	-	145,669	3,647	149,316	-
Net change in customer deposits	-	169,984	3,500	173,484	-
Net transfers in (out)	(1,512,872)	1,997,874	1,207,489	1,692,491	1,587,326
Net cash provided (used) by non-capital and related financing activities	(671,772)	2,313,527	1,574,765	3,216,520	1,587,326
<b>Cash Flows from Capital and Related Financing Activities:</b>					
Acquisition of capital assets	(24,137)	(6,400,895)	(437,399)	(6,862,431)	-
Proceeds from the sale of assets	4,675	6,451	425	11,551	-
Long-term debt proceeds	-	2,288,027	-	2,288,027	-
Principal payments on capital debt	(63,216)	(834,720)	-	(897,936)	-
Interest on capital debt	(2,395)	(801,532)	-	(803,927)	-
Net cash (used) by capital and related financing activities	(85,073)	(5,742,669)	(436,974)	(6,264,716)	-
<b>Cash Flows from Investing Activities:</b>					
Investment income	2,089	138,782	-	140,871	4,746
Proceeds from sale of investments	-	1,250,000	-	1,250,000	-
Purchase of investments	(1,940,000)	(1,372,885)	-	(3,312,885)	-
Net cash provided (used) by investing activities	(1,937,911)	15,897	-	(1,922,014)	4,746
Net increase (decrease) in cash	(1,430,286)	6,529,837	30,793	5,130,344	182,149
Cash and cash equivalents, beginning of year	2,878,737	15,438,061	625,246	18,942,044	4,134,376
Cash and cash equivalents, end of year	<u>\$ 1,448,451</u>	<u>\$ 21,967,898</u>	<u>\$ 656,039</u>	<u>\$ 24,072,388</u>	<u>\$ 4,316,525</u>
Displayed as:					
Cash	\$ 4,255,450	\$ 14,407,447	\$ 656,039	\$ 19,318,936	\$ 3,866,516
Restricted cash	-	9,418,214	-	9,418,214	950,009
Time deposits not considered cash equivalents	(2,806,999)	(1,857,763)	-	(4,664,762)	(500,000)
	<u>\$ 1,448,451</u>	<u>\$ 21,967,898</u>	<u>\$ 656,039</u>	<u>\$ 24,072,388</u>	<u>\$ 4,316,525</u>
<b>Reconciliation of Operating Income to Net Cash Provided by Operating Activities:</b>					
Operating Income (Loss)	\$ 1,032,513	\$ 8,659,588	\$ (1,355,136)	\$ 8,336,965	\$ (1,354,271)
Adjustment to Reconcile Operating Income to Net Cash Provided by Operating Activities:					
Depreciation	315,670	1,844,670	258,783	2,419,123	-
Bad debts	8,462	115,449	-	123,911	-
Landfill closure and post-closure liability	56,246	-	-	56,246	-
Change in Assets and Liabilities:					
(Increase) decrease in accounts receivable	(60,630)	(460,395)	925	(520,100)	4,402
(Increase) in inventories	-	(141,209)	-	(141,209)	-
(Decrease) in accounts payable	(105,337)	(249,555)	(20,060)	(374,952)	(60,054)
Increase in accrued salaries	5,680	4,899	242	10,821	-
Increase in accrued liabilities	-	8,915	-	8,915	-
Increase in compensated absences	11,866	160,720	5,998	178,584	-
Increase in deferred revenues	-	-	2,250	2,250	-
Total adjustments	231,957	1,283,494	248,138	1,763,589	(55,652)
Net cash provided (used) by operating activities	<u>\$ 1,264,470</u>	<u>\$ 9,943,082</u>	<u>\$ (1,106,998)</u>	<u>\$ 10,100,554</u>	<u>\$ (1,409,923)</u>

The accompanying notes are an integral part of these financial statements.

## **NOTES TO THE FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the city of Carlsbad (city) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). The more significant of the government's accounting policies are described below.

**A. Reporting Entity**

The city of Carlsbad, established on March 25, 1918, is a political subdivision of the state of New Mexico, operates under the mayor-council form of government. The city provides the following authorized services: public safety (police and fire), public works, water, sanitation, health and welfare, social services, culture and recreation, public improvements, planning and zoning, and general administrative services. The city's basic financial statements include all activities and accounts of the city's *financial reporting entity*.

The financial reporting entity consists of the primary government, and any other organization for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

The definition of the reporting entity is based primarily on the notion of financial accountability. A primary government is financially accountable for the organizations that make up its legal entity. It is also financially accountable for legally separate organizations if its officials appoint a voting majority of an organization's governing body, and either it is able to impose its will on that organization, or there is a potential for the organization to provide specific financial benefits to, or impose specific financial burdens, on the primary government. A primary government may also be financially accountable for governmental organizations that are fiscally dependent on it.

A primary government has the ability to impose its will on an organization if it can significantly influence the programs, projects, activities, or level of services performed or provided by the organization. A financial benefit or burden relationship exists if the primary government (a) is entitled to the organization's resources; (b) is legally obligated or has otherwise assumed the obligation to finance the deficits of, or provide financial support to, the organization; or (c) is obligated in some manner for the debt of the organization. Based on this criterion, there are no component units of the city.

**B. Government-Wide and Fund Financial Statements**

The basic financial statements include both government-wide (based on the city as a whole) and fund financial statements. The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the non-fiduciary activities of the government. For the most part, the effect of inter-fund activity has been removed from these statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**B. Government-Wide and Fund Financial Statements (continued)**

Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from the business-type activities, which rely on a significant extent on fees and charges for support. The Statement of Net Position and the Statement of Activities were prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange-like transactions are recognized in accordance with the requirements of GASB Statement No. 33, *Accounting and Financial Reporting for Non-Exchange Transactions*.

The government-wide statement of activities demonstrates the degree to which the direct expenses of a function category (general government, public safety, etc.) or activity are offset by program revenues. Direct expenses are those that are clearly identifiable with specific function or activity. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or activity, 2) grants and contributions that are restricted to meeting the operational requirements of a particular function or activity, and 3) grants and contributions that are restricted to meeting the capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported instead as general revenues.

The net cost (by function of governmental-type activity) is normally covered by general revenues (property, sales, franchise, public service taxes, interest income, etc.) The city does not allocate indirect costs. Depreciation expense is specifically identified by function and is included in the direct expense of each function. Interest on general long-term is considered an indirect expense and is reported separately on the Statement of Activities.

Separate fund based financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. GASB Statement No. 34 sets forth minimum criteria (percentage of assets, liabilities, revenues or expenditures/expenses of either fund category for the governmental and enterprise combined) for the determination of major funds. The nonmajor funds are combined in a column in the fund financial statements. The nonmajor funds are detailed in the combining section of the statements. For the current fiscal year, the city does not have any fiduciary funds.

The government-wide focus is more on the sustainability of the city as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. The focus of the fund financial statements is on the major individual funds of the governmental and business-type categories. Each presentation provides valuable information that can be analyzed and compared to enhance the usefulness of the information.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**C. Measurement Focus, Basis of Accounting, and Financial Statement Preparation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Nonexchange transactions, in which the city gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year to which the taxes are levied. Revenue from grants, entitlements, and donations is recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund level financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. The focus of the governmental funds' measurement (in the fund statements) is upon determination of financial position and changes in financial position (sources, uses, and balance of financial resources) rather than upon net income. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period. For this purpose, the city considers revenues to be available if they are collected within sixty days of the end of the current fiscal period. Generally, intergovernmental revenues and grants are recognized when all eligibility requirements are met and the revenues are available. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as, expenditures related to compensated absences and claims and judgments, are recorded only when payment is made.

In addition to assets, the statement of net position will, at times, report a separate section of deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future reporting period(s); therefore, is not recognized as an outflow of resources (expense) until then.

In addition to liabilities, the statement of net position will, at times, report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future reporting period(s); therefore, will not be recognized as an inflow of resources (revenues) until that time.

Property, franchise, sales, and public service tax revenues associated with the current fiscal period are recognized under the susceptible to accrual concept. Licenses and permits, charges for services, fine and forfeitures, contributions, and miscellaneous revenues are recorded as revenues when received in cash, as the resulting receivable is immaterial. Investment earnings are recorded as earned since they are measurable and available. In applying the susceptible to accrual concept to intergovernmental revenues, the legal and contractual requirements of the numerous individual programs are used as guidance.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

Measurement Focus, Basis of Accounting,  
C. and Financial Statement Preparation (continued)

There are, however, essentially two types of these revenues. In one, monies must be expended for the specific purpose or project before any amounts will be paid to the city; therefore, revenues are recognized based upon the expenditures recorded. In the other, monies are virtually unrestricted as to purpose of expenditure and are usually revocable only for failure to comply with prescribed compliance requirements. These resources are reflected as revenues at the time of receipt or earlier if the susceptible to accrual criteria are met.

Business-type activities, and all proprietary funds, are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the balance sheet. Proprietary fund-type operating statements present increases and decreases (e.g., revenues and expenses) in net total assets.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the city's enterprise funds are charges to customers for sales and services. Operating expenses for the enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

The city reports the following proprietary fund types:

Enterprise funds are required to be used to account for operations for which a fee is charged to external users for goods or services and the activity is financed with debt that is solely secured by a pledge of the net revenues. The activities reported in these funds are reported as business-type activities in the government-wide financial statements.

Internal service funds are used to account for the financing of goods or services provided by an activity to other departments of the city on a cost-reimbursement basis. Because the principal users of the internal services are the city's governmental activities, the financial statement of the internal service fund is consolidated into the governmental column when presented in the government-wide financial statements.

The city reports the following major governmental funds:

The *general fund* is the city's primary operating fund. It accounts for all the financial resources of the general government, except those required to be accounted for in another fund. Revenues are provided through property, sales and other taxes, federal sources, state sources, charges for services, licenses and fees, and other miscellaneous recoveries and revenues. Expenditures include all costs associated with the daily operation of the city, except for items included in other funds.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

Measurement Focus, Basis of Accounting,  
C. and Financial Statement Preparation (continued)

The *GRT capital outlay fund* accounts for receipts and disbursements from the 2009 bond proceeds for capital outlay projects, as required by the bond covenant. The fund is authorized by city council.

The city maintains twenty other individual governmental funds that are considered nonmajor funds; eleven are classified as special revenue funds; five are classified as capital project funds; and four are classified as debt service funds. A description of each nonmajor governmental fund is as follows:

**Special Revenue Funds**

The *fire protection fund* accounts for proceeds of the state fire allotment, and the expenditures for public safety there from. New Mexico state law requires these funds be used to help maintain the fire department. The fund was established by local ordinance and in accordance with Section 59A-53-1, of the New Mexico State Insurance Code. Section 59A-53-8 of the code restricts the use of the funds for only the maintenance of the city's fire department.

The *recreation fund* accounts for receipts, which is restricted use in recreational areas only. Originally, the funding source of revenues was from one-third of the cigarette tax. Currently, the majority of revenues are from charges for services from concession sales and rentals. The fund was established by local ordinance. The cigarette tax was imposed and collected as authorized by Section 7-12-1 through 7-12-17, NMSA 1978.

The *lodgers' tax fund* accounts for funds received from a special local lodgers' tax that is to be used for promotion of the city. The fund was established by local ordinance authorized by Section 3-38-13 through 3-38-24, NMSA 1978. Section 3-38-15(E), NMSA 1978, restricts the use of the tax for advertising, publicizing and promoting, establishing and operating tourist-related attractions, facilities and events.

The *airport fund* accounts for the operating and maintenance of the airport. Financing is provided by federal, state, and county grants. The fund is authorized by city council and is required by federal grants for segregating interest earned and for auditing purposes.

The *emergency medical services fund* accounts for the state emergency medical services grant, to be used for specific medical services provided through fire department activities. This state grant comes through the New Mexico Department of Health per EMS regulation DOH 94-11. The fund was created by local ordinance. Section 24-10A-1 to 24-10A-10, NMSA 1978 provides funds to municipalities for use in the establishment and enhancement of local emergency medical services. Section 24-10A-7, NMSA 1978 restricts expenditures from the fund for only emergency medical services.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

Measurement Focus, Basis of Accounting,  
C. and Financial Statement Preparation (continued)

**Special Revenue Funds (continued)**

The *local government corrections fund* accounts for the fees collected by the municipal judge, which are legally restricted to expenditure for jail related costs. The fund was established by local ordinance in order to comply with Section 35-14-11, NMSA 1978.

The *law enforcement protection fund* accounts for the state grant to be used for the repair and/or replacement of law enforcement equipment, according to state law, Section 29-13.1 through 29-13.9, NMSA 1978. The fund was established by local ordinance to comply with state statutes. Section 29-13-17A, NMSA 1978 limits distributions from the fund for law enforcement related expenditures, including, but not limited to, the purchase of equipment, expenses associated with advanced law enforcement planning and training.

The *RSVP fund* accounts, maintains, and reports to the state of New Mexico hours performed by retired volunteers in the area. It is financed by grants from the federal government and the state of New Mexico. The fund is authorized by city council.

The *sports complex fund* accounts for the operation of the city's sports complex. Financing is provided from infrastructure gross receipts tax revenues. The fund is authorized by city council.

The *community development fund* accounts for funds received for community development and improvements funded under New Mexico Community Development Block Grants pursuant to the U.S. Department of Housing and Urban Development Title I grant. The fund is authorized by city council.

The *WIPP acceleration impact special revenue fund* accounts for funds from the U.S. Department of Energy used exclusively for infrastructure improvements, educational support, and economic development in the city, due to the accelerations of the WIPP Project. The fund is authorized by PL 95-91.

**Capital Project Funds**

The *park improvement fund* accounts for the receipts and disbursements to build and improve parks within the city. Financing is provided from state grants. The fund is authorized by city council.

The *street systems improvement fund* accounts for receipts and disbursements for city street improvements. Financing is provided from motor vehicle fees and state and county grants. The fund is authorized by city ordinance 389.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

Measurement Focus, Basis of Accounting,  
C. and Financial Statement Preparation (continued)

**Capital Project Funds (continued)**

The *state legislative fund* was established to record revenues and expenditures for state grant funds received for projects approved by the state legislature. The fund is authorized by city council.

The *CIEP fund* accounts for the financing and acquisition of capital improvements and equipment purchases for the city. Financing is provided from the general fund. The fund is authorized by city council.

The *federal projects fund* accounts for receipts and disbursements for infrastructure and improvements. Financing is provided from federal and state grants. The funding is authorized by city council and is required by federal grantors for segregating interest earned and for auditing purposes.

**Debt Service Funds**

The *sports complex fund* accounts for the receipts and disbursements for the construction of the city's Youth Sports Complex and the associated debt service, due to the New Mexico Finance Authority. The fund is authorized by city council and is in conformance with loan covenants.

The *2002 sales tax bonds fund* accounts for the receipts and disbursements for the repayment of the refunding 1994 sales tax revenue bonds and provide additional funds for capital improvements and equipment. Financing is provided by the general fund. The fund is authorized by city council and is in conformance with bond covenants.

The *NM finance authority loan fund* accounts for the receipts and disbursements for the repayment of a loan to the New Mexico Finance Authority. Financing is provided from a New Mexico Finance Authority loan. The fund is authorized by city council and is in conformance with loan covenants.

The *GRT capital outlay fund* accounts for the receipts and disbursements for the payment of the 2009 revenue bonds. Financing is provided by the general fund. The fund is authorized by city council and is in conformance with bond covenants.

The city reports the following major business-type funds:

The *solid waste fund* is used to account for the provisions of solid waste disposal for the residents of the city. All activities necessary to provide such services are accounted for in this fund.

The *joint water and sewer fund* accounts for the provision of water and sewer services to the residents of the city. All activities necessary to provide such services are accounted for in this fund, including, but not limited to, administration, operations, maintenance, financing and related debt service, billing and collection.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

Measurement Focus, Basis of Accounting,  
C. and Financial Statement Preparation (continued)

The city maintains four other individual enterprise funds that are considered nonmajor funds. A description of each nonmajor enterprise funds is as follows:

The *museum gift shop fund* accounts for the receipts and disbursements of the operations of the museum gift shop. The fund is authorized by city council.

The *municipal transit fund* accounts for the receipts and disbursements of the city's transportation services. Financing is provided from federal and state grants, and customer receipts. The fund is authorized by city council and required by federal grantors for segregating interest earned and for auditing purposes.

The *performing arts center fund* accounts for the operations of promotional activities of the city. Financing is provided primarily by transfers from the Lodgers' Tax Fund. The fund is authorized by Section 3-38-13 through 3-38-24, NMSA 1978.

The *cemetery fund* accounts for the operation and maintenance of the city cemetery. Financing is provided through lot sales and fees for services. The funding is authorized by Section 3-40-1 through 3-40-9, NMSA 1978.

The city maintains four individual internal service funds. A description of each fund is as follows:

The *computer lease equipment fund* accounts for the costs of providing computer equipment to the various departments of the city. Operating transfers are made from various departments to cover the cost of the leasing the equipment.

The *general insurance fund* accounts for the cost of providing insurance and worker's compensation coverage and liability claims against the city. Such costs are billed to the other departments at actual cost.

The *group health insurance fund* accounts for the cost of providing group health benefits to city employees. The costs are billed to employees and various departments based on a minimum premium plan for eligible participants.

The *disaster preparedness fund* accounts for unforeseen disasters such as natural disasters, emergency evacuations of citizens, and other disaster situations where the city would be required to spend funds immediately without the guarantee of future reimbursement.

D. Budgets

Budgets for all funds are prepared by management and approved by the city council and the New Mexico Department of Finance and Administration. The city administrator is responsible for preparing the budget from requests submitted by department heads.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**D. Budgets (continued)**

The appropriated budget is prepared by line item within object class, program, department and fund; revenues expected to be available are estimated to provide for balanced budgeting. The comprehensive budget package is brought before the city council for approval by resolution.

The proposed budget is then submitted by June 1<sup>st</sup> to the New Mexico Department of Finance and Administration Local Government Division (DFA) for approval. DFA certifies a pending budget by July 1<sup>st</sup> with final certification of the budget by the first Monday of September. The expenditure section of the budget, once adopted, is legally binding. Based on the final certified budget submitted, DFA certifies the allowable tax rates for property taxes in September.

These budgets are prepared on the non-GAAP cash basis, excluding encumbrances, and secure appropriation of funds for only one year. Carryover funds are reappropriated in the budget of the subsequent fiscal year. The budget process in the state of New Mexico requires that the beginning cash balance be utilized to fund deficit budgets appropriated in the budget of the subsequent fiscal year. Such appropriated balance is presented as a committed portion of fund balance.

Actual expenditures may not exceed the budget on a fund basis. Budgets may be amended in two ways. If a budget transfer is necessary within a fund, this may be accomplished with only local council approval. If a transfer between "funds" or a budget increase is required, approval must be obtained from the Department of Finance and Administration. The budgetary information presented in these financial statements has been amended in accordance with the above procedures.

**E. Assets, Liabilities, and Net Assets or Equity**

**1. Deposits and Investments**

Investments in the city's cash and certificates of deposit are stated at cost, which approximates fair value. All other investments are carried at fair market value using quoted market prices. Interest income, realized gains and losses on investment transactions, and amortization of premiums/discounts on investment purchases are included for financial statement purposes as investment income and are allocated to participating funds based on the specific identification of the source of funds for a given investment.

**2. Interfund Receivables and Payables**

Activity between funds, that is representative of lending/borrowing arrangements outstanding at the end of the fiscal year, is referred to as interfund balance. Long-term advances between funds, as reported in the fund financial statements, as nonspendable fund balance in applicable governmental funds to indicate that they are not available for appropriation and are not expendable available financial resources.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

E. Assets, Liabilities, and Net Assets or Equity (continued)

**3. Inventory**

Proprietary fund inventories are recorded at the lower of cost or market on a first-in, first-out basis, and consist of operating supplies held for use in operations and are recorded as an expense when consumed rather than when purchased.

**4. Prepaid Items**

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

**5. Restricted Assets**

Certain long-term assets are classified as restricted assets on the balance sheet because their use is limited to payments for debt service or other purposes such as *deposits held in trust for others*.

**6. Interfund Activity**

Interfund activity is reported as loans, services provided, reimbursements or transfers. Loans are reported as interfund balance as appropriate and are subject to elimination upon consolidation. Services provided, deemed to be at market or near market rates, are treated as revenues and expenditures/expenses. Reimbursements are when one fund incurs a cost, charges the appropriate benefiting fund and reduces its related costs as a reimbursement. All other interfund transactions are treated as transfers. Transfers between governmental funds are netted as part of the reconciliation to the government-wide financial statements.

**7. Capital Assets**

Property, plant, and equipment purchased or acquired is carried at historical cost or estimated cost. Contributed fixed assets are recorded at estimated fair market value at the time received. Purchased computer software is recorded at historical cost. The city defines capital assets as assets with an initial, individual cost or donated value of more than \$5,000 and an estimated useful life in excess of one year.

Infrastructure fixed assets consisting of roads, curbs and gutters, streets and sidewalks, drainage systems and lighting systems have been recorded at estimated historical cost. Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

Net revenue bond interest cost incurred during construction is capitalized as part of the construction project.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**E. Assets, Liabilities, and Net Assets or Equity (continued)**

**7. Capital Assets (continued)**

Property, plant, equipment, and infrastructure of the primary government are depreciated using the straight line method over the following estimated useful lives:

<u>Classification</u>	<u>Years</u>
Buildings and other improvements	10 - 50
Utility system	40
Public domain infrastructure	25
Machinery and equipment, including vehicles	5 - 10

**8. Compensated Absences**

City employees are entitled to certain compensated absences based on their employment classification and length of employment.

Vacation Pay – Each employee of the city may accumulate a total of ten to thirty days of vacation per year. A maximum of seventy-five days of vacation may be accumulated for executive officers. Appointed officers may accrue thirty-one and a half days of paid time off per year with no maximum accumulation. Hourly workers may accumulate up to thirty days of vacation. All vacation pay is accrued when incurred in the government-wide and proprietary fund financial statements. A liability is reported in the governmental funds only if they have matured.

Sick Leave – Each employee of the city may accumulate a total of twelve days of sick leave per year; however, unless the employee has qualified to retire under the state retirement program, employees are not paid for the accumulated sick leave upon retirement or other termination. If the employee has qualified to retire under the state retirement program, the city will pay the employee for one-third of the accumulated sick leave on the last day of service to the city. Accordingly, the one-third portion of the sick leave earned for certain employees is accrued on the government-wide and proprietary fund financial statements.

**9. Deferred Inflows of Resources – Deferred Revenues**

Within the government-wide financial statements, deferred revenues represent unearned revenues advanced to the city. Such advances are reported as deferred revenue until the earnings process is complete. Deferred revenues may include grant awards reflected as a receivable but not recognized as revenues since all criteria have not been met.

Within the governmental funds, revenues must be available in order to be recognized. Revenues such as real estate taxes that are not available are recorded as deferred revenues and reflected as deferred inflows of resources within the balance sheet.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**E. Assets, Liabilities, and Net Assets or Equity (continued)**

**10. Deferred Outflows of Resources**

*Deferred amount on advance refunding of debt* – The city is reporting the difference between the reacquisition price and the net carrying amount of old debt that has been retired as a deferred outflow of resources. The amount is amortized as a component of interest in a systematic and rational manner over the remaining life of the old debt that is a shorter period than the life of the new debt.

**11. Long-Term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental or business-type activities within the statement of net assets. Bond premiums and discounts are deferred and amortized over the life of the bonds, using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as debt service expense in the year of issuance.

In the fund financial statements, governmental fund types recognized bond premiums and discounts, as well as, bond issuance costs, during the period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**12. Net Position**

The government-wide financial statements utilize a net position presentation. Net position is categorized as follows:

*Net investment in capital assets* – This category reflects the portion of net position that are associated with capital assets less outstanding capital asset related debt.

*Restricted net position* – This category reflects the portion of net position that has third party limitations on their use.

*Unrestricted net position* – This category reflects net position of the city, not restricted for any project or other purpose.

**13. Fund Equity Reservation and Designations**

In the fund financial statements, governmental funds report aggregate amounts for five classifications of fund balances based on the constraints imposed on the use of these resources. The nonspendable fund balance classification includes amounts that cannot be spent because they are either (a) not in spendable form – prepaid items or inventories; or (b) legally or contractually required to be maintained intact.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**E. Assets, Liabilities, and Net Assets or Equity (continued)**

**13. Fund Equity Reservation and Designations (continued)**

The spendable portion of the fund balance comprises the remaining four classifications: restricted, committed, assigned, and unassigned.

*Restricted fund balance* – This classification reflects the constraints imposed on resources either (a) externally by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

*Committed fund balance* – These amounts can only be used for specific purposes pursuant to constraints imposed by formal resolutions or ordinances of the city council – the government's highest level of decision making authority. Those committed amounts cannot be used for any other purpose unless the city council removes the specified use by taking the same type of action imposing the commitment. This classification also includes contractual obligations to the extent that existing resources in the fund have specifically committed for use in satisfying those contractual requirements.

*Assigned fund balance* – This classification reflects the amounts constrained by the city's "intent" to be used for specific purposes, but are neither restricted nor committed. The city council has the authority to assign amounts to be used for specific purposes. Assigned fund balances include all remaining amounts (except negative balances) that are reported in governmental funds, other than the General Fund, that are not classified as nonspendable and are neither restricted nor committed.

*Unassigned fund balance* – This fund balance is the residual classification for the General Fund. It is also used to report negative fund balances in other governmental funds.

When both restricted and unrestricted resources are available for use, it is the city's policy to use externally restricted resources first, then unrestricted resources – committed, assigned, and unassigned – in order as needed.

**F. Other Matters**

**1. Presentation**

Certain reclassifications of prior year information have been made to conform to current year presentation.

**2. Cash Flows**

For the purpose of the statement of cash flows, the city considers all highly liquid investments, including restricted cash with maturity of three months or less when purchased, to be cash equivalents.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

F. Other Matters (continued)

**3. Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**2. CASH AND DEPOSITS WITH FINANCIAL INSTITUTIONS**

Cash

New Mexico state statutes provide authoritative guidance regarding the deposit of cash and idle cash. Deposits of funds may be made in interest or non-interest bearing checking accounts in one or more bank or savings and loan associations within the geographical boundaries of the city. Deposits may be made to the extent that they are insured by an agency of the United States of America or by collateral deposited as security or by bond given by the financial institution. The rate of interest in non-demand interest-bearing accounts shall be set by the state Board of Finance, but in no case shall the rate of interest be less than one hundred percent of the asked price on United States treasury bills of the same maturity on the day of deposit.

Idle cash may be invested in a wide variety of instruments, including money market accounts, certificates of deposit, the New Mexico State Treasurer's investment pool, or in securities which are issued by the state or by the United States government, or by their departments or agencies, and which are either direct obligations of the state or the United States, or are backed by the full faith and credit of those governments.

Cash Deposited with Financial Institutions

The city maintains cash in four financial institutions within Carlsbad, New Mexico. The city's deposits are carried at cost.

As of June 30, 2013, the amount of cash reported on the financial statements differs from the amount on deposit with the various institutions because of transactions in transit and outstanding checks. The locations and amounts deposited are as follows:

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**2. CASH AND DEPOSITS WITH FINANCIAL INSTITUTIONS (continued)**

*Cash Deposited with Financial Institutions (continued)*

	Per Institution	Reconciling Items	Per Financial Statements
Cash on hand	\$ -	\$ 2,997	\$ 2,997
Carlsbad National Bank	7,067,145	(628,840)	6,438,305
Pioneer Savings Bank	2,776,960	-	2,776,960
Wells Fargo Bank	49,500,750	157,631	49,658,381
Western Commerce Bank	13,118,427	(173,810)	12,944,617
Total cash deposits	<u>\$ 72,463,282</u>	<u>\$ (642,022)</u>	<u>\$ 71,821,260</u>

The amounts reported as cash for the government within the financial statements is displayed as:

Statement of Net Position:	
Cash	\$ 61,453,036
Restricted cash	<u>10,368,224</u>
Total cash reported on financial statements	<u>\$ 71,821,260</u>

Except for items in transit, the carrying value of deposits by the respective depositories equated to the carrying value by the city. All deposits are collateralized with eligible securities, as described by New Mexico State Statute, in amounts equal to at least 50% of the city carrying value of the deposits (demand and certificates of deposit). Such collateral, as permitted by the state statutes is held in each respective depository bank's collateral pool at a Federal Reserve Bank, or member bank other than the depository bank, in the name of the respective depository bank and pledged as a pool of collateral against all of the public deposits it holds with the exception of deposit insurance provided by the Federal Deposit Insurance Corporation.

	Carlsbad National Bank	Pioneer Savings Bank	Wells Fargo Bank	Western Commerce Bank
Total deposits in bank	\$ 7,067,145	\$ 2,776,960	\$ 49,500,750	\$ 13,118,427
Less FDIC coverage	<u>(250,000)</u>	<u>(250,000)</u>	<u>(250,000)</u>	<u>(250,000)</u>
Uninsured public funds	6,817,145	2,526,960	49,250,750	12,868,427
Pledged collateral held by pledging bank's trust, but not in the city's name	<u>5,891,475</u>	<u>1,715,828</u>	<u>26,654,649</u>	<u>7,999,817</u>
Uninsured and uncollateralized public funds	<u>\$ 925,670</u>	<u>\$ 811,132</u>	<u>\$ 22,596,101</u>	<u>\$ 4,868,610</u>
Total pledged collateral	\$ 5,891,475	\$ 1,715,828	\$ 26,654,649	\$ 7,999,817
50% pledged collateral requirement per state statute	<u>3,408,573</u>	<u>1,263,480</u>	<u>24,625,649</u>	<u>6,434,214</u>
Pledged collateral (under) over the requirement	<u>\$ 2,482,902</u>	<u>\$ 452,348</u>	<u>\$ 2,029,000</u>	<u>\$ 1,565,603</u>

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**2. CASH AND DEPOSITS WITH FINANCIAL INSTITUTIONS (continued)**

*Cash Deposited with Financial Institutions (continued)*

A detailed listing of the pledged collateral is contained in the supplemental financial information section of this report.

Demand deposits, time deposits, savings deposits and interest bearing money market accounts at a public unit in an institution in the same state are insured up to \$250,000.

*Custodial Credit Risk – Deposits* – Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. As of June 30, 2013, \$71,463,282 of the City's bank balance of \$72,463,282 was exposed to custodial credit risk as follows:

	Carlsbad National Bank	Pioneer Savings Bank	Wells Fargo Bank	Western Commerce Bank	Total
Uninsured and collateral held by pledging bank's trust dept. or agent not in the city's name.	<u>\$ 6,817,145</u>	<u>\$ 2,526,960</u>	<u>\$ 49,250,750</u>	<u>\$ 12,868,427</u>	<u>\$ 71,463,282</u>

**3. RESTRICTED INVESTMENTS**

The amounts reported as investments for the government within the financial statements are displayed as:

Statement of Net Position:	
Restricted investments	<u>\$ 6,726,703</u>

As of June 30, 2013, the restricted investments are composed of the following:

Investment - US Treasury Notes	\$ 6,363,736
NMFA - debt reserve	362,955
NMFA - debt service	<u>12</u>
	<u>\$ 6,726,703</u>

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**3. RESTRICTED INVESTMENTS (continued)**

*Investments Held by Fiscal Agent*

As required by note agreements with the New Mexico Finance Authority (NMFA), the city has cash held and invested with the NMFA. Or the fiscal year ended June 30, 2013, the NMFA has invested the funds held in the debt service, debt reserve, and program funds pools. None of the cash invested can be specifically identified, as the city's investment as cash from local governments within the state of New Mexico are invested within the pooled accounts.

*NMFA – Debt Service Pool*

The city has \$12 invested within the NMFA debt service pool. At June 30, 2013, the pool was composed of money market funds.

*NMFA – Debt Reserve Pool*

The city has \$362,955 invested within the NMFA debt reserve pool. At June 30, 2013, the pool was composed of 5.42% money market funds; 59.33% of fixed income agencies funds; and 35.25% fixed income U.S. Treasuries.

*Interest Rate Risk*

Interest rate risk is the risk that interest rate variations may adversely affect an investment's fair value. The prices of securities fluctuate with market interest rates and the securities held in a portfolio will decline if market interest rates rise. The portfolio's weighted average maturity (WAM) is a key determinant of the tolerance of a fund's investments to rising interest rates. In general, the longer the WAM, the more susceptible the fund is to rising interest rates. The NMFA debt service pool fund weighted average maturity is 42.41-day WAM. The NMFA debt reserve pool fund weighted average maturity is 1.335 WAM. The NMFA program funds pool fund weighted average maturity is .089 WAM.

*Other Investments*

As part of a city ordinance, the city has idle cash invested, in the amount of \$6,345,790 at Wells Fargo Bank, N.A., Roswell, New Mexico. The current fair value is \$6,363,736. The fund is composed of U.S. Treasury Notes. The fund is not subject to categorization.

During the fiscal year ended June 30, 2013, the city realized a net loss of \$8,273 from the sale of investments. The calculation of realized gains is independent of the calculation of the net increase in the fair value of investments. Realized gains and losses that had been held more than one fiscal year and sold in the current year may have been recognized as an increase or decrease in the fair value of investments reported in the prior year. The net decrease in the fair value of investments during the current fiscal year was \$120,424. This amount takes into account all changes in fair value (including purchases and sales) that occurred during the year. The unrealized loss on investments *held* at year-end was \$112,151.

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**4. RECEIVABLES, NET**

Receivables, net of allowance for doubtful accounts, at June 30, 2013, consisted of the following:

	Governmental Activities	Business-Type Activities
Accounts receivable:		
Charges for services	\$ 1,870,142	\$ 3,385,326
Allowance for doubtful accounts	(1,302,966)	(507,390)
Total	567,176	2,877,936
Taxes receivable:		
Sales taxes	6,893,552	131,874
Franchise taxes	121,805	-
Property taxes	157,514	-
Lodgers' taxes	149,879	-
Public service taxes	41,738	-
Allowance for doubtful accounts	-	-
Total	7,364,488	131,874
Intergovernmental receivables:		
Building improvement grants	467,885	-
Public safety grants	28,087	-
Infrastructure improvement grants	1,094,962	-
Health and welfare grants	31,416	-
Municipal transit grants	-	30,539
Total	1,622,350	30,539
Interest receivable	1,433	1,231
Notes receivable:		
WIPP acceleration project	900,000	-
Other	49,445	-
Receivables, net	\$ 10,504,892	\$ 3,041,580

The city's policy is to provide for uncollectible accounts based upon expected defaults.

**5. PROPERTY TAX**

Property taxes attach as an enforceable lien on property as of January 1<sup>st</sup>. Property tax rates for the year are set no later than September 1<sup>st</sup> each year by the New Mexico Secretary of Finance and Administration. The rates of tax are then used by the Eddy County Assessor to develop the property tax schedule by October 1<sup>st</sup>. The Eddy County Treasurer sends tax notices to property owners by November 1<sup>st</sup> of each year. Taxes are payable in equal semiannual installments by November 10<sup>th</sup> and April 10<sup>th</sup> of the subsequent year. Thirty days later the bill becomes delinquent and the county treasurer assesses penalties and interest. Taxes are collected on behalf of the city by the county treasurer, and are remitted to the city in the month following collection. The county treasurer is statutorily required to collect taxes as an intermediary agency for all forms of government. Distribution of taxes collected is made through the county treasurer's office.

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**5. PROPERTY TAX (continued)**

The city is permitted to levy taxes for general operating purposes up to an amount determined by a formula based upon each \$1,000 of taxable value for both residential and nonresidential property, taxable value being defined as one third of the fully assessed value. In addition, the city is allowed to levy taxes for payments of bonds principal and interest in amounts approved by voters of the city. The city's total tax rate to finance general government services for the year 2012, was \$6.225 per \$1,000 for non-residential and \$5.891 for residential property. In the year 2012, there was no tax rate established for payment of bonds principal and interest.

**6. CAPITAL ASSETS**

Capital assets for the fiscal year ended June 30, 2013, are as follows:

	Balance 06/30/12	Increases	Decreases	Balance 06/30/13
<b>Governmental Activities:</b>				
Capital assets, not being depreciated:				
Land	\$ 2,085,902	\$ -	\$ -	\$ 2,085,902
Construction in progress	612,745	1,905,538	(32,941)	2,485,342
Total capital assets, not being depreciated	2,698,647	1,905,538	(32,941)	4,571,244
Other capital assets, being depreciated:				
Buildings	52,595,045	634,085	(18,038)	53,211,092
Improvements	445,322	23,087	-	468,409
Infrastructure	62,478,394	3,122,895	(17,221)	65,584,068
Equipment	15,920,191	2,425,886	(603,527)	17,742,550
Total other capital assets, being depreciated	131,438,952	6,205,953	(638,786)	137,006,119
Less accumulated depreciation:				
Buildings	(21,200,101)	(1,257,857)	16,033	(22,441,925)
Improvements	(56,208)	(20,510)	-	(76,718)
Infrastructure	(24,411,503)	(1,239,333)	9,250	(25,641,586)
Equipment	(10,897,887)	(1,191,188)	524,010	(11,565,065)
Total accumulated depreciation	(56,565,699)	(3,708,888)	549,293	(59,725,294)
Other capital assets, net	74,873,253	2,497,065	(89,493)	77,280,825
Total capital assets, net	<u>\$ 77,571,900</u>	<u>\$ 4,402,603</u>	<u>\$ (122,434)</u>	<u>\$ 81,852,069</u>



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**6. CAPITAL ASSETS (continued)**

Depreciation expense was charged to functions (programs) as follows:

General government	\$ 566,093
Public safety	721,817
Public works	1,574,670
Culture and recreation	719,920
Health and welfare	126,388
	<u>\$ 3,708,888</u>

	Balance 06/30/12	Increases	Decreases	Balance 06/30/13
<b>Business-Type Activities:</b>				
Capital assets, not being depreciated:				
Land	\$ 1,282,273	\$ -	\$ -	\$ 1,282,273
Construction in progress	5,212,533	3,366,619	(19,514)	8,559,638
Total capital assets, not being depreciated	6,494,806	3,366,619	(19,514)	9,841,911
Other capital assets, being depreciated:				
Buildings	3,760,775	370,831	-	4,131,606
Improvements	30,758,561	3,279,544	-	34,038,105
Utility system	38,845,748	733,303	-	39,579,051
Equipment	9,998,608	112,388	(388,959)	9,722,037
Total other capital assets, being depreciated	83,363,692	4,496,066	(388,959)	87,470,799
Less accumulated depreciation:				
Buildings	(1,174,871)	(151,582)	-	(1,326,453)
Improvements	(8,917,410)	(809,012)	-	(9,726,422)
Utility system	(17,329,941)	(835,846)	-	(18,165,787)
Equipment	(7,575,135)	(622,684)	388,890	(7,808,929)
Total accumulated depreciation	(34,997,357)	(2,419,124)	388,890	(37,027,591)
Other capital assets, net	48,366,335	2,076,942	(69)	50,443,208
Total capital assets, net	<u>\$ 54,861,141</u>	<u>\$ 5,443,561</u>	<u>\$ (19,583)</u>	<u>\$ 60,285,119</u>

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
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**7. ACCRUED LIABILITIES**

Accrued liabilities at June 30, 2013, consisted of the following:

	Governmental Activities	Business-Type Activities
Payroll taxes payable	\$ 43,199	\$ -
Sales taxes payable	1,521	70,358
	<u>\$ 44,720</u>	<u>\$ 70,358</u>

**8. LONG-TERM OBLIGATIONS**

Changes in governmental activities obligations during the year ended June 30, 2013, were as follows:

	Balance 06/30/12	Restatement	Additions	Deletions	Balance 06/30/13	Amounts Due Within One Year
<b>Governmental Activities:</b>						
Notes payable	\$ 1,412,957	\$ -	\$ -	\$ (466,201)	\$ 946,756	\$ 482,007
Bonds payable	7,520,000	(52,238)	674	(515,000)	6,953,436	530,294
Compensated absences	1,206,508	-	1,179,188	(1,136,475)	1,249,221	415,110
	<u>\$ 10,139,465</u>	<u>\$ (52,238)</u>	<u>\$ 1,179,862</u>	<u>\$ (2,117,676)</u>	<u>\$ 9,149,413</u>	<u>\$ 1,427,411</u>

**Note Payable – Youth Sports Complex**

On June 18, 2004, the city borrowed \$3,500,000 from the New Mexico Finance Authority. The note matures on January 1, 2014, and accrues interest at rates between .900% and 3.270% per annum. The proceeds of the loan were used to construct, purchase, furnish, and equip a youth sports complex. The payments of principal and interest are paid from pledged gross receipts tax revenues.

The annual requirements to amortize the loan outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Interest	Total
2014	<u>\$ 413,826</u>	<u>\$ 13,532</u>	<u>\$ 427,358</u>

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
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**8. LONG-TERM OBLIGATIONS (continued)**

*Note Payable – Aerial Platform Truck*

On July 19, 2005, the city borrowed \$1,000,000 from the New Mexico Finance Authority. The note matures on May 1, 2020, and accrues interest at rates between 1.290% and 3.850% per annum. The proceeds of the loan were used for the acquisition of a fire pumper and an aerial (ladder) platform truck. The payments of principal and interest are paid from intercepts of the city's annual state fire allotment.

The annual requirements to amortize the loan outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Interest	Total
2014	\$ 68,181	\$ 18,799	\$ 86,980
2015	70,559	16,597	87,156
2016	73,093	14,245	87,338
2017	75,792	11,735	87,527
2018	78,662	9,062	87,724
2019-2020	166,643	9,423	176,066
	<u>\$ 532,930</u>	<u>\$ 79,861</u>	<u>\$ 612,791</u>

*2002 Refunding and Improvement Bonds*

On February 12, 2002, the city issued bonds in the amount of \$3,710,000 for the purposes of defraying the cost of public building projects; and the cost of refunding, paying, discharging, and liquidating a portion of the 1994 sales tax revenue bonds. The bond bears interest at rates between 4.00% and 4.85% per annum and matures on October 1, 2017. The payment of principal, premium and interest thereon, whether at maturity or on a redemption date, are paid with income derived from pledged gross receipts tax revenues.

The annual requirements to amortize the bonds outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Premium/ (Discount)	Net Book Value	Interest	Total
2014	\$ 275,000	\$ (42)	\$ 274,958	\$ 66,776	\$ 341,734
2015	290,000	(285)	289,715	53,350	343,065
2016	305,000	(500)	304,500	38,921	343,421
2017	315,000	(693)	314,307	23,886	338,193
2018	335,000	(900)	334,100	8,124	342,224
	<u>\$ 1,520,000</u>	<u>\$ (2,420)</u>	<u>\$ 1,517,580</u>	<u>\$ 191,057</u>	<u>\$ 1,708,637</u>

**STATE OF NEW MEXICO**  
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**8. LONG-TERM OBLIGATIONS (continued)**

*2009 Public Infrastructure Projects Bonds*

On July 28, 2009, the city issued bonds in the amount of \$8,550,000 for the purposes of defraying the cost of public infrastructure projects. The bond bears interest at rates between 2.00% and 4.75% per annum and matures on June 1, 2029. The payment of principal, premium and interest thereon, whether at maturity or on a redemption date, are paid with income derived from pledged gross receipts tax revenues.

The annual requirements to amortize the bonds outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Premium/ (Discount)	Net Book Value	Interest	Total
2014	\$ 255,000	\$ 336	\$ 255,336	\$ 232,969	\$ 488,305
2015	255,000	1,621	256,621	225,319	481,940
2016	265,000	2,157	267,157	216,394	483,551
2017	275,000	2,945	277,945	206,456	484,401
2018	290,000	1,267	291,267	195,456	486,723
2019-2023	1,640,000	(15,471)	1,624,529	792,006	2,416,535
2024-2028	2,040,000	(29,343)	2,010,657	404,575	2,415,232
2029	465,000	(12,656)	452,344	22,088	474,432
	<u>\$ 5,485,000</u>	<u>\$ (49,144)</u>	<u>\$ 5,435,856</u>	<u>\$ 2,295,263</u>	<u>\$ 7,731,119</u>

*Compensated Absences*

A liability for unused vacation for all full-time employees is calculated and reported in the government-wide statements. For financial reporting, the following criteria must be met to be considered as compensated absences:

- leave or compensation is attributable to services already rendered.
- leave or compensation is not contingent on a specific event (such as illness).

Per GASB Interpretation No. 6, liabilities for compensated absences are recognized in the fund statements to the extent the liabilities have matured (i.e., are due for payment). Compensated absences are accrued in the government-wide statements. The compensated absences liability attributable to the governmental activities will be liquidated primarily by the general fund.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
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**8. LONG-TERM OBLIGATIONS (continued)**

**Business-Type Activities**

Changes in the business-type activities obligations during the year ended June 30, 2013, were as follows:

	Balance 06/30/12	Restatement	Additions	Deletions	Balance 06/30/13	Amounts Due Within One Year
<b>Business-Type Activities:</b>						
Notes payable	\$ 12,754,166	\$ -	\$ 2,288,026	\$ (75,671)	\$ 14,966,521	\$ 77,973
Bonds payable	18,965,000	(149,089)	3,039	(820,000)	17,998,950	848,039
Landfill closure	779,355	-	56,246	-	835,601	-
Compensated absences	135,159	-	380,640	(202,056)	313,743	85,605
	<u>\$ 32,633,680</u>	<u>\$ (149,089)</u>	<u>\$ 2,727,951</u>	<u>\$ (1,097,727)</u>	<u>\$ 34,114,815</u>	<u>\$ 1,011,617</u>

**Note Payable – Solid Waste Vehicles**

On November 19, 2004, the city borrowed \$549,565 from the New Mexico Finance Authority. The note matures on May 1, 2014, and accrues interest at rates between 1.260% and 3.670% per annum. The proceeds of the loan were used for the acquisition of four (4) solid waste vehicles. The payments of principal and interest are paid from net revenues from the city's solid waste activities.

The annual requirements to amortize the loan outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Interest	Total
2014	<u>\$ 63,216</u>	<u>\$ 2,242</u>	<u>\$ 65,458</u>

**Note Payable – Wastewater Utility System Improvements**

On April 29, 2010, the city entered into a clean water state revolving loan agreement with the New Mexico Environment Department, with a total maximum amount of \$18,000,000. The note is for twenty years, and accrues interest at 2.00% per annum. The proceeds of the loan agreement will be used for improvements to the city's wastewater utility system. The payments of principal and interest will be paid with net revenues from the city's water and wastewater utility system activities.

As per the agreement, the city has three years from the date of the agreement to complete all work on the wastewater utility system. The city received a one year extension for construction in April 2013. As of June 30, 2013, the city has requested loan proceeds, totaling \$14,647,355. As per the agreement, the first loan payment is not required until one year after the completion of the project. The city recorded the proceeds as long-term debt with no portion allocated for an amount due within one year.

**STATE OF NEW MEXICO  
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**8. LONG-TERM OBLIGATIONS (continued)**

*Note Payable – Double Eagle Waterline Improvements*

On June 18, 2010, the city entered into a water project loan and subsidy agreement with the New Mexico Water Trust Board, financed by the New Mexico Finance Authority, with a total amount of \$1,500,000, of which the loan portion of the agreement is a maximum of \$300,000. The note matures on June 1, 2030, and does not accrue interest. The note accrues an administrative fee of .25% per annum. The proceeds of the loan and subsidy agreement will be used for water line improvements to the Double Eagle system. The payments of principal and interest will be paid from net revenues from the city's water and wastewater utility system activities.

The annual requirements to amortize the loan outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Interest	Total
2014	\$ 14,757	\$ 640	\$ 15,397
2015	14,794	603	15,397
2016	14,831	566	15,397
2017	14,868	529	15,397
2018	14,905	492	15,397
2019-2023	75,086	1,898	76,984
2024-2028	76,030	954	76,984
2029-2030	30,679	115	30,794
	<u>\$ 255,950</u>	<u>\$ 5,797</u>	<u>\$ 261,747</u>

*2009 Advance Refunding Bonds*

On March 12, 2009, the city issued bonds in the amount of \$21,440,000, which the city advance refunded \$13,705,000 of the outstanding series 1998 water and sewer revenue bonds with interest rates ranging between 4.00% and 4.75%. The city used the net proceeds, along with other resources, to purchase U.S. government securities. These securities were deposited in an irrevocable trust to provide for all future debt service on the refunded portion of the 1998 water and sewer bonds.

As a result, that portion of the 1998 water and sewer bonds is considered defeased, and the city has removed the liability from its accounts. The advance refunding increased total debt service payments over the next fifteen years by \$208,770. This results in an economic gain (difference between the present values of the debt service payments on the old and new debt) of \$426,168. The remaining portion of the bonds issued is for the purposes of the extension, enlargement, betterment, repair, and other improvements to the joint water and sewer system. The bond bears interest at rates between 3.00% through 5.00% per annum and matures on June 1, 2029. The payment of principal, premium, and interest thereon, whether at maturity or on a redemption date, are paid with income derived from the operation of the joint water and sewer system.

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CITY OF CARLSBAD  
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**8. LONG-TERM OBLIGATIONS (continued)**

*2009 Advance Refunding Bonds (continued)*

The annual requirements to amortize the bonds outstanding as of June 30, 2013, including interest payments, are as follows:

Due in year ending June 30:

	Principal	Premium/ (Discount)	Net Book Value	Interest	Total
2014	\$ 845,000	\$ 3,039	\$ 848,039	\$ 776,256	\$ 1,624,295
2015	870,000	3,217	873,217	750,906	1,624,123
2016	900,000	6,230	906,230	724,806	1,631,036
2017	925,000	10,124	935,124	695,556	1,630,680
2018	960,000	12,902	972,902	663,181	1,636,083
2019-2023	5,395,000	(28,393)	5,366,607	2,716,219	8,082,826
2024-2028	6,705,000	(128,072)	6,576,928	1,402,250	7,979,178
2029	1,545,000	(25,097)	1,519,903	77,250	1,597,153
	<u>\$ 18,145,000</u>	<u>\$ (146,050)</u>	<u>\$ 17,998,950</u>	<u>\$ 7,806,424</u>	<u>\$ 25,805,374</u>

*Landfill Closure and Post-Closure Costs*

The city and Eddy County jointly own and operate a landfill. State and federal laws and regulations require that upon closing, the city and the county of Eddy place a final cover on its landfill when closed and perform certain maintenance and monitoring functions at the landfill site for thirty years after closure of the landfill site. In addition to operating expenses related to current activities of the landfill, an expense provision and related liability are being recognized based on the future closure and post-closure care costs that will be incurred near or after the date the landfill no longer accepts waste.

Based on a joint powers agreement between the city and county of Eddy, the closure and post-closure care costs will be shared at 50% for each government. The recognition of these landfill closure and post-closure care costs is based on the amount of the landfill used during each year.

The estimated total current cost of the landfill closure and post-closure care of \$3,676,200 is based on the amount that would be paid if all equipment, facilities, and services required to close, monitor, and maintain the landfill were acquired as of June 30, 2013. However, the actual cost of post-closure care may be higher due to inflation, changes in technology, or changes in state and federal landfill laws and regulations.

The city is required by the state of New Mexico Environmental Regulation Board to demonstrate financial assurance for the post-closure costs.

The following calculation details the current amount recognized for landfill closure and post-closure care as of June 30, 2013:

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**8. LONG-TERM OBLIGATIONS (continued)**

*Landfill Closure and Post-Closure Costs (continued)*

Estimated landfill closure cost	\$ 1,517,780
Estimated landfill post-closure care cost	<u>2,158,420</u>
Total estimated closure and post-closure costs	<u><u>\$ 3,676,200</u></u>
 FY12 capacity used to date	 \$ 2,363,574
FY13 tonnage received/capacity used	<u>170,624</u>
FY13 capacity used to date	<u><u>\$ 2,534,198</u></u>
 Total capacity used to date (approximately 2,534,198 cubic gate yards) as a percentage of total capacity (5,574,000 cubic gate yards)	  <u><u>45.46%</u></u>
 Total estimated closure and post-closure costs	 \$ 3,676,200
Total capacity used to date	<u>45.46%</u>
Estimated closure and post-closure care costs	<u><u>\$ 1,671,201</u></u>
 Estimated closure and post-closure care costs	 \$ 1,671,201
Prior year liability	<u>(1,558,709)</u>
Current year liability	<u><u>\$ 112,492</u></u>
 City of Carlsbad's portion (50% of current year liability)	 <u><u>\$ 56,246</u></u>
 Prior year liability recognized	 \$ 779,355
Current year liability	<u>56,246</u>
Estimated liability for the fiscal year ended June 30, 2013	<u><u>\$ 835,601</u></u>

**9. INTERFUND BALANCES AND TRANSFERS**

*Interfund Balances*

<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
WIPP Acceleration Impact Fund	Federal Projects Fund	\$ 120,000

Interfund balances represent short-term advances for funds that receive grants on a reimbursement basis.



**STATE OF NEW MEXICO  
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**9. INTERFUND BALANCES AND TRANSFERS (continued)**

Interfund Transfers

	Transfers In						
	General Fund	Solid Waste Fund	Joint Water and Sewer Fund	Other Governmental Funds	Other Enterprise Funds	Internal Service Funds	Total
Transfers (out):							
General Fund	\$ -	\$ -	\$ -	\$ 4,513,237	\$ 770,000	\$ 1,034,109	\$ 6,317,346
GRT Capital Outlay Fund	-	-	17,690	490,469	-	-	508,159
Solid Waste Fund	1,010,637	-	-	-	-	560,816	1,571,453
Joint Water and Sewer Fund	2,002,764	-	-	300,000	-	591,020	2,893,784
Other Governmental Funds	367,041	-	5,787,517	20,000	459,025	25,017	6,658,600
Other Enterprise Funds	-	-	-	-	-	26,040	26,040
Internal Service Funds	503,051	44,138	80,006	13,443	9,038	-	649,676
	<u>\$ 3,883,493</u>	<u>\$ 44,138</u>	<u>\$ 5,885,213</u>	<u>\$ 5,337,149</u>	<u>\$ 1,238,063</u>	<u>\$ 2,237,002</u>	<u>\$ 18,625,058</u>

Transfers are used to move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend. Transfers are used to move unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations. Transfers are also used to account for proper capitalization of assets with the governmental and business type activities.

**10. RESTATEMENT OF NET POSITION**

The city adopted GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance* contained in pre-November 30, 1989 FASB and AICPA Pronouncements (GASB 62), GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* (GASB 63), and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities* (GASB 65) for the fiscal year ended June 30, 2013.

Implementation of GASB 62 did not have any financial reporting impact on the city for the fiscal year ended June 30, 2013. Implementation of GASB 63 required the reclassification of net assets to net position, and it also required reclassification of deferred outflows and deferred inflows into new categories called Deferred Outflows of Resources and Deferred Inflows of Resources.

Implementation of GASB 65 required debt issuance costs except any portion related to prepaid insurance costs should be recognized as an expense in the period incurred.

The city has restated the financial statements for the fiscal year ended June 30, 2012, as follows:

Government-Wide Financial Statements – Governmental Activities

- The city has removed the unamortized bond issuance costs of (\$172,454).

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**10. RESTATEMENT OF NET POSITION (continued)**

*Government-Wide Financial Statement – Governmental Activities (continued)*

- The city has recorded the bond premium/discount amount, totaling \$3,444, for the 2002 Refunding and Improvements Bonds.
- The city has recorded the bond premium/discount amount, totaling \$48,794, for the 2009 Public Infrastructure Projects Bonds.
- The city has recorded the bond insurance premium amount, totaling \$6,378, for the 2002 Refunding and Improvement Bonds.

The restatement of the net position for the government-wide financial statements – governmental activities is (\$113,838).

*Major Fund – Joint Water & Sewer Fund*

- The city has removed the unamortized bond issuance costs of (\$728,914).
- The city has recorded the bond premium/discount amount, totaling \$139,341, for the 2009 Advance Refunding Bonds.
- The city has recorded the deferred amount on refunding amount, totaling \$232,227, for the 2009 Advance Refunding Bonds.
- The city has recorded the bond insurance premium amount, totaling \$84,200, for the 2009 Advance Refunding Bonds.

The restatement of net position for the joint water and sewer fund is (\$273,146).

*Other Governmental Funds*

- The city reclassified the activity within the Sports Complex Debt Service Fund, totaling \$2,600,483, to the Sports Complex Special Revenue Fund. The net effect of the restatement is \$0.

**11. BAD DEBT EXPENSE**

*Governmental Activities* – During the current fiscal year, the city recorded bad debt expense by reducing gross ambulance fees of \$1,047,588 by \$560,732. Ambulance fees are reflected as public safety charges for services in the government-wide statement of activities and charges for services within the general fund.

*Business-Type Activities* – During the current fiscal year, the city recorded bad debt expense of \$123,911 by reducing solid waste sales by \$8,462; water sales by \$105,682 and wastewater sales by \$9,767.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**12. PENSION PLAN – PUBLIC EMPLOYEES RETIREMENT ASSOCIATION**

*Plan Description*

Substantially, all of the city's full-time employees participate in a public employee retirement system authorized under the Public Employees Retirement Act (Chapter 10, Article 11, NMSA 1978). The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost sharing, multiple-employer defined benefit plan. The plan provides for retirement benefits, disability benefits, survivor benefits and cost-of-living adjustments to plan members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information for the plan. That report may be obtained by writing to PERA, P.O. Box 2123, Santa Fe, NM 87504-2123. The report is also available on PERA's website at [www.pera.state.nm.us](http://www.pera.state.nm.us).

*Funding Policy*

Plan members are required to contribute from 13.15% to 16.30% (ranges from 3.83% to 16.65% depending upon the plan – i.e., state general, state hazardous duty, state police and adult correctional officers, municipal general, municipal police, municipal fire, municipal detention officer) of their gross salary. The city is required to contribute from 9.15% to 21.25% (ranges from 7.0% to 25.72% depending upon the plan) of the gross covered salary. The contribution requirements of plan members and the city are established in state statute under Chapter 10, Article 11 NMSA 1978. The requirements may be amended by legislative acts. The city's contributions to PERA for the fiscal years ending June 30, 2013, 2012, and 2011 were \$2,365,529, \$2,246,587 and \$2,089,764, respectively, equal to the amount of the required contributions for each year.

**13. POST-EMPLOYMENT – STATE RETIREE HEALTH CARE PLAN**

*Plan Description*

The city contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit post-employment healthcare plan administered by the New Mexico Retiree Health Care Authority (RHCA). The RHCA provides health care insurance and prescription drug benefits to retired employees of participating New Mexico government agencies, their spouses, dependents, and surviving spouses and dependents.

The RHCA Board was established by the Retiree Health Care Act (Chapter 10, Article 7C, NMSA 1978). The Board is responsible for establishing and amending benefit provisions of the healthcare plan and is also authorized to designate optional and/or voluntary benefits like dental, vision, supplemental life insurance, and long-term care policies.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**13. POST-EMPLOYMENT – STATE RETIREE HEALTH CARE PLAN (continued)**

*Plan Description (continued)*

Eligible retirees are: 1) retirees who make contributions to the fund for at least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the RHCA plan on the person's behalf unless that person retires before the employer's RHCA effective date, in which the event the time period required for employee and employer contributions shall become the period of time between the employer's effective date and the date of retirement; 2) retirees defined by the Act who retired prior to July 1, 1990; 3) former legislators who served at least two years; and 4) former governing authority members who served at least four years.

The RHCA issues a publicly available stand-alone financial report that includes financial statements and required supplementary information for the post-employment health care plan. That report and further information can be obtained by writing to the Retiree Health Care Authority at 4308 Carlisle NE, Suite 104, Albuquerque, New Mexico 87107.

*Funding Policy*

The Retiree Health Care Act (Section 10-7C-13 NMSA 1978) authorizes the RHCA Board to establish the monthly premium contributions that retirees are required to pay for healthcare benefits. Each participating retiree pays a monthly premium according to a service based subsidy rate schedule for the medical plus basic life plan plus an additional participation fee of five dollars if the eligible participant retired prior to the employer's RHCA effective date or is a former legislator or former governing authority member. Former legislators and governing authority members are required to pay 100% of the insurance premium to cover their claims and the administrative expenses of the plan. The monthly premium rate schedule can be obtained from the RHCA or viewed on their website at [www.nmrhca.state.nm.us](http://www.nmrhca.state.nm.us).

The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requires for the employer and employee contributions can be changed by the New Mexico State Legislature. Employers that choose to become participating employers after January 1, 1998, are required to make contributions to the RHCA fund in the amount determined to be appropriate by the Board.

The Retiree Health Care Act (Section 10-7C-15 NMSA 1978) is the statutory authority that establishes the required contributions of participating employers and their employees. For employees that were members of an enhanced retirement plan (state police and adult correctional officer member coverage plan 1; municipal police member coverage plans 3, 4 or 5; municipal fire member coverage plans 3, 4 or 5; municipal detention officer member coverage plan 1; and members pursuant to the Judicial Retirement Act) during the fiscal year ended June 30, 2013, the statute required each participating employer to contribute 2.5% of each participating employer to contribute 2.5% of each participating employee's annual salary; and each participating employee was required to contribute 1.25% of their salary.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**13. POST-EMPLOYMENT – STATE RETIREE HEALTH CARE PLAN (continued)**

*Funding Policy (continued)*

For employees that were not members of an enhanced retirement plan during the fiscal year ended **June 30, 2013**, the statute required each participating employer to contribute **2.0%** of each participating employee's annual salary; each participating employee was required to contribute **1.0%** of their salary. In addition, pursuant to Section 10-7C-15(G) NMSA 1978, at the first session of the Legislature following July 1, 2013, the legislature shall review and adjust the distributions pursuant to Section 7-1-6.1 NMSA 1978 and the employer and employee contributions to the authority in order to ensure the actuarial soundness of the benefits provided under the Retiree Health Care Act.

The city's contributions to the RHCA for the years ended June 30, 2013, 2012 and 2011 were \$403,700, \$348,609 and \$295,640, respectively, which equal the required contributions for each year.

**14. CONSTRUCTION COMMITMENTS**

*Governmental Activities* – As of June 30, 2013, the city has construction contracts in progress with total costs of \$2,643,215. The projects are funded through federal and state grants and local resources. The remaining construction commitments are \$1,035,270.

*Business-Type Activities* – As of June 30, 2013, the city has construction contracts in progress with total costs of \$14,689,005. The projects are funded through federal and state grants and local resources. The remaining construction commitments are \$581,721.

**15. RISK MANAGEMENT**

The city is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The city has joined together with other local governments in the state and obtained insurance through the New Mexico Self-Insured Fund, a public entity risk pool currently operates as a common risk management and insurance program for local governments. The city pays an annual premium to New Mexico Self-Insured Fund for its general insurance coverage, and all risk of loss is transferred.

The city maintains a self-insurance program for workers' compensation and employee health benefits. These programs are accounted for in the Internal Service Funds. Funding is provided by charging the other funds as costs are incurred for workers' compensation benefits and charging an estimated premium based on a minimum plan for employees' health benefits. Management does not have the information available to make a reasonable estimate of the amount of incurred but unreported claims and other outstanding liabilities of the plans; accordingly, no liability has been recorded.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2013

**16. CONTINGENT LIABILITIES**

Amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the city expects such amounts, if any, to be immaterial.

The city is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the city's legal counsel that resolution of these matters will not have a material adverse effect on the financial condition of the city.

**COMBINING AND INDIVIDUAL OTHER  
GOVERNMENTAL FUND FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
COMBINING BALANCE SHEET  
OTHER GOVERNMENTAL FUNDS  
JUNE 30, 2013**

	Special Revenue Funds							
	Fire Protection Fund	Recreation Fund	Lodgers' Tax Fund	Airport Fund	Emergency Medical Services Fund	Local Government Corrections Fund	Law Enforcement Protection Fund	RSVP Program Fund
<b>Assets:</b>								
Cash	\$ 112,252	\$ 212,734	\$ 1,431,393	\$ 170,921	\$ -	\$ 218,451	\$ 2,581	\$ 31,754
Receivables, net	-	467	149,882	11,673	-	-	-	-
Due from other funds	-	-	-	-	-	-	-	-
Restricted:								
Investments	12	-	-	-	-	-	-	-
Total assets	<u>\$ 112,264</u>	<u>\$ 213,201</u>	<u>\$ 1,581,275</u>	<u>\$ 182,594</u>	<u>\$ -</u>	<u>\$ 218,451</u>	<u>\$ 2,581</u>	<u>\$ 31,754</u>
<b>Liabilities:</b>								
Accounts payable	\$ -	\$ 725	\$ 43,715	\$ -	\$ -	\$ 18,075	\$ -	\$ 57
Accrued salaries	-	4,874	-	-	-	-	-	-
Accrued interest payable	-	-	-	-	-	-	-	-
Due to others	-	500	-	-	-	-	-	-
Due to other funds	-	-	-	-	-	-	-	-
Total liabilities	-	6,099	43,715	-	-	18,075	-	57
<b>Deferred Inflows of Resources:</b>								
Deferred revenues	-	450	-	-	-	-	-	-
<b>Fund Balances:</b>								
Restricted for:								
Debt service	12	-	-	-	-	-	-	-
State mandated per statutes	18,385	-	1,510,707	-	-	82,569	-	-
Committed for:								
Subsequent years' expenditures	93,867	115,556	26,853	-	-	117,807	2,581	20,592
Assigned	-	91,096	-	182,594	-	-	-	11,105
Total fund balances	<u>112,264</u>	<u>206,652</u>	<u>1,537,560</u>	<u>182,594</u>	<u>-</u>	<u>200,376</u>	<u>2,581</u>	<u>31,697</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 112,264</u>	<u>\$ 213,201</u>	<u>\$ 1,581,275</u>	<u>\$ 182,594</u>	<u>\$ -</u>	<u>\$ 218,451</u>	<u>\$ 2,581</u>	<u>\$ 31,754</u>

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
COMBINING BALANCE SHEET  
OTHER GOVERNMENTAL FUNDS  
JUNE 30, 2013**

	Special Revenue Funds				Capital Project Funds					
	Sports Complex Fund	Community Development Fund	WIPP Acceleration Impact Fund	Total Special Revenue Funds	Park Improvement Fund	Street System Improvement Fund	State Legislative Fund	CIEP Fund	Federal Projects Fund	Total Capital Project Funds
<b>Assets:</b>										
Cash	\$ 2,440,667	\$ 75,463	\$ 1,128,184	\$ 5,824,400	\$ 17,943	\$ 2,615,056	\$ -	\$ 2,073,043	\$ 422,508	\$ 5,128,550
Receivables, net	263,566	-	900,000	1,325,588	19,826	76,515	-	51,221	1,475,402	1,622,964
Due from other funds	-	-	120,000	120,000	-	-	-	-	-	-
Restricted:										
Investments	307,854	-	-	307,866	-	-	-	-	-	-
Total assets	<u>\$ 3,012,087</u>	<u>\$ 75,463</u>	<u>\$ 2,148,184</u>	<u>\$ 7,577,854</u>	<u>\$ 37,769</u>	<u>\$ 2,691,571</u>	<u>\$ -</u>	<u>\$ 2,124,264</u>	<u>\$ 1,897,910</u>	<u>\$ 6,751,514</u>
<b>Liabilities:</b>										
Accounts payable	\$ 8,851	\$ 37,463	\$ 6,506	\$ 115,392	\$ 399	\$ 142,936	\$ -	\$ 12,174	\$ 114,155	\$ 269,664
Accrued salaries	5,426	-	-	10,300	-	-	-	-	-	-
Accrued interest payable	6,766	-	-	6,766	-	-	-	-	-	-
Due to others	-	-	-	500	-	-	-	-	-	-
Due to other funds	-	-	-	-	-	-	-	-	120,000	120,000
Total liabilities	21,043	37,463	6,506	132,958	399	142,936	-	12,174	234,155	389,664
<b>Deferred Inflows of Resources:</b>										
Deferred revenues	-	-	-	450	-	-	-	-	13,479	13,479
<b>Fund Balances:</b>										
Restricted for:										
Debt service	307,854	-	-	307,866	-	-	-	-	-	-
State mandated per statutes	-	-	-	1,611,661	-	-	-	-	-	-
Committed for:										
Subsequent years' expenditures	956,391	38,000	1,128,183	2,499,830	-	2,196,815	-	2,059,765	365,441	4,622,021
Assigned	<u>1,726,799</u>	<u>-</u>	<u>1,013,495</u>	<u>3,025,089</u>	<u>37,370</u>	<u>351,820</u>	<u>-</u>	<u>52,325</u>	<u>1,284,835</u>	<u>1,726,350</u>
Total fund balances	<u>2,991,044</u>	<u>38,000</u>	<u>2,141,678</u>	<u>7,444,446</u>	<u>37,370</u>	<u>2,548,635</u>	<u>-</u>	<u>2,112,090</u>	<u>1,650,276</u>	<u>6,348,371</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 3,012,087</u>	<u>\$ 75,463</u>	<u>\$ 2,148,184</u>	<u>\$ 7,577,854</u>	<u>\$ 37,769</u>	<u>\$ 2,691,571</u>	<u>\$ -</u>	<u>\$ 2,124,264</u>	<u>\$ 1,897,910</u>	<u>\$ 6,751,514</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
COMBINING BALANCE SHEET  
OTHER GOVERNMENTAL FUNDS  
JUNE 30, 2013**

	Debt Service Funds					
	Sports Complex Fund	2002 Sales Tax Bonds Fund	New Mexico Finance Authority Loan Fund	Capital Outlay GRT Fund	Total Debt Service Funds	Total Other Governmental Funds
<b>Assets:</b>						
Cash	\$ -	\$ 18,744	\$ -	\$ -	\$ 18,744	\$ 10,971,694
Receivables, net	-	-	-	-	-	2,948,552
Due from other funds	-	-	-	-	-	120,000
Restricted:						
Investments	-	-	-	-	-	307,866
Total assets	<u>\$ -</u>	<u>\$ 18,744</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 18,744</u>	<u>\$ 14,348,112</u>
<b>Liabilities:</b>						
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 385,056
Accrued salaries	-	-	-	-	-	10,300
Accrued interest payable	-	-	-	-	-	6,766
Deposits	-	-	-	-	-	500
Due to other funds	-	-	-	-	-	120,000
Total liabilities	-	-	-	-	-	522,622
<b>Deferred Inflows of Resources:</b>						
Deferred revenues	-	-	-	-	-	13,929
<b>Fund Balances:</b>						
Restricted for:						
Debt service	-	18,744	-	-	18,744	326,610
State mandated per statutes	-	-	-	-	-	1,611,661
Committed for:						
Subsequent years' expenditures	-	-	-	-	-	7,121,851
Assigned	-	-	-	-	-	4,751,439
Total fund balances	<u>-</u>	<u>18,744</u>	<u>-</u>	<u>-</u>	<u>18,744</u>	<u>13,811,561</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ -</u>	<u>\$ 18,744</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 18,744</u>	<u>\$ 14,348,112</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**OTHER GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Special Revenue Funds							
	Fire Protection Fund	Recreation Fund	Lodgers' Tax Fund	Airport Fund	Emergency Medical Services Fund	Local Government Corrections Fund	Law Enforcement Protection Fund	RSVP Program Fund
<b>Revenues:</b>								
Sales taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lodgers' taxes	-	-	1,586,197	-	-	-	-	-
Public service taxes	-	-	-	-	-	-	-	-
Intergovernmental:								
Federal	-	-	-	2,423	-	-	-	36,907
State	332,940	-	-	76,356	62,538	-	60,600	-
Charges for services	-	16,403	-	5,102	-	114,990	-	-
Licenses and permits	-	-	-	-	-	-	-	-
Investment income	12	-	14	-	-	-	-	-
Miscellaneous	-	-	-	-	-	-	-	-
<b>Total revenues</b>	<b>332,952</b>	<b>16,403</b>	<b>1,586,211</b>	<b>83,881</b>	<b>62,538</b>	<b>114,990</b>	<b>60,600</b>	<b>36,907</b>
<b>Expenditures:</b>								
Current:								
Public safety	151,383	-	-	-	19,188	235,268	40,306	-
Public works	-	-	-	10,073	-	-	-	-
Culture and recreation	-	384,431	669,486	-	-	-	-	-
Health and welfare	-	-	-	-	-	-	-	43,986
Economic development	-	-	-	-	-	-	-	-
Capital outlay	341,321	-	38,290	171,983	64,216	-	-	-
Debt service:								
Principal	65,977	-	-	-	-	-	-	-
Interest	22,330	-	-	-	-	-	-	-
<b>Total expenditures</b>	<b>581,011</b>	<b>384,431</b>	<b>707,776</b>	<b>182,056</b>	<b>83,404</b>	<b>235,268</b>	<b>40,306</b>	<b>43,986</b>
Excess (deficiency) of revenues over expenditures	(248,059)	(368,028)	878,435	(98,175)	(20,866)	(120,278)	20,294	(7,079)
<b>Other Financing Sources (Uses):</b>								
Transfers in	3,238	328,407	-	-	20,866	170,000	-	25,000
Transfers (out)	(3,758)	(3,466)	(470,000)	(367,041)	-	-	(17,793)	-
<b>Total other financing sources (uses)</b>	<b>(520)</b>	<b>324,941</b>	<b>(470,000)</b>	<b>(367,041)</b>	<b>20,866</b>	<b>170,000</b>	<b>(17,793)</b>	<b>25,000</b>
<b>Special Item:</b>								
Proceeds from sale of assets	-	1,530	-	-	-	-	-	-
<b>Net change in fund balance</b>	<b>(248,579)</b>	<b>(41,557)</b>	<b>408,435</b>	<b>(465,216)</b>	<b>-</b>	<b>49,722</b>	<b>2,501</b>	<b>17,921</b>
Fund balance, beginning of year	360,843	248,209	1,129,125	647,810	-	150,654	80	13,776
Restatements	-	-	-	-	-	-	-	-
Fund balance, beginning of year, restated	360,843	248,209	1,129,125	647,810	-	150,654	80	13,776
Fund balance, end of year	<u>\$ 112,264</u>	<u>\$ 206,652</u>	<u>\$ 1,537,560</u>	<u>\$ 182,594</u>	<u>\$ -</u>	<u>\$ 200,376</u>	<u>\$ 2,581</u>	<u>\$ 31,697</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**OTHER GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Special Revenue Funds				Capital Project Funds					
	Sports Complex Fund	Community Development Fund	WIPP Acceleration Impact Fund	Total Special Revenue Funds	Park Improvement Fund	Street System Improvement Fund	State Legislative Fund	CIEP Fund	Federal Projects Fund	Total Capital Project Funds
Revenues:										
Sales taxes	\$ 1,482,478	\$ -	\$ -	\$ 1,482,478	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lodgers' taxes	-	-	-	1,586,197	-	-	-	-	-	-
Public service taxes	-	-	-	-	-	521,195	-	-	-	521,195
Intergovernmental:										
Federal	-	80,343	1,159,774	1,279,447	-	-	-	-	1,448,469	1,448,469
State	-	-	-	532,434	29,729	36,218	70,123	39,439	-	175,509
Charges for services	6,517	-	-	143,012	2,500	-	-	-	-	2,500
Licenses and permits	-	-	-	-	-	73,052	-	-	-	73,052
Investment income	1,069	-	-	1,095	-	1,669	-	1,118	-	2,787
Miscellaneous	-	-	-	-	5	83	-	121,382	1,750,840	1,872,310
Total revenues	1,490,064	80,343	1,159,774	5,024,663	32,234	632,217	70,123	161,939	3,199,309	4,095,822
Expenditures:										
Current:										
Public safety	-	-	-	446,145	-	-	-	-	-	-
Public works	-	-	-	10,073	-	572,638	-	-	-	572,638
Culture and recreation	506,982	-	-	1,560,899	39,497	-	-	-	-	39,497
Health and welfare	-	-	-	43,986	-	-	-	-	-	-
Economic development	-	-	-	-	-	-	-	23,579	-	23,579
Capital outlay	218,833	274,182	-	1,108,825	10,763	949,355	1,402	242,570	3,113,389	4,317,479
Debt service:										
Principal	400,224	-	-	466,201	-	-	-	-	-	-
Interest	21,851	-	-	44,181	-	-	-	-	-	-
Total expenditures	1,147,890	274,182	-	3,680,310	50,260	1,521,993	1,402	266,149	3,113,389	4,953,193
Excess (deficiency) of revenues over expenditures	342,174	(193,839)	1,159,774	1,344,353	(18,026)	(889,776)	68,721	(104,210)	85,920	(857,371)
Other Financing Sources (Uses):										
Transfers in	10,036	-	-	557,547	-	2,600,000	-	845,000	500,000	3,945,000
Transfers (out)	-	-	(535,489)	(1,397,547)	-	-	(116,345)	(4,534,125)	(610,582)	(5,261,052)
Total other financing sources (uses)	10,036	-	(535,489)	(840,000)	-	2,600,000	(116,345)	(3,689,125)	(110,582)	(1,316,052)
Special Item:										
Proceeds from sale of assets	425	-	-	1,955	-	-	-	-	-	-
Net change in fund balance	352,635	(193,839)	624,285	506,308	(18,026)	1,710,224	(47,624)	(3,793,335)	(24,662)	(2,173,423)
Fund balance, beginning of year	37,926	231,839	1,517,393	4,337,655	55,396	838,411	47,624	5,905,425	1,674,938	8,521,794
Restatements	2,600,483	-	-	2,600,483	-	-	-	-	-	-
Fund balance, beginning of year, restated	2,638,409	231,839	1,517,393	6,938,138	55,396	838,411	47,624	5,905,425	1,674,938	8,521,794
Fund balance, end of year	\$ 2,991,044	\$ 38,000	\$ 2,141,678	\$ 7,444,446	\$ 37,370	\$ 2,548,635	\$ -	\$ 2,112,090	\$ 1,650,276	\$ 6,348,371

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**OTHER GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Debt Service Funds					
	Sports Complex Fund	2002 Sales Tax Bonds Fund	New Mexico Finance Authority Loan Fund	GRT Capital Outlay Fund	Total Debt Service Funds	Total Other Governmental Funds
<b>Revenues:</b>						
Sales taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,482,478
Lodgers' taxes	-	-	-	-	-	1,586,197
Public service taxes	-	-	-	-	-	521,195
Intergovernmental:						
Federal	-	-	-	-	-	2,727,916
State	-	-	-	-	-	707,943
Charges for services	-	-	-	-	-	145,512
Licenses and permits	-	-	-	-	-	73,052
Investment income	-	-	-	-	-	3,882
Miscellaneous	-	-	-	-	-	1,872,310
<b>Total revenues</b>	-	-	-	-	-	9,120,485
<b>Expenditures:</b>						
Current:						
Public safety	-	-	-	-	-	446,145
Public works	-	-	-	-	-	582,711
Culture and recreation	-	-	-	-	-	1,600,396
Health and welfare	-	-	-	-	-	43,986
Economic development	-	-	-	-	-	23,579
Capital outlay	-	-	-	-	-	5,426,304
Debt service:						
Principal	-	265,000	-	250,000	515,000	981,201
Interest	-	79,133	-	240,469	319,602	363,783
<b>Total expenditures</b>	-	344,133	-	490,469	834,602	9,468,105
Excess (deficiency) of revenues over expenditures	-	(344,133)	-	(490,469)	(834,602)	(347,620)
<b>Other Financing Sources (Uses):</b>						
Transfers in	-	344,133	-	490,469	834,602	5,337,149
Transfers (out)	-	-	(1)	-	(1)	(6,658,600)
<b>Total other financing sources (uses)</b>	-	344,133	(1)	490,469	834,601	(1,321,451)
<b>Special Item:</b>						
Proceeds from sales of assets	-	-	-	-	-	1,955
<b>Net change in fund balance</b>	-	-	(1)	-	(1)	(1,667,116)
Fund balance, beginning of year	2,600,483	18,744	1	-	2,619,228	15,478,677
Restatements	(2,600,483)	-	-	-	(2,600,483)	-
Fund balance, beginning of year, restated	-	18,744	1	-	18,745	15,478,677
Fund balance, end of year	\$ -	\$ 18,744	\$ -	\$ -	\$ 18,744	\$ 13,811,561

The accompanying notes are an integral part of these financial statements.

**OTHER SPECIAL REVENUE FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**FIRE PROTECTION FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 268,254	\$ 332,940	\$ 332,940	\$ -	\$ 332,940	\$ -
Investment income	-	-	12	-	12	12
Total revenues	268,254	332,940	332,952	-	332,952	12
<b>Expenditures:</b>						
Current:						
Public safety	110,952	146,452	152,146	(763)	151,383	(5,694)
Capital outlay	430,080	459,251	341,321	-	341,321	117,930
Debt service:						
Principal	-	-	-	65,977	65,977	-
Interest	88,307	88,307	88,307	(65,977)	22,330	-
Total expenditures	629,339	694,010	581,774	(763)	581,011	112,236
Excess (deficiency) of revenues over expenditures	(361,085)	(361,070)	(248,822)	763	(248,059)	112,248
<b>Other Financing Sources (Uses):</b>						
Transfers in	-	-	-	3,238	3,238	-
Transfers (out)	(3,758)	(3,758)	(3,758)	-	(3,758)	-
Total other financing sources (uses)	(3,758)	(3,758)	(3,758)	3,238	(520)	-
Net change	(364,843)	(364,828)	(252,580)	\$ 4,001	\$ (248,579)	112,248
Cash balance, beginning of year	364,832	364,832	364,832			-
Cash balance, end of year	\$ (11)	\$ 4	\$ 112,252			\$ 112,248
<b>Explanation of Differences:</b>						
Change in accounts payable				\$ 763		
Change in net transfers				3,238		
				\$ 4,001		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**RECREATION FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Charges for services	\$ 17,482	\$ 17,482	\$ 17,476	\$ (1,073)	\$ 16,403	\$ (6)
<b>Expenditures:</b>						
Current:						
Culture and recreation	406,572	423,747	386,198	(1,767)	384,431	37,549
Capital outlay	48,000	48,000	-	-	-	48,000
Total expenditures	454,572	471,747	386,198	(1,767)	384,431	85,549
(Deficiency) of revenues over expenditures	(437,090)	(454,265)	(368,722)	694	(368,028)	85,543
<b>Other Financing Sources (Uses):</b>						
Transfers in	325,000	328,408	328,407	-	328,407	(1)
Transfers (out)	(3,466)	(3,466)	(3,466)	-	(3,466)	-
Total other financing sources (uses)	321,534	324,942	324,941	-	324,941	(1)
<b>Special Item:</b>						
Proceeds from the sale of assets	-	-	1,530	-	1,530	1,530
Net change	(115,556)	(129,323)	(42,251)	\$ 694	\$ (41,557)	87,072
Cash balance, beginning of year	254,985	254,985	254,985			-
Cash balance, end of year	\$ 139,429	\$ 125,662	\$ 212,734			\$ 87,072
<b>Explanation of Differences:</b>						
Change in receivables				\$ (823)		
Change in accounts payable				2,255		
Change in accrued salaries				(488)		
Change in due to others				(150)		
Change in deferred revenues				(100)		
				\$ 694		

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**LODGERS' TAX FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Lodgers' taxes	\$ 1,000,000	\$ 1,000,000	\$ 1,588,131	\$ (1,934)	\$ 1,586,197	\$ 588,131
Investment income	-	-	28	(14)	14	28
Total revenues	1,000,000	1,000,000	1,588,159	(1,948)	1,586,211	588,159
<b>Expenditures:</b>						
Current:						
Culture and recreation	834,832	879,772	663,749	5,737	669,486	216,023
Capital outlay	80,000	86,235	38,290	-	38,290	47,945
Total expenditures	914,832	966,007	702,039	5,737	707,776	263,968
Excess (deficiency) of revenues over expenditures	85,168	33,993	886,120	(7,685)	878,435	852,127
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	(450,000)	(470,000)	(470,000)	-	(470,000)	-
Net change	(364,832)	(436,007)	416,120	<u>\$ (7,685)</u>	<u>\$ 408,435</u>	852,127
Cash balance, beginning of year	1,015,273	1,015,273	1,015,273			-
Cash balance, end of year	<u>\$ 650,441</u>	<u>\$ 579,266</u>	<u>\$ 1,431,393</u>			<u>\$ 852,127</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ (1,948)		
Change in accounts payable				<u>(5,737)</u>		
				<u>\$ (7,685)</u>		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**AIRPORT FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
Federal	\$ 1,156,500	\$ 1,156,500	\$ -	\$ 2,423	\$ 2,423	\$ (1,156,500)
State	212,851	220,617	117,428	(41,072)	76,356	(103,189)
Charges for services	6,288	6,288	5,019	83	5,102	(1,269)
Total revenues	1,375,639	1,383,405	122,447	(38,566)	83,881	(1,260,958)
<b>Expenditures:</b>						
Current:						
Public works	510,899	519,528	10,072	1	10,073	509,456
Capital outlay	1,049,262	1,049,262	171,983	-	171,983	877,279
Total expenditures	1,560,161	1,568,790	182,055	1	182,056	1,386,735
(Deficiency) of revenues over expenditures	(184,522)	(185,385)	(59,608)	(38,567)	(98,175)	125,777
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	-	(367,041)	(367,041)	-	(367,041)	-
Net change	(184,522)	(552,426)	(426,649)	<u>\$ (38,567)</u>	<u>\$ (465,216)</u>	125,777
Cash balance, beginning of year	597,570	597,570	597,570			-
Cash balance, end of year	<u>\$ 413,048</u>	<u>\$ 45,144</u>	<u>\$ 170,921</u>			<u>\$ 125,777</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ (38,687)		
Change in deferred revenues				<u>120</u>		
				<u>\$ (38,567)</u>		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**EMERGENCY MEDICAL SERVICES FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 62,538	\$ 62,538	\$ 62,538	\$ -	\$ 62,538	\$ -
<b>Expenditures:</b>						
Current:						
Public safety	15,438	16,351	19,188	-	19,188	(2,837)
Capital outlay	67,966	67,053	64,216	-	64,216	2,837
Total expenditures	83,404	83,404	83,404	-	83,404	-
<b>Other Financing Sources (Uses):</b>						
Transfers in	20,866	20,866	20,866	-	20,866	-
Net change	-	-	-	\$ -	\$ -	-
Cash balance, beginning of year	-	-	-			-
Cash balance, end of year	\$ -	\$ -	\$ -			\$ -
<b>Explanation of Differences:</b>						
None.						

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
LOCAL GOVERNMENT CORRECTIONS FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE  
BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS  
WITH RECONCILIATION TO GAAP  
FOR THE YEAR ENDED JUNE 30, 2013

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with Final Budget Over (Under)
<b>Revenues:</b>						
Charges for services	\$ 130,000	\$ 130,000	\$ 114,990	\$ -	\$ 114,990	\$ (15,010)
<b>Expenditures:</b>						
Current:						
Public safety	356,500	356,500	250,718	(15,450)	235,268	105,782
(Deficiency) of revenues over expenditures	(226,500)	(226,500)	(135,728)	15,450	(120,278)	90,772
<b>Other Financing Sources (Uses):</b>						
Transfers in	170,000	170,000	170,000	-	170,000	-
Net change	(56,500)	(56,500)	34,272	\$ 15,450	\$ 49,722	90,772
Cash balance, beginning of year	184,179	184,179	184,179			-
Cash balance, end of year	\$ 127,679	\$ 127,679	\$ 218,451			\$ 90,772
<b>Explanation of Differences:</b>						
Changes in accounts payable				\$ 15,450		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**LAW ENFORCEMENT PROTECTION FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with Final Budget Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 60,600	\$ 60,600	\$ 60,600	\$ -	\$ 60,600	\$ -
<b>Expenditures:</b>						
Current:						
Public safety	32,807	42,807	40,226	80	40,306	2,581
Capital outlay	10,000	-	-	-	-	-
Total expenditures	42,807	42,807	40,226	80	40,306	2,581
Excess of revenues over expenditures	17,793	17,793	20,374	(80)	20,294	2,581
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	(17,793)	(17,793)	(17,793)	-	(17,793)	-
Net change	-	-	2,581	(80)	2,501	2,581
Cash balance, beginning of year	-	-	-			-
Cash balance, end of year	\$ -	\$ -	\$ 2,581			\$ 2,581
<b>Explanation of Differences:</b>						
Changes in receivables				\$ (80)		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**RETIRED SENIOR VOLUNTEER PROGRAM FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
Federal	\$ 36,907	\$ 36,907	\$ 36,907	\$ -	\$ 36,907	\$ -
State	10,000	10,000	-	-	-	(10,000)
Total revenues	46,907	46,907	36,907	-	36,907	(10,000)
<b>Expenditures:</b>						
Current:						
Health and welfare	72,685	72,685	44,141	(155)	43,986	28,544
(Deficiency) of revenues						
over expenditures	(25,778)	(25,778)	(7,234)	155	(7,079)	18,544
<b>Other Financing Sources (Uses):</b>						
Transfers in	25,000	25,000	25,000	-	25,000	-
Net change	(778)	(778)	17,766	\$ 155	\$ 17,921	18,544
Cash balance, beginning of year	13,988	13,988	13,988			-
Cash balance, end of year	\$ 13,210	\$ 13,210	\$ 31,754			\$ 18,544
<b>Explanation of Differences:</b>						
Change in accounts payable				\$ 155		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SPORTS COMPLEX FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Sales taxes	\$ 1,178,578	\$ 1,178,578	\$ 1,459,749	\$ 22,729	\$ 1,482,478	\$ 281,171
Charges for services	-	-	6,517	-	6,517	6,517
Interest	-	-	-	1,069	1,069	-
Total revenues	1,178,578	1,178,578	1,466,266	23,798	1,490,064	287,688
<b>Expenditures:</b>						
Current:						
Culture and recreation	525,896	634,433	502,785	4,197	506,982	131,648
Capital outlay	150,959	502,459	221,326	(2,493)	218,833	281,133
Debt service:						
Principal	428,359	428,359	428,358	(28,134)	400,224	1
Interest and other charges	-	-	-	21,851	21,851	-
Total expenditures	1,105,214	1,565,251	1,152,469	(4,579)	1,147,890	412,782
Excess (deficiency) of revenues over expenditures	73,364	(386,673)	313,797	28,377	342,174	700,470
<b>Other Financing Sources (Uses):</b>						
Transfers in	-	10,037	10,036	-	10,036	(1)
<b>Special Item:</b>						
Proceeds from sale of assets	-	-	425	-	425	425
Net change	73,364	(376,636)	324,258	\$ 28,377	\$ 352,635	700,894
Cash balance, beginning of year	37,926	37,926	37,926			-
Cash transferred from sports complex debt service fund	2,078,483	2,078,483	2,078,483			-
Cash balance, end of year	\$ 2,189,773	\$ 1,739,773	\$ 2,440,667			\$ 700,894
<b>Explanation of Differences:</b>						
Change in receivables				\$ 22,729		
Interest income earned by agent				1,069		
Change in accounts payable				443		
Change in accrued salaries				(2,148)		
Change in accrued interest payable				6,284		
				\$ 28,377		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
COMMUNITY DEVELOPMENT FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE  
BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS  
WITH RECONCILIATION TO GAAP  
FOR THE YEAR ENDED JUNE 30, 2013

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
Federal	\$ 245,265	\$ 245,265	\$ 245,265	\$ (164,922)	\$ 80,343	\$ -
<b>Expenditures:</b>						
Current:						
Economic development	1,839	1,839	-	-	-	1,839
Capital outlay	317,460	317,460	243,837	30,345	274,182	73,623
Total expenditures	319,299	319,299	243,837	30,345	274,182	75,462
Net change	(74,034)	(74,034)	1,428	<u>\$ (195,267)</u>	<u>\$ (193,839)</u>	75,462
Cash balance, beginning of year	74,035	74,035	74,035			-
Cash balance, end of year	<u>\$ 1</u>	<u>\$ 1</u>	<u>\$ 75,463</u>			<u>\$ 75,462</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ (164,922)		
Change in accounts payable				<u>(30,345)</u>		
				<u>\$ (195,267)</u>		

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
WIPP ACCELERATION IMPACT FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE  
BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS  
WITH RECONCILIATION TO GAAP  
FOR THE YEAR ENDED JUNE 30, 2013

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
Federal	\$ 13,021,973	\$ 13,021,973	\$ 1,159,773	\$ 1	\$ 1,159,774	\$ (11,862,200)
<b>Expenditures:</b>						
Capital outlay	13,519,366	13,519,366	528,982	(528,982)	-	12,990,384
Excess (deficiency) of revenues over expenditures	(497,393)	(497,393)	630,791	528,983	1,159,774	1,128,184
<b>Other Financing Sources (Uses):</b>						
Transfers in	110,445	110,445	-	-	-	(110,445)
Transfers (out)	(110,445)	(110,445)	-	(535,489)	(535,489)	110,445
Total other financing sources (uses)	-	-	-	(535,489)	(535,489)	-
Net change	(497,393)	(497,393)	630,791	<u>\$ (6,506)</u>	<u>\$ 624,285</u>	1,128,184
Cash balance, beginning of year	497,393	497,393	497,393			-
Cash balance, end of year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,128,184</u>			<u>\$ 1,128,184</u>
<b>Explanation of Differences:</b>						
Change in accounts payable				\$ 528,982		
Change in deferred revenues				<u>(535,488)</u>		
				<u>\$ (6,506)</u>		

The accompanying notes are an integral part of these financial statements.

**MAJOR CAPITAL PROJECT FUND  
BUDGETARY COMPARISON STATEMENT**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**GRT CAPITAL OUTLAY FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Sales taxes	\$ 2,132,758	\$ 2,132,758	\$ 2,703,473	\$ 44,899	\$ 2,748,372	\$ 570,715
<b>Expenditures:</b>						
Current:						
Public works	-	-	21,418	-	21,418	(21,418)
Capital outlay	5,086,275	5,086,275	548,633	11,611	560,244	4,537,642
Total expenditures	5,086,275	5,086,275	570,051	11,611	581,662	4,516,224
Excess (deficiency) of revenues over expenditures	(2,953,517)	(2,953,517)	2,133,422	33,288	2,166,710	5,086,939
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	(490,469)	(490,469)	(490,469)	(17,690)	(508,159)	-
Net change	(3,443,986)	(3,443,986)	1,642,953	\$ 15,598	\$ 1,658,551	5,086,939
Cash balance, beginning of year	7,190,824	7,190,824	7,190,824			-
Cash balance, end of year	\$ 3,746,838	\$ 3,746,838	\$ 8,833,777			\$ 5,086,939
<b>Explanation of Differences:</b>						
Change in receivables				\$ 44,899		
Change in accounts payable				(11,611)		
Change in net transfers				(17,690)		
				\$ 15,598		

The accompanying notes are an integral part of these financial statements.

**OTHER CAPITAL PROJECT FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**PARK IMPROVEMENT FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 34,000	\$ 49,577	\$ 29,480	\$ 249	\$ 29,729	\$ (20,097)
Charges for services	-	-	2,500	-	2,500	2,500
Miscellaneous	-	-	5	-	5	5
Total revenues	34,000	49,577	31,985	249	32,234	(17,592)
<b>Expenditures:</b>						
Current:						
Culture and recreation	37,180	37,380	39,287	210	39,497	(1,907)
Capital outlay	26,499	31,599	10,763	-	10,763	20,836
Total expenditures	63,679	68,979	50,050	210	50,260	18,929
Net change	(29,679)	(19,402)	(18,065)	\$ 39	\$ (18,026)	1,337
Cash balance, beginning of year	36,008	36,008	36,008			-
Cash balance, end of year	\$ 6,329	\$ 16,606	\$ 17,943			\$ 1,337
<b>Explanation of Differences:</b>						
Change in receivables				\$ 249		
Change in accounts payable				(210)		
				\$ 39		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STREET SYSTEM IMPROVEMENT FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Public service taxes	\$ 470,000	\$ 470,000	\$ 527,449	\$ (6,254)	\$ 521,195	\$ 57,449
Intergovernmental:						
State	57,343	57,343	48,880	(12,662)	36,218	(8,463)
Licenses and permits	65,000	65,000	73,323	(271)	73,052	8,323
Investment income	-	-	1,668	1	1,669	1,668
Miscellaneous	-	457,867	83	-	83	(457,784)
Total revenues	592,343	1,050,210	651,403	(19,186)	632,217	(398,807)
<b>Expenditures:</b>						
Current:						
Public works	884,800	900,300	604,039	(31,401)	572,638	296,261
Capital outlay	946,611	3,437,478	808,742	140,613	949,355	2,628,736
Total expenditures	1,831,411	4,337,778	1,412,781	109,212	1,521,993	2,924,997
(Deficiency) of revenues over expenditures	(1,239,068)	(3,287,568)	(761,378)	(128,398)	(889,776)	2,526,190
<b>Other Financing Sources (Uses):</b>						
Transfers in	950,000	2,600,000	2,600,000	-	2,600,000	-
Net change	(289,068)	(687,568)	1,838,622	\$ (128,398)	\$ 1,710,224	2,526,190
Cash balance, beginning of year	776,434	776,434	776,434			-
Cash balance, end of year	\$ 487,366	\$ 88,866	\$ 2,615,056			\$ 2,526,190
<b>Explanation of Differences:</b>						
Change in receivables				\$ (19,186)		
Change in accounts payable				(109,212)		
				\$ (128,398)		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**STATE LEGISLATIVE FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Basis
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 249,011	\$ 249,011	\$ 246,067	\$ (175,944)	\$ 70,123	\$ (2,944)
<b>Expenditures:</b>						
Capital outlay	227,856	227,856	224,990	(223,588)	1,402	2,866
Excess of revenues over expenditures	21,155	21,155	21,077	47,644	68,721	(78)
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	(47,878)	(47,878)	(47,800)	(68,545)	(116,345)	78
Net change	(26,723)	(26,723)	(26,723)	\$ (20,901)	\$ (47,624)	-
Cash balance, beginning of year	26,723	26,723	26,723			-
Cash balance, end of year	\$ -	\$ -	\$ -			\$ -
<b>Explanation of Differences:</b>						
Change in receivables				\$ (177,344)		
Change in accounts payable				223,588		
Change in deferred revenues				1,400		
Change in net transfers				(68,545)		
				\$ (20,901)		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**CIEP FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
State	\$ 264,819	\$ 344,819	\$ 49,135	\$ (9,696)	\$ 39,439	\$ (295,684)
Interest	-	-	1,118	-	1,118	1,118
Miscellaneous	-	-	121,382	-	121,382	121,382
Total revenues	264,819	344,819	171,635	(9,696)	161,939	(173,184)
<b>Expenditures:</b>						
Current:						
Economic development	68,773	98,773	23,779	(200)	23,579	74,994
Capital outlay	1,720,513	2,392,556	255,518	(12,948)	242,570	2,137,038
Total expenditures	1,789,286	2,491,329	279,297	(13,148)	266,149	2,212,032
(Deficiency) of revenues over expenditures	(1,524,467)	(2,146,510)	(107,662)	3,452	(104,210)	2,038,848
<b>Other Financing Sources (Uses):</b>						
Transfers in	525,000	845,000	845,000	-	845,000	-
Transfers (out)	(4,525,100)	(4,525,100)	(4,525,100)	(9,025)	(4,534,125)	-
Total other financing sources (uses)	(4,000,100)	(3,680,100)	(3,680,100)	(9,025)	(3,689,125)	-
Net change	(5,524,567)	(5,826,610)	(3,787,762)	\$ (5,573)	\$ (3,793,335)	2,038,848
Cash balance, beginning of year	5,860,805	5,860,805	5,860,805			-
Cash balance, end of year	\$ 336,238	\$ 34,195	\$ 2,073,043			\$ 2,038,848
<b>Explanation of Differences:</b>						
Change in receivables				\$ (9,696)		
Change in accounts payable				4,123		
Capital assets transferred				9,025		
Change in net transfers				(9,025)		
				\$ (5,573)		

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**FEDERAL PROJECTS FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Intergovernmental:						
Federal	\$ 2,477,831	\$ 2,477,831	\$ 1,222,831	\$ 225,638	\$ 1,448,469	\$ (1,255,000)
State	333,621	333,621	153,621	(153,621)	-	(180,000)
Miscellaneous	1,325,000	1,425,000	100,000	1,650,840	1,750,840	(1,325,000)
Total revenues	4,136,452	4,236,452	1,476,452	1,722,857	3,199,309	(2,760,000)
<b>Expenditures:</b>						
Current:						
General government	10,000	10,000	-	-	-	10,000
Capital outlay	5,554,820	5,684,821	3,690,478	(577,089)	3,113,389	1,994,343
Total expenditures	5,564,820	5,694,821	3,690,478	(577,089)	3,113,389	2,004,343
Excess (deficiency) of revenues over expenditures	(1,428,368)	(1,458,369)	(2,214,026)	2,299,946	85,920	(755,657)
<b>Other Financing Sources (Uses):</b>						
Transfers in	-	200,000	200,000	300,000	500,000	-
Transfers (out)	(1,000,000)	(1,000,000)	-	(610,582)	(610,582)	1,000,000
Loan proceeds	346,830	346,830	300,000	(300,000)	-	(46,830)
Total other financing sources (uses)	(653,170)	(453,170)	500,000	(610,582)	(110,582)	953,170
Net change	(2,081,538)	(1,911,539)	(1,714,026)	<u>\$ 1,689,364</u>	<u>\$ (24,662)</u>	197,513
Cash balance, beginning of year	2,136,534	2,136,534	2,136,534			-
Cash balance, end of year	<u>\$ 54,996</u>	<u>\$ 224,995</u>	<u>\$ 422,508</u>			<u>\$ 197,513</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ 545,532		
Change in accounts payable				(33,493)		
Change in deferred revenues				1,177,325		
				<u>\$ 1,689,364</u>		

The accompanying notes are an integral part of these financial statements.

**OTHER DEBT SERVICE FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SPORTS COMPLEX FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Revenues:</b>						
Sales taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Expenditures:</b>						
Current:						
Culture and recreation	-	-	-	-	-	-
Net change	-	-	-	\$ -	\$ -	-
Cash balance, beginning of year	2,078,483	2,078,483	2,078,483			-
Cash transferred to sports complex special revenue fund	(2,078,483)	(2,078,483)	(2,078,483)			-
Cash balance, end of year	\$ -	\$ -	\$ -			\$ -
<b>Explanation of Differences:</b>						
None.						

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
2002 SALES TAX BONDS FUND  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Expenditures:</b>						
Debt service:						
Principal	\$ 265,000	\$ 265,000	\$ 265,000	\$ -	\$ 265,000	\$ -
Interest	79,133	79,133	79,133	-	79,133	-
Total expenditures	344,133	344,133	344,133	-	344,133	-
(Deficiency) of revenues over expenditures	(344,133)	(344,133)	(344,133)	-	(344,133)	-
<b>Other Financing Sources (Uses):</b>						
Transfers in	344,133	344,133	344,133	-	344,133	-
Net change	-	-	-	\$ -	\$ -	-
Cash balance, beginning of year	18,744	18,744	18,744			-
Cash balance, end of year	\$ 18,744	\$ 18,744	\$ 18,744			\$ -
<b>Explanation of Differences:</b>						
None.						

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NM FINANCE AUTHORITY LOAN FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE  
BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS  
WITH RECONCILIATION TO GAAP  
FOR THE YEAR ENDED JUNE 30, 2013

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Expenditures:</b>						
Debt service:						
Principal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	-	-	-	-	-	-
Total expenditures	-	-	-	-	-	-
(Deficiency) of revenues over expenditures	-	-	-	-	-	-
<b>Other Financing Sources (Uses):</b>						
Transfers (out)	-	-	(1)	-	(1)	(1)
Net change	-	-	(1)	<u>\$ -</u>	<u>\$ (1)</u>	(1)
Cash balance, beginning of year	1	1	1			-
Cash balance, end of year	<u>\$ 1</u>	<u>\$ 1</u>	<u>\$ -</u>			<u>\$ (1)</u>
<b>Explanation of Differences:</b>						
None.						

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**GRT CAPITAL OUTLAY FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Expenditures:</b>						
Debt service:						
Principal	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ 250,000	\$ -
Interest	240,469	240,469	240,469	-	240,469	-
Total expenditures	490,469	490,469	490,469	-	490,469	-
(Deficiency) of revenues over expenditures	(490,469)	(490,469)	(490,469)	-	(490,469)	-
<b>Other Financing Sources (Uses):</b>						
Transfers in	490,469	490,469	490,469	-	490,469	-
Net change	-	-	-	\$ -	\$ -	-
Cash balance, beginning of year	-	-	-			-
Cash balance, end of year	\$ -	\$ -	\$ -			\$ -
<b>Explanation of Differences:</b>						
None.						

The accompanying notes are an integral part of these financial statements.

**COMBINING AND INDIVIDUAL OTHER  
ENTERPRISE FUNDS FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
COMBINING STATEMENT OF NET POSITION  
OTHER ENTERPRISE FUNDS  
JUNE 30, 2013

	Museum Gift Shop Fund	Municipal Transit Fund	Performing Arts Center Fund	Cemetery Fund	Total
<b>Assets:</b>					
Current assets:					
Cash	\$ 21,342	\$ 80,787	\$ 117,555	\$ 436,355	\$ 656,039
Receivables, net	31	32,606	-	-	32,637
Total current assets	21,373	113,393	117,555	436,355	688,676
Noncurrent assets:					
Capital assets:					
Land and construction in progress	-	72,240	110,000	41,626	223,866
Other capital assets, net of accumulated depreciation	-	1,055,185	1,366,389	927,881	3,349,455
Total noncurrent assets	-	1,127,425	1,476,389	969,507	3,573,321
Total assets	<u>\$ 21,373</u>	<u>\$ 1,240,818</u>	<u>\$ 1,593,944</u>	<u>\$ 1,405,862</u>	<u>\$ 4,261,997</u>
<b>Liabilities:</b>					
Current liabilities:					
Accounts payable	\$ -	\$ 11,839	\$ 2,536	\$ 16,861	\$ 31,236
Accrued salaries	-	12,693	-	-	12,693
Customers deposits	-	-	3,500	-	3,500
Current maturities of:					
Compensated absences	-	9,875	-	-	9,875
Total current liabilities	-	34,407	6,036	16,861	57,304
Noncurrent liabilities:					
Compensated absences	-	7,651	-	-	7,651
Total liabilities	-	42,058	6,036	16,861	64,955
<b>Deferred Inflows of Resources:</b>					
Deferred revenues	-	-	2,250	-	2,250
<b>Net position:</b>					
Net investment in capital assets	-	1,127,425	1,476,389	969,507	3,573,321
Unrestricted	21,373	71,335	109,269	419,494	621,471
Total net position	21,373	1,198,760	1,585,658	1,389,001	4,194,792
Total liabilities, deferred inflows of resources and net position	<u>\$ 21,373</u>	<u>\$ 1,240,818</u>	<u>\$ 1,593,944</u>	<u>\$ 1,405,862</u>	<u>\$ 4,261,997</u>

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
COMBINING STATEMENT OF REVENUES, EXPENSES AND  
CHANGES IN FUND NET POSITION  
OTHER ENTERPRISE FUNDS  
FOR THE YEAR ENDED JUNE 30, 2013

	Museum Gift Shop Fund	Municipal Transit Fund	Performing Arts Center Fund	Cemetery Fund	Total
<b>Operating Revenues:</b>					
Charges for services	\$ 5,391	\$ 80,687	\$ 15,230	\$ 176,029	\$ 277,337
<b>Operating Expenses:</b>					
Personnel services	-	736,831	-	-	736,831
Utilities	-	8,530	15,555	60,903	84,988
Contractual services	-	4,552	30,119	337,143	371,814
Repairs and maintenance	-	33,349	7,626	1,499	42,474
Other supplies and expenses	3,080	122,279	2,345	9,879	137,583
Depreciation and amortization	-	121,557	92,797	44,429	258,783
Total operating expenses	3,080	1,027,098	148,442	453,853	1,632,473
Operating income (loss)	2,311	(946,411)	(133,212)	(277,824)	(1,355,136)
<b>Non-Operating Revenues (Expenses):</b>					
Intergovernmental	-	313,120	-	-	313,120
Miscellaneous	2,109	-	-	-	2,109
Total non-operating revenues (expenses)	2,109	313,120	-	-	315,229
Income (loss) before capital contributions and transfers	4,420	(633,291)	(133,212)	(277,824)	(1,039,907)
<b>Capital Contributions and Transfers:</b>					
Capital contributions	-	42,511	-	-	42,511
Transfers in	-	574,038	459,025	205,000	1,238,063
Transfers (out)	-	(26,040)	-	-	(26,040)
Total capital contributions and transfers	-	590,509	459,025	205,000	1,254,534
<b>Special Item:</b>					
Gain on sale of assets	-	-	425	34	459
Change in net position	4,420	(42,782)	326,238	(72,790)	215,086
Net position, beginning of year	16,953	1,241,542	1,259,420	1,461,791	3,979,706
Net position, end of year	\$ 21,373	\$ 1,198,760	\$ 1,585,658	\$ 1,389,001	\$ 4,194,792

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
COMBINING STATEMENT OF CASH FLOWS  
OTHER ENTERPRISE FUNDS  
FOR THE YEAR ENDED JUNE 30, 2013

	Museum Gift Shop Fund	Municipal Transit Fund	Performing Arts Center Fund	Cemetery Fund	Total
<b>Cash Flows From Operating Activities:</b>					
Cash received from customers	\$ 5,360	\$ 80,453	\$ 17,480	\$ 176,029	\$ 279,322
Cash payments to suppliers for goods and services	(6,830)	(168,196)	(53,168)	(427,534)	(655,728)
Cash payments to employees for services	-	(730,592)	-	-	(730,592)
Net cash (used) by operating activities	(1,470)	(818,335)	(35,688)	(251,505)	(1,106,998)
<b>Cash Flows for Non-Capital and Financing Activities:</b>					
Cash received from intergovernmental sources	-	317,148	-	-	317,148
Cash received from capital contributions	-	42,981	-	-	42,981
Cash received from miscellaneous sources	2,109	1,538	-	-	3,647
Net change in customer deposits	-	-	3,500	-	3,500
Net transfers in (out)	4,491	547,998	450,000	205,000	1,207,489
Net cash provided (used) by non-capital and financing activities	6,600	909,665	453,500	205,000	1,574,765
<b>Cash Flows From Capital and Related Financing Activities:</b>					
Proceeds from the sale of capital assets	-	-	425	-	425
Acquisition of capital assets	-	(56,623)	(337,498)	(43,278)	(437,399)
Net cash (used) by capital and financing activities	-	(56,623)	(337,073)	(43,278)	(436,974)
Net increase (decrease) in cash	5,130	34,707	80,739	(89,783)	30,793
Cash and cash equivalents, beginning of year	16,212	46,080	36,816	526,138	625,246
Cash and cash equivalents, end of year	\$ 21,342	\$ 80,787	\$ 117,555	\$ 436,355	\$ 656,039
<b>Reconciliation of Operating Income to Net Cash Provided by Operating Activities:</b>					
Operating income (loss)	\$ 2,311	\$ (946,411)	\$ (133,212)	\$ (277,824)	\$ (1,355,136)
Adjustment to Reconcile Operating (Loss) to Net Cash Provided by Operating Activities:					
Depreciation	-	121,557	92,797	44,429	258,783
Change in Assets and Liabilities:					
(Increase) decrease in accounts receivable	(31)	956	-	-	925
Increase (decrease) in accounts payable	(3,750)	(677)	2,477	(18,110)	(20,060)
Increase in accrued salaries	-	242	-	-	242
Increase in compensated absences	-	5,998	-	-	5,998
Increase in deferred revenues	-	-	2,250	-	2,250
Total adjustments	(3,781)	128,076	97,524	26,319	248,138
Net cash (used) by operating activities	\$ (1,470)	\$ (818,335)	\$ (35,688)	\$ (251,505)	\$ (1,106,998)

The accompanying notes are an integral part of these financial statements.

**MAJOR ENTERPRISE FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SOLID WASTE FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with Final Budget Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 4,192,985	\$ 4,192,985	\$ 4,291,674	\$ 47,948	\$ 4,339,622	\$ 98,689
<b>Operating Expenses:</b>						
Personnel services	1,553,537	1,597,676	1,489,204	13,739	1,502,943	108,472
Utilities	300	300	-	-	-	300
Contractual services	162,812	162,812	102,966	3,428	106,394	59,846
Repairs and maintenance	362,000	462,000	504,325	(443)	503,882	(42,325)
Other supplies and expenses	1,051,868	1,151,868	930,709	(52,489)	878,220	221,159
Depreciation expense	-	-	-	315,670	315,670	-
Total operating expenses	3,130,517	3,374,656	3,027,204	279,905	3,307,109	347,452
Operating income	1,062,468	818,329	1,264,470	(231,957)	1,032,513	446,141
<b>Non-Operating Revenues (Expenses):</b>						
Sales taxes	590,000	590,000	730,100	11,444	741,544	140,100
Intergovernmental	136,000	136,000	111,000	-	111,000	(25,000)
Sale of assets	-	-	4,675	-	4,675	4,675
Investment income	1,000	1,000	2,338	120	2,458	1,338
Capital outlay	(497,534)	(531,534)	(24,137)	24,137	-	507,397
Debt service - principal	(65,611)	(65,611)	(65,611)	65,611	-	-
Interest expense and other charges	-	-	-	(4,309)	(4,309)	-
Total non-operating revenues (expenses)	163,855	129,855	758,365	97,003	855,368	628,510
Income before transfers	1,226,323	948,184	2,022,835	(134,954)	1,887,881	1,074,651
<b>Transfers:</b>						
Transfers in	311,000	355,139	47,944	(3,806)	44,138	(307,195)
Transfers (out)	(1,871,816)	(1,871,816)	(1,560,816)	(10,637)	(1,571,453)	311,000
Total transfers	(1,560,816)	(1,516,677)	(1,512,872)	(14,443)	(1,527,315)	3,805
Net change	(334,493)	(568,493)	509,963	\$ (149,397)	\$ 360,566	1,078,456
Cash balance, beginning of year	3,745,487	3,745,487	3,745,487			-
Cash balance, end of year	\$ 3,410,994	\$ 3,176,994	\$ 4,255,450			\$ 1,078,456
<b>Explanation of Differences:</b>						
Change in receivables				\$ 65,552		
Addition to capital assets				27,000		
Change in accounts payable				104,456		
Change in accrued salaries				(5,680)		
Change in accrued interest payable				351		
Change in compensated absences				(11,866)		
Retirement of long-term debt				65,611		
Change in closure & post-closure liability				(56,246)		
Depreciation expense				(315,670)		
Bad debt expense				(8,462)		
Capital assets transferred				(14,443)		
				\$ (149,397)		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**JOINT WATER AND SEWER FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 12,320,500	\$ 12,320,500	\$ 15,912,778	\$ 652,552	\$ 16,565,330	\$ 3,592,278
<b>Operating Expenses:</b>						
Personnel services	3,994,140	4,244,420	3,663,723	165,617	3,829,340	580,697
Utilities	1,073,725	1,073,725	698,688	63,142	761,830	375,037
Contractual services	250,854	304,454	229,460	4,935	234,395	74,994
Repairs and maintenance	566,400	646,400	713,338	(4,225)	709,113	(66,938)
Other supplies and expenses	705,942	705,942	664,487	(138,093)	526,394	41,455
Depreciation expense	-	-	-	1,844,670	1,844,670	-
Total operating expenses	6,591,061	6,974,941	5,969,696	1,936,046	7,905,742	1,005,245
Operating income	5,729,439	5,345,559	9,943,082	(1,283,494)	8,659,588	4,597,523
<b>Non-Operating Revenues (Expenses):</b>						
Sale of assets	1,000	1,000	6,451	(103)	6,348	5,451
Investment income	103,500	103,500	66,809	(61,433)	5,376	(36,691)
Miscellaneous	-	-	315,653	(179,238)	136,415	315,653
Capital outlay	(21,237,647)	(22,001,513)	(6,400,895)	6,400,895	-	15,600,618
Debt service - principal	(869,972)	(869,972)	(834,720)	834,720	-	35,252
Interest expense and other charges	(806,835)	(806,835)	(801,532)	(306,606)	(1,108,138)	5,303
Total non-operating revenues (expenses)	(22,809,954)	(23,573,820)	(7,648,234)	6,688,235	(959,999)	15,925,586
Income (loss) before other financing sources (uses)	(17,080,515)	(18,228,261)	2,294,848	5,404,741	7,699,589	20,523,109
<b>Other Financing Sources (Uses):</b>						
Transfers in	7,599,988	7,679,994	4,652,907	1,232,306	5,885,213	(3,027,087)
Transfers (out)	(5,682,042)	(5,682,042)	(2,655,032)	(238,752)	(2,893,784)	3,027,010
Loan proceeds	5,640,672	5,640,672	2,288,027	(2,288,027)	-	(3,352,645)
Total other financing sources (uses)	7,558,618	7,638,624	4,285,902	(1,294,473)	2,991,429	(3,352,722)
Net change	(9,521,897)	(10,589,637)	6,580,750	\$ 4,110,268	\$ 10,691,018	17,170,387
Cash balance, beginning of year	17,195,795	17,195,795	17,195,795			-
Cash balance, end of year	\$ 7,673,898	\$ 6,606,158	\$ 23,776,545			\$ 17,170,387

**Explanation of Differences:**

Change in receivables	\$ 752,335
Change in inventories	141,209
Addition to capital assets	6,400,895
Change to accounts payable	249,555
Change in accrued salaries	(4,899)
Change in accrued liabilities	(8,915)
Change in accrued interest payable	(273,432)
Change in compensated absences	(160,720)
Change in customer deposits	(169,984)
Long-term debt proceeds	(2,288,027)
Retirement of long-term debt	834,720
Loss on investments	(120,423)
Depreciation expense	(1,844,670)
Recognized deferred issuance costs	(275,481)
Bad debt expense	(115,449)
Capital assets transferred	993,554
	<u>\$ 4,110,268</u>

The accompanying notes are an integral part of these financial statements.

**OTHER ENTERPRISE FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**MUSEUM GIFT SHOP FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with Final Budget Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 7,000	\$ 7,000	\$ 5,360	\$ 31	\$ 5,391	\$ (1,640)
<b>Operating Expenses:</b>						
Contractual services	3,750	3,750	3,750	(3,750)	-	-
Other supplies and expenses	8,550	8,550	3,080	-	3,080	5,470
Total operating expenses	12,300	12,300	6,830	(3,750)	3,080	5,470
Operating (loss)	(5,300)	(5,300)	(1,470)	3,781	2,311	3,830
<b>Non-Operating Revenues (Expenses):</b>						
Miscellaneous	1,500	1,500	2,109	-	2,109	609
Income (loss) before transfers	(3,800)	(3,800)	639	3,781	4,420	4,439
<b>Transfers:</b>						
Transfers in	-	4,491	4,491	(4,491)	-	-
Net change	(3,800)	691	5,130	<u>\$ (710)</u>	<u>\$ 4,420</u>	4,439
Cash balance, beginning of year	16,212	16,212	16,212			-
Cash balance, end of year	<u>\$ 12,412</u>	<u>\$ 16,903</u>	<u>\$ 21,342</u>			<u>\$ 4,439</u>
<b>Explanation of Differences:</b>						
Change in receivables				\$ 31		
Change in accounts payable				3,750		
Change in net transfers				<u>(4,491)</u>		
				<u>\$ (710)</u>		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**MUNICIPAL TRANSIT FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 76,000	\$ 76,000	\$ 80,453	\$ 234	\$ 80,687	\$ 4,453
<b>Operating Expenses:</b>						
Personnel services	691,883	739,089	730,592	6,239	736,831	8,497
Utilities	9,980	9,980	8,424	106	8,530	1,556
Contractual services	6,000	6,000	4,302	250	4,552	1,698
Repairs and maintenance	22,500	24,039	33,533	(184)	33,349	(9,494)
Other supplies and expenses	141,728	141,728	121,937	342	122,279	19,791
Depreciation expense	-	-	-	121,557	121,557	-
Total operating expenses	872,091	920,836	898,788	128,310	1,027,098	22,048
Operating (loss)	(796,091)	(844,836)	(818,335)	(128,076)	(946,411)	26,501
<b>Non-Operating Revenues (Expenses):</b>						
Intergovernmental	360,732	360,732	317,148	(4,028)	313,120	(43,584)
Miscellaneous	-	1,539	1,538	(1,538)	-	(1)
Capital outlay	(65,248)	(65,248)	(56,623)	56,623	-	8,625
Total non-operating revenues (expenses)	295,484	297,023	262,063	51,057	313,120	(34,960)
(Loss) before capital contributions and transfers	(500,607)	(547,813)	(556,272)	(77,019)	(633,291)	(8,459)
<b>Capital Contributions and Transfers:</b>						
Capital contributions	52,198	52,198	42,981	(470)	42,511	(9,217)
Transfers in	465,000	574,039	574,038	-	574,038	(1)
Transfers (out)	(26,040)	(26,040)	(26,040)	-	(26,040)	-
Total capital contributions and transfers	491,158	600,197	590,979	(470)	590,509	(9,218)
Net change	(9,449)	52,384	34,707	\$ (77,489)	\$ (42,782)	(17,677)
Cash balance, beginning of year	46,080	46,080	46,080			-
Cash balance, end of year	\$ 36,631	\$ 98,464	\$ 80,787			\$ (17,677)
<b>Explanation of Differences:</b>						
Change in receivables				\$ (5,654)		
Addition to capital assets				56,623		
Change in accounts payable				(661)		
Change in accrued salaries				(242)		
Change in compensated absences				(5,998)		
Depreciation expense				(121,557)		
				\$ (77,489)		

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**PERFORMING ARTS CENTER FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with
						Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 20,000	\$ 20,000	\$ 20,980	\$ (5,750)	\$ 15,230	\$ 980
<b>Operating Expenses:</b>						
Utilities	2,000	2,000	13,182	2,373	15,555	(11,182)
Contractual services	95,000	95,000	30,119	-	30,119	64,881
Repairs and maintenance	10,250	10,250	7,526	100	7,626	2,724
Other supplies and expenses	1,025	1,025	2,341	4	2,345	(1,316)
Depreciation expense	-	-	-	92,797	92,797	-
Total operating expenses	108,275	108,275	53,168	95,274	148,442	55,107
Operating (loss)	(88,275)	(88,275)	(32,188)	(101,024)	(133,212)	56,087
<b>Non-Operating Revenues (Expenses):</b>						
Capital outlay	(350,000)	(350,000)	(337,498)	337,498	-	12,502
(Loss) before transfers and special item	(438,275)	(438,275)	(369,686)	236,474	(133,212)	68,589
<b>Transfers:</b>						
Transfers in	450,000	450,000	450,000	9,025	459,025	-
<b>Special Item:</b>						
Proceeds from the sale of assets	-	-	425	-	425	425
Net change	11,725	11,725	80,739	\$ 245,499	\$ 326,238	69,014
Cash balance, beginning of year	36,816	36,816	36,816			-
Cash balance, end of year	\$ 48,541	\$ 48,541	\$ 117,555			\$ 69,014
<b>Explanation of Differences:</b>						
Capital assets capitalized				\$ 337,498		
Change in accounts payable				(2,477)		
Change in deferred revenues				(2,250)		
Change in customer deposits				(3,500)		
Depreciation expense				(92,797)		
Capital asset transferred				9,025		
				\$ 245,499		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**CEMETERY FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 178,750	\$ 178,750	\$ 176,029	\$ -	\$ 176,029	\$ (2,721)
<b>Operating Expenses:</b>						
Utilities	120,000	120,000	52,824	8,079	60,903	67,176
Contractual services	371,337	371,337	363,476	(26,333)	337,143	7,861
Repairs and maintenance	20,000	4,000	1,499	-	1,499	2,501
Other supplies and expenses	23,000	23,000	9,735	144	9,879	13,265
Depreciation expense	-	-	-	44,429	44,429	-
Total operating expenses	534,337	518,337	427,534	26,319	453,853	90,803
Operating (loss)	(355,587)	(339,587)	(251,505)	(26,319)	(277,824)	88,082
<b>Non-Operating Revenues (Expenses):</b>						
Capital outlay	(218,878)	(236,078)	(43,278)	43,278	-	192,800
(Loss) before transfers and special item	(574,465)	(575,665)	(294,783)	16,959	(277,824)	280,882
<b>Transfers:</b>						
Transfers in	205,000	205,000	205,000	-	205,000	-
<b>Special Item:</b>						
Proceeds from the sale of assets	-	-	-	34	34	-
Net change	(369,465)	(370,665)	(89,783)	\$ 16,993	\$ (72,790)	280,882
Cash balance, beginning of year	526,138	526,138	526,138			-
Cash balance, end of year	\$ 156,673	\$ 155,473	\$ 436,355			\$ 280,882
<b>Explanation of Differences:</b>						
Change in accounts payable				\$ 18,110		
Addition to capital assets				43,278		
Depreciation expense				(44,429)		
Proceeds from the sale of assets				34		
				\$ 16,993		

The accompanying notes are an integral part of these financial statements.

**COMBINING AND INDIVIDUAL INTERNAL  
SERVICE FUNDS FINANCIAL STATEMENTS**

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
COMBINING STATEMENT OF NET POSITION  
INTERNAL SERVICE FUNDS  
JUNE 30, 2013

	Computer Lease Equipment Fund	General Insurance Fund	Group Health Insurance Fund	Disaster Preparedness Fund	Total
<b>Assets:</b>					
Current assets:					
Cash	\$ 13,320	\$ 1,689,700	\$ 1,021,721	\$ 1,141,775	\$ 3,866,516
Receivables, net	-	332	40,206	-	40,538
Total current assets	13,320	1,690,032	1,061,927	1,141,775	3,907,054
Noncurrent assets:					
Restricted cash	-	500,009	450,000	-	950,009
Total assets	<u>\$ 13,320</u>	<u>\$ 2,190,041</u>	<u>\$ 1,511,927</u>	<u>\$ 1,141,775</u>	<u>\$ 4,857,063</u>
<b>Liabilities:</b>					
Current liabilities:					
Accounts payable	\$ 2,893	\$ 13,157	\$ -	\$ 7,861	\$ 23,911
<b>Net Position:</b>					
Unrestricted	<u>10,427</u>	<u>2,176,884</u>	<u>1,511,927</u>	<u>1,133,914</u>	<u>4,833,152</u>
Total liabilities and net position	<u>\$ 13,320</u>	<u>\$ 2,190,041</u>	<u>\$ 1,511,927</u>	<u>\$ 1,141,775</u>	<u>\$ 4,857,063</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
COMBINING STATEMENT OF REVENUES, EXPENSES AND  
CHANGES IN FUND NET POSITION  
INTERNAL SERVICE FUNDS  
FOR THE YEAR ENDED JUNE 30, 2013

	Computer Lease Equipment Fund	General Insurance Fund	Group Health Insurance Fund	Disaster Preparedness Fund	Total
<b>Operating Revenues:</b>					
Charges for services	\$ -	\$ 4,170	\$ 4,639,071	\$ -	\$ 4,643,241
<b>Operating Expenses:</b>					
Contractual services	-	-	-	161,093	161,093
Insurance claims and expenses	-	1,368,135	4,125,967	-	5,494,102
Other supplies and expenses	342,317	-	-	-	342,317
Total operating expenses	342,317	1,368,135	4,125,967	161,093	5,997,512
Operating income (loss)	(342,317)	(1,363,965)	513,104	(161,093)	(1,354,271)
<b>Non-Operating Revenues (Expenses):</b>					
Investment income	-	1,223	3,419	-	4,642
Income (loss) before transfers	(342,317)	(1,362,742)	516,523	(161,093)	(1,349,629)
<b>Transfers:</b>					
Transfers in	281,002	1,956,000	-	-	2,237,002
Transfers (out)	-	-	(649,676)	-	(649,676)
Total transfers	281,002	1,956,000	(649,676)	-	1,587,326
Change in net position	(61,315)	593,258	(133,153)	(161,093)	237,697
Net position, beginning of year	71,742	1,583,626	1,645,080	1,295,007	4,595,455
Net position, end of year	\$ 10,427	\$ 2,176,884	\$ 1,511,927	\$ 1,133,914	\$ 4,833,152

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
COMBINING STATEMENT OF CASH FLOWS  
INTERNAL SERVICE FUNDS  
FOR THE YEAR ENDED JUNE 30, 2013

	Computer Lease Equipment Fund	General Insurance Fund	Group Health Insurance Fund	Disaster Preparedness Fund	Total
<b>Cash Flows From Operating Activities:</b>					
Internal activity - receipts from other funds	\$ -	\$ 4,170	\$ 4,635,233	\$ -	\$ 4,639,403
Cash payments to suppliers for goods and services	(339,424)	(1,412,128)	(4,117,727)	(180,047)	(6,049,326)
Net cash provided (used) by operating activities	(339,424)	(1,407,958)	517,506	(180,047)	(1,409,923)
<b>Cash Flows for Non-Capital and Financing Activities:</b>					
Net transfers in (out)	281,002	1,956,000	(649,676)	-	1,587,326
<b>Cash Flows From Investing Activities:</b>					
Investment income	-	1,280	3,466	-	4,746
Net increase (decrease) in cash	(58,422)	549,322	(128,704)	(180,047)	182,149
Cash and cash equivalents, beginning of year	71,742	1,340,387	1,400,425	1,321,822	4,134,376
Cash and cash equivalents, end of year	<u>\$ 13,320</u>	<u>\$ 1,889,709</u>	<u>\$ 1,271,721</u>	<u>\$ 1,141,775</u>	<u>\$ 4,316,525</u>
Displayed as:					
Cash	\$ 13,320	\$ 1,689,700	\$ 1,021,721	\$ 1,141,775	\$ 3,866,516
Restricted cash	-	500,009	450,000	-	950,009
Times deposits not considered cash equivalents	-	(300,000)	(200,000)	-	(500,000)
	<u>\$ 13,320</u>	<u>\$ 1,889,709</u>	<u>\$ 1,271,721</u>	<u>\$ 1,141,775</u>	<u>\$ 4,316,525</u>
<b>Reconciliation of Operating Income (loss) to Net Cash Provided by Operating Activities:</b>					
Operating income (loss)	\$ (342,317)	\$ (1,363,965)	\$ 513,104	\$ (161,093)	\$ (1,354,271)
Adjustment to Reconcile Operating Income (loss) To Net Cash Provided by Operating Activities:					
Change in Assets and Liabilities:					
Decrease in accounts receivable	-	-	4,402	-	4,402
Increase (decrease) in accounts payable	2,893	(43,993)	-	(18,954)	(60,054)
Total adjustments	2,893	(43,993)	4,402	(18,954)	(55,652)
Net cash provided (used) by operating activities	<u>\$ (339,424)</u>	<u>\$ (1,407,958)</u>	<u>\$ 517,506</u>	<u>\$ (180,047)</u>	<u>\$ (1,409,923)</u>

The accompanying notes are an integral part of these financial statements.

**INTERNAL SERVICE FUNDS  
BUDGETARY COMPARISON STATEMENTS**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**COMPUTER LEASE EQUIPMENT FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Basis
			Basis	Differences	Basis	Variance with Final Budget Over (Under)
<b>Operating Expenses:</b>						
Other supplies and expenses	\$ 339,251	\$ 351,251	\$ 339,424	\$ 2,893	\$ 342,317	\$ 11,827
(Loss) before transfers	(339,251)	(351,251)	(339,424)	(2,893)	(342,317)	11,827
<b>Transfers:</b>						
Transfers in	281,002	281,002	281,002	-	281,002	-
Net change	(58,249)	(70,249)	(58,422)	<u><u>\$ (2,893)</u></u>	<u><u>\$ (61,315)</u></u>	11,827
Cash balance, beginning of year	71,742	71,742	71,742			-
Cash balance, end of year	<u><u>\$ 13,493</u></u>	<u><u>\$ 1,493</u></u>	<u><u>\$ 13,320</u></u>			<u><u>\$ 11,827</u></u>
<b>Explanation of Differences:</b>						
Change in accounts payable				<u><u>\$ (2,893)</u></u>		

The accompanying notes are an integral part of these financial statements.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**GENERAL INSURANCE FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ -	\$ -	\$ 4,170	\$ -	\$ 4,170	\$ 4,170
<b>Operating Expenses:</b>						
Insurance claims and expenses	1,872,382	1,872,382	1,412,128	(43,993)	1,368,135	460,254
Operating (loss)	(1,872,382)	(1,872,382)	(1,407,958)	43,993	(1,363,965)	464,424
<b>Non-Operating Revenues (Expenses):</b>						
Investment income	500	500	1,280	(57)	1,223	780
(Loss) before transfers	(1,871,882)	(1,871,882)	(1,406,678)	43,936	(1,362,742)	465,204
<b>Transfers:</b>						
Transfers in	1,956,000	1,956,000	1,956,000	-	1,956,000	-
Net change	84,118	84,118	549,322	\$ 43,936	\$ 593,258	465,204
Cash balance, beginning of year	1,640,387	1,640,387	1,640,387			-
Cash balance, end of year	\$ 1,724,505	\$ 1,724,505	\$ 2,189,709			\$ 465,204
<b>Explanation of Differences:</b>						
Change in receivables				\$ (57)		
Change in accounts payable				43,993		
				\$ 43,936		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**GROUP HEALTH INSURANCE FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Revenues:</b>						
Charges for services	\$ 4,100,000	\$ 4,100,000	\$ 4,635,233	\$ 3,838	\$ 4,639,071	\$ 535,233
<b>Operating Expenses:</b>						
Insurance claims and expenses	4,102,000	4,202,000	4,117,727	8,240	4,125,967	84,273
Operating income	(2,000)	(102,000)	517,506	(4,402)	513,104	619,506
<b>Non-Operating Revenues (Expenses):</b>						
Investment income	2,000	2,000	3,466	(47)	3,419	1,466
Income (loss) before transfers	-	(100,000)	520,972	(4,449)	516,523	620,972
<b>Transfers:</b>						
Transfers (out)	-	(649,855)	(649,676)	-	(649,676)	179
Net change	-	(749,855)	(128,704)	<u>\$ (4,449)</u>	<u>\$ (133,153)</u>	621,151
Cash balance, beginning of year	1,600,425	1,600,425	1,600,425			-
Cash balance, end of year	<u>\$ 1,600,425</u>	<u>\$ 850,570</u>	<u>\$ 1,471,721</u>			<u>\$ 621,151</u>
<b>Explanation of Differences:</b>						
Change in receivables				<u>\$ (4,449)</u>		

The accompanying notes are an integral part of these financial statements.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**DISASTER PREPAREDNESS FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN CASH BALANCE**  
**BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL ON BUDGETARY BASIS**  
**WITH RECONCILIATION TO GAAP**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	Budgeted Amounts		Actual on	Budget to	Actual on	Budgetary
	Original	Final	Budgetary	GAAP	GAAP	Variance with
			Basis	Differences	Basis	Final Budget
						Over (Under)
<b>Operating Expenses:</b>						
Contractual services	\$ 716,128	\$ 716,128	\$ 180,047	\$ (18,954)	\$ 161,093	\$ 536,081
Operating (loss)	(716,128)	(716,128)	(180,047)	18,954	(161,093)	536,081
<b>Non-Operating Revenues (Expenses):</b>						
Miscellaneous	466,237	466,237	-	-	-	(466,237)
Net change	(249,891)	(249,891)	(180,047)	\$ 18,954	\$ (161,093)	69,844
Cash balance, beginning of year	1,321,822	1,321,822	1,321,822			-
Cash balance, end of year	\$ 1,071,931	\$ 1,071,931	\$ 1,141,775			\$ 69,844
<b>Explanation of Differences:</b>						
Change in accounts payable				\$ 18,954		

The accompanying notes are an integral part of these financial statements.

## **OTHER SUPPLEMENTAL FINANCIAL INFORMATION**

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SCHEDULE OF CASH ACCOUNTS**  
**JUNE 30, 2013**

<u>Financial Institution/Account Description</u>	<u>Type of Account</u>	<u>Financial Institution Balance</u>	<u>Reconciling Items</u>	<u>Reconciled Balance</u>
Carlsbad National Bank P.O. Box 1359 Carlsbad, New Mexico 88221-1359				
Health Insurance Fund	Checking	\$ 829,150	\$ 192,572	\$ 1,021,722
Payroll Fund	Checking	792,360	(781,513)	10,847
Debt Service Fund	Checking	2,500,274	-	2,500,274
Municipal Court	Checking	39,899	(39,899)	-
CDBG Account	Checking	75,462	-	75,462
Lodgers' Tax	Certificate of Deposit	30,000	-	30,000
General Operating	Certificate of Deposit	200,000	-	200,000
Health Insurance	Certificate of Deposit	200,000	-	200,000
Worker's Compensation	Certificate of Deposit	50,000	-	50,000
Sandpoint Closure Reserve	Certificate of Deposit	250,000	-	250,000
Water & Sewer	Certificate of Deposit	500,000	-	500,000
General Operating	Certificate of Deposit	300,000	-	300,000
Water & Sewer	Certificate of Deposit	300,000	-	300,000
General Operating	Certificate of Deposit	250,000	-	250,000
Health Insurance	Certificate of Deposit	250,000	-	250,000
Sandpoint Closure Reserve	Certificate of Deposit	500,000	-	500,000
		<u>\$ 7,067,145</u>	<u>\$ (628,840)</u>	<u>\$ 6,438,305</u>
Pioneer Savings Bank P.O. Box 130 Roswell, New Mexico 88202-0130				
General Operating	Certificate of Deposit	\$ 100,000	\$ -	\$ 100,000
Worker's Compensation	Certificate of Deposit	100,000	-	100,000
General Operating	Certificate of Deposit	200,000	-	200,000
General Operating	Certificate of Deposit	400,065	-	400,065
General Operating	Certificate of Deposit	100,016	-	100,016
Worker's Compensation	Certificate of Deposit	100,009	-	100,009
Sandpoint Closure Reserve	Certificate of Deposit	1,140,321	-	1,140,321
General Operating	Certificate of Deposit	100,016	-	100,016
Water & Sewer	Certificate of Deposit	200,028	-	200,028
General Operating	Certificate of Deposit	336,505	-	336,505
		<u>\$ 2,776,960</u>	<u>\$ -</u>	<u>\$ 2,776,960</u>

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SCHEDULE OF CASH ACCOUNTS**  
**JUNE 30, 2013**

Financial Institution/Account Description	Type of Account	Financial Institution Balance	Reconciling Items	Reconciled Balance
Wells Fargo Bank, N.A. Carlsbad Office 115 W. Fox Street Carlsbad, New Mexico 88221				
General Fund	Checking	\$ 47,584,641	\$ 157,631	\$ 47,742,272
Investment Trust	Money Market	26,653	-	26,653
City Fund Investment	Money Market	781,721	-	781,721
Permanent Water & Sewer	Certificate of Deposit	157,735	-	157,735
Permanent Water & Sewer	Certificate of Deposit	200,000	-	200,000
Worker's Compensation	Certificate of Deposit	250,000	-	250,000
General Operating	Certificate of Deposit	300,000	-	300,000
Permanent Water & Sewer	Certificate of Deposit	100,000	-	100,000
Water & Sewer	Certificate of Deposit	100,000	-	100,000
		<u>\$ 49,500,750</u>	<u>\$ 157,631</u>	<u>\$ 49,658,381</u>
Western Commerce Bank P.O. Drawer 1358 Carlsbad, New Mexico 88221-1358				
Construction Account	Checking	\$ 8,707,075	\$ (202,099)	\$ 8,504,976
Federal Projects	Checking	1,522,403	28,289	1,550,692
Sandpoint Closure Reserve	Certificate of Deposit	165,148	-	165,148
Sandpoint Closure Reserve	Certificate of Deposit	142,005	-	142,005
Water & Sewer	Certificate of Deposit	253,572	-	253,572
General Operating	Certificate of Deposit	322,339	-	322,339
General Operating	Certificate of Deposit	323,072	-	323,072
General Operating	Certificate of Deposit	273,422	-	273,422
Sandpoint Closure Reserve	Certificate of Deposit	609,391	-	609,391
98 Water & Sewer Bond	Certificate of Deposit	300,000	-	300,000
98 Water & Sewer Bond	Certificate of Deposit	500,000	-	500,000
		<u>\$ 13,118,427</u>	<u>\$ (173,810)</u>	<u>\$ 12,944,617</u>

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
SCHEDULE OF PLEDGED COLLATERAL  
ALL FINANCIAL INSTITUTIONS  
JUNE 30, 2013

Carlsbad National Bank  
220 West Stevens  
P.O. Box 1359  
Carlsbad, New Mexico 88221-1359

Security Description	CUSIP Number	Maturity Date	Current Market Value
FNMA AL1536	3138EHV66	01/01/36	\$ 1,977,848
FN99AR	3128JQNB0	09/01/40	1,343,696
FN99AR	31418MCV2	09/01/35	950,103
GNMA CMO	38374TRB2	10/16/32	99,098
FNMA POOL	31417YFQ5	09/01/19	601,999
FNMA POOL	3138AG2B3	07/01/41	918,731
			<u>\$ 5,891,475</u>

The holder of the security pledged by Carlsbad National Bank is Federal Home Loan Bank of Dallas, P.O. Box 619026, Dallas, TX 75261-9026.

Pioneer Bank  
206 N. Pennsylvania  
P.O. Box 130  
Roswell, New Mexico 88202-0130

Security Description	CUSIP Number	Maturity Date	Current Market Value
FNMA 1 YR CMT 780385	31404V663	06/01/34	\$ 180,100
FNMA 1 YR CMT 759453	31403VWN5	01/01/34	160,862
FNMA 1 YR TR 648558	31390KQK7	06/01/32	138,937
FNMA 1 YR CMT 781721	31349S4E0	07/01/34	110,976
GNMA II 080418	36225CPC4	06/20/30	105,224
GNMA II 080540	36225CS64	09/20/31	62,722
GNMA II 080562	36225CTU0	12/20/31	39,353
FNMA ARM 661745	31391BES2	09/01/32	32,424
GNMA 080477	36225CQ74	12/20/30	12,927
GNMA 080477	36225CQ74	10/01/26	872,303
			<u>\$ 1,715,828</u>

The holder of the security pledged by Pioneer Bank is the Federal Home Loan Bank of Dallas, P.O. Box 619026, Dallas, TX 75261-9026.

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SCHEDULE OF PLEDGED COLLATERAL**  
**ALL FINANCIAL INSTITUTIONS**  
**JUNE 30, 2013**

Wells Fargo Bank, N.A.  
Carlsbad Office  
115 W. Fox Street  
Carlsbad, New Mexico 88221

Security Description	CUSIP Number	Maturity Date	Current Market Value
FNCL 889606	31410KKT0	12/01/35	\$ 3,578,682
FNCL 256308	31371MU96	07/01/36	1,666,203
FNCL 983362	31415LMK0	08/01/38	993,968
FNCL 833614	31407LDT1	01/01/36	1,085,881
FNCL 985157	31415PME5	09/01/38	656,378
FNCL AL0803	3138EG3M4	10/01/41	6,670,503
FNCL AE0113	31419ADT1	07/01/40	2,172,636
FNCL 896547	31410TBQ7	07/01/36	228,275
FNCL 942243	31413DHU4	08/01/37	200,170
FNCL 895631	31410SA80	05/01/36	134,551
GNSF 781121	36225BG69	12/15/29	53,741
FNCL 985122	31415PLB2	07/01/38	165,054
FNCL 257262	31371NWX9	07/01/38	55,290
FNCL 256800	31371NGH2	07/01/37	254,352
FNCL AH0006	3138A1AG6	12/01/40	15,599
FNCL AH4619	3138A6DZ0	01/01/41	6,663
FNCL AH8825	3138AAYX3	03/01/41	1,238,500
FNCL AI1592	3138AEXW8	04/01/41	12,157
FNCL AI6900	3138ALU21	10/01/26	37,199
FNCL AJ2795	3138AUC96	11/01/26	19,192
FNCL AJ3046	3138AUL47	10/01/41	199,035
FNCL AJ5477	3138AXCP4	11/01/26	29,966
FNCL AJ6144	3138AXZJ3	11/01/26	46,732
FNCL AK4303	3138E8X98	04/01/42	26,958
FNCL AL0093	3138EGC77	04/01/26	62,366
FNCL AP1410	3138M4R87	08/01/42	34,559
FNCL AP6375	3138MACM8	09/01/42	2,212,754
FNCL AR1086	3138NXF44	02/01/43	1,405,254
FNCL AR1117	3138NXG35	02/01/43	63,124
FNCL AR2942	3138W0HU6	02/01/43	14,613
FNCL AR5902	3138W3RY1	02/01/43	14,606
FNCL AR9199	3138W7GH1	03/01/43	913,620
FNCL AT2015	3138WPGZ1	04/01/43	43,749
FNCL AT2724	3138WQA28	05/01/43	337,431
FNCL AB1662	31416WZ47	10/01/40	255,397
FNCL AB8489	31417FNF1	02/01/43	1,135,518
FNCL MA1132	31418AHJ0	08/01/42	45,669
FNCL MA1306	31418ANY0	01/01/43	368,911
FNCL AD6370	31418UCG7	05/01/40	86,940
FNCL AE7608	31419JN20	11/01/25	51,273
FNCL MA1175	31418AJV1	09/01/42	61,180
			<u>\$ 26,654,649</u>

The holder of the security pledged by Wells Fargo Bank, N.A., is the Federal Reserve Bank, 600 Atlantic Ave., Boston, MA 02210.



**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
**SCHEDULE OF PLEDGED COLLATERAL**  
**ALL FINANCIAL INSTITUTIONS**  
**JUNE 30, 2013**

Western Commerce Bank  
P.O. Drawer 1358  
Carlsbad, New Mexico 88221-1358

Security Description	CUSIP Number	Maturity Date	Current Market Value
GNMA 004511	36202FAL0	08/20/39	\$ 1,131,492
FNMA AA5840	31417QKE3	10/01/39	841,653
FNMA AC4792	31417QKE3	10/01/39	758,953
FNMA 745944	31403DWD7	12/01/33	489,307
FNMA AB4742	31417BHU4	03/01/42	1,253,796
SBA SERIES 2008-20 A CLASS	83162CRY1	08/01/28	1,294,978
SBA SERIES 2005-20 A CLASS	83162CPG2	01/01/25	456,918
SBA SERIES 2008-20 A CLASS	83162CRX3	07/01/28	700,155
GNMA 782156	36241KMD7	05/20/37	259,598
FNMA 807223	31406DYU4	01/01/35	239,323
GNMA 8608	36202KR56	03/20/25	126,011
FNMA 709279	31401H6Q0	06/01/33	95,738
FNMA 253823	31371J4G6	04/01/31	73,910
GNMA 8233	36202KEE1	06/20/17	39,733
GNMA 8595	36202KRQ0	02/20/25	43,253
GNMA 80299	36225CKM7	07/20/29	37,442
GNMA 412570	36206JJP0	03/15/26	26,928
GNMA 8228	36202KD93	07/20/23	30,417
GNMA 8280	36202KFV2	09/20/23	30,012
FNMA 195638	31368PHP3	04/01/22	24,317
GNMA 80200	36225CGJ9	05/20/28	15,619
FNMA 62689 "B"	31362JUN3	06/01/28	17,782
GNMA 80185 "B"	36225CF35	04/20/28	12,482
			<u>\$ 7,999,817</u>

The holder of the security pledged by Western Commerce Bank is the Federal Home Loan Bank of Dallas, P.O. Box 619026, Dallas, TX 75261-9026.

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
FOR THE YEAR ENDED JUNE 30, 2013

Federal Grantor/Pass Through Grantor/Program Title	Federal CFDA Number	Program or Grant Number	Award Amount	Expenditures
U.S. Department of Commerce/ Economic Development Administration				
Investment for Public Works & Economic Development Facilities	11.300	08-01-04637	1,325,000	\$ 467,886
U.S. Department of Justice				
Edward Byrne Memorial Justice Assistance Grant	16.738	2009-H1167-NM-DJ	8,097	8,097
Edward Byrne Memorial Justice Assistance Grant	16.738	2010-H5181-NM-DJ	9,835	9,835
Edward Byrne Memorial Justice Assistance Grant	16.738	2011-H0631-NM-DJ	14,867	14,867
				<u>32,799</u>
U.S. Department of Transportation/ Federal Aviation Administration				
Airport Improvement Program	20.106	03-35-0007-021-2010	93,389	2,423
U.S. Department of Transportation/Passed Through NM Department of Transportation				
Highway Research and Development	20.200	STP-D13406	986,831	837,886
Safe Routes to School - ARRA	20.205	W200040	250,000	17,242
Safe Routes to School - ARRA	20.205	W200041	25,000	8,489
Federal Transit - Formula Grants	20.507	M001126/1	328,608	63,730
Federal Transit - Formula Grants	20.507	M001197	310,529	238,506
Job Access Reverse Commute	20.516	M01127	35,679	5,727
Job Access Reverse Commute	20.516	M01199	42,271	31,912
New Freedom Program	20.521	M00128	16,750	3,774
New Freedom Program	20.521	M01198	18,688	11,981
Minimum Penalties for Repeat Offenders DWI	20.608	12-AL-64-013	11,383	3,985
Minimum Penalties for Repeat Offenders DWI	20.608	13-AL-64-013	13,731	7,738
Minimum Penalties for Repeat Offenders DWI	20.608	12-PT-DS-013	4,945	4,945
Total U.S. Department of Transportation/ Passed Through NM Department of Transportation				<u>1,235,915</u>
Total U.S. Department of Transportation				1,238,338
U.S. Environmental Protection Agency				
Clean Drinking Water State Revolving Funds - ARRA	66.468	141-WTB	1,200,000	610,581
U.S. Environmental Protection Agency/Passed Through New Mexico Environment Department				
Clean Water State Revolving Funds	66.458	CWSRF010	18,000,000	1,314,288
Total U.S. Environmental Protection Agency				1,924,869
U.S. Department of Energy				
Water & Energy Appropriation Act	81.502	DE-FG29-03-AL68371	38,308,000	535,489
Corporation for National and Community Service				
Retired and Senior Volunteer Program	94.002	11SRWNM001	28,227	28,227
Total Expenditures of Federal Awards				<u>\$ 4,227,608</u>

**STATE OF NEW MEXICO**  
**CITY OF CARLSBAD**  
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
FOR THE YEAR ENDED JUNE 30, 2013

**1. BASIS OF PRESENTATION**

The accompanying schedule of expenditures of federal awards presents the activity of all federal awards of the city of Carlsbad (city). The city is defined in Note 1 of the city's financial statements.

**2. BASIS OF ACCOUNTING**

The accompanying schedule of expenditures of federal awards is presented using the accrual basis of accounting, which is described in Note 1, to the city's financial statements.

**3. NON-CASH ASSISTANCE**

During the current fiscal year, the city did not expend any federal non-cash assistance. The city did not receive any federal assistance related to insurance nor did they have any loans or loan guarantees outstanding at year-end.

**4. RECONCILIATION OF FINANCIAL STATEMENTS TO FEDERAL AWARDS**

Federal expenditures on the schedule of expenditures of federal awards amount of \$4,227,608. The amounts of expenditures within the funds are reflected within the financial statements as follows:

<b>General Fund</b>	
Public safety	\$ 49,467
<b>Special Revenue Funds</b>	
<u>Airport Fund</u>	
Capital outlay	2,423
<u>RSVP Fund</u>	
Health and welfare	28,227
<u>WIPP Acceleration Impact Fund</u>	
Capital outlay	535,489
<b>Capital Project Funds</b>	
<u>CIEP Fund</u>	
Economic development	8,489
Capital outlay	17,242
<u>Federal Projects Fund</u>	
Capital outlay	1,916,353
<b>Proprietary Funds</b>	
<u>Joint Water &amp; Sewer Fund</u>	
Capital outlay	1,314,288
<u>Municipal Transit Fund</u>	
Personnel services	168,709
General operating	144,410
Capital outlay	42,511
	<hr/>
	\$ 4,227,608

## **ADDITIONAL INDEPENDENT AUDITORS' REPORTS**

**Ed Fierro, CPA • Rose Fierro, CPA**527 Brown Road • Las Cruces, NM 88005  
Bus: (575) 525-0313 • Fax: (575) 525-9708  
[www.fierrocpa.com](http://www.fierrocpa.com)

Report on Internal Control over Financial Reporting  
and on Compliance and Other Matters Based on an Audit of  
Financial Statements Performed in Accordance  
With *Government Auditing Standards*

Independent Auditors' Report

Hector H. Balderas, State Auditor  
and  
Mayor and City Councilors  
City of Carlsbad  
Carlsbad, New Mexico

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and the budgetary comparison of the general fund, of the City of Carlsbad (City), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and the combining and individual funds and related budgetary comparisons of the City, presented as supplemental information, and have issued our report thereon dated January 17, 2014.

**Internal Control over Financial Reporting**

In planning and performing our audit, of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of the internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying schedule of findings and questioned costs, we identified a certain deficiency in internal control that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying schedule of findings and questioned costs as item 2008-06 to be a material weakness. A *significant deficiency* is a deficiency, or combination of control deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and questioned costs as items 2012-03 and 2012-04.

## **The City's Responses to Findings**

The City's responses to the findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The City's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Fierro + Fierro, P.A." in a cursive script.

Fierro & Fierro, P.A.  
Las Cruces, New Mexico

January 17, 2014

**Ed Fierro, CPA • Rose Fierro, CPA**527 Brown Road • Las Cruces, NM 88005  
Bus: (575) 525-0313 • Fax: (575) 525-9708  
[www.fierrocpa.com](http://www.fierrocpa.com)

Report on Compliance for Each Major Federal Program; Report  
on Internal Control Over Compliance; and Report on the Schedule of  
Expenditures of Federal Awards Required by OMB Circular A-133

Independent Auditors' Report

Hector H. Balderas, State Auditor  
and  
Mayor and City Councilors  
City of Carlsbad  
Carlsbad, New Mexico

**Report on Compliance for Each Major Federal Program**

We have audited the city of Carlsbad, New Mexico's (City) compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2013. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

**Management's Responsibility**

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

**Auditor's Responsibility**

Our responsibility is to express an opinion on compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination on the City's compliance.

**Opinion on Each Major Federal Program**

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended, June 30, 2013.



## Report on Internal Control over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.



Fierro & Fierro, P.A.  
Las Cruces, New Mexico

January 17, 2014

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
JUNE 30, 2013

**SECTION I – SUMMARY OF AUDIT RESULTS**

**Financial Statements**

Type of auditors' report issued: Unmodified

Internal control over financial reporting:

- Material weakness (es) identified? ☒ Yes ☐ No
- Significant deficiency (ies) identified? ☐ Yes ☒ None reported
- Non-compliance material to financial statements noted? ☒ Yes ☐ No

**Federal Awards**

Internal control over major programs:

- Material weakness (es) identified? ☐ Yes ☒ No
- Significant deficiency (ies) identified? ☐ Yes ☒ None reported

Type of auditors' report issued on compliance with major programs: Unmodified

- Any audit findings disclosed that are required to be reported in accordance with Section 510(a) of OMB Circular A-133? ☐ Yes ☒ No

Identification of major programs:

CFDA No.	Program
11.300	Investment for Public Works & Economic Development Facilities
20.200	Highway Research & Development
20.507	Federal Transit - Formula Grants
81.502	Water & Energy Appropriation Act

- Dollar threshold for distinguishing Types A and B programs was \$300,000.
- Auditee qualified as low-risk auditee? ☐ Yes ☒ No

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2013

**SECTION II – FINDINGS – FINANCIAL STATEMENTS**

*Item 2008-06 – Material Weakness – Submission of Audit Report*

**Statement of Condition** – The audit report for the fiscal year ended June 30, 2013, was due to the New Mexico State Auditor's office by December 2, 2013. The audit report was delivered on February 11, 2014 to the New Mexico State Auditor's office. Since the fiscal year ended June 30, 2008, the city has been unable to submit its audit report on a timely basis. A weakness in internal control exists as it relates the timely submission of the report as required by the State Auditor's office.

**Criteria** – New Mexico State Statutes Section 12-6-12 requires the state auditor to promulgate reasonable regulations necessary to carry out the duties of the office. New Mexico Administrative Code Title 2, Chapter 2, Part 2, *Audits of Governmental Entities Requirements for Contracting and Conducting Audits of Agencies* issued by the State Auditor's office requires that the city submit its audit report by December 1<sup>st</sup> following the end of each fiscal year at June 30<sup>th</sup>.

**Effect** – Delays in submission of the audit report affect the city's ability to report timely financial information to other state agencies and local governments. Further, the need for timely external audit reports is essential for the city. Without timely audit reports, funding could be affected in future years, as the state of New Mexico, through the Governor's Executive Order 2013-006, prohibits funding of capital outlay projects without timely audit reports. Also, without timely audit reports, the city is unable to issue bonds or enter into loan agreements for capital outlay projects. Ultimately, untimely audit reports could hinder the city's finances and ability to receive funding for future projects.

**Cause** – The lack of focus and emphasis by the city's finance department to complete the audit report in a timely manner has been a reoccurring theme. The audit report for the fiscal year ended June 30, 2012 was completed and submitted to the State Auditor's office on July 5, 2013. The audit report was released and became public record on July 18, 2013.

Due to the prior year audit report being completed one year after the fiscal year ended, it placed both the city and the auditing firm in a precarious position in preparation for the current year audit. City staff hadn't allocated any time for the current year audit and as such was behind schedule. Meanwhile, the auditing firm was required to expend hours on the city's prior year audit when those hours should have been used to begin the audit planning process for the current year audit.

In order to ensure that the current year audit report would be submitted timely, the entrance conference was held on July 22, 2013 to discuss the timetable for the audit. The auditing firm emphasized that the city had to be completely ready for audit within ninety days (no later than October 7<sup>th</sup>) in order for the audit report to be submitted timely. The city was required to provide the auditing firm both cash basis and GAAP basis trial balances, including all supporting documentation (receivables, payables, schedule of expenditures of federal awards, etc.) by October 7<sup>th</sup>. The city understood the timetable and the requirements and informed the auditing firm that they would be ready for audit on October 7<sup>th</sup>.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2013

**SECTION II – FINDINGS – FINANCIAL STATEMENTS (continued)**

*Item 2008-06 – Material Weakness – Submission of Audit Report (continued)*

**Cause (continued)** – Two separate conference calls were held in September 2013 to keep the audit firm updated on the city's progress of year-end reconciliations. During one of the conference calls, the audit firm reiterated to the city that the fieldwork would not commence until the city was completely ready for audit. The city understood this position. The city provided the audit firm with cash basis trial balances on October 12, 2013 and GAAP basis trial balances on November 6, 2013. Fieldwork for the audit began on November 11, 2013.

Furthermore, as the city continues to grow, so do the duties and responsibilities of the finance director. Some of these additional duties and responsibilities are specific to the finance department, while others are broader reaching throughout the city's operations.

Finally, staff in the finance department has grown through the years to meet the ever-changing demands of the department. However, with the finance director's ever expanding duties and responsibilities, there has been a lack of delegation of some of those duties and responsibilities to the deputy city treasurer and or other members of the finance department.

**Recommendation** – We recommend the finance director evaluate the current structure of the finance department in terms of its ability to provide timely external financial reporting. This evaluation would include a thorough review of the duties and responsibilities of each staff member. Recommendations for possible restructure of the finance department should then be provided to the city administrator. The collaborative effort of the finance director and the city administrator must achieve a structure that meets the demands of a growing municipality.

**Views of Responsible Officials and Planned Corrective Actions** – The city staff has achieved its goal of preparing the financial statements internally to prevent the SAS 115 finding, Preparation of the Financial Statements and Disclosures. The focus now is on achieving the conversion from cash basis to GAAP within 90 days of the close of the fiscal year. The delay in the prior year audit submission did impact the process in that the city treasurer and internal auditor were unable to review any transactions or records until after the fiscal year had ended due to being solely focused on submission of the audit for the fiscal year ending June 30, 2012. There was very little time to review the previous audit plan and modify it to achieve maximum effectiveness. In addition, items that should have been reconciled monthly during the fiscal year, such as capital expenditures and grant revenues and expenditures were not even started until after the fiscal year had ended.

The internal auditor was hired April 1, 2013, and the majority of her time has been working on audits of fiscal years that had already closed. There has not been much focus on audit planning or work that can be done during the fiscal year to make the process more efficient. Nevertheless, there were significant strides made in efficiency in several areas this year. The reconciliation of capital assets and the associated journal entries required took about 2 to 2 ½ weeks less time this year than last year. The reconciliation of receivables and deferred revenues from outlying departments took about 75% less time due to training given by the internal auditor to said departments to resolve issues discovered in the last audit.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2013

**SECTION II – FINDINGS – FINANCIAL STATEMENTS (continued)**

**Item 2008-06 – Material Weakness – Submission of Audit Report (continued)**

**Views of Responsible Officials and Planned Corrective Actions** – Due to the internal auditor's daily duties, subsequent events were addressed daily during the 60 days following the close of the fiscal year instead of being reviewed after the 60 days had passed. Also, recording the entries required to convert cash basis to GAAP basis took about half the time, since there were two people instead of one inputting and reviewing them.

Software upgrades were recently completed to automate both the calculation of the uncompensated absences and accounts payable associated with subsequent events. At present, the city's assistant treasurer, a degreed accountant, is performing various clerical duties as part of her daily workload. In the upcoming budget cycle, the finance department will request an executive secretary to perform these duties thus allowing the present staff to focus on general ledger maintenance and financial statement preparation. Upon submittal of the audit for the fiscal year ending June 30, 2013, city staff will focus on the monthly reconciliations referred to earlier. These changes should allow for the preparation of the draft financial statements to be completed by September 30<sup>th</sup> but no later than October 15<sup>th</sup>, which should allow for a timely audit submission.

**Item 2012-03 – Other – Travel and Per Diem Reimbursements**

**Statement of Condition** – During the course of the audit, we performed tests of travel and per diem expenditures. Our sample size was sixty transactions, which were selected throughout the fiscal year, and contained the following discrepancies:

- There were four instances where an employee was not paid for partial day per diem on their final day of travel. In total, the employees were underpaid by \$64.00.

**Criteria** – The New Mexico Department of Finance and Administration (DFA) has issued regulations in the form of Title 2, Chapter 42, Part 2, *Travel and Per Diem Regulations Governing the Per Diem and Mileage Act* of the New Mexico Administrative Code. The rule was issued in accordance with Section 10-8-1 to 10-8-8 NMSA 1978. Sections 2.42.2.8 B (3) and 2.42.2.9 C of the Travel and Per Diem Act states, “On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in a partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as: less than two hours, none; for two but less than six hours, \$12.00; for six but less than twelve hours, \$20.00 and for twelve hours or more, \$30.00.”

**Effect** – Non-compliance with the state of New Mexico Travel and Per Diem Act subjects officials and employees to penalties as required by state statutes.

**Cause** – City staff didn't fully understand the partial per diem rates in respect to when actual expenses were being occurred. Some of the staff lacks a completed understanding of all aspects of the Act.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD**  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2013

**SECTION II – FINDINGS – FINANCIAL STATEMENTS (continued)**

*Item 2012-03 – Other – Travel and Per Diem Reimbursements (continued)*

**Recommendation** – We recommend the city review the Travel and Per Diem Act. We recommend the finance office to send a memorandum to all departments emphasizing various aspects of the Per Diem and Mileage Act.

**Views of Responsible Officials and Planned Corrective Actions** – City staff reviewed the Travel and Per Diem Act when this finding came to light during the last audit; however, these payments had been processed prior to that occurrence. The city still plans to update its Mileage and Per Diem Resolution and provide training to employees and elected officials. Software is currently being upgraded to automate the travel voucher to avoid clerical errors.

*Item 2012-04 – Other – Deficit Ending Cash Balances for Budget*

**Statement of Condition** – The city budgeted a deficit ending cash balance of \$11 in the Fire Protection Special Revenue Fund.

**Criteria** – Sections 6-6-6 through 6-6-11 NMSA 1978 prohibit local governments from making expenditures in excess of the approved budget and make public officials liable for such expenditures. City officials and governing authorities have the obligation to follow applicable state statutes.

**Effect** – Noncompliance with New Mexico State Statutes could subject officials and employees to penalties and fines required by state statutes.

**Cause** – The city failed to reconcile the cash balance within this fund when preparing their original annual budget.

**Recommendation** – We recommend the city finance department officials review the ending cash balances within the funds during the original budget process and once a budget adjustment resolution is approved by the city council. Furthermore, we recommend, if several funds are combined for financial reporting purposes, city staff should combine the funds to ensure there isn't deficit ending cash balances.

**Views of Responsible Officials and Planned Corrective Actions** – The city treasurer and the Budget Accountant do review the ending cash balance within each fund during the original budget process and upon submission of budget adjustments. This problem arose when restricted cash of \$11 that was held in a cash account by the New Mexico Finance Authority was included in the cash balance for budget purposes. This issue was brought to the city's attention during the last audit, but the original budget had already been submitted to DFA. A budget adjustment was prepared and approved during the year to correct the deficit, so the final budget did not have a deficit cash balance budgeted. In addition, expenditures for the fiscal year were less than budgeted, so no actual cash deficit would have occurred regardless. Even though NMFA uses the restricted cash for the repayment of debt during the fiscal year, the city has stopped including restricted cash held by NMFA in its cash balance for budgeting purposes.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FOR THE YEAR ENDED JUNE 30, 2013**

**SECTION III – FEDERAL AWARDS AND QUESTIONED COSTS -  
INVESTMENT FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT  
FACILITIES CFDA NO. 11.300, HIGHWAY & RESEARCH DEVELOPMENT  
CFDA NO. 20.200, FEDERAL TRANSIT – FORMULA GRANTS CFDA  
NO. 20.507 AND WATER & ENERGY APPROPRIATION ACT CFDA NO. 81.502**

None.

**SECTION IV – PRIOR YEARS' AUDIT FINDINGS**

Item 2008-06 – Submission of Audit Report – In the previous year's audit report, it was noted the audit report was not submitted timely to the New Mexico State Auditor's office. During the fiscal year, the audit report was not submitted timely to the New Mexico State Auditor's office. The finding has not been resolved and is updated and repeated.

Item 2012-01 – Battered Families Shelter – Building Repair Expenditures – In the previous year's audit report, it was noted the city council approved an expenditure of \$10,000 to complete repairs at the shelter. During the fiscal year, the city staff alerted the city council of any similar issues and no violations occurred. The finding has been resolved.

Item 2012-02 – State Constitution and Attendance Bonus – In the previous year's audit report, it was noted that the city entered into agreements with four employee unions. The agreements stated that the employees were allowed to receive a cash bonus based on years of service and the employee's work attendance during the previous year.

Item 2012-02 – State Constitution and Attendance Bonus (continued) – During the fiscal year, the city amended the four employee union agreements and their employee policy manual to remove the payment of an attendance bonus. The finding has been resolved.

Item 2012-03 – Travel and Per Diem Reimbursements – In the previous year's audit report, it was noted that the city incorrectly reimbursed employees, including the city councilors, in respect to the Mileage and Per Diem Act. During the fiscal year, the city made improvements when reimbursing mileage and per diem to employees; however, there are still deficiencies. The finding has not been resolved and is updated and repeated.

Item 2012-04 – Deficit Ending Cash Balances for Budget – In the previous year's audit report, it was noted the city budgeted deficit ending cash balances within two funds. During the fiscal year, city staff failed to review and reconcile all fund budgets and there was a deficit ending cash balances. The finding has not been resolved and is updated and repeated.

Item 2012-05 – Submission of the Reporting Package to the Federal Government – In the previous year's audit report, it was noted that the city failed to submit the reporting package to the federal government by the due date. During the fiscal year, the city will submit the reporting package to the federal government by the due date (March 31<sup>st</sup>). The finding has been resolved.

**STATE OF NEW MEXICO  
CITY OF CARLSBAD  
EXIT CONFERENCE AND  
PREPARATION OF FINANCIAL STATEMENTS  
JUNE 30, 2013**

**CITY OF CARLSBAD  
EXIT CONFERENCE**

The audit report for the fiscal year ended June 30, 2013, was discussed during the exit conference, in closed session in compliance with the Open Meetings Act, held on February 10, 2014. Present for the city were Dale Janway, mayor; Richard "Dick" W. Doss, mayor pro-tem; Paul C. Aguilar, J.R. Doporto, Nick G. Salcido, Jason G. Shirley, Judith E. Waters, Janell E. Whitlock, city councilors; Steve V. McCutcheon, city administrator; Monica D. Harris, director of finance/city treasurer; Robin Kirby, assistant city treasurer; and Tai Etcheverry, internal auditor. Present for the auditing firm was Dominic Fierro, Manager.

**FINANCIAL STATEMENT PREPARATION**

The city treasurer and the accounting staff prepared the financial statements of the municipality for the fiscal year ended June 30, 2013. The auditing firm assisted in the preparation of the footnotes to the statements, along with preparing the document that contains all the financial statements, notes to the financial statements and other supplemental financial information.



**CERTIFICATE AS TO THE RESULTS OF THE REGULAR BIENNIAL  
ELECTION HELD IN THE CITY OF CARLSBAD, NEW MEXICO ON  
MARCH 4, 2014**

I, Annette Barrick, City Clerk of the City of Carlsbad, Eddy County, New Mexico, do hereby certify that the returns of the regular biennial election held in the City of Carlsbad on March 4, 2014 were made to me as City Clerk by the Judges and Clerks of said election. On the 4th day of March, 2014, said returns were duly opened by me as City Clerk in the presence of Henry Castaneda, Magistrate Judge of Eddy County, New Mexico, and said returns were duly canvassed with the assistance of and in the presence of said Magistrate Judge Henry Castaneda.

I further certify that the signature rosters and Machine-printed returns of each election precinct within the City of Carlsbad were carefully examined and were found to contain the certificates required by law and that no discrepancies, omissions, or errors appeared on the face of said returns.

I further certify that the following is a true and correct abstract of the results of said election.

There were 1,133 total voters who voted in the regular biennial election held March 4, 2014.

I further certify that said returns show the election of the following officers for the City:

Lisa Ann Anaya Flores	Councilor, Ward 1	4 year term
J. R. Doporto	Councilor, Ward 2	4 year term
Wesley Alan Carter	Councilor, Ward 3	4 year term
Richard Doss	Councilor, Ward 4	4 year term
Dale W. Janway	Mayor	4 year term



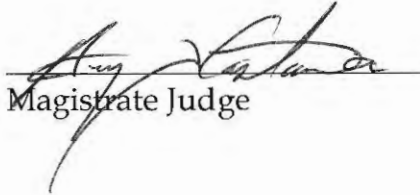
Annette Barrick  
City Clerk

Nadine Mireles  
Deputy City Clerk

Jane Gutcheon  
City Administrator

Date: 3-7-14

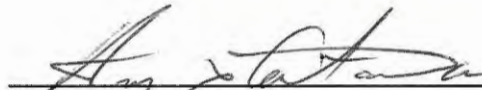
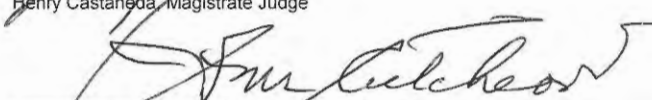
I, Henry Castaneda, Magistrate Judge of Eddy County, New Mexico, do hereby certify that I was present at the canvassing of the votes of said election and that the foregoing certificate of Annette Barrick, City Clerk of the City of Carlsbad, relative to the results of said election, is true.

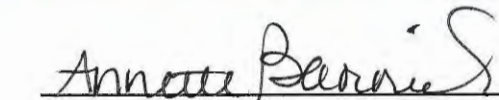
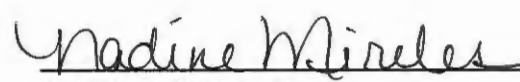
  
Magistrate Judge

Date: March 7-2014

# **CARLSBAD, NEW MEXICO VOTE TABULATION FOR MARCH 4, 2014, REGULAR MUNICIPAL ELECTION**

POLLING PLACE	CARLSBAD MAYOR	CARLSBAD MAYOR	COUNCIL WARD 1	COUNCIL WARD 1	COUNCIL WARD 1	COUNCIL WARD 2	COUNCIL WARD 3	COUNCIL WARD 3	COUNCIL WARD 4	TOTAL VOTERS
	Mills	Janway	McCormack	Williams	Anaya-Flores	Doporto	Carter	Parr	Doss	
San Jose Senior Recreation Center	29	134	15	33	44	8	6	2	45	169 <i>hr</i>
Hillcrest Baptist Church	18	151	4	28	9	87	16	3	5	170 <i>hr</i>
St. Peter Lutheran Church	29	325	5	7	6	59	130	60	72	358 <i>hr</i>
Pecos River Village Conference Center	4	120	4	2	3	10	7	2	88	127 <i>hr</i>
Absentee: In Person & By Mail	26	281	8	22	31	52	57	29	89	309 <i>hr</i>
<b>TOTALS</b>	<b>106</b>	<b>1,011</b>	<b>36</b>	<b>92</b>	<b>93</b>	<b>216</b>	<b>216</b>	<b>96</b>	<b>299</b>	<b>1,133</b> <i>hr</i>

  
 Henry Castaneda, Magistrate Judge  
  
 Steve McCutcheon, City Administrator

  
 Annette Barrick, City Clerk  
  
 Nadine Mireles, Deputy City Clerk

**This item was not  
available at the time  
the Agenda packets  
were compiled**

CITY OF CARLSBAD  
**PERSONNEL REPORT**  
March 11, 2014

**APPOINTMENTS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
David Chamberlain	03/17/14	Garage	Master Mechanic

**TERMINATIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Ermesto H. Acosta	03/06/14	WWTP	Waste Water Oper. 3	Resigned
Christina Benavidez	02/22/14	Museum	Museum Attendant, P/T	Discharged
Jose J. Briones	03/06/14	WW Collections	WW Operator Appr.	Resigned
Jerry P. Cunningham	03/06/14	WWTP	Waste Water Foreman	Resigned
Rosa Hernandez	02/26/14	Police	School Crossing Guard	Resigned
Rebecca Kunkel	02/22/14	Police	Telecommunicator	Resigned
Tammy MacPherson	02/21/14	Police	Patrolman	Resigned
Dominic Olivas	02/26/14	Street	Laborer	Resigned
Arthur T. Sena	03/06/14	WWTP	Waste Water Supt.	Resigned

**INTERNAL TRANSFERS AND PROMOTIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
None			

# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steven McCutcheon, City Administrator

**TO:** The Honorable Mayor Dale Janway & Members of the City Council

**FROM:** Tom Carlson, Director of Public Works

**SUBJECT:** Recommendation for Employment

**DATE:** 3/03/14

The Following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to pre-hire medical examination:

### General Information:

Name: David Chamberlain Classification/Position: Master Mechanic

Department: Garage

☒ Regular ☒ Full-time ☒ Hourly \$ 20.59 per hour

☐ Seasonal ☐ Part-time ☐ Salary \$ \_\_\_\_\_ per hour

☐ Temporary ☐ On call

### Education Level:

☒ High School Diploma ☐ GED or equivalent

☐ Associates Degree \_\_\_\_\_

☐ Bachelors Degree \_\_\_\_\_

☐ Masters Degree \_\_\_\_\_

☒ Other Certificate for Brake, Manual Transmission, Steering from Central Texas College 1991

☒ Other Senior Master Mechanic Certificate, Ford Motor Company, 2002

### Employment:

Present or last Employer: Carlsbad Ford

From 10/2013 to Present Classification: Senior /Diesel Technician

Duties: Diagnose and repair any vehicle concerns from electrical issue to engine/transmission repairs

Related Experience: Diagnosis and repair on a wide variety of mechanical, electrical and hydraulic concerns on Commercial, Agricultural and Heavy Equipment

Comment: \_\_\_\_\_

# **AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION**

3-11-14  
~~1/14/2013~~

Council Meeting Date:

<b>Department:</b> Executive	<b>BY:</b> Anna Beason, Project Administrator	<b>Date:</b> 1/7/2013
---------------------------------	--	--------------------------

**SUBJECT:** Infrastructure

**Description:**

Rehabilitation of Taxiway D "Delta"

<b>SYNOPSIS:</b>	Qty _____	Total Est. Cost	<u>\$ 850,000.00</u>	Total Actual Cost	<u>\$ 0.00</u>
Budgeted Yes		Est. City Share	_____	Actual City Share	<u>\$ 0.00</u>
Account #	<u>25-250-81310-901305</u>		<u>\$ 1,104,659.00</u>		
Account #	_____		_____		
Account #	_____		_____		
Account #	_____		_____		
TOTAL			<u>\$ 1,104,659.00</u>		

**BACKGROUND, JUSTIFICATION AND IMPACT:** (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

City received a grant from NM Aviation Division in June 2013 to rehabilitate Taxiway Delta of the Municipal Airport. Our project engineer, Delta Airport Consultants, has completed the plans and specifications. We are requesting approval of the City Council to advertise the project for bidding. The project will consist of removal of 1,700 lf of existing paving and replacement with 4" SP-IV HMA on 6" treated subgrade. Taxiway markings and drainage improvements is also included.

**Requested action to be taken by Council:**

Advertise Invitation for Bid

**Council Action Taken:**

Select one

**Date:**

**Reviewed by City Administrator:**

**POST BID/RFP RECOMMENDATION**

**Council Meeting Date:**

04/14/2014--

**Requested action to be taken by Council:**

Award Bid Number

2014-02

**Council Action Taken:**

Select one

**Date:**

**ADDITIONAL INFORMATION:**

Award Bid No. 2014-02, Alternate No. 1 for the rehabilitation of Taxiway D to Constructor's Inc. in the amount of \$885,473.01, including NMGRT.

**Reviewed by City Administrator:** /s/ Steve McCutcheon

March 6, 2014

ATTACHMENT(S): ☐ Specifications ☒ Bid/RFP Summary ☐ Other: \_\_\_\_\_

# BID TABULATION

## ALTERNATE 1 Rehabilitate Taxiways "D"

Cavern City Air Terminal  
Carlsbad, New Mexico

Delta Project No. 13078

Bid Opening Date: February 25, 2014

					ENGINEER'S ESTIMATE		CONSTRUCTORS, INC	
ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	P-100	MOBILIZATION	LS	1	\$85,000.00	\$85,000.00	\$50,000.00	\$50,000.00
2	P-140	PAVEMENT REMOVAL	SY	16,500	\$8.00	\$132,000.00	\$4.00	\$66,000.00
3	P-140	PAVEMENT SURFACE REMOVAL	SY	1,300	\$6.00	\$7,800.00	\$3.50	\$4,550.00
4	P-150	MISCELLANEOUS DEMOLITION	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
5	P-156	EROSION AND SEDIMENT CONTROL	LS	1	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
6	P-156	SILT FENCE	LF	300	\$2.00	\$600.00	\$3.00	\$900.00
7	P-304	CEMENT TREATED BASE COURSE (6"0	SY	2,400	\$30.00	\$72,000.00	\$12.50	\$30,000.00
8	M-103	CLOSED RUNWAY MARKER	EA	2	\$2,500.00	\$5,000.00	\$1,500.00	\$3,000.00
9	M-103	CLOSED TAXIWAY MARKER	EA	2	\$2,000.00	\$4,000.00	\$1,000.00	\$2,000.00
10	M-107	AVIATION BARRICADES	LF	1,700	\$25.00	\$42,500.00	\$17.00	\$28,900.00
11	M-107	BUCKET BARRICADES	EA	6	\$500.00	\$3,000.00	\$250.00	\$1,500.00
12	P-405	GROUND STABILIZATION FABRIC	SY	3,400	\$2.00	\$6,800.00	\$2.25	\$7,650.00
13	P-619	PAINT REMOVAL	SF	1,700	\$2.00	\$3,400.00	\$4.25	\$7,225.00
14	P-620	PERMANENT RUNWAY AND TAXIWAY PAINTING	SF	6,500	\$2.00	\$13,000.00	\$1.35	\$8,775.00
15	P-620	INITIAL RUNWAY AND TAXIWAY PAINTING	SF	6,500	\$2.00	\$13,000.00	\$1.25	\$8,125.00
16	P-620	SURFACE PAINTED HOLDING POSITION SIGN	EA	1	\$2,000.00	\$2,000.00	\$600.00	\$600.00
17	D-701	24" RCP, CLASS V	LF	91	\$90.00	\$8,190.00	\$100.00	\$9,100.00
18	D-701	24" PIPE COLLAR	EA	2	\$1,500.00	\$3,000.00	\$750.00	\$1,500.00
19	T-901	SEEDING	AC	2	\$2,500.00	\$5,000.00	\$4,000.00	\$8,000.00
20	T-905	TOPSOILING	CY	600	\$30.00	\$18,000.00	\$12.00	\$7,200.00
21	T-908	MULCHING	AC	2	\$2,500.00	\$5,000.00	\$1,750.00	\$3,500.00
22	L-110	ELECTRICAL DUCT BANK, 4 WAY - 4" PVC CONDUIT	LF	55	\$100.00	\$5,500.00	\$85.00	\$4,675.00
23	L-125	RELOCATE UNLIGHTED AIRFIELD SIGN	EA	2	\$1,000.00	\$2,000.00	\$2,300.00	\$4,600.00
24	R-303	CRUSHED STONE BASE COURSE	CY	3,500	\$40.00	\$140,000.00	\$35.00	\$122,500.00
25	R-423	NMDOT SP-IV HMA	TN	3,800	\$120.00	\$456,000.00	\$95.00	\$361,000.00
26	SP-25	SUBGRADE PREPARATION	SY	16,500	\$5.00	\$82,500.00	\$2.75	\$45,375.00
27	SP-25	UNDERCUT EXCAVATION	CY	1,500	\$30.00	\$45,000.00	\$15.00	\$22,500.00
TOTALS:						\$1,180,290.00		\$824,175.00

\*Denotes extension error



**BID TABULATION****ALTERNATE 2****Rehabilitate Taxiways "D"**

Cavern City Air Terminal  
Carlsbad, New Mexico

Delta Project No. 13078

Bid Opening Date: February 25, 2014

					ENGINEER'S ESTIMATE		CONTRACTORS, INC	
ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	P-100	MOBILIZATION	LS	1	\$74,000.00	\$74,000.00	\$40,000.00	\$40,000.00
2	P-140	PAVEMENT REMOVAL	SY	14,000	\$9.00	\$126,000.00	\$4.00	\$56,000.00
3	P-140	PAVEMENT SURFACE REMOVAL	SY	1,300	\$7.00	\$9,100.00	\$3.50	\$4,550.00
4	P-150	MISCELLANEOUS DEMOLITION	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
5	P-156	EROSION AND SEDIMENT CONTROL	LS	1	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
6	P-156	SILT FENCE	LF	300	\$2.00	\$600.00	\$3.00	\$900.00
7	M-103	CLOSED RUNWAY MARKER	EA	2	\$2,500.00	\$5,000.00	\$1,500.00	\$3,000.00
8	M-103	CLOSED TAXIWAY MARKER	EA	1	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00
9	M-107	AVIATION BARRICADES	LF	1,700	\$25.00	\$42,500.00	\$17.00	\$28,900.00
10	M-107	BUCKET BARRICADES	EA	3	\$500.00	\$1,500.00	\$250.00	\$750.00
11	P-405	GROUND STABILIZATION FABRIC	SY	3,400	\$2.00	\$6,800.00	\$2.25	\$7,650.00
12	P-619	PAINT REMOVAL	SF	1,700	\$3.00	\$5,100.00	\$4.25	\$7,225.00
13	P-620	PERMANENT RUNWAY AND TAXIWAY PAINTING	SF	5,500	\$2.00	\$11,000.00	\$1.45	\$7,975.00
14	P-620	INITIAL RUNWAY AND TAXIWAY PAINTING	SF	5,500	\$2.00	\$11,000.00	\$1.35	\$7,425.00
15	P-620	SURFACE PAINTED HOLDING POSITION SIGN	EA	1	\$2,000.00	\$2,000.00	\$600.00	\$600.00
16	D-701	24" RCP, CLASS V	LF	91	\$80.00	\$7,280.00	\$100.00	\$9,100.00
17	D-701	24" PIPE COLLAR	EA	2	\$1,500.00	\$3,000.00	\$750.00	\$1,500.00
18	T-901	SEEDING	AC	2	\$2,500.00	\$5,000.00	\$4,000.00	\$8,000.00
19	T-905	TOPSOILING	CY	600	\$30.00	\$18,000.00	\$12.00	\$7,200.00
20	T-908	MULCHING	AC	2	\$2,500.00	\$5,000.00	\$1,750.00	\$3,500.00
21	L-110	ELECTRICAL DUCT BANK, 4 WAY - 4" PVC CONDUIT	LF	55	\$100.00	\$5,500.00	\$85.00	\$4,675.00
22	L-125	RELOCATE UNLIGHTED AIRFIELD SIGN	EA	2	\$1,000.00	\$2,000.00	\$2,300.00	\$4,600.00
23	R-303	CRUSHED STONE BASE COURSE	CY	3,500	\$40.00	\$140,000.00	\$35.00	\$122,500.00
24	R-423	NMDOT SP-IV HMA	TN	3,200	\$120.00	\$384,000.00	\$95.00	\$304,000.00
25	SP-25	SUBGRADE PREPARATION	SY	14,000	\$5.00	\$70,000.00	\$2.75	\$38,500.00
26	SP-25	UNDERCUT EXCAVATION	CY	1,500	\$30.00	\$45,000.00	\$15.00	\$22,500.00
TOTALS:						\$1,001,380.00		\$707,050.00

\*Denotes extension error

**BID TABULATION****ALTERNATE 3****Rehabilitate Taxiways "D"**

Cavern City Air Terminal  
Carlsbad, New Mexico

Delta Project No. 13078

Bid Opening Date: February 25, 2014

ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	BID QUANTITY	ENGINEER'S ESTIMATE		CONTRACTORS, INC	
					UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	P-100	MOBILIZATION	LS	1	\$53,000.00	\$53,000.00	\$30,000.00	\$30,000.00
2	P-140	PAVEMENT REMOVAL	SY	8,000	\$10.00	\$80,000.00	\$4.00	\$32,000.00
3	P-140	PAVEMENT SURFACE REMOVAL	SY	1,300	\$8.00	\$10,400.00	\$3.50	\$4,550.00
4	P-150	MISCELLANEOUS DEMOLITION	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
5	P-156	EROSION AND SEDIMENT CONTROL	LS	1	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
6	P-156	SILT FENCE	LF	300	\$2.00	\$600.00	\$3.00	\$900.00
7	M-103	CLOSED RUNWAY MARKER	EA	2	\$2,500.00	\$5,000.00	\$1,500.00	\$3,000.00
8	M-103	CLOSED TAXIWAY MARKER	EA	1	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00
9	M-107	AVIATION BARRICADES	LF	800	\$45.00	\$36,000.00	\$17.00	\$13,600.00
10	M-107	BUCKET BARRICADES	EA	3	\$500.00	\$1,500.00	\$250.00	\$750.00
11	P-405	GROUND STABILIZATION FABRIC	SY	1,200	\$2.00	\$2,400.00	\$2.25	\$2,700.00
12	P-619	PAINT REMOVAL	SF	600	\$4.00	\$2,400.00	\$9.60	\$5,760.00
13	P-620	PERMANENT RUNWAY AND TAXIWAY PAINTING	SF	3,800	\$4.00	\$15,200.00	\$1.75	\$6,650.00
14	P-620	INITIAL RUNWAY AND TAXIWAY PAINTING	SF	3,800	\$4.00	\$15,200.00	\$1.65	\$6,270.00
15	P-620	SURFACE PAINTED HOLDING POSITION SIGN	EA	1	\$2,000.00	\$2,000.00	\$600.00	\$600.00
16	D-701	24" RCP, CLASS V	LF	91	\$80.00	\$7,280.00	\$100.00	\$9,100.00
17	D-701	24" PIPE COLLAR	EA	2	\$1,500.00	\$3,000.00	\$750.00	\$1,500.00
18	T-901	SEEDING	AC	1	\$2,500.00	\$2,500.00	\$4,250.00	\$4,250.00
19	T-905	TOPSOILING	CY	400	\$30.00	\$12,000.00	\$12.00	\$4,800.00
20	T-908	MULCHING	AC	1	\$2,500.00	\$2,500.00	\$2,750.00	\$2,750.00
21	L-110	ELECTRICAL DUCT BANK, 4 WAY - 4" PVC CONDUIT	LF	55	\$100.00	\$5,500.00	\$85.00	\$4,675.00
22	L-125	RELOCATE UNLIGHTED AIRFIELD SIGN	EA	2	\$1,000.00	\$2,000.00	\$2,300.00	\$4,600.00
23	R-303	CRUSHED STONE BASE COURSE	CY	2,600	\$40.00	\$104,000.00	\$35.00	\$91,000.00
24	R-423	NMDOT SP-IV HMA	TN	1,900	\$120.00	\$228,000.00	\$95.00	\$180,500.00
25	SP-25	SUBGRADE PREPARATION	SY	8,000	\$8.00	\$64,000.00	\$2.75	\$22,000.00
26	SP-25	UNDERCUT EXCAVATION	CY	400	\$30.00	\$12,000.00	\$15.00	\$6,000.00
TOTALS:						\$688,480.00		\$453,955.00

\*Denotes extension error

## CITY OF CARLSBAD

# **AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION**

Council Meeting Date: 3/11/14

<b>Department:</b> Parks	<b>BY:</b> Luis Renteria, Parks Superintendent	<b>Date:</b> 02/26/14																												
<b>SUBJECT:</b> Services <b>Description:</b> Maintenance Contract for National Little League																														
<table style="width:100%; border: none;"> <tr> <td style="width:15%;"><b>SYNOPSIS:</b></td> <td style="width:25%;">Qty <u>1</u></td> <td style="width:25%;">Total Est. Cost <u>\$ 7,000.00</u></td> <td style="width:35%;">Total Actual Cost <u>\$ 7,000.00</u></td> </tr> <tr> <td></td> <td>Budgeted Yes</td> <td>Est. City Share <u>\$ 7,000.00</u></td> <td>Actual City Share <u>\$ 7,000.00</u></td> </tr> <tr> <td></td> <td>Account # <u>01-0070-60911</u></td> <td><u>\$ 15,000.00</u></td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td></td> <td align="right" colspan="2"><b>TOTAL</b></td> <td><u>\$ 15,000.00</u></td> </tr> </table>			<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost <u>\$ 7,000.00</u>	Total Actual Cost <u>\$ 7,000.00</u>		Budgeted Yes	Est. City Share <u>\$ 7,000.00</u>	Actual City Share <u>\$ 7,000.00</u>		Account # <u>01-0070-60911</u>	<u>\$ 15,000.00</u>			Account # _____	_____			Account # _____	_____			Account # _____	_____			<b>TOTAL</b>		<u>\$ 15,000.00</u>
<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost <u>\$ 7,000.00</u>	Total Actual Cost <u>\$ 7,000.00</u>																											
	Budgeted Yes	Est. City Share <u>\$ 7,000.00</u>	Actual City Share <u>\$ 7,000.00</u>																											
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	Account # _____	_____																												
	Account # _____	_____																												
	Account # _____	_____																												
	<b>TOTAL</b>		<u>\$ 15,000.00</u>																											
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) A request has been submitted from National Little League for the renewal of their annual maintenance contract. The League will care for their fields from March 12, 2014 until March 11, 2015. This contract has been in effect for several years and has been very successful. The Parks and Recreation Advisory Board at their meeting on January 16, 2014 voted to recommend the request from National Little League in the amount of \$7,000 total be approved by the Governing Body.																														
<b>Requested action to be taken by Council:</b> Other: Approval Maintenance Proposal	<b>Council Action Taken:</b> Select one	<b>Date:</b>																												
<b>Reviewed by City Administrator:</b>																														

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>		
<b>Requested action to be taken by Council:</b> Select one	<table style="width:100%; border: none;"> <tr> <td style="width:45%;"><b>Council Action Taken:</b> Select one</td> <td style="width:55%;"><b>Date:</b> 3-11-2014</td> </tr> </table>	<b>Council Action Taken:</b> Select one	<b>Date:</b> 3-11-2014
<b>Council Action Taken:</b> Select one	<b>Date:</b> 3-11-2014		
<b>ADDITIONAL INFORMATION:</b>			
<table style="width:100%; border: none;"> <tr> <td style="width:60%;"><b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon</td> <td style="width:40%; text-align: right;">3-6-2014</td> </tr> </table>		<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon	3-6-2014
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon	3-6-2014		

ATTACHMENT(S): ☐ Specifications ☐ Bid/RFP Summary ☒ Other: Letter from National Little League

## **Carlsbad National Little League**

**Mr. Steve McCutcheon, City Administrator  
City of Carlsbad, NM  
P.O. Box 1569  
Carlsbad, NM 88221**

**Dear Mr. McCutcheon:**

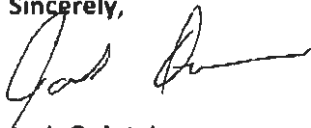
**The Carlsbad National Little League proposes to perform grounds keeping services at the McCleanthen Park located at 1305 West Hagerman for one year, beginning March 1, 2014**

**The total cost of this proposal is \$7,000. Services to be provided are as follows:**

- 1. Mowing and Trimming**
- 2. Watering of Fields**
- 3. Fertilizer application**
- 4. Weed Control**
- 5. Cleaning of Debris**

**This proposal does not include any maintenance or repairs to the facilities except to maintain infields for proper playing conditions. If you have any questions regarding this proposal, Please feel free to contact me at (575) 513-2541.**

**Sincerely,**



**Josh Quintela  
President  
Carlsbad National Little League**

**AGREEMENT BETWEEN THE CITY OF CARLSBAD  
AND THE CARLSBAD NATIONAL LITTLE LEAGUE  
FOR GROUNDS KEEPING SERVICES AT THE McCLENTHAN PARK**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **CITY OF CARLSBAD**, a municipal corporation, hereinafter referred to as "City", and the **CARLSBAD NATIONAL LITTLE LEAGUE**, hereinafter referred to as "League", a New Mexico domestic nonprofit corporation.

WHEREAS, the Carlsbad National Little League is a non-profit corporation that organizes and conducts Little League baseball games for local children; and

WHEREAS, the League holds its baseball games and related activities at the McClellan Park, more commonly known as the National Little League field; and

WHEREAS, through its Board of Directors, the League has offered to perform all groundskeeping services at McClellan Park, including the athletic fields, for the year beginning on 12 March 2014 in exchange for a single payment of seven thousand dollars (\$7,000.00); and

WHEREAS, the City is willing to enter into an agreement for such services.

NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements herein contained, agree as follows:

NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements herein contained, agree as follows:

1. The League shall be responsible for and shall perform all groundskeeping services at McClellan Park and the athletic fields commonly known as the National Little League Field, 402 N. Maple Street, (hereinafter referred to as the "Park"), and more particularly described as:

That area bounded on the north by Hagerman Street, on the east by Olive Street, on the south by McKay Street, and on the west by Maple Street.

2. "Groundskeeping services" shall include, but not be limited to, the following:
- A. Maintaining all grass and turf in the Park, including seeding, weeding, mowing, fertilizing, and edging; and
  - B. Watering all grass, turf, and plants in the Park.
  - C. Applying herbicides and/or pre-emergents by a properly licensed person or business.

3. The League shall provide all labor and equipment needed to perform the groundskeeping services. The League shall be solely responsible for all work performed and for the selection, operation, and maintenance of any equipment used in the performance of groundskeeping services.
4. The League shall dispose of all clippings and debris properly.
5. In consideration for the groundskeeping services performed by the League pursuant to this Agreement, the City shall pay the League the total sum of seven thousand dollars (\$7,000.00). The City shall pay that sum to the League no later than ten (10) days after the effective date of this Agreement, but not before the City receives the documents required in Paragraph 8, below.
6. The term of this Agreement shall be from 12<sup>th</sup> March 2014 to 11<sup>th</sup> March 2015.
7. The League and its employees, members, and agents are independent contractors performing professional services for the City of Carlsbad and are not employees of the City. The League and its employees, members, and agents shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this Agreement.
8. Prior to receiving any monies from the City, the League shall:
  - A. Obtain and maintain at all times material to this Agreement liability insurance in the amount of Two Million dollars (\$2,000,000.00). Such insurance shall name the City as an additional insured, and the League shall provide the City Administration with a current Certificate of Insurance; and
  - B. Submit a current IRS Form W9 to the Finance Department, City of Carlsbad.
9. The League shall indemnify, save, and hold harmless the City, including its respective officers, agents, directors, and employees, from all claims, demands or suits of any kind, including all legal costs and attorney's fees, resulting from the intentional misconduct or any negligent act or omission by the League's respective officers, agents, directors, and employees. The City will not be responsible for any special, indirect, or consequential damages.
10. The League and its directors, members, employees, volunteers and agents release and discharge the City, its officers, employees, and agents from any and all claims, damages, suits, or losses sustained by the League, its members, agents, employees, or their heirs which the League, its members, agents, employees, or their heirs may have now or hereinafter and which are associated, in any manner, with this Agreement.
11. In the event of the League's default of any of the terms or conditions set forth in this Agreement, the City shall have the right to cancel and terminate this Agreement by giving the League not less than fifteen (15) days written notice of such cancellation and termination.

12. This Agreement may be terminated by either party upon written notice delivered to the other party at least thirty (30) days prior to the intended termination date. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

13. In the event the City terminates this Agreement because of the League's default, or if the League terminates this agreement pursuant to Paragraph 12, the League shall refund to the City a portion of the compensation. The portion to be refunded shall be pro rated based upon the unexpired portion of the Agreement's term.

14. Waiver by the City of any default in performance by the League of any of the terms or conditions contained in this Agreement shall not be deemed a continuing waiver of that default or any subsequent default.

15. This Agreement shall be governed by the laws of the State of New Mexico.

16. All notices and other communications required or permitted by the terms of this Agreement shall be in writing and be deemed to have been given and delivered, if mailed, certified postage prepaid:

If to City:

City of Carlsbad

c/o City Administrator

P.O. Box 1569

Carlsbad, NM 88221-1569

If to League:

National Little League

c/o Josh Quintela, President

P.O. Box 5403

Carlsbad, NM 88221-5403

17. Should any dispute arise between the parties in connection with the Agreement, and if such dispute cannot be resolved by discussion between the parties, the parties agree to submit the unresolved dispute to binding arbitration in lieu of litigation.

18. This Agreement incorporates all agreements, covenants and understandings between the parties concerning the subject matter of the Agreement. This Agreement shall not be amended except by a writing executed with the same formality as this Agreement.

19. New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

**CITY OF CARLSBAD:**

---

DALE JANWAY, MAYOR

ATTEST:

---

CITY CLERK

**NATIONAL LITTLE LEAGUE:**

\_\_\_\_\_  
JOSH QUINTELA, PRESIDENT

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF EDDY            )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2014, by JOSH QUINTELA, President of the National Little League.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC



## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: March 11, 2014

<b>DEPARTMENT:</b> Culture, Recreation & Community Services	<b>BY:</b> Patsy Jackson-Christopher	<b>DATE:</b> 3-5-14
<b>SUBJECT:</b> Renewal of MOU between City of Carlsbad and NMSU for Sound & Lighting Equipment		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)		
<p>This agreement is in the form of a Memorandum of Understanding and it involves the City of Carlsbad and New Mexico State University Carlsbad Branch. It has been in effect since January 2010.</p> <p>The continuance of this Memorandum of Understanding will allow the Walter Gerrells Performing Arts Center contracted staff to continue to utilize the multimedia equipment owned by NMSU for events held throughout the year at the center. In return the City of Carlsbad contracted staff will cooperate with NMSU for student training on use of the multimedia equipment for various performances at the Center.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> If it is the pleasure of the City Council, it is recommended that the MOU with NMSU be approved.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Beautification Committee
		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED
<b>Reviewed by:</b> <b>City Administrator:</b> /s/ Steve McCutcheon		<b>Date:</b> 3-6-2014

ATTACHMENT(S): MOU

**SECOND RENEWAL OF THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN NEW MEXICO STATE UNIVERSITY CARLSBAD  
AND THE CITY OF CARLSBAD  
REGARDING MULTIMEDIA EQUIPMENT  
AT THE WALTER GERRELLS PERFORMING ARTS CENTER**

1           THIS RENEWAL is entered into at Carlsbad, New Mexico, this \_\_\_\_ day of \_\_\_\_\_, 2014,  
2 by and between the **REGENTS OF NEW MEXICO STATE UNIVERSITY, on behalf of New**  
3 **Mexico State University Carlsbad**, hereinafter referred to as “**NMSU Carlsbad**”, and the **CITY**  
4 **OF CARLSBAD**, New Mexico, a municipal corporation, hereinafter referred to as the “**City**”.

5  
6  
7           WHEREAS, the City owns and operates a facility known as the Walter Gerrells Performing  
8 Arts Center at 4012 National Parks Highway, Carlsbad, New Mexico, hereinafter the “Center”; and  
9

10           WHEREAS, NMSU Carlsbad owns certain equipment for sound and lighting, hereinafter  
11 referred to as the “Equipment”; and  
12

13           WHEREAS, NMSU Carlsbad and the City entered into a Memorandum of Understanding  
14 on January 25, 2010, hereinafter referred to as the “MOU”, under the terms of which NMSU  
15 Carlsbad allowed the Equipment to be used at the Center; and  
16

17           WHEREAS, the term of the MOU was for two years; and  
18

19           WHEREAS, the parties renewed the MOU in 2012 for an additional two years; and  
20

21           WHEREAS, the parties wish to renew the MOU for an additional two years.  
22

23           NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements  
24 herein contained, agree as follows:  
25

26           1.     **2010 MOU.** The Memorandum of Understanding Between New Mexico State University  
27 Carlsbad and the City of Carlsbad dated the 25<sup>th</sup> day of January 2010, is attached and is incorporated  
28 herein and made a part of this Second Renewal Agreement.  
29

30           2.     **First Renewal for 2012-2014.** The Renewal of Memorandum of Understanding renewing  
31 the contract as of March 1, 2012 for an additional two years through February 28, 2014, is attached  
32 and is incorporated herein and made a part of this Second Renewal Agreement.  
33

34           3.     **Second Renewal for 2014-2016.** The parties agree to renew the MOU Agreement dated  
35 January 25, 2010, for two year beginning March 1 2014, and ending February 29, 2016.  
36  
37  
38

1 4. **Modifications.** This renewal shall be under the same terms and conditions, and the parties  
2 shall have the same rights and responsibilities as in the attached MOU except for the following  
3 changes:

4 A. **Graduation Date.** Page 2, Paragraph 5, of the City's obligations will be  
5 amended to state,

6 "Reserve the Center for **NMSU CARLSBAD** Graduation and allow  
7 usage of same at no cost to **NMSU CARLSBAD**. Dates to be set one  
8 year in advance."

9 B. **Authorized Representatives.** Page 3, Paragraph labeled "NMSU  
10 **CARLSBAD and CITY Representation**", shall be amended to state:

11 CITY

12 Steve McCutcheon

13 City Administrator

14 101 N. Halagueno

15 Carlsbad, NM 88220

16 Phone: (575) 887-1191

17 Fax: (575) 885-1101

18 email: [svmccutcheon@cityofcarlsbadnm.com](mailto:svmccutcheon@cityofcarlsbadnm.com)

19 NMSU CARLSBAD

20 Robert E. Keyes, Jr., PhD

21 Vice President Business & Finance

22 1500 University Drive

23 Carlsbad, NM 88220

24 Phone: (575) 234-9219

25 Fax: (575) 234-9206

26 email: [rkeyes@nmsu.edu](mailto:rkeyes@nmsu.edu)

27 C. **Exhibit A.** Exhibit "A", the list of equipment for sound and lighting, shall  
28 be replaced with the attached revised Exhibit "A".  
29  
30

31 5. **Captions.** The captions of any paragraphs or sections hereof are made for convenience only  
32 and shall not control or affect the meaning or construction of any of the provisions thereof.  
33

34 6. **Exhibits.** Any instrument or document made and attached to this renewal shall constitute  
35 a part hereof as though set forth in full in the body of this renewal, whether made a part hereof by  
36 reference or whether made a part hereof by attachment.  
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**By an Authorized Official Of  
For the Regents of NMSUC:**

 2/26/14  
John Gratton Date  
President

**By an Authorized Official Of  
CITY OF CARLSBAD:**

\_\_\_\_\_  
Dale Janway Date  
Mayor

## Renewal of Memorandum of Understanding

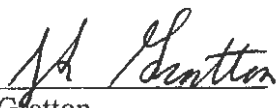
Per the terms of the original Memorandum of Understanding (the "Agreement") executed on the 25<sup>th</sup> day of January, 2010 by and between City of Carlsbad ("City") and the Regents of New Mexico State University, on behalf of New Mexico State University Carlsbad ("NMSUC") the parties wish to renew the contract as of March 1, 2012 for an additional two years through February 28, 2014.


All other terms and conditions of the Agreement remain the same.

IN WITNESS WHEREOF, each of the undersigned has caused this Agreement to be duly executed in its name and on its behalf effective as of the date first listed above.

For the Regents of NMSUC

City of Carlsbad

By:   
John Gratton  
President

By:   
Dale Janway  
Mayor

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**NEW MEXICO STATE UNIVERSITY CARLSBAD**  
**AND**  
**THE CITY OF CARLSBAD**

This Memorandum of Understanding is made and entered into this twenty-fifth day of January, 2010 by and between the Regents of New Mexico State University on behalf of its **New Mexico State University Carlsbad campus** (hereinafter referred to as "**NMSU CARLSBAD**") and the **City of Carlsbad** (hereinafter referred to as "**CITY**");

**WHEREAS**, **NMSU CARLSBAD** and **CITY** wish to collaborate through the use of the Walter Gerrells Performing Arts Center (hereinafter referred to as "**Center**"), the use of **NMSU CARLSBAD** multimedia equipment and in providing training opportunities to students in our Media program, the parties do hereby mutually agree as follows:

**NMSU CARLSBAD will:**

1. Provide equipment for sound and lighting as specified on Exhibit A to be located at the **Center** for use by the **Center** and our students and, said equipment will remain the property of **NMSU CARLSBAD**

**CITY will:**

1. Install equipment in the **Center** and allow **NMSU CARLSBAD** access for inventory purposes.
2. Ensure the physical security of the equipment and cover same equipment with their insurance policy. **City** shall be responsible for the payment of all premiums and deductibles.
3. **CITY** shall establish Fee Schedule for use of said equipment for purposes of repair and

maintenance and funds from fees collected will be used for repair and maintenance of said equipment only. Such Fee Schedule shall not be applicable for events sponsored by **NMSU CARLSBAD** and **NMSU CARLSBAD** shall not be charged for any such usage. If repairs or maintenance exceed available funds, **CITY** will contact **NMSU CARLSBAD** for financial assistance but nothing contained herein shall require **NMSU CARLSBAD** to pay for any maintenance and repairs. Such Fee Schedule shall not be applicable to events sponsored by **NMSU CARLSBAD** except as provided in section 6 below.

4. Work with **NMSU CARLSBAD** Media faculty and/or executive administration to schedule access to the **Center**, at no cost, for students to train on and/or operate multimedia equipment at various performances at the **Center**. The **City** or its management subcontractor will utilize qualified students to operate the equipment whenever possible.
5. Reserve the **Center** for **NMSU CARLSBAD** Graduation and allow usage of same at no cost to **NMSU CARLSBAD**. Dates to be set one year in advance. Graduation for 2010 will be May 7<sup>th</sup>, 2010.
6. Work with **NMSU CARLSBAD** to schedule other campus events (excluding graduation) at the **Center** as calendar will allow, for various theatrical, music, and/or community events hosted by **NMSU CARLSBAD**. No fees will be due for these events unless they exceed three (3) events per semester at which time **NMSU CARLSBAD** will pay clean up fees.

#### **Term and Termination**

The term of this Agreement shall be for a period of two (2) years from the date the last party executes the Agreement. It is understood and agreed that this MOU may be terminated by either party upon ninety (90) days written notice. Under no circumstances will the reservation for the current year graduation ceremony be preempted if the MOU terminates.

#### **Indemnification**

As between the parties, each party will be solely responsible for liability arising from personal injury, including death, or damage to property arising from the act or failure to act of the respective party or

of its officials, agents and employees pursuant to the MOU. The liability of both parties shall be subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 et seq., N.M.S.A. 1978, and of any amendments thereto.

#### **Amendments**

The conditions of this MOU may be amended at any time by mutual agreement, which shall be in the form of a duly executed amendment to this MOU.

#### **NMSU CARLSBAD and CITY Representation**

Matters concerning the direction or negotiation of any changes in the terms or conditions cited in this MOU should be directed to **NMSU CARLSBAD** and **CITY's** Contracting Officer, or the duly authorized representative, at the following address:

##### CITY:

Harry Burgess, City Administrator  
City of Carlsbad  
101 N. Halagueno  
Carlsbad, NM 88221  
Phone: (575) 887-1191  
Fax: (575)  
E-mail Address: [hburgess@cityofcarlsbadnm.com](mailto:hburgess@cityofcarlsbadnm.com)

##### NMSU CARLSBAD

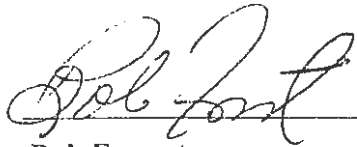
Cathy Dyck, V.P. Business & Finance  
NMSU CARLSBAD  
1500 University Drive  
Carlsbad, NM 88220  
Phone: (575) 234-9219  
Fax: (575) 234-9206  
E-mail Address: [cdyck@nmsu.edu](mailto:cdyck@nmsu.edu)

**IN WITNESS THEREOF**, the parties have executed this MOU by their duly authorized officials, in duplicate, on the dates indicated below.



By an Authorized Official of:

CITY OF CARLSBAD



Bob Forrest

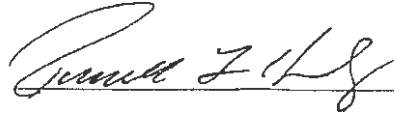
Date

Mayor

By an Authorized Official of:

NEW MEXICO STATE

UNIVERSITY at CARLSBAD

 1-25-10

Russell F. Hardy

Date

President

Exhibit A (REVISED 1/31/14)

Equipment Description	Model	Serial#	NMSU Tag#	Cost
7 EV Amplifiers in 1 Case	CP 4000S		U421941	\$11,893.00
7 EV Amplifiers in 1 Case	CP 4000S		U421943	\$11,893.00
5 EV Amplifiers in 1 Case	CP 4000S		U421939	\$9,780.00
Sound Processor		017034811619	U421942	\$1,085.00
Sound Processor		0170348-11623	U421940	\$1,085.00
ETC Lighting Control System	Express	89000967	U421944	\$4,406.50
Yamaha 48 Channel Mixer in Case	M7CL-48	86792832111	U421936	\$17,249.00
Leprecon 48 Channel Dimmer Rack (4) plus cart	Mx-2400	10273896-12-2007	U421937	\$17,409.39
Leprecon 48 Channel Dimmer Rack (4) plus cart	Mx-2400	1017871-7-25-2007	U421938	\$17,409.39
Sub Base Speaker	r:v2181	07152M0595	U421954	\$1,835.00
Sub Base Speaker	EV2.181	07274M0312	U421955	\$1,835.00
Sub Base Speaker	EV2181	07235M0848	U4 21956	\$1,835.00
Sub Base Speaker	EV2181	07152M0708	U421957	\$1,835.00
Sub Base Speaker	EV2181	07226M0314	U421958	\$1,835.00
Sub Base Speaker	EV2181	07264M0472	U421959	\$1,835.00
Sub Base Speaker	EV2181	07274M0313	U421960	\$1,835.00
Sub Base Speaker	EV2181	07263M0260	U421961	\$1,835.00
Sub Base Speaker	EV2181	07235M0849	U421962	\$1,835.00
Sub Base Speaker	EV2181	07263M0259	U421963	\$1,835.00
Sub Base Speaker	EV2181	07254M0631	U421964	\$1,835.00
Sub Base Speaker	EV2181	0726M0315	U421965	\$1,835.00
Speaker	EV2152	07264M0491	U421872	\$2,715.00
Speaker	EV2152	07267M0518	U421873	\$2,715.00
Speaker	EV2152	07227M1345	U421874	\$2,715.00
Speaker	EV2152	07227M1365	U421875	\$2,715.00
Speaker	EV2152	07240M0151	U421876	\$2,715.00
Speaker	EV2152	07240M0152	U421877	\$2,715.00
Speaker	EV2152	07267M0517	U421878	\$2,715.00
Speaker	EV2152	07240M0149	U421879	\$2,715.00
Speaker	EV2152	07227M1344	U421880	\$3,254.00
Speaker	EV2152	07227M1366	U421881	\$3,254.00

Speaker	EV2152	07264MO490	U421882	\$3254.00
Speaker	EV2152	07240M0150	U421883	\$3254.00
Fly Grid for Phoenix Speakers				\$539.00
Fly Grid for Phoenix Speakers				\$539.00
Fly Grid for Phoenix Speakers				\$1078.00
7-10 Foot Sections Medium Duty Truss				\$5450.09
4-20 in Extruded Pick up Bar with 5/8 Shackle				\$916.00
Light Bar with 24 HPL 750 wt lights				\$10,184.40
Light Bar with 64 Silver Par Can lights				\$8,436.99
Par 64 Lamps Medium and Narrow				\$3,630.00
18 – Light Bars 90 in L/SOC 90 Lamp				\$8,436.99
Cabeling for Lighting System (31)				\$9,995.61
Cables				\$1,480.01
Mole Richardson in betweenie 210 W kits			U407944	\$3,563.50
Mole Richardson in betweenie 210 W kits			U407943	\$3,563.50
RAPCO 56 Pair Splitter Snake System			U422008	\$3,275.00
DRAPER Deluxe Dress Kit – Focused Tech			U421969	\$2,699.00
DRAPER Deluxe Dress Kit – Focused Tech			U421967	\$2,699.00
DRAPER DELUXE CINEFOLD SCREEN			U421966	\$2,699.00
DRAPER DELUXE CINEFOLD SCREEN			U421968	\$2,699.00
DRAPER DELUXE PROJECTON SCREEN			U421970	\$1,349.00
DRAPER DELUXE REAR PROJECTION SCREEN			U421971	\$1,349.00
BALDWIN GRAND PIANO Serial # D112244			U428203	\$19,000.00
TOTAL				\$242,548.37

Inventory as of 1/31/14

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: March 11, 2014**

<b>DEPARTMENT:</b> Sports Complex	<b>BY:</b> John Lowe, Sports Superintendent	<b>DATE:</b> February 25, 2014												
<b>SUBJECT:</b> Renewal of Becky Thompson's Concession Services Agreement at The Bob Forrest Youth Sports Complex														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Becky Thompson's concession services contract for the three (3) concession stands located at the Bob Forrest Youth Sports Complex is scheduled for renewal. This renewal is presented with some compensation changes from Ms. Thompson's initial contract. Ms. Thompson has a long history in the food service industry and has done an excellent job in providing concession services at the BFYSC over the last year.														
<b>DEPARTMENT RECOMMENDATION:</b> Approve renewal of Becky Thompson's concession services contract.														
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> <table style="width: 100%; border: none;"><tr><td><input type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td></td></tr></table>			<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee												
<b>Reviewed by</b> <b>City Administrator:</b> /s/ Steve McCutcheon <span style="float: right;"><b>Date:</b> 3-6-2014 , 2013---</span>														

ATTACHMENTS: Renewal of Becky Thompson's Concession Services Agreement

**FIRST RENEWAL OF THE  
AGREEMENT BETWEEN THE CITY OF CARLSBAD AND  
BECKY THOMPSON FOR CONCESSION SERVICES  
AT THE BOB FORREST SPORTS COMPLEX**

1        THIS AGREEMENT is entered into at Carlsbad, New Mexico, this \_\_\_\_ day of \_\_\_\_\_,  
2        2014, by and between the **CITY OF CARLSBAD**, New Mexico, a municipal corporation,  
3        hereinafter referred to as the "City," and **BECKY THOMPSON**, an individual, hereinafter referred  
4        to as "**Thompson**."

5  
6        WHEREAS, the City owns and operates a facility known as the Bob Forrest Sports Complex,  
7        hereinafter referred to as the "Complex", at which there is a variety of youth sports venues including  
8        baseball, softball, and soccer fields; and

9  
10       WHEREAS, the Complex includes three concession facilities; and

11  
12       WHEREAS, in 2013, the City and Becky Thompson, hereinafter referred to as "Thompson",  
13       entered into an agreement by which Thompson provided concession services at the Complex; and

14  
15       WHEREAS, the parties wish to renew that agreement for an additional year with a  
16       modification to the compensation to be paid; and

17  
18       NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements  
19       herein contained, agree as follows:

20  
21  
22       1.        **2013 Agreement.** The Agreement Between the City of Carlsbad and Becky Thompson for  
23       Concession Services at the Bob Forrest Sports Complex dated March 26, 2013, is attached and is  
24       incorporated herein and made a part of this Renewal Agreement.

25  
26       2.        **Renewal for 2014-2015.** The parties agree to renew the Agreement dated March 26, 2013,  
27       for one year beginning March 27, 2014, and ending March 26, 2015.

28  
29       3.        **Modification.** This renewal shall be under the same terms and conditions, and the parties  
30       shall have the same rights and responsibilities as in the attached Agreement except that Paragraph  
31       5 of the Agreement shall be replaced with the following paragraph:

32       5.        **Compensation.** At least biweekly, Thompson shall remit to the City all gross  
33       revenues from any and all Concession Services provided, hereinafter "Gross  
34       Revenues". Along with the Gross Revenues, Thompson shall provide the City with  
35       a written invoice for the Concession Services provided during that time period. The  
36       City shall remit to the State of New Mexico the Gross Receipt Taxes due on the  
37       Gross Revenues. Then, in consideration for this Agreement, the City shall pay  
38       Thompson ninety percent (90%) of the Gross Revenues. The City shall receive ten  
39       percent (10%) of the Gross Revenues.  
40  
41



**AGREEMENT BETWEEN THE CITY OF CARLSBAD AND  
BECKY THOMPSON FOR  
CONCESSION SERVICES  
AT THE BOB FORREST SPORTS COMPLEX**

1        THIS AGREEMENT is entered into at Carlsbad, New Mexico, this 26 day of March,  
2        2013, by and between the **CITY OF CARLSBAD**, New Mexico, a municipal corporation,  
3        hereinafter referred to as the "City," and **BECKY THOMPSON**, an individual, hereinafter referred  
4        to as "**Thompson**."

5  
6        WHEREAS, the City owns and operates a facility known as the Bob Forrest Sports Complex,  
7        hereinafter referred to as the "Complex", at which there is a variety of youth sports venues including  
8        baseball, softball, and soccer fields; and

9  
10       WHEREAS, the Complex has three concession stands with related improvements, fixtures,  
11       and appliances; and

12  
13       WHEREAS, the City has previously allowed the various youth sports leagues to use the  
14       concession facilities at the Complex to raise money for the operation of youth sports activities; and

15  
16       WHEREAS, the Bob Forrest Sports Complex Advisory Board, hereinafter referred to as the  
17       "Board", has determined that it is in the best interest of the City to contract with a private  
18       concessionaire for the operation of the concession facilities; and

19  
20       WHEREAS, in its RFP No. 2013-12, the City sought proposals for the provision of those  
21       concession services; and

22  
23       WHEREAS, Thompson submitted a proposal in response to RFP No. 2013-12; and

24  
25       WHEREAS, the Board reviewed Thompson's proposal and recommended that the City  
26       accept the proposal and enter into an agreement with Thompson for the provision of concession  
27       services at the concession stands.

28  
29       NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements  
30       herein contained, agree as follows:

31  
32       1.       **Definitions.**

33       A.       "**Board**" shall mean the Bob Forrest Sports Complex Advisory Board as it is now  
34       composed or as it may be amended in the future.

35       B.       "**Complex**" shall mean the real property and all improvements, buildings, and  
36       fixtures thereon commonly known as the Bob Forrest Sports Complex and which is more  
37       particularly described in Exhibit "A" attached hereto.

38       C.       "**Concession Stands**" shall mean the three (3) structures identified as Concession  
39       Stands on Exhibit "A" and the related improvements, fixtures, and appliances described on  
40       Exhibit "B" and any additional Concession Stands as the City may construct or place on the  
41       Complex during the term of this Agreement.

1 D. "Concession Services" shall include, but not necessarily be limited to:

- 2 i. At all times during which scheduled sports events are conducted at the
- 3 Complex, providing a full range of food and beverage services at the
- 4 Concession Stands for the users of the Complex, including prepackaged and
- 5 prepared on-site foods and beverages, but Thompson shall not sell, serve, or
- 6 provide any alcohol or alcoholic beverages;
- 7 ii. Providing such non-food or beverage concession services as Thompson may
- 8 choose to provide, such as the sale of clothing, memorabilia, or merchandise
- 9 related to sports, the Complex, or the Carlsbad area;
- 10 iii. Operating, managing, coordinating, and promoting all concessions provided
- 11 by Thompson in a manner consistent with all applicable health and safety
- 12 laws, ordinances, rules, regulations, and policies;
- 13 iv. Making all financial records available to the Carlsbad City Council or its
- 14 representatives as the Carlsbad City Council deems necessary;
- 15 v. Remitting to the City all monies rightfully belonging to the City in fulfillment
- 16 of the terms of this Agreement;
- 17 vi. Paying promptly all taxes, licenses, and fees of whatever nature that are
- 18 applicable to the operations pursuant to this Agreement;
- 19 vii. Keeping, repairing, maintaining, improving, and operating the Concession
- 20 Stands in good order and repair at all times, at Thompson's sole expense, in
- 21 a safe, sanitary, orderly, sightly, and workmanlike manner in accordance with
- 22 all applicable laws, ordinances, codes, rules, regulations, and policies,
- 23 including, but not limited to janitorial services and those duties shown to be
- 24 performed by Thompson in Exhibit "C" attached hereto;
- 25 viii. Attending Board meetings as may be scheduled and such other meetings as
- 26 may be requested from time to time with the City Administrator, City staff,
- 27 and/or the Governing Body and providing them with information as may be
- 28 requested;
- 29 ix. Preparing and submitting monthly operation and revenue reports in a format
- 30 to be agreed to by the parties; and
- 31 x. Performing such additional duties as may from time to time be mutually
- 32 agreed to by the parties.
- 33

34 2. **Thompson Provided Services.** Thompson shall provide the City with full Concession

35 Services at the Concession Stands. In addition to such services, Thompson shall provide:

36 A. **Labor & Materials.** All labor, materials, supplies, equipment, and tools needed to

37 perform the Concession Services. Thompson shall be solely responsible for all work

38 performed and for the selection, operation, maintenance, and repair of all materials, supplies,

39 equipment and tools used; and

40 B. **Personnel.** All necessary personnel, appropriately selected, qualified, and

41 supervised.

42

43



- 1     3.     **City Provided Services.** The City shall:
- 2         A.     **Schedule.** The City shall provide Thompson with a written schedule of sports events
- 3         to be held at the Complex. The schedule shall be provided to Thompson within five (5) days
- 4         of the City's receipt of it.
- 5         B.     **Utilities.** Provide all reasonable and necessary utility services for water, sewer,
- 6         electricity, natural gas, if any, and garbage and trash collection. All applications and
- 7         connections for all other utilities or services shall be made by and in the name of Thompson.
- 8         Thompson shall be solely responsible for any charges, fees, or expenses for such other utility
- 9         or service as they become due.
- 10        C.     **Maintenance.** The City shall also provide such services as shown to be performed
- 11        by the City in Exhibit "C" attached hereto.
- 12
- 13     4.     **Exclusive Rights.** Thompson shall have the exclusive right to sell food and beverages at the
- 14     Complex. Her right to sell non-food or beverage concession items shall be nonexclusive.
- 15
- 16     5.     **Compensation.** In consideration for this Agreement, Thompson shall pay to the City thirty-
- 17     five percent (35%) of her net revenues from any and all Concession Services provided. The City's
- 18     portion of the net revenues shall be remitted by Thompson to the City at least once per week. The
- 19     remittance shall be accompanied by a written statement certified by Thompson of the net revenue
- 20     for the Concession Services.
- 21
- 22     6.     **Right to Inspect and Audit.** Upon reasonable notice to Thompson, the City shall have the
- 23     right, but not the obligation, to inspect, copy, and audit or have its representative inspect, copy, and
- 24     audit all records maintained by or on behalf of Thompson as may be necessary to make a full, proper,
- 25     and complete audit of all business transacted by Thompson in connection with her operations
- 26     hereunder.
- 27
- 28     7.     **Storage of Equipment and Supplies.** Thompson may store her equipment, supplies, and
- 29     materials at the Complex in locations designated in writing by the City. Thompson shall be solely
- 30     responsible for the security of any equipment, supplies, or material so stored and for all needed
- 31     janitorial services and routine maintenance of the storage areas or structures used by Thompson.
- 32     Storage or disposal on the Complex of any materials or waste defined as hazardous or toxic by local,
- 33     state, or federal laws, rules, regulations, or policies shall be prohibited except with the prior written
- 34     permission of the City.
- 35
- 36     8.     **Prevention of Waste and Damage.** Thompson shall use all reasonable cautions to prevent
- 37     waste, damage, or injury to property of the City in the performance of her obligations under this
- 38     Agreement. Thompson shall be solely responsible for any damage to or destruction of City property
- 39     caused by the acts, willful or otherwise, of Thompson's officers, employees, or agents.
- 40
- 41     9.     **Reporting Damage.** Upon learning of any vandalism, damage, or destruction to the
- 42     Concession Stands or of any repair or maintenance that is to be performed by the City, Thompson
- 43     shall immediately report it verbally to the City. She shall also report such matters in writing within
- 44     five (5) business days.

1 10. **Structural Changes.** Thompson shall not make any structural changes to the Concession  
2 Stands or to any structure, building, improvement used by Thompson, without the prior written  
3 consent of the City. All such changes shall be performed in a workmanlike manner and shall be  
4 done in accordance with all applicable laws, rules, and regulations. All alterations, additions, and  
5 improvements shall become a part of the Complex and the sole property of the City without offset  
6 or compensation to Thompson, except as may be agreed by the parties in writing. Thompson shall  
7 also:

8 A. **City Approval.** Submit all plans and specifications to the City Administrator for  
9 written approval prior to commencing any work;

10 B. **Filing.** File with and obtain the approval of all plans and specifications with all  
11 governmental departments and authorities having jurisdiction, prior to the commencement  
12 of any work; and

13 C. **Licensed Contractor.** Have any and all such activity done by appropriately licensed  
14 contractors and done in accordance with all applicable laws, rules, and regulations.  
15

16 11. **Right to Enter and Inspect.** The City shall have the right to enter the Complex and the  
17 Concession Stands to inspect or to have its representative enter and inspect the Complex and the  
18 Concession Stands, including but not limited to all improvements, buildings, fixtures, appliances,  
19 and personal property at any time.  
20

21 12. **Compliance with Laws.** Thompson shall comply with all applicable local, state, and federal  
22 laws, rules, regulations, codes, policies, and inspections and shall obtain and maintain any and all  
23 permits, licenses, or certifications that may be necessary to carry out the operations contemplated by  
24 this Agreement, including, but not limited to obtaining and maintaining the permit or permits needed  
25 to operate a food service establishment. In the event Thompson should cease to be properly  
26 permitted, licensed, or certified, she shall immediately inform the City Administrator and shall  
27 immediately cease her operations pursuant to this Agreement. Within five (5) days of ceasing to be  
28 properly permitted, licensed, or certified, Thompson shall also notify the City in writing of that  
29 event. Thompson shall require all her employees, officers, and agents, to comply with all applicable  
30 local, state, and federal laws, rules, regulations, codes, policies, and inspections.  
31

32 13. **Assignment of Agreement.** Thompson shall not sublease, assign, or transfer any interest  
33 in or right to this Agreement without the prior written approval of the City.  
34

35 14. **AS IS Condition.** Prior to the commencement of this Agreement, Thompson fully examined  
36 and inspected the Complex, the Concession Stands, and their improvements, buildings, fixtures,  
37 appliances, and personal property therein. Thompson accepts the Complex, Concession Stands, and  
38 such improvements, buildings, fixtures, appliances, and personal property in their existing condition  
39 and state of repair. Thompson accepts them in an **AS IS CONDITION**. Thompson agrees that no  
40 representations, statements, or warranties, express or implied, have been made by or on behalf of the  
41 City in respect thereto, including, but not limited to their suitability for any purpose, and the City  
42 shall in no event be liable for any latent defects. The parties understand that the City may, in its sole  
43 discretion and as funding may permit, add additional Concession Stands to the Complex.  
44

1 15. **Term.** The term of this Agreement shall be for one (1) year beginning on the 27<sup>th</sup> day  
2 of March 2013 and terminating on the 26<sup>th</sup> of March 2014. Upon the mutual  
3 agreement of the parties, this Agreement may be renewed for a maximum of three (3) additional  
4 terms of one (1) year each. Such renewals, if any, shall be upon the same terms and conditions as  
5 herein, or upon such terms and conditions as the parties may mutually agree.

6  
7 16. **Records.** For the term of this Agreement and for five (5) years after the expiration or  
8 termination of this Agreement, Thompson shall maintain copies of all records regarding any and all  
9 activities she conducts pursuant to this Agreement. The City shall have the right to inspect and copy  
10 or have its representative inspect and copy such records upon reasonable notice to Thompson.

11  
12 17. **Indemnification.** Thompson agrees to indemnify, save, and hold harmless the City, its  
13 officers, and employees against all liability, claims, damages, losses, or expenses of every kind,  
14 including reasonable attorneys' fees together with costs and expenses of litigation, arising out of,  
15 from, or associated in any manner with the acts or omissions of Thompson, her officers, agents, or  
16 employees.

17  
18 18. **Insurance.** At all times material to this Agreement and for any further time that Thompson  
19 may occupy any portion of the Complex, including, but not limited to the Concession Stands:

20 A. **Public Liability Insurance.** Thompson shall obtain and maintain, at her own  
21 expense, public liability insurance in the sum of one million dollars (\$1,000,000.00). Such  
22 insurance shall name the City as an additional insured.

23 B. **Automobile Liability Insurance.** Thompson shall obtain and maintain, at her own  
24 expense, automobile liability insurance in the sum of one million dollars (\$1,000,000.00).  
25 Such insurance shall name the City as an additional insured.

26 C. **Thompson Property and Casualty.** Thompson shall be responsible for obtaining  
27 and maintaining, at her own expense, fire, property, and casualty insurance covering all  
28 improvements, fixtures, appliances, and appurtenances owned by Thompson or used or  
29 placed at the Complex by Thompson should she desire such insurance. Thompson knows  
30 and understands that the City shall **NOT PROVIDE** fire, property, or casualty insurance for  
31 any improvements, fixtures, appliances, and appurtenances not owned by the City.  
32 Thompson shall be solely responsible for obtaining and maintaining such coverage. The City  
33 assumes no responsibility for any property used or placed at the Complex. The City, its  
34 officers, employees, and agents are hereby expressly released and discharged from any  
35 responsibility whatsoever for any such property.

36 D. **Certificates of Insurance.** All insurance shall be with a company or companies  
37 licensed and authorized to do business in the State of New Mexico. No later than the  
38 effective date of this Agreement, Thompson shall provide the City Administrator with a  
39 Certificate or Certificates of Insurance reflecting the coverages specified herein and naming  
40 the City as loss payee as its interests may exist and as an additional insured. Thompson shall  
41 annually furnish to the City Administrator a Certificate or Certificates of Insurance for the  
42 above required insurances. Thompson shall provide the City Administrator with notice of  
43 any change thereof, and furnish to the City Administrator evidence of acquirement of a  
44 substitute therefore, and payment of the premium thereof. If Thompson should fail to

maintain such insurance coverage or coverages, then the City may, at its sole discretion, obtain such insurance to insure its interests. If the City does so, it may recover the cost of that insurance from Thompson. The City's acquisition of such insurance shall not relive Thompson of her obligation to obtain and maintain insurance as required herein.

19. **Default or Breach.** Each of the following events shall constitute a default or breach of this Agreement:

A. **Voluntary Proceedings.** If Thompson, during the term of this Agreement, shall file a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act, or shall voluntarily take advantage of any such act by answer or otherwise, or shall make an assignment for the benefit of creditors.

B. **Involuntary Proceedings.** If involuntary proceedings under any bankruptcy law or insolvency act shall be instituted against Thompson, or if a receiver or trustee shall be appointed for all or substantially all of the property of Thompson and such proceedings shall not be dismissed or the receivership or trusteeship vacated within sixty (60) days after the institution or appointment.

C. **Failure to Comply.** If Thompson fails to perform or comply with any of the conditions of this Agreement, and if the nonperformance shall continue for a period of fifteen (15) days after notice thereof by the City to Thompson, or, if the performance cannot be reasonably had within the fifteen (15) day period, and Thompson shall not in good faith have commenced performance within the fifteen (15) day period and then diligently proceeded to completion of performance.

D. **Transfer.** If this Agreement shall be transferred to or shall pass to or devolve to any other person or party, except in the manner specified herein.

20. **Effect of Default.** In the event of default hereunder as set forth in this Agreement, the rights of the City shall be as follows:

A. **Termination.** The City party shall have the right to cancel and terminate this Agreement. On expiration of the time fixed in the notice, this Agreement and all rights, title, and interest of the Thompson hereunder shall terminate in the same manner and with the same force and effect, except as to Thompson's liability, as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

B. **Correction.** The City may elect, but shall not be obligated, to make any payment required of Thompson herein or comply with any agreement, term, or condition required hereby to be performed by Thompson, and the City shall have the right to enter the Complex, including but not limited to the Concession Stands for the purpose of directing or remedying any such default and to remain until the default has been corrected or remedied; but any expenditure for correction by the City shall not be deemed to waive or release the default of Thompson or the right of the City to take any action as may be otherwise permissible or to seek other remedy under the law.

21. **Non-Waiver.** Waiver by the City of any default in performance by Thompson of any of the terms or conditions contained in this Agreement shall not be deemed a continuing waiver of that default or any subsequent default.

1 22. **Funding Availability.** The funding of this Agreement is subject to the availability and  
2 appropriation of funds by the City Council of Carlsbad, New Mexico. If sufficient funding is not  
3 available or not appropriated by the City Council, then this Agreement is terminated and the City  
4 shall not incur any penalty or further liability.

5  
6 23. **Destruction of the Complex.** In the event the Complex or any portion of it is totally  
7 destroyed or so partially destroyed or damaged as to render it incapable of reasonable use, then the  
8 City may, at its sole discretion, choose to repair the damage or destruction or choose to terminate this  
9 Agreement without incurring any penalty or further liability.

10  
11 24. **Termination.** Either party may terminate this Agreement without cause by providing the  
12 other party with written notice of its intention to terminate this Agreement at least ninety (90) days  
13 prior to the termination date. By such termination, neither party may nullify obligations already  
14 incurred prior to the date of termination of the Agreement. However, neither party shall have any  
15 obligation to perform services or make payment for such services rendered after such date of  
16 termination.

17  
18 25. **Surrender of the Complex.** Thompson shall, on the last day of the term of this Agreement  
19 or on earlier termination and forfeiture of this Agreement, peaceably and quietly surrender and  
20 deliver the Complex, including, but not limited to the Concession Stands, free of subtenancies,  
21 including all buildings, additions and improvements constructed or placed thereon by Thompson,  
22 except movable trade fixtures, all in good condition and repair. Any trade fixtures or personal  
23 property belonging to Thompson, not removed within thirty (30) days after the termination of this  
24 Agreement, and if the City shall so elect, shall be deemed abandoned and become the property of the  
25 City without any payment or offset thereof.

26  
27 26. **Entirety of Agreement; Modifications.** This Agreement incorporates all the agreements,  
28 covenants, and understandings between the parties hereto concerning the subject matter hereof, and  
29 all such covenants, agreements, and understandings have been merged into this written Agreement.  
30 No prior or contemporaneous agreement or understanding, verbal or otherwise, of the parties or their  
31 agents shall be valid or enforceable unless embodied in this Agreement. The parties expressly waive  
32 any other or further representations, warranties, or agreements not set forth in this document.  
33 Neither this Agreement nor any provisions hereof may be waived, modified, amended, discharged  
34 or terminated except by an instrument in writing executed with the same formality as with this  
35 Agreement and then only to the extent set forth in such instrument.

36  
37 27. **Independent Contractor.** Thompson, her officers, employees, and agents are independent  
38 contractors performing services for the City and are not employees of the City. Thompson and her  
39 officers, employees, and agents shall not accrue leave, retirement, insurance, bonding, use of City  
40 vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this  
41 Agreement.  
42

1 28. **Limit of Authority.** Thompson shall not purport to bind the City of Carlsbad, unless  
2 Thompson has express written authority to do so, and then only within the strict limits of that  
3 authority.

4  
5 29. **Workers' Compensation.** Thompson agrees to comply with state laws and rules applicable  
6 to workers compensation benefits for her employees. If Thompson fails to comply with the Workers'  
7 Compensation Act and applicable rules when required to do so, this Agreement may be terminated  
8 by the CITY.

9  
10 30. **Procurement Code Penalties.** The Procurement Code, NMSA 1978, Sections 13-1-28  
11 through 13-1-199, imposes civil and criminal penalties for its violation. In addition, the New  
12 Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

13  
14 31. **Notices.** All notices permitted or required by the terms of this Agreement shall be in writing  
15 and be deemed to have been duly given and delivered, if mailed, certified postage prepaid:

16 If to the City:

17 The City of Carlsbad  
18 c/o City Administrator  
19 P.O. Box 1569

20 Carlsbad, NM 88221-1569

If to Thompson:

21 Becky Thompson  
22 810 Preston Trail  
23 Carlsbad, NM 88220

24 The parties shall notify each other in writing of any change in the above information.

25  
26 32. **New Mexico Law.** This Agreement shall be construed in accordance with New Mexico law,  
27 and the Agreement may not be changed except by writing executed with the same formality as with  
28 this Agreement.

29 33. **ARBITRATION.** SHOULD ANY DISPUTE ARISE BETWEEN THE PARTIES IN  
30 CONNECTION WITH THE AGREEMENT AND IF SUCH DISPUTE CANNOT BE RESOLVED  
31 BY DISCUSSION BETWEEN THE PARTIES, THE PARTIES AGREE TO SUBMIT THE  
32 UNRESOLVED DISPUTE TO BINDING ARBITRATION, PURSUANT TO THE RULES OF  
33 THE AMERICAN ARBITRATION ASSOCIATION, IN LIEU OF LITIGATION.

34 34. **Venue.** The parties agree that legal actions arising out of this Agreement, should there be  
35 any, shall be brought in the District Court of Eddy County, New Mexico for the Fifth Judicial  
36 District. The parties expressly consent to both in personam and subject matter jurisdiction of the  
37 Eddy County District Court and agree that venue shall properly lie in the Eddy County, New Mexico  
38 District Court.

39 35. **WAIVER OF JURY TRIAL.** THE PARTIES HEREBY WAIVE THE RIGHT TO A  
40 JURY TRIAL ON ANY ISSUE ARISING OUT OF OR RELATING, DIRECTLY OR  
41 INDIRECTLY, TO THIS AGREEMENT OR THE TRANSACTIONS CONTEMPLATED  
42 HEREBY.  
43

37. **Exhibits.** Any instrument or document made and attached to this Agreement shall constitute a part hereof as though set forth in full in the body of this Agreement, whether made a part hereof by reference or whether made a part hereof by attachment.

  
DALE JANWAY, MAYOR

Annotti Bernini  
CITY CLERK

Becky Thompson  
BECKY THOMPSON

[illegible]

The foregoing instrument was signed and acknowledged before me this 22<sup>nd</sup> day of March, 2013, by BECKY THOMPSON.

My commission expires: 8-21-2014

Jeanne M. Thompson  
NOTARY PUBLIC

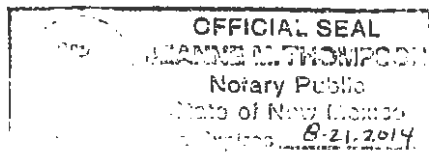
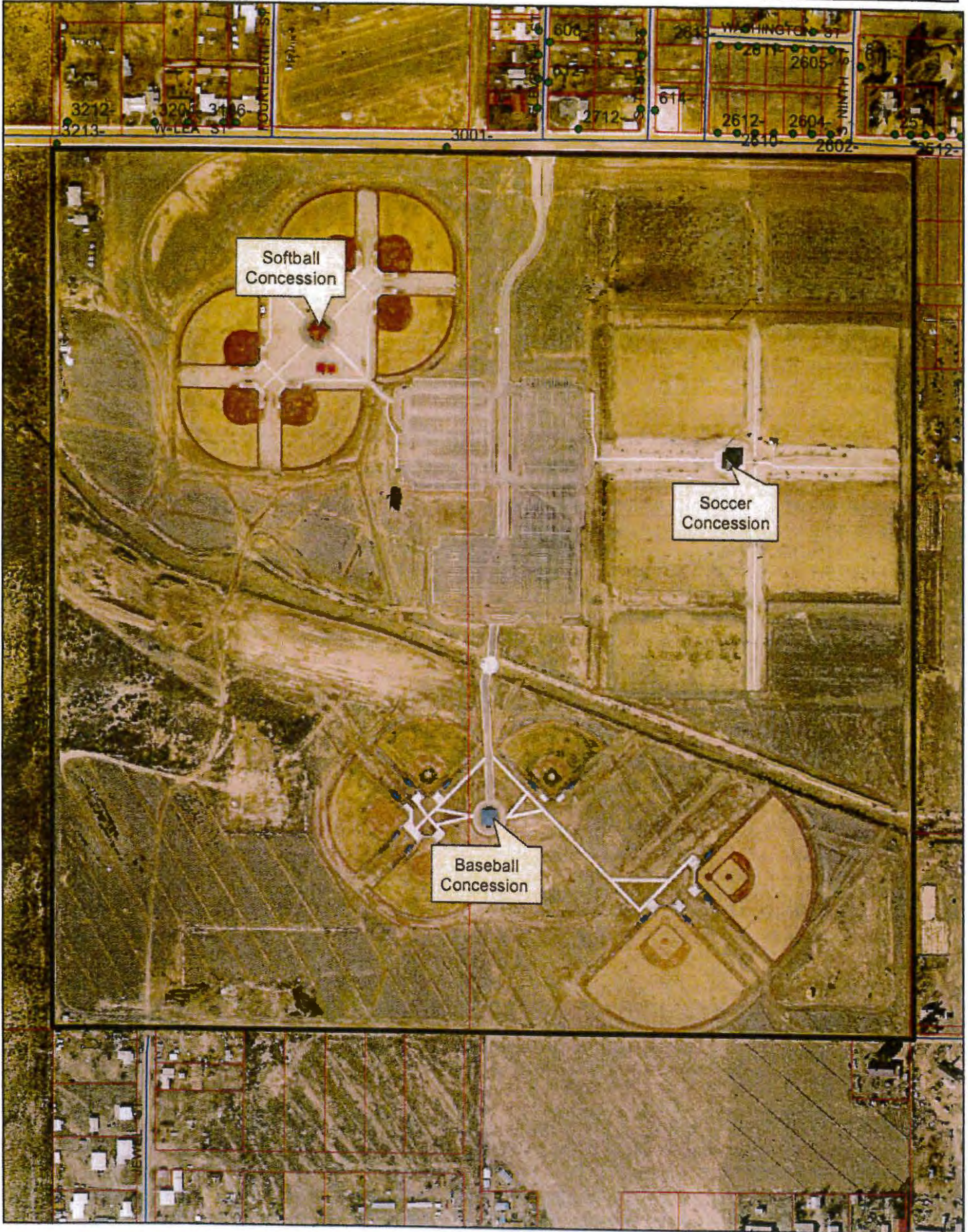




EXHIBIT A  
Bob Forrest Sports Complex





# EXHIBIT "B"

## BOB FORREST YOUTH SPORTS COMPLEX

City owned equipment in concession stands

March 22, 2013

### Softball Concession

NSF commercial refrigerator – fixed asset number 00010452

54" x 24" NSF stainless steel food prep table (1)

60" x 24" NSF stainless steel food prep table (2)

84" x 24" NSF stainless steel food prep table (1)

72" x 36" NSF stainless steel food prep table (1)

30" x 24" NSF stainless steel food prep table (2)

100" x 30" NSF stainless steel sink

### Baseball Concession

NSF commercial refrigerator – No fixed asset sticker

54" x 24" NSF stainless steel food prep table (1)

60" x 24" NSF stainless steel food prep table (2)

84" x 24" NSF stainless steel food prep table (1)

72" x 36" NSF stainless steel food prep table (1)

30" x 24" NSF stainless steel food prep table (2)

100" x 30" NSF stainless steel sink

### Soccer Concession Stand

NSF commercial refrigerator – No fixed asset sticker

54" x 24" NSF stainless steel food prep table (1)

60" x 24" NSF stainless steel food prep table (2)

84" x 24" NSF stainless steel food prep table (1)

72" x 36" NSF stainless steel food prep table (1)

30" x 24" NSF stainless steel food prep table (2)

100" x 30" NSF stainless steel sink

## EXHIBIT “C”

### MAINTENANCE, REPAIR, AND REPLACEMENT RESPONSIBILITIES

ITEMS		RESPONSIBLE PARTY	
		MAINTENANCE AND REPAIR	REPLACEMENT
1.	Building Structural Components	City	City
2.	Roofs	City	City
3.	Windows	City	City
4.	Window Coverings	Thompson	Thompson
5.	Glass	City	City
6.	Doors	City	City
7.	Interior Walls	City	City
8.	Interior Painting	Thompson	Thompson
9.	Floor Coverings, Tile	City	City
10.	Drop Ceilings	City	City
11.	Plumbing Fixtures	City	City
12.	Light Fixtures - Mounted	City	City
13.	Light Fixtures - All others	Thompson	City
14.	Light Bulbs, Tubes	N/A	Thompson
15.	Security System	City	City
16.	HVAC - Electrical/Mechanical Components	City	City
17.	HVAC - Duct work, and remainder	City	City
18.	Appliances owned by Thompson	Thompson	Thompson
19.	Appliances owned by City	City	City
20.	Furnishings	Thompson	Thompson
21.	Exterior Painting and Surfaces	City	City
22.	Sidewalks, Exterior Public Areas	City	City

## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 3/11/14

<b>DEPARTMENT:</b> Executive	<b>BY:</b> Anna Beason, Project Administrator	<b>DATE:</b> 3/3/14
<b>SUBJECT:</b> Grant application to New Mexico Aviation Division for fencing at Cavern City Air Terminal		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>Attached for the Council's consideration is a grant application to the New Mexico Aviation Division (NMAD) requesting financial support to replace approximately 1,500 lf of perimeter fencing that was washed out during the flood event in September 2013. An initial application was submitted to FEMA and FEMA informed that the airport is a state and federally sponsored airport and our request should be submitted direct to the airport agencies. NMAD and Federal Aviation Administration (FAA) have agreed to participate in the project. The estimated cost by the project engineer, Molzen-Corbin, is \$200,000. The increase in cost is due to the added gabion structure that will be constructed to support the fencing. The engineer recommends the gabions to withstand flooding in this area and aid in prevention of further soil erosion.</p> <p>We will be requesting FAA participation of \$187,500 (93.75%). The remaining \$12,500 is a 50/50 split between the City and NM Aviation Division. Attached is the grant application to NMAD for the state's participation of \$6,250.</p>		
<p><b>DEPARTMENT RECOMMENDATION:</b> Council authorization to submit a grant application to NMAD and acceptance of the grant offer once tendered.</p>		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
P & Z Museum Board Library Board	Lodgers Tax Board San Jose Board N. Mesa Board	Cemetery Board Water Board Insurance Committee
} <input checked="" type="checkbox"/> <b>APPROVED</b> } <input type="checkbox"/> <b>DISAPPROVED</b>		

**Reviewed by:**  
**City Administrator** /s/ Steve McCutcheon

**Date:** 3-6-2014

ATTACHMENT(S): Grant Application  
 A.ABM.Airport Fence Replacement

3/3/2014

DATE

Feb 21, 2014

# STATE GRANT AGREEMENT FOR AIRPORT PROJECTS



*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE

## AVIATION DIVISION

Sponsor

City of Carlsbad

Respond to:  
NMDOT - AVIATION DIVISION  
PO Box 9830  
Albuquerque, NM 87119  
505-244-1788 phone  
505-244-1790 fax

Contract No. \_\_\_\_\_

Project No. \_\_\_\_\_

Vendor No. \_\_\_\_\_

Expiration Date \_\_\_\_\_

Purchase Order No: \_\_\_\_\_

PROJECT AGREEMENT

This Project Agreement / Application is between 

City of Carlsbad

 , New Mexico (Sponsor) and The State of New Mexico, acting through the New Mexico Department of Transportation, Aviation Division (Division) for the purpose of carrying out the provisions of Section 64-1-13, NMSA 1978 of the Aviation Act (Act) and Sections 3-39-1 et. seq., NMSA 1978 of the Municipal Airport Law

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

SECTION ONE - PURPOSE

The purpose of this Agreement / Application is to provide funding, authorized in Section 64-1-13, NMSA 1978, to the Sponsor to assist in financing an airport or aviation project at 

Cavern City Air Terminal

Based on the Sponsor's request, the Division has granted state funding to pay 

50

 % of the Sponsor's share of all allowable costs for the project.

Project Description:

Replace high game fence with new fence and gabion structures

The site of development is more particularly described on the property map, attached as "Exhibit A"

Items of work, cost and source of funds as stated in "Exhibit B", of this Agreement.

FUNDING

STATE		SPONSOR		OTHER		TOTAL	
\$	<div>6,250</div>	\$	<div>6,250</div>	\$	<div>187,500</div>	\$	<div>200,000</div>

ROUND TO THE NEAREST DOLLAR

## SECTION TWO - PROJECT FUNDING

1. The funding for this project is set forth in EXHIBIT B.
2. The maximum obligation of the State payable by the Division under this Agreement is set forth in EXHIBIT B.
3. Funding approved under this Agreement / Application shall be paid subject to the availability of funds from the the State Aviation Fund. Any unexpended portion of funds subject to this agreement shall revert to the State Aviation Fund.

## SECTION THREE - SPONSOR SHALL

1. Pay all costs, perform all labor, and supply all material, except as described in EXHIBIT B of this Agreement, for the purpose as described in SECTION ONE.
2. Provide a representative from its organization who shall serve as the single point of contact for the Division.
3. Maintain in force a **Maintenance Resolution** by which the Sponsor agrees to establish an airport maintenance program and appoint an individual to be responsible for its effectuation.
4. Initiate engineering, survey, and all other design activities, inspect Project construction and, coordinate all meetings.
5. Be responsible for all design and pre-construction activities.
6. Initiate and cause to be prepared all necessary documents including plans, specifications, and estimates (PS&E), and reports for this Project.
7. Assure that all design and PS&E are performed under the direct supervision of a Registered New Mexico Professional Engineer.
8. Design the Project in accordance with State and Federal guidelines and/or advisory circulars, hereby incorporated into this Agreement. The work will be accomplished in accordance with the Federal Aviation Administration's Standards for Specifying Construction of Airports (Advisory Circular 150/5370-10, current edition).
9. Notify the Division when the plans and specifications are sufficiently complete for review.
10. Make no changes in design or scope of work without documented approval of the Aviation Division.
11. Advertise for and contract for the construction of the Project.
12. Require the Engineer to prepare a final detail estimate of the work, indicating the bid items, the quantity in each item, the unit bid price and cost of the items based on low acceptable bid prices. Progress estimates shall be submitted to the Division in acceptable form so that details of quantities allowed on various items of work shall be shown on each progress payment.

13. The Sponsor shall submit to the Division one complete set of plans and specifications which incorporate all comments and recommendations received during pre-bid activities and which have been fully executed by all involved parties.
14. The Sponsor shall take all steps, including litigation if necessary, to recover State funds spent fraudulently, wastefully, or in violation of State statutes, or misused in any other manner on any project upon which State funds have been expended. For the purposes of this Agreement, the term "State funds" means funds, however used or disbursed by the Sponsor, that were paid by the Division pursuant to this Agreement. The Sponsor shall return the recovered State share, including funds recovered by settlement, order, or judgment, to the Division. It shall furnish to the Division, upon request, all documents and records pertaining to the determination of the amount of the State share of any settlement, litigation, negotiation, or the efforts taken to recover such funds. All settlements or other final dispositions by the Sponsor, in court or otherwise, involving the recovery of such State share shall be approved in advance by the Division.
15. The Sponsor shall, upon reasonable notice, allow the Division the right to inspect the project for the purposes of determining if it is being constructed in a good and workmanlike manner, and if the approved plans and specifications are being satisfactorily complied with. If such inspection discloses a failure to substantially meet such requirements and standards as, agreed to by the Division, the Division may terminate payment or payments until a mutually satisfactory remedy is agreed upon.

#### **SECTION FOUR - DIVISION SHALL**

1. Assign a contact person for this project.
2. Provide timely reviews of all submittals of scopes, plans, specifications, investigations or other documents.
3. The Division shall not provide an extensive check of any plans submitted by the Sponsor. Acceptance of plans by the Division does not relieve the Sponsor or its Consultant of their responsibility for errors and omissions.

#### **SECTION FIVE - BOTH PARTIES AGREE**

1. If upon termination of this Agreement there remain any properties, materials or equipment belonging to the Division, the Sponsor shall account for the same and dispose of them as directed by the Division.
2. The allowable costs of the Project shall not include costs determined by the Division to be ineligible for consideration under the Act.
3. The expenditure of any State money is subject to approval by the Division.

4. The Local Governments Road Fund, established pursuant to Section 67-3-28.2, NMSA 1978, shall not be used to administer this project.
5. A Sponsor that has received a distribution pursuant to Section 67-3-28.2, NMSA 1978, may not use this distribution to meet its match required for this project.

## SECTION SIX - DISPOSITION OF PROPERTY

1. **Disposition of Property** - Any equipment, materials or supplies procured under this Agreement shall be used solely for aviation purposes and must be stored at the airport.

## SECTION SEVEN - REPRESENTATIONS

The Sponsor hereby represents and certifies the following by signing this Agreement:

1. **Legal Authority** - The Sponsor has the legal power and authority: (1) to do all things necessary in order to undertake and carry out the Project in conformity with the provisions stated in the New Mexico Aviation Act and Rules and Regulations pursuant thereto; (2) to accept, receive and disburse grants of funds from the State of New Mexico in aid of the Project; and (3) to carry out all provisions stated in this "Grant Agreement for Airport Projects."
2. **Defaults** - The Sponsor is not in default on any obligation to the State of New Mexico relative to the development, operation or maintenance of any airport or aviation project.
3. **Possible Disabilities** - The Sponsor states, by execution of this Agreement, there are no facts or circumstances (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project.
4. **Land** - The Sponsor holds the property interest in the areas of land which are to be developed or used as part of or in connection with the Project and is identified in a current Airport Property Map. The Sponsor further certifies that the aforementioned is based on a title examination by a qualified attorney or title company who has determined that the Sponsor holds the stated property interests.

## SECTION EIGHT - ASSURANCES

The Sponsor hereby covenants and agrees with the Division the following by signing this Agreement

1. The Sponsor agrees that it will operate the airport receiving aid under this application for the use and benefit of the public on fair and reasonable terms, and without unjust discrimination.
2. The Sponsor specifically agrees that it will keep said airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds, and classes: **provided**, that the Sponsor establish such fair, equal and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport;



3. The Sponsor agrees that in its operation of the airport and all facilities. Neither it nor any person or organization occupying space on facilities thereon will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of the facility provided for the public on the airport; and further that any person, firm or corporation rendering service to the public on the airport will do so on a fair, equal and not unjustly discriminatory basis to all users thereof.
4. The Sponsor will operate and maintain in a safe and serviceable condition the airport and all facilities connected therewith which are necessary to serve the aeronautical users and will not permit any activity which would interfere with its use for airport purposes.
5. The Sponsor will, by acquisition of land interest, acquisition of easements, airspace zoning, or other accepted means, protect the runway approaches and the airspace in the immediate vicinity of the airport from the construction, alteration, erection or growth of any structure which would interfere with the use or operation of the airport.
6. The Sponsor agrees that no landing fee shall be charged any owner or operator of aircraft using said airport; which would be in violation of Section 64-1-16, NMSA 1978, as amended.
7. If said airport is on private land, the Sponsor shall attach a duly executed agreement permitting public use of this land for airport purposes without limit as to time, titled "Exhibit C".
8. The Sponsor agrees to comply with the New Mexico Aviation Act and the rules and regulations promulgated there under.
9. The Sponsor hereby specifically agrees that it shall not award the contract for which this grant is given, nor shall bidding documents be given to any contractor which or who is subject to suspension or debarment by the U.S. Department of Transportation or any of its agencies, or the New Mexico Department of Transportation at the time of the bidding or award of the contract. Violation of this provision shall void this grant.

## **SECTION NINE - COMPLIANCE WITH LAW**

The Sponsor shall comply with all Federal, State, and local laws and ordinances applicable to the project.

## **SECTION TEN - THIRD PARTY BENEFICIARY CLAUSE**

This Agreement is not intended by any of the provisions of any of its parts to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to this Agreement to maintain a suit for wrongful death, bodily and or personal injury to persons, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

## **SECTION ELEVEN - COMPLIANCE WITH EMPLOYMENT LAW AND COOPERATION WITH DEPARTMENT INVESTIGATIONS**

The Sponsor shall comply with all applicable Federal, State, and Department laws, regulations and policies, including, but not limited to laws governing, civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operation of the workplace, including laws and regulations hereafter enacted. The Sponsor shall furnish all information and reports required by, or pursuant to, the rules, regulations, and policies of the Department, and will permit access to, and the interview of, its employees, and the, except for legally privileged material, examination and copying of its employee records by investigators for the Department's Equal Opportunity Programs Bureau, Office of Inspector General, and Risk Management Bureau, the New Mexico Attorney General's Office, the New Mexico Department of Labor, and all branches of the United States Department of Transportation; and will otherwise fully cooperate with all such investigations.

## **SECTION TWELVE - NEW MEXICO TORT CLAIMS ACT**

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, et seq., NMSA 1978, as amended. This paragraph is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. The Sponsor and its "public employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

## **SECTION THIRTEEN - ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS**

There shall be strict accountability for all receipts and disbursements relating hereto. The Sponsor shall maintain all records and documents relative to the Project for a minimum of three (3) years after completion of said Project. The Sponsor shall furnish the Division or State Auditor, upon demand, all records relevant to this Agreement and allow them the right to audit all records which support the terms of this Agreement.

## **SECTION FOURTEEN - REIMBURSEMENTS**

Funds expended by the Sponsor in accordance with the terms of this Agreement shall be reimbursed to the Sponsor. The Sponsor shall not be reimbursed for any costs incurred prior to the full execution of the Agreement, after the expiration of the Agreement or in excess of the maximum dollar amount of the Agreement unless the maximum dollar amount is duly amended prior to incurring the service or deliverable. Claims for reimbursement requests shall be completed on a (State) form A-1159, Request for Reimbursement.

Each request for reimbursement shall contain proof of payment for valid expenditures for services rendered by a third party or items of tangible property received by the Sponsor for the implementation of the Project. The Division reserves the right to withhold reimbursement on requests that are incorrect and/or incomplete. The Final reimbursement request must be received no later than thirty (30) days after completion of the project or the expiration of this Agreement.

Any unexpended portion of funds subject to this Agreement shall revert to the State Aviation Fund.

## **SECTION FIFTEEN - AUTHORIZATION OF EXPENDITURES**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the State Legislature this Agreement shall terminate upon written notice given by the Division. The Division is expressly not committed to the expenditure of any funds until such time, as they are programmed, budgeted, encumbered and approved for expenditure by the Division. The Division's decision as to whether its funds are sufficient for the fulfillment of this Agreement shall be final.

## **SECTION SIXTEEN - TERM**

The Agreement shall not take effect until executed by all of the parties hereto. This Agreement shall not exceed two (2) years. This agreement shall expire two (2) years from complete execution.

## **SECTION SEVENTEEN - TERMINATION**

If the Sponsor fails to comply with any provision of this Agreement, the Division has the option to terminate this Agreement. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to termination of this Agreement.

## **SECTION EIGHTEEN - MERGER**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, by parties or their agents shall be valid or enforceable unless embodied in this Agreement. The terms of this Agreement are lawful; performance of all duties and obligations herein shall conform with and do not contravene any State, local, or Federal statutes, regulations, rules, or ordinances.

## **SECTION NINETEEN - SEVERABILITY**

In the event that any portion of this Agreement is determined to be void, unconstitutional, or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

## **SECTION TWENTY - AMENDMENT**

This Agreement shall not be altered, modified, or amended except by an instrument in writing by the Sponsor and documented acceptance by the Division.

## **SECTION TWENTYONE - RATIFICATION AND ADOPTION**

The Sponsor's execution of this Agreement is evidence of acceptance of the offer of state funding from the Division and ratification and adoption of the terms and conditions of this Agreement, including but not limited to all assurances, statements, representations, warranties and covenants herein.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THE DATE AND YEAR WRITTEN BELOW

Recommended by AVIATION DIVISION

New Mexico Department of Transportation

By: \_\_\_\_\_  
Aviation Division Director or  
Designee

By: \_\_\_\_\_  
Cabinet Secretary or  
Designee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

SPONSOR:

PRINT NAME

By: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and legal sufficiency by the NMDOT Office of General Counsel

By: \_\_\_\_\_  
Assistant General Counsel

Date: \_\_\_\_\_

## EXHIBIT B PROJECT COSTS

GRANTEE

City of Carlsbad

ITEM NO.	ITEM OF WORK AND DESCRIPTION	STATE FUNDS	SPONSOR FUNDS	OTHER FUNDS	TOTAL ESTIMATED COSTS
1	High Game Fence Replacement	\$ 6,250	\$ 6,250	\$ 187,500	\$ 200,000

ITEM NO.	ITEM OF WORK AND DESCRIPTION	STATE FUNDS	SPONSOR FUNDS	OTHER FUNDS	TOTAL ESTIMATED COSTS
		\$	\$	\$	\$

ITEM NO.	ITEM OF WORK AND DESCRIPTION	STATE FUNDS	SPONSOR FUNDS	OTHER FUNDS	TOTAL ESTIMATED COSTS
		\$	\$	\$	\$

ITEM NO.	ITEM OF WORK AND DESCRIPTION	STATE FUNDS	SPONSOR FUNDS	OTHER FUNDS	TOTAL ESTIMATED COSTS
		\$	\$	\$	\$

TOTALS

\$ 6,250	\$ 6,250	\$ 187,500	\$ 200,000
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**TASK ORDER FOR  
PROFESSIONAL SERVICES AGREEMENT BETWEEN  
MOLZEN CORBIN (ENGINEER)  
AND CITY OF CARLSBAD (OWNER), DATED \_\_\_\_\_, 2013.**

**TASK ORDER NO. 5**

**TASK TITLE:** High Game Fence Replacement Design

The Owner directs the Engineer/Architect to provide services as described below:  
Design and preparation of bidding documents for replacement of High Game Fence at Cavern City  
Air Terminal. Approximately 1,500 feet located off the Runway 14L approach.

The Engineer/Architect estimates the period of performance to be as follows:  
Services to be rendered within 60 days after receipt of written notice to proceed from City. Project shall  
be ready for advertisement for bids no later than January 30, 2014.

The Engineer/Architect will be paid on a lump sum basis, based upon the following estimate of the level  
of effort:

Manhours: (specify estimated manhours per position and billing rate).

**Manhour & Fee Estimate:**

<u>Senior Project Engineer</u>	<u>38</u>	<u>Hrs. \$ 160.00 /hr =</u>	<u>6,080.00</u>
<u>Civil Design Technician</u>	<u>30</u>	<u>Hrs. \$ 95.00/hr =</u>	<u>2,850.00</u>
<u>Administrative Support</u>	<u>7</u>	<u>Hrs. \$ 65.00/hr =</u>	<u>455.00</u>

**Subconsultants and Other Reimbursable Expenses:**

<u>In House Copies 1,000@ 0.11</u>	<u>110.00</u>
<u>In House Color Copies 5 @ 1.00</u>	<u>5.00</u>
<u>In House Color Copies 11X17 5 @ 2.00</u>	<u>10.00</u>
<u>In House Large Format Prints 5 @ 3.00</u>	<u>15.00</u>
<u>Mileage 100 @ 0.560</u>	<u>56.00</u>
<u>Commercial Copies 3,000 @ 0.06</u>	<u>180.00</u>
<u>Commercial Prints 105 @1.02</u>	<u>107.10</u>
<u>Supplies</u>	<u>0.00</u>

<b>SUBTOTAL</b>	<b><u>9,868.10</u></b>
<b>NMGRT @ <u>7.4375</u> %</b>	<b><u>733.94</u></b>
<b>ESTIMATED TASK ORDER TOTAL</b>	<b><u>\$ 10,602.04</u></b>

**Proposed by  
ENGINEER/ARCHITECT**

**Recommended By**

**Approved by CITY**

Date _____	Date _____	Date _____
------------	------------	------------

Aviation			
Department	Project	P.O. No.	Account Number

*For Client Use Only*

## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 3/11/14

<b>DEPARTMENT:</b> Executive	<b>BY:</b> Anna Beason, Project Administrator	<b>DATE:</b> 3/5/14
<b>SUBJECT:</b> Amendment No. 2 Safe Routes to School Non-Infrastructure Funds		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  Attached is the amendment to the grant agreement between NMDOT and City of Carlsbad for the Safe Routes to School Phase 2 Program. The grant amendment is authorizing a budget adjustment among the line items. All grant conditions and funding remain the same.		
<b>DEPARTMENT RECOMMENDATION:</b> Accept and approve Amendment No. 2		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b>		
P & Z Museum Board Library Board	Lodgers Tax Board San Jose Board N. Mesa Board	Cemetery Board Water Board Insurance Committee
		} <input checked="" type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator**



**Date:** 3-6-14

ATTACHMENT(S): Grant Amendment (3 originals)

A.ABM.SRTS Amendment No. 2

3/5/2014



Contract Number	<u>M01046</u>
Vendor Number	<u>0000054314</u>
Control Number	<u>W200041</u>

**SECOND AMENDMENT TO  
MEMORANDUM OF AGREEMENT  
BETWEEN  
NEW MEXICO DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF CARLSBAD FOR  
SAFE ROUTES TO SCHOOL PHASE 2 NON-INFRASTRUCTURE FUNDS**

**THIS SECOND AMENDMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the New Mexico Department of Transportation (Department) and the City of Carlsbad (City), collectively referred to as the "Parties."

**RECITALS**

**WHEREAS**, the Department and the City entered into a Memorandum of Agreement (MOA) on March 25, 2011, Contract No. M01046; and,

**WHEREAS**, the Department and the City amended the Memorandum of Agreement (MOA) on June 4, 2013, Contract No. M01046; and,

**WHEREAS**, page 9, Section Twenty Four, of the MOA allows the Parties to make alterations and revisions to the MOA; and,

**WHEREAS**, the Department and the City determined that it is necessary to amend the budget.

**NOW, THEREFORE**, in consideration of the mutual promises and representations in this Second Amendment, the Parties agree as follows:

1. Exhibit B of the first amendment to the MOA is deleted and replaced with Exhibit B, Safe Routes to School Phase 2 Non-Infrastructure Budget, City of Carlsbad, FY 2011-2014, which is attached.

All obligations set forth in the MOA shall remain in full force and effect unless expressly amended or modified by this Second Amendment.

IN WITNESS WHEREOF, the Parties have set their hands and seal the day and year set forth below.

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Kathryn E. Bender, Deputy Secretary  
Programs & Infrastructure

Date: \_\_\_\_\_

**REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE  
DEPARTMENT'S OFFICE OF GENERAL COUNSEL**

By:   
Assistant General Counsel

Date: 04 Feb 2014

**CITY OF CARLSBAD**

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

**ATTEST**

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE CITY ATTORNEY**

By: \_\_\_\_\_  
City Attorney

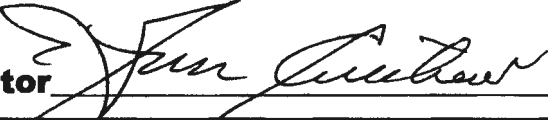
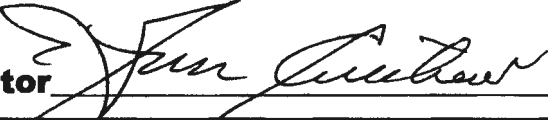
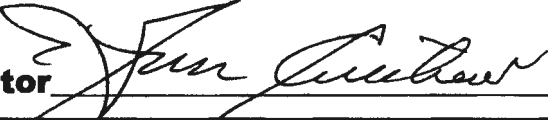
Date: \_\_\_\_\_

**EXHIBIT B**  
**Safe Routes to School**  
**Phase 2 Non-Infrastructure Budget**  
**City of Carlsbad**  
**FY 2011-2014**

Item	SRTS Funds
<b>Personnel:</b>	
Part-time Position/Duties through City or School District – Local Champion at \$25.00/hour (including taxes and benefits) for up to 1700 hours	\$42,500
Promotion/Advertising	\$3,000
Equipment/Materials	\$2,500
Travel/Trainings as Needed	\$2,000
<b>TOTAL</b>	<b>\$50,000.00</b>

**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 11 March 2014

<b>DEPARTMENT:</b> Legal	<b>BY:</b> E. Riordan	<b>DATE:</b> 3 March 2014										
<b>SUBJECT:</b> Sale of Property to Boys and Girls Club of Carlsbad, Inc.												
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  In 1971, the City entered into a 50-year lease with what was then known as the Boys' Club of Carlsbad, Inc. for a portion of the property owned by the City north of the intersection of Fox and Alta Vista Streets. The majority of the property is home to the City's Public Works Office. The lease was for the eastern portion of that lot and is addressed as 1602 West Fox Street. The Club, now known as the Boys and Girls Club of Carlsbad, Inc., uses the property as its headquarters.  The City and the Club have determined that it is in their mutual best interests for the Club to purchase its property. Owning the land will give the Club control over the property and relieve the City of any latent liability. A plat has been prepared and filed which separates the Club's property (approximately 1 acre) from the Public Works Office property. The Club's land has a fair market value of \$10,000. The Club has agreed to purchase the property for its fair market value. Attached is a deed which would transfer the property to the Club.												
<b>DEPARTMENT RECOMMENDATION:</b> Approve the transfer												
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> (N/A) <table style="width: 100%; border: none;"><tr><td><input type="checkbox"/> P &amp; Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td rowspan="3" style="vertical-align: middle;">} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> North Mesa Board</td><td><input type="checkbox"/> _____ Committee</td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED									
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board										
<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee										
<table style="width: 100%; border: none;"><tr><td style="width: 30%;"><b>Reviewed by:</b> <b>City Administrator</b></td><td style="width: 40%; text-align: center;"></td><td style="width: 30%; text-align: right;"><b>Date:</b> <u>3-6-14</u></td></tr></table>			<b>Reviewed by:</b> <b>City Administrator</b>		<b>Date:</b> <u>3-6-14</u>							
<b>Reviewed by:</b> <b>City Administrator</b>		<b>Date:</b> <u>3-6-14</u>										

ATTACHMENT(S):  
Deed from City to Boys and Girls Club of Carlsbad, Inc.  
Aerial view of Fox and Alta Vista Streets

## **SPECIAL WARRANTY DEED**

The CITY OF CARLSBAD, NEW MEXICO, a municipal corporation, for the consideration of the sum of Ten Thousand Dollars and 00/100ths (\$10,000.00), does hereby does hereby grant unto the BOYS AND GIRLS CLUB OF CARLSBAD, INC., a New Mexico nonprofit corporation, whose address is P.O. Box 536, Carlsbad, New Mexico, 88221-0536, the following described real estate in Carlsbad, Eddy County, New Mexico:

### **THE SURFACE ESTATE ONLY OF:**

The Boys and Girls Club Tract, a portion of Lot 2, Block 1 of the Replat of Alta Vista Addition No. Three, City of Carlsbad, Eddy County, New Mexico as shown on the official plat thereof on file in the office of the County Clerk of Eddy County, New Mexico, containing 1.056 acres more or less.

subject to all covenants, conditions, restrictions, reservations, encumbrances, and easements of record or in open view.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
DALE JANWAY, MAYOR

\_\_\_\_\_  
CITY CLERK

Workspace |  Source: CBAD ADDRESS   



**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 3/11/14**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14												
<b>SUBJECT:</b> Approval of an application and entering into an Infrastructure Reimbursement Agreement with Ken Thurston Development Corporation regarding Spring Hollow Subdivision – Phase 5.														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): On March 3, 2014, the Planning and Zoning Commission reviewed Mr. Thurston's application and recommended approval of a reimbursement of up to \$49,851.42 for qualifying public infrastructure at Spring Hollow Subdivision – Phase 5 in accordance with Resolution 2012-09, as amended. Prior to actual reimbursement, the City and the Applicant must enter into an Infrastructure Reimbursement Agreement (see attached).														
<b>BOARD/COMMISSION/COMMITTEE ACTION: Recommendation...</b> <table><tr><td><input checked="" type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input checked="" type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> Development Committee</td><td></td></tr></table>			<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee	
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<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee												
<b>Reviewed by</b> <b>City Administrator:</b> <u>/s/Steve McCutcheon</u> <b>Date:</b> <u>3-6-2014</u>														

ATTACHMENTS: Application, Infrastructure Reimbursement Agreement - DRAFT, P&Z ABM and Minutes

**INFRASTRUCTURE REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF CARLSBAD AND  
KEN THURSTON DEVELOPMENT CORPORATION  
FOR QUALIFYING PUBLIC INFRASTRUCTURE  
AT SPRING HOLLOW SUBDIVISION, PHASE 5**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the CITY OF CARLSBAD, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and the KEN THURSTON DEVELOPMENT CORPORATION, a New Mexico corporation, (hereinafter referred to as the "Developer").

WHEREAS, the Carlsbad City Council approved a 15% Infrastructure Reimbursement Program by Resolution 2012-09 (hereinafter referred to as the "Program"); and

WHEREAS, pursuant to the Program, the City seeks to support local economic development by providing a fifteen percent reimbursement to qualifying developers for qualifying public infrastructure projects; and

WHEREAS, Ken Thurston Development Corporation wishes to develop a residential subdivision north of Callaway Drive and east of Quail Hollow Run to be known as Spring Hollow Subdivision, Phase 5 (hereinafter the "Development"); and

WHEREAS, the Developer has submitted an Application for Infrastructure Reimbursement regarding certain qualifying public infrastructure associated with the Development as may be permitted by the Program; and

WHEREAS, on March 3, 2014, the City's Planning and Zoning Commission reviewed the application and recommended approval of a reimbursement of up to but not exceeding \$49,851.42 for qualifying public infrastructure.



NOW THEREFORE, in and for the consideration of the payments and agreements hereinafter mentioned, the parties agree as follows:

1. The Developer will complete infrastructure improvements necessary to support the Development identified as Spring Hollow Subdivision, Phase 5 and desires to participate in the City's 15% Infrastructure Reimbursement Program, as approved by the City Council by Resolution 2012-09, as that Program may be amended from time to time. All terms and conditions established by the Program shall govern this Agreement.
2. That portion of the Development which would constitute qualifying public infrastructure pursuant to the Program is described on attached Exhibit "A" (hereinafter referred to as the "Qualifying Infrastructure"). The estimated cost of each portion of Qualifying Infrastructure is also listed on Exhibit "A".
3. The Developer agrees that the Qualifying Infrastructure will be designed, constructed, installed, and completed in accordance with the following:
  - A. The Infrastructure Reimbursement Program Application submitted by the Developer and dated July 12, 2013 and stamped received by the City on July 12, 2013 (hereinafter the "Application" and attached hereto as Exhibit "B");
  - B. The street, curb, gutter, water and sewer design drawings and specifications prepared by Engineers Inc. (hereinafter the "Professional Engineer") and attached as part of the Application; and
  - C. City Standards for Infrastructure and Utilities.

The Developer further states that all plans and specifications for the Qualifying Infrastructure were prepared by and bear the seal of a Professional Engineer, licensed in the State of New Mexico, and the plans and specifications were approved as may be required by the City of Carlsbad Planning and Zoning Commission and/or those City departments charged with the review and approval of such plans and specifications.

4. On or before one year from the date of this agreement, (hereinafter the "Completion Date"), the Developer shall provide the City with:
  - A. A written certification of the Professional Engineer that the Qualifying Infrastructure has been completed according to the design drawings and specifications attached as part of Exhibit "B"; and
  - B. Certified copies of the design drawings and specifications for the Qualifying Infrastructure commonly known as the "as-built" documents.

The documents listed in 4(A) and (B), above, are hereinafter collectively referred to as the "Deliverables". Upon proper application to the City and for good cause shown, the City, at its sole discretion, may extend the Completion Date for all or a portion of the Qualifying Infrastructure for such period of time as the City, in its sole discretion, deems to be in the public interest. No such extension, however, shall extend the Completion Date more than two (2) years beyond the date of the full execution of this Agreement by the parties.

5. Within ten (10) business days of the City's receipt of the Deliverables, the City and/or its agent shall review the Deliverables, inspect the Qualifying Infrastructure and:
  - A. Accept the Qualifying Infrastructure and then send written notice of its acceptance of the Qualifying Infrastructure to the Developer; or
  - B. If the City determines that all requirements, standards, and specifications applicable to the design, construction, installation and completion of the Qualifying Infrastructure have not been met, the City may reject all or a portion of the Qualifying Infrastructure. In that event, the City shall then notify the Developer in writing of such determination. That notice shall state the deficiencies found by the City. The Developer shall then take action to correct all deficiencies. When the deficiencies have been corrected, the Developer shall resubmit the Deliverables to the City. The City shall then have ten (10) business days to review and accept or reject all or a portion of the Qualifying Infrastructure. This process and time periods described herein may

continue until either the City has accepted all the Qualifying Infrastructure, or the City, in its sole discretion, chooses not to accept all or a portion of the Qualifying Infrastructure. In no event, however, shall this process extend more than two (2) years beyond the date of execution of this Agreement by the Developer.

6. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit all documentation and perform all acts necessary to dedicate it to the City of Carlsbad.
7. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit to the City a written list of its actual costs related to the construction of the Qualifying Infrastructure and shall submit copies of final paid invoices as documentation of the actual costs.
8. No later than thirty (30) days after the City has received the written list of actual costs and all copies of final paid invoices from the Developer, the City shall, for each portion of Qualifying Infrastructure accepted by the City:
  - A. Determine which costs are subject to reimbursement pursuant to the terms of the Program; and
  - B. Reimburse the Developer the lesser of either:
    - i. Fifteen percent (15%) of the actual costs subject to reimbursement pursuant to the terms of the Program; or
    - ii. Fifteen percent (15%) of the estimated costs as listed on Exhibit "A" subject to reimbursement pursuant to the terms of the Program.
9. All notices permitted or required by the terms of this Agreement shall be in writing and deemed to have been duly given and delivered, if mailed, certified postage prepaid:

If to the City:	If to the Developer:
City of Carlsbad	Ken Thurston Development Corp.

c/o City Administrator  
P.O. Box 1569  
Carlsbad, NM 88221-1569

c/o Ken Thurston, President  
1880 E. Lohman  
Las Cruces, NM 88001

The parties shall notify each other in writing of any change in the above names or addresses.

10. The Developer and its employees, officers, and agents are independent contractors and are not employees of the City. The Developer and its employees, officers, and agents shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this Agreement.
11. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. The parties expressly waive any other or further representations, warranties, or agreements not set forth in this document. This Agreement cannot be changed except by a written instrument subsequently executed with the same formalities as with this Agreement.
12. The parties agree this Agreement shall be construed and controlled by the laws of New Mexico. The parties further agree that any legal action arising out of this Agreement shall be brought in the District Court of Eddy County, New Mexico for the Fifth Judicial District. The parties expressly consent to both in person and subject matter jurisdiction of the Eddy County District Court and agree that venue shall properly lie in the Eddy County, New Mexico District Court.
13. Any instrument or document made and attached to this Agreement or referred to by

this Agreement shall constitute a part hereof as though set forth in full in the body of this Agreement, whether made a part hereof by reference or whether made a part hereof by attachment.

CITY OF CARLSBAD:

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

KEN THURSTON DEVELOPMENT  
CORPORATION

\_\_\_\_\_  
KEN THURSTON, PRESIDENT

STATE OF NEW MEXICO    )  
  ) ss.  
COUNTY OF EDDY         )

The foregoing instrument was signed and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by KEN THURSTON, in his capacity as President of KEN THURSTON DEVELOPMENT CORPORATION.

My Commission Expires:

\_\_\_\_\_  
NOTARY PUBLIC

REPLACE THIS PAGE WITH  
EXHIBIT "A"

A LIST OF THE QUALIFYING  
INFRASTRUCTURE TO BE CONSTRUCTED  
BY APPLICANT AND FOR WHICH THE 15%  
REIMBURSEMENT IS BEING SOUGHT AND  
THE ESTIMATED AND/OR ACTUAL COSTS  
ASSOCIATED WITH EACH ITEM ON THE  
LIST

For this Application the list will include:

Roadway with curb, gutter and sidewalk  
Water  
Sanitary Sewer

REPLACE THIS PAGE WITH  
EXHIBIT "B"

INFRASTRUCTURE REIMBURSEMENT  
PROGRAM APPLICATION WITH ALL  
ATTACHMENTS

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**BRIAN WESTON  
ALFONSO MOLINAR JR  
CLIFFORD DOWNEY  
S.J. MARSHALL  
CINDY & GARY TAYLOR  
CONNIE I. HOOD  
LOU WARD  
BILL MURRILL  
MILES CADDELL  
CODY NORTHCUTT  
CASIMIRO G. HERNANDEZ  
GEORGE C. ORTEGA  
SANDRA YBABEN  
MELANIE HOBBS  
CHARLES HOBBS  
JOE HAYS  
DAN R. REDDY  
GARY MALEY  
SEVERAL OTHERS WHO DIDN'T SIGN IN**

**8524 MOLINAR ROAD  
8312 MOLINAR ROAD  
8302 MOLINAR ROAD  
8414 MOLINAR ROAD  
5050 NATIONAL PARKS HWY  
213 S. MESQUITE  
317 NELSON  
5317 LOMAS  
8514 NATIONAL PARKS HWY  
PO BOX 2273, CARLSBAD  
6427 KEVIL ROAD  
1530 HASTON ROAD  
7008 KEVIL ROAD  
8314 NATIONAL PARKS HWY**

**904 N. GUADALUPE**

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      Start Recording [5:02 PM]

0:00:22      **1. Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.        Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3.        Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4.        Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5.        Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46      **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36      **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

**2:10:10      8.      Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:19:31        **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21        **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02        **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:26:29        **13.     Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.     Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

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Chairman

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Date



**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**  
**PLANNING AND ZONING COMMISSION**

**Meeting Date: 3/3/14**

**DEPARTMENT:** Planning,  
Engineering, and Regulation

**BY:** Stephanie Shumsky,  
Planning Director

**DATE:** 2/26/14

**SUBJECT:** Approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.

**Applicant:**

Ken Thurston Development Corp.  
1880 E. Lohman  
Las Cruces, NM 88001

**HISTORY:** In 2008, the City Council adopted an Infrastructure Reimbursement Program whereby the City could reimburse private property owners and developers a certain percentage of qualifying infrastructure costs. This program was revised in 2012 to increase the percentage of allowable reimbursement and to clarify the definition of “qualifying Infrastructure”. Since inception of the program, there have been various methods of application review and recommendation to the City Council. Most recently, an ad hoc “Development Committee” reviewed these types of applications. Due to the Planning and Zoning Commission’s expertise in the area of planning and development and their familiarity with the projects involved in the applications, it was determined that the Commission is the most appropriate entity to review these applications.

The Commission’s task is to verify that the applications were completed, submitted and reviewed according to the program’s design and recommend to the City Council an amount for reimbursement. The process that is followed for application submittal and review is described in the attached blank application. In the packet after the blank application, is the application submitted for by the applicant. City staff, including the Planning Director, Public Works Director and Utilities Director, have reviewed the application, verified that the calculations, quantities and costs are correct and provided a recommended amount for reimbursement. A synopsis of this review is provided below along with the recommended amount of reimbursement.

**SYNOPSIS:** In accordance with the Public Infrastructure Reimbursement Program (Resolution 2012-09), this request is for the approval of an application and a recommendation to the City Council regarding the reimbursement for qualifying public infrastructure related to Spring Hollow Subdivision – Phase 5. Approval of this application will allow the City and applicant to enter into a Public Infrastructure Reimbursement Agreement as outlined in Res. 2012-09.

**Based on the construction estimates submitted by the applicant and based on staff review of these estimates, the preparation of a Reimbursement Agreement and reimbursement of up to, but not exceeding, \$49,851.42 is recommended.** The following table summarizes the estimated expenses based on staff review of construction plans and cost estimates provided by the applicant:

Qualifying Public Infrastructure	Subtotal	Tax (0.074375)	Total	15%
Water Lines	66,000.00	4,908.75	70,908.75	10,636.31
Sewer Lines	68,000.00	5,057.50	73,057.50	10,958.63
Streets & Alleys	85,848.00	6,384.95	92,232.95	13,834.95
Curb & Gutter	31,408.00	2,335.97	33,743.97	5,061.60
Sidewalks	54,180.00	4,029.64	58,209.64	8,731.45
Street Lighting in R-O-W	3,900.00	290.00	4,190.00	628.50
Totals	309,336.00	23,006.81	332,342.81	<b>49,851.42</b>

**ATTACHMENTS:** Application materials

Lrp

RESOLUTION 2012-09

A RESOLUTION AMENDING THE "10% OFF-SITE INFRASTRUCTURE REIMBURSEMENT PILOT PROGRAM" ADOPTED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD ON AUGUST 26, 2008; ESTABLISHING NEW ELIGIBILITY STANDARDS FOR APPLICANTS; DEFINING QUALIFYING PUBLIC INFRASTRUCTURE COMPONENTS; SETTING REIMBURSEMENT FOR QUALIFIED PUBLIC INFRASTRUCTURE AT 15%

WHEREAS, at its regular meeting on August 26, 2008, the Governing Body of the City of Carlsbad adopted by simple motion a "10% Off-site Infrastructure Reimbursement Pilot Program" to "help bridge the gap between the infrastructure, contractors, and the City;" and

WHEREAS, the "Pilot Program" has proven of value in stimulating economic development and equitably reimbursing contractors and developers for certain public infrastructure costs; and

WHEREAS, the actual implementation and management of the "Pilot Program" as originally conceived has proven cumbersome and time-consuming for both the City and qualified applicants, resulting in delays in processing reimbursement requests; and

WHEREAS, it is in the interest of the City to modify and amend the "Pilot Program" as originally conceived, implemented, and executed to more efficiently and effectively process and distribute reimbursements by better defining qualified public infrastructure components subject to reimbursement, streamlining and standardizing the submittals required for reimbursement, and to establish by adoption of the Governing Body a definitive set of policies, rules, and regulations to move the "Pilot Program" to permanent program status.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD THAT:

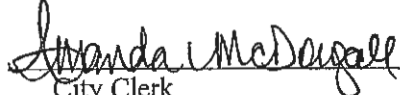
1. The "10% Off-site Infrastructure Pilot Program" shall now be known as the "Public Infrastructure Reimbursement Program" (hereinafter "Program"); and
2. The purpose of the Program is to support economic development within the City by providing private property owners and developers reimbursement on a set percentage basis of the total costs of qualifying public infrastructure installed or constructed on-site (within the platted boundaries) or off-site (outside of the platted boundaries); and
3. The City will reimburse fifteen percent (15%) of the actual costs of construction and installation of qualifying public infrastructure; and
4. Qualifying public infrastructure shall be limited to:
  - a. water lines
  - b. sewer lines
  - c. streets and alleys
  - d. curb and gutter
  - e. sidewalks
  - f. multi-use trails
  - g. bike lanes

- h. traffic signals
  - i. lift stations
  - j. transit facilities
  - k. street lighting in public right-of-way; and
5. The followings costs associated with qualifying public infrastructure shall not be eligible for reimbursement:
- a. engineering
  - b. surveying
  - c. site prep
  - d. right-of-way and easement acquisition
  - e. labor
  - f. permitting and consulting services; and
6. Approval of an application for reimbursement under the Program shall not guarantee approval of a reimbursement. An approved application allows the applicant to proceed with the execution of a Public Infrastructure Reimbursement Agreement which must be approved by the Governing Body; and
7. Notwithstanding anything to the contrary in this Resolution, reimbursement will be, in all cases, dependent upon the availability of funds and the appropriation of funds by the Governing Body; and
8. All applications shall be made on forms provided by the City; and
9. The process for acceptance and review of an application shall be as follows:
- a. Applications for the Program shall be available in the Licensing and Permits Office.
  - b. Applications must be submitted concurrent with submission of a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance.
  - c. Applications are accepted on an ongoing basis as follows:
    - i. The minimum application packet submittal is one (1) copy of the completed application with original signatures and all required supporting documents.
    - ii. A letter of explanation or clarification shall also be provided.
    - iii. There is no fee for applying for the Program.
    - iv. The preferred size for all documents is 11"X 17". If larger sized documents are provided, the applicant shall include 15 copies.
  - d. The application must be completed and approved by the City Council.
  - e. Subdivision of land must be in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
    - i. Sketch Plan showing each phase of development
    - ii. Preliminary Plat(s) for each phase of development
    - iii. Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
  - f. Infrastructure that varies from the standards set by applicable City ordinances, rules, or regulations shall not qualify for reimbursement.
  - g. Approved subdivisions must be recorded and filed with the County Clerk.
  - h. An Infrastructure Reimbursement Agreement must be executed by the City and applicant prior to reimbursement.
  - i. Reimbursement shall not exceed usual and customary infrastructure costs.
  - j. Reimbursement shall not be made for infrastructure installed prior to application date.
    - i. Reimbursement shall be paid upon total construction completion.
    - ii. Progress billing will not be accepted.

- iii. Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are required; and
- 10. Construction of qualifying public infrastructure must begin within 60-days of preliminary plat approval and be completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit); and
- 11. In the event budgeted funding is insufficient to cover reimbursements for all applicants, priority will be given to:
  - a. projects that further City plans and policies; and
  - b. focus on infill; or
  - c. provide affordable housing (as determined by the NM Mortgage Finance Authority); and
- 12. The terms and conditions of the Program may be modified by Resolution from time to time as deemed appropriate by the Governing Body.

  
Dale Janway, Mayor

Attest:

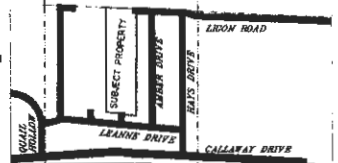
  
Amanda McDougall  
City Clerk

# SPRING HOLLOW SUBDIVISION UNIT 1 PHASE 5

A SUBDIVISION OF TRACT E OF THURSTON LAND DIVISION 5 (CABINET SLIDE OF THE MAP RECORDS OF EDDY COUNTY), LYING IN THE SWNN OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 26 EAST, N.M.P.M., CARLSBAD, EDDY COUNTY, NEW MEXICO, WHICH SUBDIVISION IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT E, OF THURSTON LAND DIVISION 5; THEN S00°05'34"W, ALONG THE WEST LINE OF SPRING HOLLOW UNIT 1 PHASE 2 AMENDED, FOR 898.47 FEET TO THE NORTH LINE OF SPRING HOLLOW UNIT 1 PHASE 3 SUBDIVISION; THEN S87°31'03"E, ALONG SAID NORTH LINE, FOR 105.07 FEET; THEN S00°05'28"W, CONTINUING ALONG SAID LINE, FOR 16.00 FEET; THEN S87°31'03"E, CONTINUING ALONG SAID LINE, FOR 155.14 FEET; THEN N00°05'28"E, FOR 881.93 FEET TO THE NORTH LINE OF TRACT E; THEN N87°38'10"W, ALONG THE NORTHERLY LINE OF SAID TRACT E, FOR 260.21 FEET TO THE POINT OF BEGINNING, CONTAINING ±5.30 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL PERTAINING EASEMENTS.

## VICINITY MAP



### SITE DATA: SPRING HOLLOW SUBDIVISION UNIT 1 PHASE 5

AREA: ±5.30 ACRES

NUMBER OF LOTS: 31

SIZE OF LOTS: 8 - ±0.12 ACRES 8 - ±0.13 ACRES  
14 - ±0.14 ACRES 1 - ±0.15 ACRES

ZONED: "PUD" - A PLANNED UNIT DEVELOPMENT DISTRICT

SET BACK LINES: FRONT - 8'  
REAR - 15'  
SIDE - 10' BETWEEN STRUCTURES  
CORNER SIDE YARD - 15'

FLOODPLAIN: DETERMINED TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DETERMINED BY THE FLOOD INSURANCE RATE MAP 35015C1035D, FOR EDDY COUNTY, NEW MEXICO (and incorporated areas), EFFECTIVE DATE OF JUNE 4, 2010. AREA IDENTIFY NUMBERS (EDDY COUNTY 350120) (CITY OF CARLSBAD 350017)

COMMENTS: NO LOTS TO BE DEDICATED TO THE PUBLIC

NO LOTS TO BE DEDICATED FOR PARKS, SCHOOLS, CHURCHES OR INDUSTRY

ALL STREETS WILL BE DEDICATED TO THE PUBLIC  
THE DEDICATED STREETS WILL CARRY THE PUBLIC UTILITIES

KEN THURSTON DEVELOPMENT CORPORATION  
KEN THURSTON, PRESIDENT OF KEN THURSTON DEVELOPMENT CORPORATION  
OVERSEES STATEMENT AND AFFIDAVIT

STATE OF: NM

COUNTY OF: EDDY  
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS LOTS, DEDICATED ROADS AND EASEMENTS TO BE PLATTED.  
THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:

CITY OF CARLSBAD

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_

BY: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

### CARLSBAD, N.M. ROAD DEDICATIONS

I HEREBY CERTIFY THAT THE ROAD DEDICATIONS, AS SHOWN ON THIS PLAT OF SURVEY, HAVE BEEN:

☐ ACCEPTED  
☐ ACCEPTED SUBJECT TO IMPROVEMENTS  
☐ REJECTED

BY THE CITY OF CARLSBAD PLANNING COMMISSIONERS OF EDDY COUNTY, NEW MEXICO, ON  
THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_

CHAIRMAN: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

### APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON  
THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

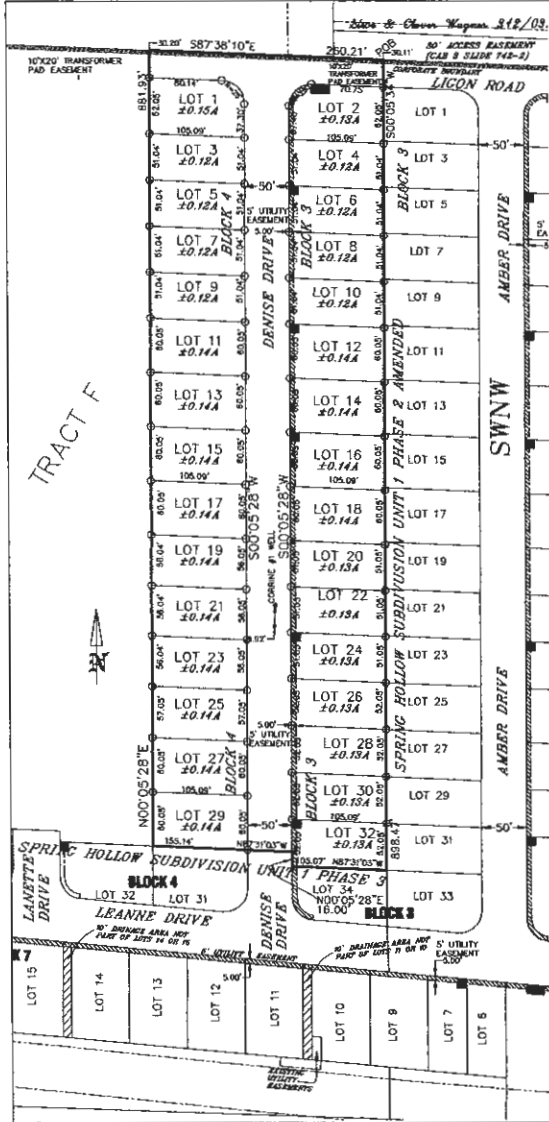
<b>R&amp;R SURVEYING LLC</b>	
A LAND SURVEYING COMPANY	
INVOICING INFO: POB CO. CHECK	REC. 25 TEL. 888-511-5111
SUBDIVISION: SPRING HOLLOW SUBDIVISION UNIT 1 PHASE 5	
OWNER: SEE DRAWING	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: MAY 21, 2013	
ACCESS: YES	
ACRES: ±5.30 ACRES	

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON  
THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ A.M.  
AT \_\_\_\_ O'CLOCK \_\_\_\_ M.  
CABINET SLIDE  
CARLSBAD REGISTER-COUNTY CLERK  
BY: \_\_\_\_\_ DEPUTY



I, MELVIN R. PIATEK, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MELVIN R. PIATEK, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TEL. 885-6867, FAX 885-5867



Phase 5 = Street "C"

From Preliminary plat  
Approved Est. Quantities  
(2007)

ITEM#	SUMMARY OF QUANTITIES ITEM DESCRIPTION	UNITS	STREETS						
			"A"	"B"	"C"	"D"	"E"	"N"	"S"
	<b>BASE BID</b>								
210	OPEN AREA LAND LEVELING	SQ. YD.	0	0	0	0	0	0	0
301	SUBGRADE PREPARATION	SQ. YD.	0	0	0	0	0	0	0
302	BASE COURSE	CU. YD.	0	0	0	0	0	0	0
336	ASPHALT CONCRETE PAVEMENT	SQ. YD.	0	0	0	0	0	0	0
601	EARTHWORK FOR OPEN CHANNELS W/APPURTENANCES	CU. YD.	0	0	0	0	0	0	0
801.1	INSTALLATION OF WATER MAINS	L. F.	0	0	0	0	0	0	0
801.2	VALVES AND VALVE BOXES	EACH	2	2	2	2	4	8	10
801.3	FIRE HYDRANTS, 4 FT. BURY	EACH	0	0	0	0	0	0	0
801.4	AIR/VACUUM RELEASE VALVES	EACH	1	1	1	1	1	1	1
901	SANITARY SEWER COLLECTOR MAINS, 8"	L. F.	956.09	968.33	981.63	993.76	1212.54	0	1144.71
905	SANITARY SEWER SERVICE LINES	L. F.	930.00	960.00	960.00	1020.00	1140.00	0	750.00
920	SANITARY SEWER MANHOLES	EACH	2	2	3	2	3	0	6
802	WATER SERVICE LINES, 3/4"	L. F.	388.00	388.00	388.00	436.50	465.50	0	442.00
340.1	CURB AND GUTTER, TYPE G	L. F.	1873.86	1862.03	1889.14	1912.98	2343.72	1003.36	2200.29
340.2	48" SIDEWALK, 4 IN. DEPTH	SQ. YD.	924.44	923.65	937.17	952.95	1179.56	429.46	1018.50
340.3	48" DRIVEPAD, 6 IN. DEPTH	SQ. YD.	453.33	483.56	483.56	513.78	574.22	0	377.78
850	2" HDPE GAS LINE	L. F.	965.24	977.46	990.75	1002.89	1212.54	0	1135.58
851	HDPE GAS SERVICE LINE	L. F.	375.50	375.50	364.00	307.00	494.50	0	208.00
-----	SERVICE WATER METERS	EACH	31	32	32	34	40	0	25

DATE 12/23/06  
JOB #123456789-A  
DWG. 97

REVISIONS  
FILE: KEN THURSTON  
PLANS 1-3.DWG.

PROJECT  
KEN THURSTON HOMES, INC.  
SPRING HOLLOW SUBDIVISION  
CALSHAD, NEW MEXICO

**ENGINEERS INC.**  
1045 NW 10th Street, Suite 100  
Fort Lauderdale, FL 33304  
(954) 574-1111

TITLE  
SUMMARY OF QUANTITIES  
SPECIAL PROVISIONS



SHEET  
A-3



phase 5



## CITY OF CARLSBAD

*Planning, Engineering, and Regulation Department*

101 N. Halagueno, Carlsbad, NM 88220

Phone (575) 887-1191, Ext. 7923

Fax (575) 885-9871

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### Application for INFRASTRUCTURE REIMBURSEMENT PROGRAM

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#### PROCESS FOR ACCEPTANCE AND REVIEW

1. Applications for the **Infrastructure Reimbursement Program** are available in the Licensing and Permits Office. Applications are accepted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance. Construction cost estimates are required at the time of application.
2. Applications are accepted on an ongoing basis. The minimum application packet submittal is one (1) copy of the completed application with original signatures and all required supporting documents. A letter of explanation or clarification shall also be provided. There is no fee for applying for this program. The preferred size for all documents is 11"x17". If larger-sized documents are provided, include 15 copies.
3. The Licensing and Permits Office will review the application for completeness. The application will be forwarded to the Development Committee for review prior to the City Council meeting. If deficiencies are noted, the Applicant will be advised and provided an opportunity to supplement the application. The application will not be considered by the City Council until it is complete.
4. If approved, the City will execute an Infrastructure Reimbursement Agreement, which details additional program requirements. Prior to reimbursement, the actual construction costs are required to be submitted concurrent with a final plat and as-built drawings and/or a certificate of occupancy.
5. Funding for this program varies from year to year. Reimbursement is on a first come first served basis.



City of Carlsbad, New Mexico  
**Infrastructure Reimbursement Program**  
Application



APPLICATION DATE: 7/12/13

**PROGRAM DESCRIPTION:** The purpose of this program is to support economic development within the City by providing private property owners and developers a 15% reimbursement of the total on-site (within the platted boundaries) and off-site (outside of the platted boundaries) qualifying public infrastructure costs associated with an approved development. Qualifying Public Infrastructure includes: water lines, sewer lines, lift stations, streets and alleys, street lighting in the right-of-way, sidewalks, curb and gutter, multi-use trails, bike lanes, traffic signals, and transit facilities. Engineering costs, surveying, site prep, right-of-way and easement acquisition, labor, permitting and consulting fees are not eligible for reimbursement. *Approval of an application does not guarantee approval of a reimbursement. An approved application allows the applicant to proceed with the execution of an Infrastructure Reimbursement Agreement. Once the requirements specified in the Infrastructure Reimbursement Agreement are fulfilled, reimbursement will be granted.*

**APPLICANT INFORMATION:**

Ken Thurston Development corp.  
Name (property owner OR developer)  
1880 E Lohman Las Cruces NM 88001  
Address City State Zip Code  
575 382 8243 Ken@Thurstonhomes.com  
Phone Email

**PROPERTY INFORMATION:**

Spring hollow 5  
Name (subdivision OR project) Unit Phase  
Denise Drive between Igon Road and Leanne drive  
Location/Cross Streets

**GENERAL PROGRAM CRITERIA AND REQUIREMENTS:**

1. Property and all qualifying public infrastructure must be located within the City Limits.
2. The application must be completed and approved by the City Council.
3. The application must be submitted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance.
4. Subdivision of land must be in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
  - a. Sketch Plan showing each phase of development
  - b. Preliminary Plat(s) for each phase of development
  - c. Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
  - d. Infrastructure that varies from the standard shall not qualify for reimbursement.
5. Approved subdivisions must be recorded and filed with the County Clerk.

6. An Infrastructure Reimbursement Agreement must be executed by the City and applicant prior to reimbursement.
7. Reimbursement shall not exceed usual and customary infrastructure costs.
8. Reimbursement shall not be made for items installed prior to application date.
9. Reimbursement shall be paid upon total construction completion. Progress billing will not be accepted. Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are required.
10. Reimbursement will be made to the applicant only. No payment will be made to third parties.
11. Construction of qualifying public infrastructure must begin within 60-days of preliminary plat approval and be completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
12. Greater priority will be given to projects that further City plans and policies, focus on infill and/or provide affordable housing (as determined by the NM Mortgage Finance Authority).

**ADDITIONAL REQUIRED INFORMATION:**

Please attach the following information organized in the order listed below:

1. List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad; and
2. Federal tax identification number, State tax identification number, and City business registration number; and
3. List any assistance requested from Federal, State or County governments, if any. Include any direct funding, land, fee and/or permit waivers; and
4. A complete and specific description of the proposed development and infrastructure including, but not limited to:
  - a. Subdivision plats (sketch, preliminary, final)
  - b. Construction drawings
  - c. Utility requirements, including but not limited to electric, gas, and water
  - d. Solid and liquid waste disposal requirements
  - e. Infrastructure requirements
  - f. Regulatory compliance requirements (environmental assessments, historic preservation documents)
  - g. As-built construction drawings (at construction completion); and
5. A description of the proposed infrastructures long term benefit to the City; and
6. Any other information necessary for the City to make a determination regarding the application for reimbursement.
7. The table on page 4 of this application must be completed.

Phase 5

**DESCRIPTION OF QUALIFYING INFRASTRUCTURE AND ESTIMATED COSTS (including taxes)**  
**USE THIS FORM (attach supporting documentation, as necessary):**

ITEM	QUANTITY	UNIT	UNIT COST	TAX	TOTAL	Total w/Tax
Water Lines	1000	LF	66	4988.75	66,000	70,988.75
Sewer Lines	1000	LF	68	5057.5	68,000	73,057.5
Streets & Alleys	3598	SY	23.86	6389.95	85,848	92,238.95
Curb & Gutter	1963	LF	16.00	2335.97	31,408	33,743.97
Sidewalks	8400	SF	6.45	4029.64	57,180	58,209.64
Multi-Use Trails						
Bike Lanes						
Traffic Signals						
Lift Stations						
Transit Facilities						
Street Lighting in R-O-W	3	light pole	1300	290.13	3900	4190.06
Total Cost Estimate					309,336	332,392.81
**Total Reimbursement Estimate (15% of Total Costs)					49,951.43	

**DESCRIPTION OF QUALIFYING INFRASTRUCTURE AND ACTUAL COSTS (including taxes)  
USE THIS FORM (attach supporting documentation, as necessary):**

ITEM	QUANTITY	UNIT	UNIT COST	TAX	TOTAL
Water Lines					
Sewer Lines					
Streets & Alleys					
Curb & Gutter					
Sidewalks					
Multi-Use Trails					
Bike Lanes					
Traffic Signals					
Lift Stations					
Transit Facilities					
Street Lighting in R-O-W					
Total Cost					
**Actual Reimbursement (15% of Total Costs)					

# CHECKLIST FOR INFRASTRUCTURE REIMBURSEMENT

## ~~FOR OFFICIAL USE ONLY~~

### GENERAL PROGRAM CRITERIA AND REQUIREMENTS:

- ☒ Property and all qualifying public infrastructure is located within the City Limits.
- ☐ Application is complete and estimates approved by the City Council.
- ☒ The application was submitted concurrent with:
  - ☐ Preliminary plat *Final Plat*
  - ☐ Building permit
  - ☐ Construction plans (because the subdivision was platted prior to adoption of the Subdivision Ordinance)
- ☒ Subdivision is in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
  - ☐ Sketch Plan showing each phase of development
  - ☒ Preliminary Plat(s) for each phase of development
  - ☒ Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
- ☒ Variances were not granted for this project. *Zoning CUP*
- ☐ Approved subdivision was recorded with the County Clerk. *- Pending*
- ☐ Infrastructure Reimbursement Agreement was executed by the City and applicant.
- ☐ Requirements of the Reimbursement Agreement were complied with.
- ☐ Actual costs do not exceed usual and customary infrastructure costs.
- ☒ Items were not installed prior to application date.
- ☐ Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are provided.
- ☐ Third party payment is not requested.
- ☐ Construction of qualifying public infrastructure began within 60-days of preliminary plat approval
- ☒ Construction of qualifying public infrastructure was completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
- ☐ This project:
  - ☒ Furthered City plans and policies
  - ☒ Focused on infill
  - ☐ Provide affordable housing (as determined by the NM Mortgage Finance Authority).

### The following ADDITIONAL REQUIRED INFORMATION was provided:

- ☒ *n/a* List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad
- ☒ Federal tax identification number
- ☒ State tax identification number
- ☒ City business registration number
- ☒ Funding sources for the proposed development project including assistance being requested of, or provided by, the City or other governmental entity (e.g. land, fee waivers, direct funding, etc.)

- ☒ A complete and specific description of the proposed development and infrastructure including, but not limited to:
- Subdivision plats (sketch, preliminary, final)
  - Construction drawings
  - Utility requirements, including but not limited to electric, gas, and water
  - Solid and liquid waste disposal requirements
  - Infrastructure requirements
  - Regulatory compliance requirements (environmental assessments, historic preservation documents)
  - As-built construction drawings (at construction completion)
- ☐ A description of the proposed infrastructures long term benefit to the City
- ☐ Any other information necessary for the City to make a determination regarding the application for reimbursement
- ☐ The tables on page 5 and 6 are complete

on file w/  
city



# Ken Thurston DEVELOPMENT

~~1401 S. Don Roser Dr. Ste G, Las Cruces, NM 88011~~ 575-382-8245 575-382-9226 (fax)

*1880 E. Lohman*

*88001*

Federal ID #20-8639054

State of NM CRS ID #03-112607-00-3

City of Carlsbad Business ID #8029

Board of Directors Kenneth R Thurston – President

Vicki Thurston – Secretary

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 3/11/14**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14												
<b>SUBJECT:</b> Approval of an application and entering into an Infrastructure Reimbursement Agreement with Ken Thurston Development Corporation regarding Spring Hollow Subdivision – Phase 6.														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): On March 3, 2014, the Planning and Zoning Commission reviewed Mr. Thurston's application and recommended approval of a reimbursement of up to \$49,851.42 for qualifying public infrastructure at Spring Hollow Subdivision – Phase 6 in accordance with Resolution 2012-09, as amended. Prior to actual reimbursement, the City and the Applicant must enter into an Infrastructure Reimbursement Agreement (see attached).														
<b>BOARD/COMMISSION/COMMITTEE ACTION: Recommendation...</b> <table><tr><td><input checked="" type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input checked="" type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> Development Committee</td><td></td></tr></table>			<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee	
<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee												
<b>Reviewed by</b> <b>City Administrator:</b> <u>/s/ Steve McCutcheon</u> <b>Date:</b> <u>March 6, 2014</u>														

ATTACHMENTS: Application, Infrastructure Reimbursement Agreement - DRAFT, P&Z ABM and Minutes



**INFRASTRUCTURE REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF CARLSBAD AND  
KEN THURSTON DEVELOPMENT CORPORATION  
FOR QUALIFYING PUBLIC INFRASTRUCTURE  
AT SPRING HOLLOW SUBDIVISION, PHASE 6**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the CITY OF CARLSBAD, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and the KEN THURSTON DEVELOPMENT CORPORATION, a New Mexico corporation, (hereinafter referred to as the "Developer").

WHEREAS, the Carlsbad City Council approved a 15% Infrastructure Reimbursement Program by Resolution 2012-09 (hereinafter referred to as the "Program"); and

WHEREAS, pursuant to the Program, the City seeks to support local economic development by providing a fifteen percent reimbursement to qualifying developers for qualifying public infrastructure projects; and

WHEREAS, Ken Thurston Development Corporation wishes to develop a residential subdivision north of Callaway Drive and east of Quail Hollow Run to be known as Spring Hollow Subdivision, Phase 6 (hereinafter the "Development"); and

WHEREAS, the Developer has submitted an Application for Infrastructure Reimbursement regarding certain qualifying public infrastructure associated with the Development as may be permitted by the Program; and

WHEREAS, on March 3, 2014, the City's Planning and Zoning Commission reviewed the application and recommended approval of a reimbursement of up to but not exceeding \$49,851.42 for qualifying public infrastructure.

NOW THEREFORE, in and for the consideration of the payments and agreements hereinafter mentioned, the parties agree as follows:

1. The Developer will complete infrastructure improvements necessary to support the Development identified as Spring Hollow Subdivision, Phase 6 and desires to participate in the City's 15% Infrastructure Reimbursement Program, as approved by the City Council by Resolution 2012-09, as that Program may be amended from time to time. All terms and conditions established by the Program shall govern this Agreement.
2. That portion of the Development which would constitute qualifying public infrastructure pursuant to the Program is described on attached Exhibit "A" (hereinafter referred to as the "Qualifying Infrastructure"). The estimated cost of each portion of Qualifying Infrastructure is also listed on Exhibit "A".
3. The Developer agrees that the Qualifying Infrastructure will be designed, constructed, installed, and completed in accordance with the following:
  - A. The Infrastructure Reimbursement Program Application submitted by the Developer and dated July 12, 2013 and stamped received by the City on July 12, 2013 (hereinafter the "Application" and attached hereto as Exhibit "B");
  - B. The street, curb, gutter, water and sewer design drawings and specifications prepared by Engineers Inc. (hereinafter the "Professional Engineer") and attached as part of the Application; and
  - C. City Standards for Infrastructure and Utilities.The Developer further states that all plans and specifications for the Qualifying Infrastructure were prepared by and bear the seal of a Professional Engineer, licensed in the State of New Mexico, and the plans and specifications were approved as may be required by the City of Carlsbad Planning and Zoning Commission and/or those City departments charged with the review and approval of such plans and specifications.

4. On or before one year from the date of this agreement, (hereinafter the "Completion Date"), the Developer shall provide the City with:
  - A. A written certification of the Professional Engineer that the Qualifying Infrastructure has been completed according to the design drawings and specifications attached as part of Exhibit "B"; and
  - B. Certified copies of the design drawings and specifications for the Qualifying Infrastructure commonly known as the "as-built" documents.

The documents listed in 4(A) and (B), above, are hereinafter collectively referred to as the "Deliverables". Upon proper application to the City and for good cause shown, the City, at its sole discretion, may extend the Completion Date for all or a portion of the Qualifying Infrastructure for such period of time as the City, in its sole discretion, deems to be in the public interest. No such extension, however, shall extend the Completion Date more than two (2) years beyond the date of the full execution of this Agreement by the parties.

5. Within ten (10) business days of the City's receipt of the Deliverables, the City and/or its agent shall review the Deliverables, inspect the Qualifying Infrastructure and:
  - A. Accept the Qualifying Infrastructure and then send written notice of its acceptance of the Qualifying Infrastructure to the Developer; or
  - B. If the City determines that all requirements, standards, and specifications applicable to the design, construction, installation and completion of the Qualifying Infrastructure have not been met, the City may reject all or a portion of the Qualifying Infrastructure. In that event, the City shall then notify the Developer in writing of such determination. That notice shall state the deficiencies found by the City. The Developer shall then take action to correct all deficiencies. When the deficiencies have been corrected, the Developer shall resubmit the Deliverables to the City. The City shall then have ten (10) business days to review and accept or reject all or a portion of the Qualifying Infrastructure. This process and time periods described herein may

continue until either the City has accepted all the Qualifying Infrastructure, or the City, in its sole discretion, chooses not to accept all or a portion of the Qualifying Infrastructure. In no event, however, shall this process extend more than two (2) years beyond the date of execution of this Agreement by the Developer.

6. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit all documentation and perform all acts necessary to dedicate it to the City of Carlsbad.
7. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit to the City a written list of its actual costs related to the construction of the Qualifying Infrastructure and shall submit copies of final paid invoices as documentation of the actual costs.
8. No later than thirty (30) days after the City has received the written list of actual costs and all copies of final paid invoices from the Developer, the City shall, for each portion of Qualifying Infrastructure accepted by the City:
  - A. Determine which costs are subject to reimbursement pursuant to the terms of the Program; and
  - B. Reimburse the Developer the lesser of either:
    - i. Fifteen percent (15%) of the actual costs subject to reimbursement pursuant to the terms of the Program; or
    - ii. Fifteen percent (15%) of the estimated costs as listed on Exhibit "A" subject to reimbursement pursuant to the terms of the Program.
9. All notices permitted or required by the terms of this Agreement shall be in writing and deemed to have been duly given and delivered, if mailed, certified postage prepaid:

If to the City:	If to the Developer:
City of Carlsbad	Ken Thurston Development Corp.

c/o City Administrator  
P.O. Box 1569  
Carlsbad, NM 88221-1569

c/o Ken Thurston, President  
1880 E. Lohman  
Las Cruces, NM 88001

The parties shall notify each other in writing of any change in the above names or addresses.

10. The Developer and its employees, officers, and agents are independent contractors and are not employees of the City. The Developer and its employees, officers, and agents shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this Agreement.
11. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. The parties expressly waive any other or further representations, warranties, or agreements not set forth in this document. This Agreement cannot be changed except by a written instrument subsequently executed with the same formalities as with this Agreement.
12. The parties agree this Agreement shall be construed and controlled by the laws of New Mexico. The parties further agree that any legal action arising out of this Agreement shall be brought in the District Court of Eddy County, New Mexico for the Fifth Judicial District. The parties expressly consent to both in person and subject matter jurisdiction of the Eddy County District Court and agree that venue shall properly lie in the Eddy County, New Mexico District Court.
13. Any instrument or document made and attached to this Agreement or referred to by



REPLACE THIS PAGE WITH  
EXHIBIT "A"

A LIST OF THE QUALIFYING  
INFRASTRUCTURE TO BE CONSTRUCTED  
BY APPLICANT AND FOR WHICH THE 15%  
REIMBURSEMENT IS BEING SOUGHT AND  
THE ESTIMATED AND/OR ACTUAL COSTS  
ASSOCIATED WITH EACH ITEM ON THE  
LIST

For this Application the list will include:

Roadway with curb, gutter and sidewalk

Water

Sanitary Sewer

REPLACE THIS PAGE WITH  
EXHIBIT "B"

INFRASTRUCTURE REIMBURSEMENT  
PROGRAM APPLICATION WITH ALL  
ATTACHMENTS



**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

<b>BRIAN WESTON</b>	<b>8524 MOLINAR ROAD</b>
<b>ALFONSO MOLINAR JR</b>	<b>8312 MOLINAR ROAD</b>
<b>CLIFFORD DOWNEY</b>	<b>8302 MOLINAR ROAD</b>
<b>S.J. MARSHALL</b>	<b>8414 MOLINAR ROAD</b>
<b>CINDY &amp; GARY TAYLOR</b>	<b>5050 NATIONAL PARKS HWY</b>
<b>CONNIE I. HOOD</b>	<b>213 S. MESQUITE</b>
<b>LOU WARD</b>	<b>317 NELSON</b>
<b>BILL MURRILL</b>	<b>5317 LOMAS</b>
<b>MILES CADDELL</b>	<b>8514 NATIONAL PARKS HWY</b>
<b>CODY NORTHCUTT</b>	<b>PO BOX 2273, CARLSBAD</b>
<b>CASIMIRO G. HERNANDEZ</b>	<b>6427 KEVIL ROAD</b>
<b>GEORGE C. ORTEGA</b>	<b>1530 HASTON ROAD</b>
<b>SANDRA YBABEN</b>	<b>7008 KEVIL ROAD</b>
<b>MELANIE HOBBS</b>	<b>8314 NATIONAL PARKS HWY</b>
<b>CHARLES HOBBS</b>	
<b>JOE HAYS</b>	
<b>DAN R. REDDY</b>	<b>904 N. GUADALUPE</b>
<b>GARY MALEY</b>	
<b>SEVERAL OTHERS WHO DIDN'T SIGN IN</b>	

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      Start Recording [5:02 PM]

0:00:22      1.      Roll call of voting members and determination of quorum.

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.        Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3.        Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4.        Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5.        Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46            **6.            Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36            **7.            Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10            **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

**2:19:31      9.      Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

**2:20:21      10.      Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

**2:21:02      11.      Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.



2:26:29        **13.    Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.    Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

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Chairman

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Date

**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**  
**PLANNING AND ZONING COMMISSION**

**Meeting Date: 3/3/14**

**DEPARTMENT:** Planning,  
Engineering, and Regulation

**BY:** Stephanie Shumsky,  
Planning Director

**DATE:** 2/26/14

**SUBJECT:** Approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.

**Applicant:**

Ken Thurston Development Corp.  
1880 E. Lohman  
Las Cruces, NM 88001

**HISTORY:** In 2008, the City Council adopted an Infrastructure Reimbursement Program whereby the City could reimburse private property owners and developers a certain percentage of qualifying infrastructure costs. This program was revised in 2012 to increase the percentage of allowable reimbursement and to clarify the definition of “qualifying Infrastructure”. Since inception of the program, there have been various methods of application review and recommendation to the City Council. Most recently, an ad hoc “Development Committee” reviewed these types of applications. Due to the Planning and Zoning Commission’s expertise in the area of planning and development and their familiarity with the projects involved in the applications, it was determined that the Commission is the most appropriate entity to review these applications.

The Commission’s task is to verify that the applications were completed, submitted and reviewed according to the program’s design and recommend to the City Council an amount for reimbursement. The process that is followed for application submittal and review is described in the attached blank application. In the packet after the blank application, is the application submitted for by the applicant. City staff, including the Planning Director, Public Works Director and Utilities Director, have reviewed the application, verified that the calculations, quantities and costs are correct and provided a recommended amount for reimbursement. A synopsis of this review is provided below along with the recommended amount of reimbursement.

**SYNOPSIS:** In accordance with the Public Infrastructure Reimbursement Program (Resolution 2012-09), this request is for the approval of an application and a recommendation to the City Council regarding the reimbursement for qualifying public infrastructure related to Spring Hollow Subdivision – Phase 6. Approval of this application will allow the City and applicant to enter into a Public Infrastructure Reimbursement Agreement as outlined in Res. 2012-09.

**Based on the construction estimates submitted by the applicant and based on staff review of these estimates, the preparation of a Reimbursement Agreement and reimbursement of up to, but not exceeding, \$49,851.42 is recommended.** The following table summarizes the estimated expenses based on staff review of construction plans and cost estimates provided by the applicant:

Qualifying Public Infrastructure	Subtotal	Tax (0.074375)	Total	15%
Water Lines	66,000.00	4,908.75	70,908.75	10,636.31
Sewer Lines	68,000.00	5,057.50	73,057.50	10,958.63
Streets & Alleys	85,848.00	6,384.95	92,232.95	13,834.95
Curb & Gutter	31,408.00	2,335.97	33,743.97	5,061.60
Sidewalks	54,180.00	4,029.64	58,209.64	8,731.45
Street Lighting in R-O-W	3,900.00	290.00	4,190.00	628.50
<b>Totals</b>	<b>309,336.00</b>	<b>23,006.81</b>	<b>332,342.81</b>	<b>49,851.42</b>

**ATTACHMENTS:** Application materials

Lrp

RESOLUTION 2012-09

A RESOLUTION AMENDING THE "10% OFF-SITE INFRASTRUCTURE REIMBURSEMENT PILOT PROGRAM" ADOPTED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD ON AUGUST 26, 2008; ESTABLISHING NEW ELIGIBILITY STANDARDS FOR APPLICANTS; DEFINING QUALIFYING PUBLIC INFRASTRUCTURE COMPONENTS; SETTING REIMBURSEMENT FOR QUALIFIED PUBLIC INFRASTRUCTURE AT 15%

WHEREAS, at its regular meeting on August 26, 2008, the Governing Body of the City of Carlsbad adopted by simple motion a "10% Off-site Infrastructure Reimbursement Pilot Program" to "help bridge the gap between the infrastructure, contractors, and the City;" and

WHEREAS, the "Pilot Program" has proven of value in stimulating economic development and equitably reimbursing contractors and developers for certain public infrastructure costs; and

WHEREAS, the actual implementation and management of the "Pilot Program" as originally conceived has proven cumbersome and time-consuming for both the City and qualified applicants, resulting in delays in processing reimbursement requests; and

WHEREAS, it is in the interest of the City to modify and amend the "Pilot Program" as originally conceived, implemented, and executed to more efficiently and effectively process and distribute reimbursements by better defining qualified public infrastructure components subject to reimbursement, streamlining and standardizing the submittals required for reimbursement, and to establish by adoption of the Governing Body a definitive set of policies, rules, and regulations to move the "Pilot Program" to permanent program status.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD THAT:

1. The "10% Off-site Infrastructure Pilot Program" shall now be known as the "Public Infrastructure Reimbursement Program" (hereinafter "Program"); and
2. The purpose of the Program is to support economic development within the City by providing private property owners and developers reimbursement on a set percentage basis of the total costs of qualifying public infrastructure installed or constructed on-site (within the platted boundaries) or off-site (outside of the platted boundaries); and
3. The City will reimburse fifteen percent (15%) of the actual costs of construction and installation of qualifying public infrastructure; and
4. Qualifying public infrastructure shall be limited to:
  - a. water lines
  - b. sewer lines
  - c. streets and alleys
  - d. curb and gutter
  - e. sidewalks
  - f. multi-use trails
  - g. bike lanes

- h. traffic signals
  - i. lift stations
  - j. transit facilities
  - k. street lighting in public right-of-way; and
5. The followings costs associated with qualifying public infrastructure shall not be eligible for reimbursement:
- a. engineering
  - b. surveying
  - c. site prep
  - d. right-of-way and easement acquisition
  - e. labor
  - f. permitting and consulting services; and
6. Approval of an application for reimbursement under the Program shall not guarantee approval of a reimbursement. An approved application allows the applicant to proceed with the execution of a Public Infrastructure Reimbursement Agreement which must be approved by the Governing Body; and
7. Notwithstanding anything to the contrary in this Resolution, reimbursement will be, in all cases, dependent upon the availability of funds and the appropriation of funds by the Governing Body; and
8. All applications shall be made on forms provided by the City; and
9. The process for acceptance and review of an application shall be as follows:
- a. Applications for the Program shall be available in the Licensing and Permits Office.
  - b. Applications must be submitted concurrent with submission of a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance.
  - c. Applications are accepted on an ongoing basis as follows:
    - i. The minimum application packet submittal is one (1) copy of the completed application with original signatures and all required supporting documents.
    - ii. A letter of explanation or clarification shall also be provided.
    - iii. There is no fee for applying for the Program.
    - iv. The preferred size for all documents is 11"X 17". If larger sized documents are provided, the applicant shall include 15 copies.
  - d. The application must be completed and approved by the City Council.
  - e. Subdivision of land must be in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
    - i. Sketch Plan showing each phase of development
    - ii. Preliminary Plat(s) for each phase of development
    - iii. Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
  - f. Infrastructure that varies from the standards set by applicable City ordinances, rules, or regulations shall not qualify for reimbursement.
  - g. Approved subdivisions must be recorded and filed with the County Clerk.
  - h. An Infrastructure Reimbursement Agreement must be executed by the City and applicant prior to reimbursement.
  - i. Reimbursement shall not exceed usual and customary infrastructure costs.
  - j. Reimbursement shall not be made for infrastructure installed prior to application date.
    - i. Reimbursement shall be paid upon total construction completion.
    - ii. Progress billing will not be accepted.

- iii. Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are required; and
- 10. Construction of qualifying public infrastructure must begin within 60-days of preliminary plat approval and be completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit); and
- 11. In the event budgeted funding is insufficient to cover reimbursements for all applicants, priority will be given to:
  - a. projects that further City plans and policies; and
  - b. focus on infill; or
  - c. provide affordable housing (as determined by the NM Mortgage Finance Authority); and
- 12. The terms and conditions of the Program may be modified by Resolution from time to time as deemed appropriate by the Governing Body.

  
Dale Janway, Mayor

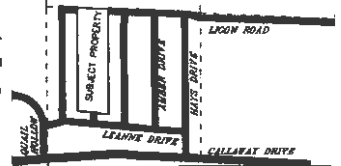
Attest:

  
Amanda McDougall  
City Clerk

# SPRING HOLLOW SUBDIVISION UNIT 1 PHASE 6

A SUBDIVISION OF TRACT F OF THURSTON LAND DIVISION 5 (CABINET SLIDE OF THE MAP RECORDS OF EDDY COUNTY), LYING IN THE SWNW AND SE7/38/10E 26.319 FEET FROM THE NW CORNER OF CALLED SWNW, THEN CONTINUING ON ALONG SAID NORTH LINE FOR 260.20 FEET, TO THE EAST LINE OF TRACT F; THEN S00°05'28"W, ALONG THE WEST LINE OF TRACT F, FOR 881.93 FEET TO THE NORTH LINE OF SPRING HOLLOW UNIT 1 PHASE 3 SUBDIVISION; THEN S87°31'03"E, ALONG SAID NORTH LINE, FOR 105.09 FEET; THEN S00°05'28"W, CONTINUING ALONG SAID LINE, FOR 12.01 FEET; THEN S87°31'03"E, CONTINUING ALONG SAID LINE, FOR 155.14 FEET; THEN N00°05'28"E, FOR 8869.38 FEET TO THE NORTH LINE OF TRACT F, BACK TO THE POINT OF BEGINNING CONTAINING ±5.22 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL PERTAINING EASEMENTS.

## VICINITY MAP



### SITE DATA: SPRING HOLLOW SUBDIVISION UNIT 1 PHASE 6

AREA: ±5.22 ACRES  
NUMBER OF LOTS: 30  
SIZE OF LOTS: 8 - ±0.12 ACRES 4 - ±0.13 ACRES  
17 - ±0.14 ACRES 1 - ±0.15 ACRES

ZONED: "PUD" - A PLANNED UNIT DEVELOPMENT DISTRICT

SET BACK LINES: FRONT - 20'  
REAR - 15'  
SIDE - 10' BETWEEN STRUCTURES  
CORNER SIDE YARD - 10'

FLOODPLAIN: DETERMINED TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DETERMINED BY THE FLOOD INSURANCE DATA MAP 35010C108SD, FOR EDDY COUNTY, NEW MEXICO (and incorporated areas), EFFECTIVE DATE OF JUNE 4, 2010. AREA IDENTIFY NUMBERS (EDDY COUNTY 350100) (CITY OF CARLSBAD 350017)

COMMENTS: NO LOTS TO BE DEDICATED TO THE PUBLIC

NO LOTS TO BE DEDICATED FOR PARKS, SCHOOLS, CHURCHES OR INDUSTRY

ALL STREETS WILL BE DEDICATED TO THE PUBLIC

THE DEDICATED STREETS WILL CARRY THE PUBLIC UTILITIES

THURSTON DEVELOPMENT CORPORATION  
KEN THURSTON, PRESIDENT OF KEN THURSTON DEVELOPMENT CORPORATION  
OFFICER STATEMENT AND AFFIDAVIT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
THE ABOVE SIGNED BEING FIRST SWORN ON OATH, STATE, AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS LOTS, DEDICATED ROADS AND EASEMENTS TO BE PLATED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATING JURISDICTION OF  
CITY OF CARLSBAD  
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY \_\_\_\_\_  
Notary Public for the State of New Mexico

NOTARY PUBLIC

### CARLSBAD N.M. ROAD DEDICATIONS

I HEREBY CERTIFY THAT THE ROAD DEDICATIONS, AS SHOWN ON THIS PLAT OF SURVEY, HAVE BEEN:

- ☐ ACCEPTED
- ☐ ACCEPTED, SUBJECT TO IMPROVEMENTS
- ☐ REJECTED

BY THE CITY OF CARLSBAD PLANNING COMMISSIONERS OF EDDY COUNTY, NEW MEXICO, ON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CHAIRMAN SECRETARY

### APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CHAIRMAN SECRETARY

### R&R SURVEYING LLC

A LAND SURVEYING COMPANY  
CHUCK R. RYAN, P.E. CO. CLERK

SEC. 50 1218 R&R N.M.P.M.

SUBDIVISION: SPRING HOLLOW SUBDIVISION

UNIT 1 PHASE 6

OWNER: R&R SURVEYING

CITY: CARLSBAD

STATE: NEW MEXICO

DATE: MAY 21, 2013

ACKNOWLEDGEMENT

AREA: ±5.22 ACRES

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON

THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

CABINET \_\_\_\_\_ SLIDE \_\_\_\_\_

DALENE ROSPRIN-COUNTY CLERK

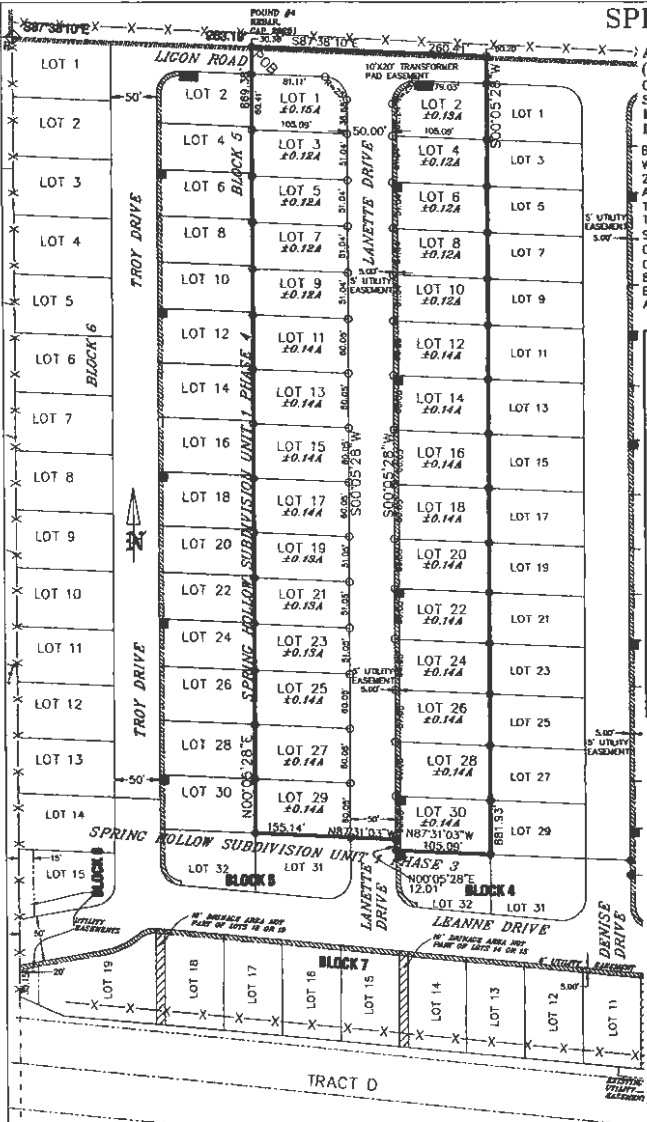
BY \_\_\_\_\_ DEPUTY

BASIS OF BEARINGS BASED ON THE PLATTED THURSTON LAND DIVISION 5, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF EDDY COUNTY.

I, MELVIN R. PFEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.



MELVIN R. PFEATT, JR., 423 W. CREEK ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TELE. 885-6867, FAX 885-6867



Phase 6 = Street "B"

From Preliminary Plat  
Approval (2007) Est. Quantities

ITEM#	SUMMARY OF QUANTITIES ITEM DESCRIPTION	UNITS	STREETS						
			"A"	"B"	"C"	"D"	"E"	"N"	"S"
	<b>BASE BID</b>								
210	OPEN AREA LAND LEVELING	SQ. YD.	0	0	0	0	0	0	0
301	SUBGRADE PREPARATION	SQ. YD.	0	0	0	0	0	0	0
302	BASE COURSE	CU. YD.	0	0	0	0	0	0	0
336	ASPHALT CONCRETE PAVEMENT	SQ. YD.	0	0	0	0	0	0	0
601	EARTHWORK FOR OPEN CHANNELS W/APPURTENANCES	CU. YD.	0	0	0	0	0	0	0
801.1	INSTALLATION OF WATER MAINS	L. F.	0	0	0	0	0	0	0
801.2	VALVES AND VALVE BOXES	EACH	2	2	2	2	4	8	10
801.3	FIRE HYDRANTS, 4 FT. BURY	EACH	0	0	0	0	0	0	0
801.4	AIR/VACUUM RELEASE VALVES	EACH	1	1	1	1	1	1	1
901	SANITARY SEWER COLLECTOR MAINS, 8"	L. F.	956.09	968.33	981.63	993.76	1212.54	0	1144.71
905	SANITARY SEWER SERVICE LINES	L. F.	930.00	960.00	960.00	1020.00	1140.00	0	750.00
920	SANITARY SEWER MANHOLES	EACH	2	2	3	2	3	0	6
802	WATER SERVICE LINES, 3/4"	L. F.	388.00	388.00	388.00	436.50	465.50	0	442.00
340.1	CURB AND GUTTER, TYPE G	L. F.	1873.86	1862.03	1889.14	1912.98	2343.72	1003.36	2200.29
340.2	48" SIDEWALK, 4 IN. DEPTH	SQ. YD.	924.44	923.65	937.17	952.95	1179.56	429.46	1018.50
340.3	48" DRIVEPAD, 6 IN. DEPTH	SQ. YD.	453.33	483.56	483.56	513.78	574.22	0	377.78
850	2" HDPE GAS LINE	L. F.	965.24	977.46	990.75	1002.89	1212.54	0	1135.58
851	HDPE GAS SERVICE LINE	L. F.	375.50	375.50	364.00	307.00	494.50	0	208.00
---.-	SERVICE WATER METERS	EACH	31	32	32	34	40	0	25

DATE 12/13/08  
JOB #100207-A  
DWG. BY RM

REVISIONS  
FILE: RM THURSTON  
PLANS 1-3.DWG

PROJECT  
KEN THURSTON HOMES, INC.  
SPRING HOLLOW SUBDIVISION  
CARMEL, NEW MEXICO

**ENGINEERS INC.**  
1041 NW 10th (1972)  
(505) 946-1440 (7/02)  
JULIE S. GUILLERMO  
CALIFORNIA, NEW MEXICO 6630

TITLE  
SUMMARY OF QUANTITIES  
SPECIAL PROVISIONS



SHEET  
A-3





City of Carlsbad, New Mexico  
**Infrastructure Reimbursement Program**  
Application



APPLICATION DATE: 7/12/13

**PROGRAM DESCRIPTION:** The purpose of this program is to support economic development within the City by providing private property owners and developers a 15% reimbursement of the total on-site (within the platted boundaries) and off-site (outside of the platted boundaries) qualifying public infrastructure costs associated with an approved development. Qualifying Public Infrastructure includes: water lines, sewer lines, lift stations, streets and alleys, street lighting in the right-of-way, sidewalks, curb and gutter, multi-use trails, bike lanes, traffic signals, and transit facilities. Engineering costs, surveying, site prep, right-of-way and easement acquisition, labor, permitting and consulting fees are not eligible for reimbursement. *Approval of an application does not guarantee approval of a reimbursement. An approved application allows the applicant to proceed with the execution of an Infrastructure Reimbursement Agreement. Once the requirements specified in the Infrastructure Reimbursement Agreement are fulfilled, reimbursement will be granted.*

**APPLICANT INFORMATION:**

Ken Thurston Development Corp  
Name (property owner OR developer)  
1850 E Bohman Las Cruces NM 88001  
Address City State Zip Code  
575 382 8245 Ken@Thurstonhomes.com  
Phone Email

**PROPERTY INFORMATION:**

Spring hallow 6  
Name (subdivision OR project) Unit Phase  
Lonette Drive between Igon Road and Leanne drive  
Location/Cross Streets

**GENERAL PROGRAM CRITERIA AND REQUIREMENTS:**

1. Property and all qualifying public infrastructure must be located within the City Limits.
2. The application must be completed and approved by the City Council.
3. The application must be submitted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance.
4. Subdivision of land must be in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
  - a. Sketch Plan showing each phase of development
  - b. Preliminary Plat(s) for each phase of development
  - c. Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
  - d. Infrastructure that varies from the standard shall not qualify for reimbursement.
5. Approved subdivisions must be recorded and filed with the County Clerk.

6. An Infrastructure Reimbursement Agreement must be executed by the City and applicant prior to reimbursement.
7. Reimbursement shall not exceed usual and customary infrastructure costs.
8. Reimbursement shall not be made for items installed prior to application date.
9. Reimbursement shall be paid upon total construction completion. Progress billing will not be accepted. Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are required.
10. Reimbursement will be made to the applicant only. No payment will be made to third parties.
11. Construction of qualifying public infrastructure must begin within 60-days of preliminary plat approval and be completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
12. Greater priority will be given to projects that further City plans and policies, focus on infill and/or provide affordable housing (as determined by the NM Mortgage Finance Authority).

**ADDITIONAL REQUIRED INFORMATION:**

Please attach the following information organized in the order listed below:

1. List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad; and
2. Federal tax identification number, State tax identification number, and City business registration number; and
3. List any assistance requested from Federal, State or County governments, if any. Include any direct funding, land, fee and/or permit waivers; and
4. A complete and specific description of the proposed development and infrastructure including, but not limited to:
  - a. Subdivision plats (sketch, preliminary, final)
  - b. Construction drawings
  - c. Utility requirements, including but not limited to electric, gas, and water
  - d. Solid and liquid waste disposal requirements
  - e. Infrastructure requirements
  - f. Regulatory compliance requirements (environmental assessments, historic preservation documents)
  - g. As-built construction drawings (at construction completion); and
5. A description of the proposed infrastructures long term benefit to the City; and
6. Any other information necessary for the City to make a determination regarding the application for reimbursement.
7. The table on page 4 of this application must be completed.

phase 6

**DESCRIPTION OF QUALIFYING INFRASTRUCTURE AND ESTIMATED COSTS (including taxes)**  
**USE THIS FORM (attach supporting documentation, as necessary):**

7,4375%						
ITEM	QUANTITY	UNIT	UNIT COST	TAX	TOTAL	Total w/tax
Water Lines	1000	LF	66	4908.75	66,000	70,908.75
Sewer Lines	1000	LF	68	5057.5	68,000	73,057.5
Streets & Alleys	3598	SY	23.86	6384.95	85,848.	92,232.95
Curb & Gutter	1963	LF	16.00	2335.97	31408	33,743.97
Sidewalks	8400	SE	6.45	4029.64	54,180	58,209.64
Multi-Use Trails						
Bike Lanes						
Traffic Signals						
Lift Stations						
Transit Facilities						
Street Lighting in R-O-W	3	Light Pole	1300	290.13	3900	4190.06
Total Cost Estimate					309,336.00	332,342.87
**Total Reimbursement Estimate (15% of Total Costs)					49,851.43	

**DESCRIPTION OF QUALIFYING INFRASTRUCTURE AND ACTUAL COSTS (including taxes)  
USE THIS FORM (attach supporting documentation, as necessary):**

ITEM	QUANTITY	UNIT	UNIT COST	TAX	TOTAL
Water Lines					
Sewer Lines					
Streets & Alleys					
Curb & Gutter					
Sidewalks					
Multi-Use Trails					
Bike Lanes					
Traffic Signals					
Lift Stations					
Transit Facilities					
Street Lighting in R-O-W					
Total Cost					
**Actual Reimbursement (15% of Total Costs)					

# CHECKLIST FOR INFRASTRUCTURE REIMBURSEMENT

## FOR OFFICIAL USE ONLY

### GENERAL PROGRAM CRITERIA AND REQUIREMENTS:

- ☒ Property and all qualifying public infrastructure is located within the City Limits.
- ☐ Application is complete and estimates approved by the City Council.
- ☒ The application was submitted concurrent with:
  - ☐ Preliminary plat
  - ☒ Building permit *final plat*
  - ☐ Construction plans (because the subdivision was platted prior to adoption of the Subdivision Ordinance)
- ☒ Subdivision is in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
  - ☒ Sketch Plan showing each phase of development
  - ☒ Preliminary Plat(s) for each phase of development
  - ☐ Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
- ☒ Variances were not granted for this project. *zoning PDD*
- ☐ Approved subdivision was recorded with the County Clerk. *- pending*
- ☐ Infrastructure Reimbursement Agreement was executed by the City and applicant. *- pending*
- ☒ Requirements of the Reimbursement Agreement were complied with.
- ☐ Actual costs do not exceed usual and customary infrastructure costs.
- ☒ Items were not installed prior to application date.
- ☐ Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are provided.
- ☐ Third party payment is not requested.
- ☐ Construction of qualifying public infrastructure began within 60-days of preliminary plat approval
- ☒ Construction of qualifying public infrastructure was completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
- ☒ This project:
  - ☒ Furthered City plans and policies
  - ☒ Focused on infill
  - ☐ Provide affordable housing (as determined by the NM Mortgage Finance Authority).

### The following ADDITIONAL REQUIRED INFORMATION was provided:

- ☒ List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad
- ☒ Federal tax identification number
- ☒ State tax identification number
- ☒ City business registration number
- ☒ Funding sources for the proposed development project including assistance being requested of, or provided by, the City or other governmental entity (e.g. land, fee waivers, direct funding, etc.)

- ☒ A complete and specific description of the proposed development and infrastructure including, but not limited to:
- Subdivision plats (sketch, preliminary, final)
  - Construction drawings
  - Utility requirements, including but not limited to electric, gas, and water
  - Solid and liquid waste disposal requirements
  - Infrastructure requirements
  - Regulatory compliance requirements (environmental assessments, historic preservation documents)
  - As-built construction drawings (at construction completion)
- ☐ A description of the proposed infrastructures long term benefit to the City
- ☐ Any other information necessary for the City to make a determination regarding the application for reimbursement
- ☐ The tables on page 5 and 6 are complete

on file w/city

Phase 6



## CITY OF CARLSBAD

*Planning, Engineering, and Regulation Department*  
101 N. Halagueno, Carlsbad, NM 88220  
Phone (575) 887-1191, Ext. 7923  
Fax (575) 885-9871

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### Application for INFRASTRUCTURE REIMBURSEMENT PROGRAM

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#### PROCESS FOR ACCEPTANCE AND REVIEW

1. Applications for the **Infrastructure Reimbursement Program** are available in the Licensing and Permits Office. Applications are accepted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance. Construction cost estimates are required at the time of application.
2. Applications are accepted on an ongoing basis. The minimum application packet submittal is one (1) copy of the completed application with original signatures and all required supporting documents. A letter of explanation or clarification shall also be provided. There is no fee for applying for this program. The preferred size for all documents is 11"x17". If larger-sized documents are provided, include 15 copies.
3. The Licensing and Permits Office will review the application for completeness. The application will be forwarded to the Development Committee for review prior to the City Council meeting. If deficiencies are noted, the Applicant will be advised and provided an opportunity to supplement the application. The application will not be considered by the City Council until it is complete.
4. If approved, the City will execute an Infrastructure Reimbursement Agreement, which details additional program requirements. Prior to reimbursement, the actual construction costs are required to be submitted concurrent with a final plat and as-built drawings and/or a certificate of occupancy.
5. Funding for this program varies from year to year. Reimbursement is on a first come first served basis.



~~4401 S. Don Roser Dr. Ste G, Las Cruces, NM 88011~~ 575-382-8245 575-382-9226 (fax)

*1880 E. Lokman*

*88001*

Federal ID #20-8639054

State of NM CRS ID #03-112607-00-3

City of Carlsbad Business ID #8029

Board of Directors Kenneth R Thurston – President

Vicki Thurston – Secretary

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**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 3/11/14**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14												
<b>SUBJECT:</b> Approval of an application and entering into an Infrastructure Reimbursement Agreement with Mesa Properties of Carlsbad, LLC regarding Petroleum Park Subdivision – Unit 1.														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): On March 3, 2014, the Planning and Zoning Commission reviewed Mesa Properties, LLC's application and recommended approval of a reimbursement of up to \$24,562.31 for qualifying public infrastructure at Petroleum Park Subdivision – Unit 1 in accordance with Resolution 2012-09, as amended. Prior to actual reimbursement, the City and the Applicant must enter into an Infrastructure Reimbursement Agreement (see attached).														
<b>BOARD/COMMISSION/COMMITTEE ACTION: Recommendation...</b> <table><tr><td><input checked="" type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input checked="" type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> Development Committee</td><td></td></tr></table>			<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee	
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<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee												
<b>Reviewed by</b> <b>City Administrator:</b> <u>/s/ Steve McCutcheon</u> <b>Date:</b> <u>March 6, 2014</u>														

ATTACHMENTS: Application, Infrastructure Reimbursement Agreement - DRAFT, P&Z ABM and Minutes

**INFRASTRUCTURE REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF CARLSBAD AND  
MESA PROPERTIES OF CARLSBAD, LLC  
FOR QUALIFYING PUBLIC INFRASTRUCTURE  
AT PETROLEUM PARK SUBDIVISION, UNIT 1**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the CITY OF CARLSBAD, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and MESA PROPERTIES OF CARLSBAD, LLC, a New Mexico corporation, (hereinafter referred to as the "Developer").

WHEREAS, the Carlsbad City Council approved a 15% Infrastructure Reimbursement Program by Resolution 2012-09 (hereinafter referred to as the "Program"); and

WHEREAS, pursuant to the Program, the City seeks to support local economic development by providing a fifteen percent reimbursement to qualifying developers for qualifying public infrastructure projects; and

WHEREAS, Mesa Properties Of Carlsbad, LLC wishes to develop a commercial use subdivision east of Boyd Drive between Del Rio Street and Kircher Street to be known as Petroleum Park Subdivision – Unit 1 (hereinafter the "Development"); and

WHEREAS, the Developer has submitted an Application for Infrastructure Reimbursement regarding certain qualifying public infrastructure associated with the Development as may be permitted by the Program; and

WHEREAS, on March 3, 2014, the City's Planning and Zoning Commission reviewed the application and recommended approval of a reimbursement of up to but not exceeding \$24,562.31 for qualifying public infrastructure.

NOW THEREFORE, in and for the consideration of the payments and agreements hereinafter mentioned, the parties agree as follows:

1. The Developer will complete infrastructure improvements necessary to support the Development identified as Petroleum Park Subdivision – Unit 1 and desires to participate in the City's 15% Infrastructure Reimbursement Program, as approved by the City Council by Resolution 2012-09, as that Program may be amended from time to time. All terms and conditions established by the Program shall govern this Agreement.
2. That portion of the Development which would constitute qualifying public infrastructure pursuant to the Program is described on attached Exhibit "A" (hereinafter referred to as the "Qualifying Infrastructure"). The estimated cost of each portion of Qualifying Infrastructure is also listed on Exhibit "A".
3. The Developer agrees that the Qualifying Infrastructure will be designed, constructed, installed, and completed in accordance with the following:
  - A. The Infrastructure Reimbursement Program Application submitted by the Developer and dated December 5, 2013 and stamped received by the City on December 5, 2013 (hereinafter the "Application" and attached hereto as Exhibit "B");
  - B. The water and sewer design drawings and specifications prepared by Smith Engineering Company (hereinafter the "Professional Engineer") and attached as part of the Application; and
  - C. City Standards for Infrastructure and Utilities.The Developer further states that all plans and specifications for the Qualifying Infrastructure were prepared by and bear the seal of a Professional Engineer, licensed in the State of New Mexico, and the plans and specifications were approved as may be required by the City of Carlsbad Planning and Zoning Commission and/or those City departments charged with the review and approval of such plans and specifications.

4. On or before one year from the date of this agreement, (hereinafter the "Completion Date"), the Developer shall provide the City with:
  - A. A written certification of the Professional Engineer that the Qualifying Infrastructure has been completed according to the design drawings and specifications attached as part of Exhibit "B"; and
  - B. Certified copies of the design drawings and specifications for the Qualifying Infrastructure commonly known as the "as-built" documents.

The documents listed in 4(A) and (B), above, are hereinafter collectively referred to as the "Deliverables". Upon proper application to the City and for good cause shown, the City, at its sole discretion, may extend the Completion Date for all or a portion of the Qualifying Infrastructure for such period of time as the City, in its sole discretion, deems to be in the public interest. No such extension, however, shall extend the Completion Date more than two (2) years beyond the date of the full execution of this Agreement by the parties.

5. Within ten (10) business days of the City's receipt of the Deliverables, the City and/or its agent shall review the Deliverables, inspect the Qualifying Infrastructure and:
  - A. Accept the Qualifying Infrastructure and then send written notice of its acceptance of the Qualifying Infrastructure to the Developer; or
  - B. If the City determines that all requirements, standards, and specifications applicable to the design, construction, installation and completion of the Qualifying Infrastructure have not been met, the City may reject all or a portion of the Qualifying Infrastructure. In that event, the City shall then notify the Developer in writing of such determination. That notice shall state the deficiencies found by the City. The Developer shall then take action to correct all deficiencies. When the deficiencies have been corrected, the Developer shall resubmit the Deliverables to the City. The City shall then have ten (10) business days to review and accept or reject all or a portion of the Qualifying Infrastructure. This process and time periods described herein may

continue until either the City has accepted all the Qualifying Infrastructure, or the City, in its sole discretion, chooses not to accept all or a portion of the Qualifying Infrastructure. In no event, however, shall this process extend more than two (2) years beyond the date of execution of this Agreement by the Developer.

6. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit all documentation and perform all acts necessary to dedicate it to the City of Carlsbad.
7. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit to the City a written list of its actual costs related to the construction of the Qualifying Infrastructure and shall submit copies of final paid invoices as documentation of the actual costs.
8. No later than thirty (30) days after the City has received the written list of actual costs and all copies of final paid invoices from the Developer, the City shall, for each portion of Qualifying Infrastructure accepted by the City:
  - A. Determine which costs are subject to reimbursement pursuant to the terms of the Program; and
  - B. Reimburse the Developer the lesser of either:
    - i. Fifteen percent (15%) of the actual costs subject to reimbursement pursuant to the terms of the Program; or
    - ii. Fifteen percent (15%) of the estimated costs as listed on Exhibit "A" subject to reimbursement pursuant to the terms of the Program.
9. All notices permitted or required by the terms of this Agreement shall be in writing and deemed to have been duly given and delivered, if mailed, certified postage prepaid:  

If to the City:	If to the Developer:
City of Carlsbad	Mesa Properties of Carlsbad, LLC

c/o City Administrator  
P.O. Box 1569  
Carlsbad, NM 88221-1569

c/o Valerie Murrill  
P.O. Box 3122  
Carlsbad, NM 88221

The parties shall notify each other in writing of any change in the above names or addresses.

10. The Developer and its employees, officers, and agents are independent contractors and are not employees of the City. The Developer and its employees, officers, and agents shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this Agreement.
11. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. The parties expressly waive any other or further representations, warranties, or agreements not set forth in this document. This Agreement cannot be changed except by a written instrument subsequently executed with the same formalities as with this Agreement.
12. The parties agree this Agreement shall be construed and controlled by the laws of New Mexico. The parties further agree that any legal action arising out of this Agreement shall be brought in the District Court of Eddy County, New Mexico for the Fifth Judicial District. The parties expressly consent to both in person and subject matter jurisdiction of the Eddy County District Court and agree that venue shall properly lie in the Eddy County, New Mexico District Court.
13. Any instrument or document made and attached to this Agreement or referred to by



REPLACE THIS PAGE WITH  
EXHIBIT "A"

A LIST OF THE QUALIFYING  
INFRASTRUCTURE TO BE CONSTRUCTED  
BY APPLICANT AND FOR WHICH THE 15%  
REIMBURSEMENT IS BEING SOUGHT AND  
THE ESTIMATED AND/OR ACTUAL COSTS  
ASSOCIATED WITH EACH ITEM ON THE  
LIST

For this Application the list will include:

Water

Sanitary Sewer



REPLACE THIS PAGE WITH  
EXHIBIT "B"

INFRASTRUCTURE REIMBURSEMENT  
PROGRAM APPLICATION WITH ALL  
ATTACHMENTS

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**BRIAN WESTON  
ALFONSO MOLINAR JR  
CLIFFORD DOWNEY  
S.J. MARSHALL  
CINDY & GARY TAYLOR  
CONNIE I. HOOD  
LOU WARD  
BILL MURRILL  
MILES CADDELL  
CODY NORTHCUTT  
CASIMIRO G. HERNANDEZ  
GEORGE C. ORTEGA  
SANDRA YBABEN  
MELANIE HOBBS  
CHARLES HOBBS  
JOE HAYS  
DAN R. REDDY  
GARY MALEY  
SEVERAL OTHERS WHO DIDN'T SIGN IN**

**8524 MOLINAR ROAD  
8312 MOLINAR ROAD  
8302 MOLINAR ROAD  
8414 MOLINAR ROAD  
5050 NATIONAL PARKS HWY  
213 S. MESQUITE  
317 NELSON  
5317 LOMAS  
8514 NATIONAL PARKS HWY  
PO BOX 2273, CARLSBAD  
6427 KEVIL ROAD  
1530 HASTON ROAD  
7008 KEVIL ROAD  
8314 NATIONAL PARKS HWY**

**904 N. GUADALUPE**

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      Start Recording [5:02 PM]

0:00:22      1.      Roll call of voting members and determination of quorum.

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.        Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown; No – None; Abstained – None; Absent – None.** The motion carried.

0:02:01            **3.        Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown; No – None; Abstained – None; Absent – None.** The motion carried.

0:02:29            **4.        Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown; No – None; Abstained – None; Absent – None.** The motion carried.

0:19:11            **5.        Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46            **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36            **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10      **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.



2:19:31            **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21            **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02            **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:26:29        **13.     Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.     Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

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Chairman

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Date

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 3/11/14**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14												
<b>SUBJECT:</b> Approval of an application and entering into an Infrastructure Reimbursement Agreement with Desert Sky Construction, LLC regarding Valley View Heights Block 17 Subdivision.														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): On March 3, 2014, the Planning and Zoning Commission reviewed Desert Sky Construction, LLC's application and recommended approval of a reimbursement of up to \$13,429.87 for qualifying public infrastructure at Valley View Heights Block 17 Subdivision in accordance with Resolution 2012-09, as amended. Prior to actual reimbursement, the City and the Applicant must enter into an Infrastructure Reimbursement Agreement (see attached).														
<b>BOARD/COMMISSION/COMMITTEE ACTION: Recommendation...</b> <table><tr><td><input checked="" type="checkbox"/> P&amp;Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input checked="" type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> Development Committee</td><td></td></tr></table>			<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee	
<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Development Committee												
<b>Reviewed by</b> <b>City Administrator:</b> <u>/s/ Steve McCutcheon</u> <b>Date:</b> <u>3-6-2014</u>														

ATTACHMENTS: Application, Infrastructure Reimbursement Agreement - DRAFT, P&Z ABM and Minutes

**INFRASTRUCTURE REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF CARLSBAD AND  
DESERT SKY CONSTRUCTION, LLC  
FOR QUALIFYING PUBLIC INFRASTRUCTURE  
AT VALLEY VIEW HEIGHTS BLOCK 17 SUBDIVISION**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the CITY OF CARLSBAD, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and DESERT SKY CONSTRUCTION, LLC, a New Mexico corporation, (hereinafter referred to as the "Developer").

WHEREAS, the Carlsbad City Council approved a 15% Infrastructure Reimbursement Program by Resolution 2012-09 (hereinafter referred to as the "Program"); and

WHEREAS, pursuant to the Program, the City seeks to support local economic development by providing a fifteen percent reimbursement to qualifying developers for qualifying public infrastructure projects; and

WHEREAS, Desert Sky Construction, LLC wishes to develop a residential subdivision north of Lea Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street to be known as Valley View Heights Block 17 Subdivision (hereinafter the "Development"); and

WHEREAS, the Developer has submitted an Application for Infrastructure Reimbursement regarding certain qualifying public infrastructure associated with the Development as may be permitted by the Program; and

WHEREAS, on March 3, 2014, the City's Planning and Zoning Commission reviewed the application and recommended approval of a reimbursement of up to but not exceeding \$13,429.87 for qualifying public infrastructure.

NOW THEREFORE, in and for the consideration of the payments and agreements hereinafter mentioned, the parties agree as follows:

1. The Developer will complete infrastructure improvements necessary to support the Development identified as Valley View Heights Block 17 Subdivision and desires to participate in the City's 15% Infrastructure Reimbursement Program, as approved by the City Council by Resolution 2012-09, as that Program may be amended from time to time. All terms and conditions established by the Program shall govern this Agreement.
2. That portion of the Development which would constitute qualifying public infrastructure pursuant to the Program is described on attached Exhibit "A" (hereinafter referred to as the "Qualifying Infrastructure"). The estimated cost of each portion of Qualifying Infrastructure is also listed on Exhibit "A".
3. The Developer agrees that the Qualifying Infrastructure will be designed, constructed, installed, and completed in accordance with the following:
  - A. The Infrastructure Reimbursement Program Application submitted by the Developer and dated October 19, 2012 and stamped received by the City on October 24, 2012, and as completed by the Developer on March 11, 2013, (hereinafter the "Application" and attached hereto as Exhibit "B");
  - B. The water and sewer design drawings and specifications prepared by the Developer and attached as part of the Application; and
  - C. City Standards for Infrastructure and Utilities.The Developer further states that all plans and specifications for the Qualifying Infrastructure were prepared by Desert Sky Construction, LLC and Melvin Pyeatt Jr., a Professional Land Surveyor, licensed in the State of New Mexico, and the plans and specifications were approved as may be required by the City of Carlsbad Planning and Zoning Commission and/or those City departments charged with the review and approval of such plans and specifications.

4. On or before one year from the date of this agreement, (hereinafter the "Completion Date"), the Developer shall provide the City with:
  - A. A written certification of the Professional Engineer that the Qualifying Infrastructure has been completed according to the design drawings and specifications attached as part of Exhibit "B"; and
  - B. Certified copies of the design drawings and specifications for the Qualifying Infrastructure commonly known as the "as-built" documents.

The documents listed in 4(A) and (B), above, are hereinafter collectively referred to as the "Deliverables". Upon proper application to the City and for good cause shown, the City, at its sole discretion, may extend the Completion Date for all or a portion of the Qualifying Infrastructure for such period of time as the City, in its sole discretion, deems to be in the public interest. No such extension, however, shall extend the Completion Date more than two (2) years beyond the date of the full execution of this Agreement by the parties.

5. Within ten (10) business days of the City's receipt of the Deliverables, the City and/or its agent shall review the Deliverables, inspect the Qualifying Infrastructure and:
  - A. Accept the Qualifying Infrastructure and then send written notice of its acceptance of the Qualifying Infrastructure to the Developer; or
  - B. If the City determines that all requirements, standards, and specifications applicable to the design, construction, installation and completion of the Qualifying Infrastructure have not been met, the City may reject all or a portion of the Qualifying Infrastructure. In that event, the City shall then notify the Developer in writing of such determination. That notice shall state the deficiencies found by the City. The Developer shall then take action to correct all deficiencies. When the deficiencies have been corrected, the Developer shall resubmit the Deliverables to the City. The City shall then have ten (10) business days to review and accept or reject all or a portion of the Qualifying Infrastructure. This process and time periods described herein may

continue until either the City has accepted all the Qualifying Infrastructure, or the City, in its sole discretion, chooses not to accept all or a portion of the Qualifying Infrastructure. In no event, however, shall this process extend more than two (2) years beyond the date of execution of this Agreement by the Developer.

6. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit all documentation and perform all acts necessary to dedicate it to the City of Carlsbad.
7. For each portion of the Qualifying Infrastructure accepted by the City, the Developer shall submit to the City a written list of its actual costs related to the construction of the Qualifying Infrastructure and shall submit copies of final paid invoices as documentation of the actual costs.
8. No later than thirty (30) days after the City has received the written list of actual costs and all copies of final paid invoices from the Developer, the City shall, for each portion of Qualifying Infrastructure accepted by the City:
  - A. Determine which costs are subject to reimbursement pursuant to the terms of the Program; and
  - B. Reimburse the Developer the lesser of either:
    - i. Fifteen percent (15%) of the actual costs subject to reimbursement pursuant to the terms of the Program; or
    - ii. Fifteen percent (15%) of the estimated costs as listed on Exhibit "A" subject to reimbursement pursuant to the terms of the Program.
9. All notices permitted or required by the terms of this Agreement shall be in writing and deemed to have been duly given and delivered, if mailed, certified postage prepaid:

If to the City:	If to the Developer:
City of Carlsbad	Desert Sky Construction, LLC

c/o City Administrator  
P.O. Box 1569  
Carlsbad, NM 88221-1569

c/o Ray Peters  
P.O. 2233 W. Texas St.  
Carlsbad, NM 88220

The parties shall notify each other in writing of any change in the above names or addresses.

10. The Developer and its employees, officers, and agents are independent contractors and are not employees of the City. The Developer and its employees, officers, and agents shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to the employees of the City of Carlsbad as a result of this Agreement.
11. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. The parties expressly waive any other or further representations, warranties, or agreements not set forth in this document. This Agreement cannot be changed except by a written instrument subsequently executed with the same formalities as with this Agreement.
12. The parties agree this Agreement shall be construed and controlled by the laws of New Mexico. The parties further agree that any legal action arising out of this Agreement shall be brought in the District Court of Eddy County, New Mexico for the Fifth Judicial District. The parties expressly consent to both in person and subject matter jurisdiction of the Eddy County District Court and agree that venue shall properly lie in the Eddy County, New Mexico District Court.
13. Any instrument or document made and attached to this Agreement or referred to by





REPLACE THIS PAGE WITH  
EXHIBIT "A"

A LIST OF THE QUALIFYING  
INFRASTRUCTURE TO BE CONSTRUCTED  
BY APPLICANT AND FOR WHICH THE 15%  
REIMBURSEMENT IS BEING SOUGHT AND  
THE ESTIMATED AND/OR ACTUAL COSTS  
ASSOCIATED WITH EACH ITEM ON THE  
LIST

For this Application the list will include:

Water  
Sanitary Sewer  
Curb, gutter & sidewalk  
manholes

REPLACE THIS PAGE WITH  
EXHIBIT "B"

INFRASTRUCTURE REIMBURSEMENT  
PROGRAM APPLICATION WITH ALL  
ATTACHMENTS

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**BRIAN WESTON  
ALFONSO MOLINAR JR  
CLIFFORD DOWNEY  
S.J. MARSHALL  
CINDY & GARY TAYLOR  
CONNIE I. HOOD  
LOU WARD  
BILL MURRILL  
MILES CADDELL  
CODY NORTHCUTT  
CASIMIRO G. HERNANDEZ  
GEORGE C. ORTEGA  
SANDRA YBABEN  
MELANIE HOBBS  
CHARLES HOBBS  
JOE HAYS  
DAN R. REDDY  
GARY MALEY  
SEVERAL OTHERS WHO DIDN'T SIGN IN**

**8524 MOLINAR ROAD  
8312 MOLINAR ROAD  
8302 MOLINAR ROAD  
8414 MOLINAR ROAD  
5050 NATIONAL PARKS HWY  
213 S. MESQUITE  
317 NELSON  
5317 LOMAS  
8514 NATIONAL PARKS HWY  
PO BOX 2273, CARLSBAD  
6427 KEVIL ROAD  
1530 HASTON ROAD  
7008 KEVIL ROAD  
8314 NATIONAL PARKS HWY**

**904 N. GUADALUPE**

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      Start Recording [5:02 PM]

0:00:22      **1.      Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.        Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3.        Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4.        Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5.        Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is



recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46            **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36            **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10            **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:19:31            **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21            **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision – Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02            **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:26:29        **13.    Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.    Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

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Chairman

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Date

**CARLSBAD MUNICIPAL COURT  
CITY OF CARLSBAD  
MONTHLY REPORT**

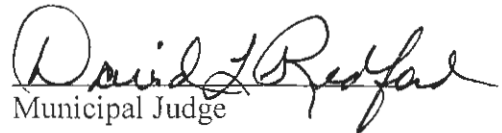
MARCH 2014

Number of Cases	569
Warrants Outstanding	2,756
Amount of Fines	\$50,876.00
Cases on Appeal	0

**FINES**

Summary for the Month of	March 2014
Total Fines	\$32,918.00
Total Prevention Fees	\$ 662.00
Total Lab Fees	\$ 736.00
Total Correction Fees	\$11,344.00
Total Automation Fees	\$ 3,478.00
Judicial Fees	\$ 1,735.00
Notary Fees	\$ 3.00
Victim Restitution	\$ -0-
<b>TOTAL</b>	<b>\$50,876.00</b>
TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE - \$505.00	

cc: Chief  
City Administrator  
Finance Department

  
Municipal Judge

**City of Carlsbad  
Personnel Department**

**Action Report  
Month of February 2014**

**Submitted by  
Scot D. Bendixsen, HR Director**

City of Carlsbad  
Personnel Department Action Report  
Month of February 2014

<b>EMPLOYEE REPORT</b>	Beginning of Month	New Hires	Termina- tions	Transfers In	Transfers Out	End of Month
Full-Time Employees	396	5	5	1	1	396
Part-Time/Temp Employees	65	2	2			65
Total Employees	461	7	7	1	1	461
Administrative	17					17
Judicial	8					8
Finance	18					18
Police	107	1	3			105
Fire	52	2				54
Culture & Recreation	105	3	1	1		108
Planning & Regulation	13					13
Utilities	73		1			72
Transportation & Facilities	68	1	2		1	66
TOTAL	461	7	7	1	1	461

<b>WEEKLY INDEMNITY</b>	Beginning of Month	New Claims	Released To Work	Terminated	End of Month
Employees on WI	5	3	0	0	8

<b>UNEMPLOYMENT CLAIMS</b>	Claims Received	Claims Returned	Claims Denied	Claims Approved	Claims Pending	Claims Appealed
Current Month	2	1	1	1	1	0

<b>DRUG TESTS</b>	Number Given
Pre-employment	12
Probationary	3
Post Accident	10
Random	0
Periodic	0
Probable Cause	1

<b>VACANCIES BID</b>	Department
Welder	Garage
Information Technology Tech.	IT

<b>PHYSICAL EXAMINATIONS</b>	Number Given
Pre-employment	14
Return to Work Evaluation	0
Functional Capacity Evaluation	0

<b>VACANCIES ADVERTISED</b>	Applications Received
Electrician	1
ARC Driver	5
Master Mechanic	1
Museum Attendant P/T	12
CAD Technician	7
IT Technician	7
Warehouse Clerk	Pending
Electrician	Pending

<b>TESTING</b>	Number Given
None	



# **CITY OF CARLSBAD**

## **INTER-OFFICE MEMORANDUM**

Dale Janway, Mayor

Steve McCutcheon City Administrator

March 6 .2014

TO: Council Members

FROM: Mayor Janway

RE: Board, Commission and Committee Appointments

---

Subject to the approval of the Governing Body, I would like to appoint the following:

### **Carlsbad Golf Course Advisory Board**

John Majerus      Remainder of 4 year term

Thank you.

DJ/cm

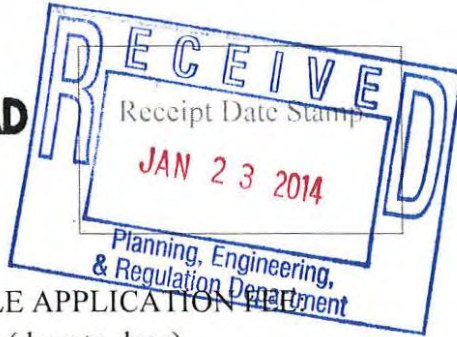
## CITY OF CARLSBAD

## AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 3/11/14

<b>Department:</b> Planning, Engineering and Regulation	<b>By:</b> Jennifer Campos, Executive Secretary	<b>DATE:</b> 3/5/14										
<b>SUBJECT:</b> Renewal of a Business License for Courtesy Sporting and Pawn in accordance with Carlsbad Code of Ordinances Chapter 28, Article II, Sec. 41-48 (as recently amended by Ordinance No. 2012-16) and Article V, Sec. 136-141.  Applicant: Courtesy Sporting and Pawn 1095 N. Canal St. Carlsbad, NM 88220												
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  Courtesy Sporting and Pawn, located at 1095 N. Canal Street, is requesting renewal of an annual business license. They have provided the bonding required by Section 28-136.  On 2/18/14, planning staff requested a background check report from the police department. As of the printing of this ABM, it has not yet been received.												
<b>DEPARTMENT RECOMMENDATION:</b> Approval based on the following condition: 1. Receipt of the background check report from the police department shall be reviewed prior to council approval.												
<b>BOARD/COMMISSION/COMMITTEE ACTION: N/A</b>  <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> P &amp; Z</td> <td><input type="checkbox"/> Lodgers Tax Board</td> <td><input type="checkbox"/> Cemetery Board</td> <td rowspan="3" style="vertical-align: middle;">} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED</td> </tr> <tr> <td><input type="checkbox"/> Museum Board</td> <td><input type="checkbox"/> San Jose Board</td> <td><input type="checkbox"/> Water Board</td> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> N. Mesa Board</td> <td><input type="checkbox"/> Committee</td> </tr> </table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Committee
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<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board										
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Committee										
<b>Reviewed by</b> <b>City Administrator</b> _____ /s/ Steve McCutcheon <b>Date:</b> 3-6-2014												

ATTACHMENT(S): Application and Bond



## CITY OF CARLSBAD

Planning, Engineering, and Development Dept.

Phone (575) 887-1191, Ext. 7920 or 7921

Fax (575) 885-9871

### NON-REFUNDABLE APPLICATION FEE:

- ☐ \$25 Solicitors (door to door)
- ☐ \$25 Dance, per day
- ☐ \$200 Dance, per year
- ☐ \$50 Boxing, wrestling, fighting, or martial arts exhibitions or contests, per performance
- ☐ \$100 Carnival, circus, or menagerie, per day
- ☒ \$250 Pawnbroker, per year

## BUSINESS LICENSE (SPECIAL EVENTS/PAWNBROKERS) APPLICATION

BUSINESS NAME:

Courtesy Sporting and Pawn, LLC

TYPE OF BUSINESS/PURPOSE OF LICENSE:

Pawn + retail

LOCATION OF BUSINESS (Physical Address):

1095 N. Canal  
Carlsbad, NM 88220

NM ID #:

\_\_\_\_\_

MAILING ADDRESS:

Same  
\_\_\_\_\_  
\_\_\_\_\_

BUSINESS OWNER:

\_\_\_\_\_

DATES OF LICENSE USE:

2014  
\_\_\_\_\_

E-MAIL Courtesy Sporting and Pawn @  
ADDRESS: Windsor@nm.net

PHONE NUMBER: 575-887-1811

APPLICANT'S SIGNATURE:

[Signature]

### FOR OFFICIAL USE ONLY

Solicitor's License? ☐ Yes ☐ No

Council Action: ☐ Approved ☐ Denied Date: \_\_\_\_\_

Conditions Required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 18299943 briefly described as PAWNBROKER CITY OF CARLSEAD for SHAWN MITCHELL DBA COURTESY SPORTING & PAWN, as Principal, in the sum of \$ TWO THOUSAND FIVE HUNDRED AND NO/100 Dollars, for the term beginning October 09, 2013, and ending October 09, 2014, subject to all the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 04 day of September, 2013.



WESTERN SURETY COMPANY

By

Paul T. Brugat, Vice President

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.

CITY OF CARLSBAD, NEW MEXICO

BUSINESS LICENSES

COURTESY SPORTING &

PANA, LLC  
PAWNEPOKER  
OWN2213

AMOUNT	250.00
CHECK TENDERED	250.00
CHANGE ISSUED	.00

CASHIER: JOASTILLO  
RECEIPT NO 3339247  
DATE 02:01 PM 07/10/14

**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 3/11/14

<b>DEPARTMENT:</b> Planning, Engineering & Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14										
<b>SUBJECT:</b> Resolution allowing the submittal of an application to the New Mexico Finance Authority for a Colonias Infrastructure Fund Grant.												
<b>BACKGROUND, ANALYSIS AND IMPACT</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.): Approval of the attached resolution is required in order for the City to apply for grant funding, through the New Mexico Finance Authority, for the "Spencer Addition and Standpipe Road Area Colonia Water and Sewer Infrastructure Planning and Preliminary Engineering Report (PER) Project".  The proposed project is to investigate the provision of water and sewer infrastructure to the project area and develop a preliminary engineering report to guide the future installation of these services.												
<b>RECOMMENDATION:</b> It is recommended that the proposed resolution be approved.												
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A  <table style="width: 100%; border: none;"><tr><td><input type="checkbox"/> P &amp; Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td rowspan="3" style="text-align: right; vertical-align: top;"><input type="checkbox"/> <b>APPROVED</b>  <input type="checkbox"/> <b>DISAPPROVED</b></td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> <b>APPROVED</b>  <input type="checkbox"/> <b>DISAPPROVED</b>	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee
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<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee										
<b>Reviewed By:</b>  <b>City Administrator:</b> <u>/s/ Steve McCutcheon</u> <b>Date</b> <u>3-6-2014</u>												

ATTACHMENT(S): Resolution

RESOLUTION NO. 2014- \_\_\_\_\_

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE FOR PLANNING AND PRELIMINARY ENGINEERING SERVICES TO THE NEW MEXICO FINANCE AUTHORITY FOR THE COLONIAS INFRASTRUCTURE FUND AND COMMITTING THE CITY TO THE REQUIRED MATCHING FUNDS.

WHEREAS, the City of Carlsbad is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and therefore, the City of Carlsbad is authorized to apply for and administer grant funding for public projects that benefit the City; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing projects from the Colonias Infrastructure Fund created under the Act and has developed an application procedure whereby the City of Carlsbad may submit an application ("Application") for financial assistance from the Authority for planning, engineering and construction of public projects; and

WHEREAS, the City of Carlsbad intends to undertake planning, engineering and design work for the eventual construction of water and sanitary sewer improvements within portions of the "Spencer Addition and Standpipe Road Area", which is immediately adjacent to the City limits and was designated as a Colonia by the Eddy County Board of Commissioners on August 6, 1991; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the City of Carlsbad and this resolution, approving submission of the completed Application to the Authority for its consideration, is required as part of the application; and

WHEREAS, the City of Carlsbad commits to the budgeting and contribution of the required matching funds, which are 10% of the project cost or up to \$11,392.50, in the 2014/2015 Fiscal Year.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD that the Mayor is hereby authorized to submit an application for a Planning Grant to the New Mexico Finance Authority for the "Spencer Addition and Standpipe Road Area" Colonia located adjacent to the City Limits of the City of Carlsbad, Eddy County, New Mexico and committing to the contribution of the required matching funds.

PASSED, APPROVED, AND ADOPTED this 11th day of March, 2014.

\_\_\_\_\_  
Dale Janway, Mayor

\_\_\_\_\_  
Annette Barrick, City Clerk



NEW MEXICO  
**FINANCE AUTHORITY**

NMFA Use Only:

App. #	- CI
Funding Source:	

**COLONIAS INFRASTRUCTURE PROJECT FUND  
APPLICATION FOR FUNDING**

**SECTION I: GENERAL INFORMATION**

**A. APPLICANT**

**Application Date:** 3/12/14

<b>Applicant:</b>	City of Carlsbad, New Mexico				
<b>Address:</b>	101 N. Halagueno Street				
<b>County:</b>	Eddy			<b>Census Tract:</b>	NM015000401
<b>Legislative State District:</b>		Ron Griggs (34), Gay Kernan (42) and Carroll Leavell (41)			
	<b>Senate:</b>		<b>House:</b>	Cathrynn Brown (55)	
<b>Phone:</b>	575-887-1191	<b>Fax:</b>	575-885-9871	<b>E-mail Address:</b>	seshumsky@cityofcarlsbadnm.com

**B. APPLICANT PRIMARY CONTACT PERSON:**

<b>Name:</b>	Stephanie Shumsky				
<b>Title:</b>	Planning Director				
<b>Address:</b>	101 N. Halagueno St.				
<b>Phone:</b>	575-887-1191	<b>Fax:</b>	575-885-9871	<b>E-mail Address:</b>	seshumsky@cityofcarlsbadnm.com

**C. BENEFITING COLONIA (If different from Applicant):**

<b>Name:</b>	Spencer Addition and Standpipe Road Area (designated 8/6/1991 by Eddy County)			
<b>Census Tract:</b>	NM015000401		<b>Census Blocks:</b>	1090, 1089,



			1105, 1104, 1107, 1106, 1068, 1080, 1191 and 1127
<b>Legislative District:</b>	<b>Senate:</b>	Ron Griggs (34), Gay Kernan (42) and Carroll Leavell (41)	<b>House:</b>  Cathrynn Brown (55)

## **SECTION II: PROJECT SUMMARY**

### **A. PLANNING**

#### **1. Project Purpose and Description: *Level of Project Urgency (Possible points 0-30)***

Detail the project, the total cost of the project plan and all other related costs to complete the plan(s), the geographic area covered, community need and expected benefits/impacts. If this request is for more than one planning document please provide a detailed description of each. (*i.e. Preliminary Engineering Report, an Environmental Review, NEPA Report, Asset Management Plan, Water Rights Acquisition, Etc.*)

**Note: Planning document(s) must be related directly to an eligible project type**

Project Name: Spencer Addition and Standpipe Road Area Colonia Water and Sewer Infrastructure Planning and Preliminary Engineering Report (PER) Project.

Total Project Cost: \$113,925 (10% of estimated construction cost)

Other Related Costs: -0-

Geographic Area Covered: Spencer Addition and Standpipe Road Area Colonia as designated by the Eddy County Commission on August 6, 1991. The project area contains properties located outside of, but adjacent to, the City limits. The project area boundaries are: North – Lea Street, South – Radio Boulevard, East – Carlsbad Irrigation District (CID) Canal, West – Opal & Jewel Streets.


Community Need: There are over 185 individual properties located within the project area that do not have access to water or sanitary sewer infrastructure. Approximately 2/3 of these contain residential structures. The remaining 1/3 are vacant. All of these properties will benefit from the potential future provision of water and sanitary sewer infrastructure and it is expected that, after that time, the vacant lots will develop with residential uses.

Expected Benefits/Impacts: For several decades, residents living in the project area have expressed concerns about their domestic well water quality. Today, most residents no longer rely on this water for drinking but opt for purchasing bottled water, which can be expensive.

Due to the high nitrate levels measured in the wells, in the early 1990's, the city annexed a large portion of the Standpipe Road area and in 1992/93, installed a high pressure waterline along Standpipe Road. Properties within the annexed area were connected to the water line at that time. However, properties located outside of the annexed area were not connected. Due to continued deterioration of water quality in area wells, the City of Carlsbad and Eddy County are working together to plan for and construct the remaining waterline extensions and connections, which total approximately 4.3 miles (22,785 linear feet).

In addition, the planning component of this project and the PER will examine the possibility of extending the city's sanitary sewer system to this area. Currently, this area is served by private septic systems. In several locations, these systems have failed due to lack of maintenance or other factors. In one instance, the New Mexico Environment Department is currently working with a land owner to resolve an ongoing sewage disposal issue.

**2. Regionalization: (Possible points 0-15)**

Is the project part of a regional effort, physically connecting systems? If yes, attach a detailed description of the regional project and include all entities involved. Also provide contact information of the governing body(ies). If applicable, attach all regional/collaborative effort agreements (JPA, MOA, MOU's) that are currently in effect. 

If not a regional project, please explain in detail why it is not in the box below and whether regionalization was considered.

The City of Carlsbad and Eddy County are working together to address the issue of water and sanitary sewer provision to the Spencer Addition and Standpipe Road Area Colonia.

The area was designated a colonia by the Eddy County Commission in 1991. Portions of the designated colonia have been connected to and provided with water from the City of Carlsbad's municipal system. The remaining area is outside of the city limits and has not yet been provided with water service. Neither area has sanitary sewer service. If funded, this grant money will be used prepare the planning and PER necessary to implement construction of the water lines, and also the sewer lines, if possible, and connect them to the city's municipal systems.

The city is the applicant and will be the fiduciary agent for this grant. The city and county will continue to share information (GIS Shape files, assessment and parcel data, demographic information, etc.) and will enter into a Memorandum of Understanding (MOU) prior to commencement of the project.

Eddy County is in the process of drafting a letter supporting the submittal of this application and a formal resolution from the County Commission is also expected.

**3. Long Term Community Benefit: (Possible points 0-5)**

Explain in the box below how the project will contribute to the quality of life for the benefiting Colonia residents. Include a description of any emergency declarations or administrative orders made or other compliance orders issued. Include the date, nature of the order/citation/declaration and name(s) of issuing agency(ies) or authority(ies).

In September 2013, city staff were approached by residents of the Colonia area. These residents were interested in having their property annexed into the city limits, primarily because of the need for municipal water service. On November 5, 2013, city staff held a meeting with the area residents. Over 28 residents attended this meeting and many that could not attend signed a petition in support of annexation and the provision of water service. After more communication with area residents, staff determined that the resident's desire and greatest need was for water (and sewer) service and not necessarily annexation. It was concluded that the best option for meeting the resident's needs was the Colonias Grant Program and therefore, city and county staff began the grant application process for the



“Spencer Addition and Standpipe Road Area Colonia Water and Sewer Infrastructure Planning and Preliminary Engineering Report (PER) Project”.

This project will lay the groundwork for the construction of new water lines and possible sewer lines and connection of these lines to the City of Carlsbad’s municipal systems. These connections will significantly benefit the Colonia residents and the greater Carlsbad area in several ways.

First, many of the Colonia residents rely on shallow domestic water wells and have experienced a deterioration of the water quality in these wells due to an increase in nitrates and particulates. Many residents do not have the financial means to drill new, and deeper, wells and are therefore either purchasing water at retail rates from area grocery stores or, in several cases, are relying on family members for gallon jugs of water for drinking and dish washing. This puts an ever increasing financial and time burden on families that are already struggling.

Secondly, there are areas within the Colonia that suffer from septic systems that were installed decades ago and have, either not been maintained properly, or are simply no longer functional. This has caused septic seepage in some areas, which has led to ground water contamination and other health hazards. In particular, there is a mobile home park in the area that has been required by NMED to remedy significant and ongoing septic system failure. The city was contacted by this property owner and is very interested in connecting to sanitary sewer lines, once they are available.

Finally, the city installed a high pressure water line along Standpipe Road in 1992/93. Some areas of the Colonia were connected to it and other areas were not. This line could be better utilized if there were more connections to it due to economy of scale. In addition, the provision of water and sewer services to this entire area will promote the development and redevelopment of the affected properties. The City and County are experiencing a housing shortage and are in desperate need of additional residential housing. The eventual development and redevelopment of the land in this area will help to alleviate that need.

The goal of both the city and county is to provide the Colonia area residents with clean water and sanitary sewer, which depends on quality planning and engineering. This planning grant will provide the needed funds to obtain that planning and engineering assistance.

#### **4. Extent of Cost Benefit: *(Possible points 0-10)***

List below the estimated number of Colonia residents expected to be positively impacted by the project.

<b>Number of Residents</b>	Approximately 1,153.  There are 1,729 residents in Census Tract NM015000401. Approximately 2/3 of those residents live in the project area, which includes Census Blocks 1090, 1089, 1105, 1104, 1107, 1106, 1068, 1080, 1191and 1127.
<b>Number of Households</b>	Approximately 124.  There are a minimum of 185 individual properties within the project area. Approximately 2/3 of those currently contain residential structures.

<b>Source of Population Estimate</b>	The UNM Bureau of Business & Economic Research (BBER) has population information for several of the designated Colonias areas within Eddy County. However, the Spencer Addition and Standpipe Road Area Colonia is not one of them. Therefore, the following sources were used to generate population information:  City of Carlsbad's GIS Aerial Imagery (from 2013), the Eddy County Assessor's Office Parcel Data (current), UNM Bureau of Business & Economic Research and the U.S Census Bureau.
<b>Cost Benefit Analysis:</b>	<b>Provide the total cost of the project divided by the number of benefitting persons:</b> \$113,925 / 1,153 = 98.80

### **SECTION III: PROJECT READINESS (N/A for Road and Housing Pre-Development Projects)**

*(Possible points 0-20)*

#### **A. ESTIMATED PROJECT TIMING**

Provide the following information, assuming the Colonias Infrastructure Project Funding becomes available July 1, 2014.

<b><u>1. Timing of Project Elements:</u></b>	<b>Proposed Start Date</b>	<b>Estimated Completion Date</b>
Preliminary Engineering Report	7/2/14 w/bid documents	6/30/15
Environmental Information Document or NEPA Report	7/2/14 w/bid documents	11/1/14
Asset Management Document	n/a	
Water Rights Acquisition	n/a	
Other: Planning Component	7/2/14 w/bid documents	12/1/14

### **SECTION IV: PROJECT SUSTAINABILITY** *(Possible points 0-10)*

#### **A. MANAGERIAL AND TECHNICAL CAPACITY**

The Colonias Infrastructure Board seeks to invest in projects that can demonstrate planning sufficient to develop, construct and operate the project over the intended life of the project. As recognized by the Government Accounting Standards Board's Statement #34 (GASB34) and adopted by the EPA. An Asset Management Plan has five core components:

(a) Current state of the assets: an asset inventory that includes the following at a minimum: asset name, asset



- location, asset condition, useful life, and an estimate of replacement value;
- (b) Level of service: a description of what the utility wishes to provide its customers;
- (c) Criticality: an evaluation of which assets are critical to the sustained operation of the utility;
- (d) Life cycle costing: at a minimum, a capital improvement plan that describes the replacement of assets and some consideration of operation and maintenance of the assets;
- (e) Financing plan: a description of the funding sources that will be used to pay for the capital and operational needs of the utility.

**1. Evidence of operational and managerial capacity to manage the proposed project:**

Please check the box that applies: (Check only one box)

Completed an asset management plan that includes all five components.	<b>In progress</b>
Rate analysis and rate structure which includes a reserve set aside system to fund the Asset Management Plan.	<b>x</b>
Rates developed by a rate analysis excluding asset management of allowance for replacement of reserve funds.	
Rates developed by other means.	
No plan is available and/or other document(s) that provide a long-term maintenance, replacement and operations plan.	

**SECTION V: TOTAL PROJECT COSTS AND SOURCES OF FUNDING**


*(Possible points 0-10, Housing Pre-development Possible Points 0 – 20 Points))*

**A. PROJECT BUDGET**

	<b>Colonias Funds Requested</b>	<b>Source of Matching Funds*</b>	<b>Total</b>
<b>1. <u>Total Project Budget for Current Phase:</u></b>			
Planning	\$102,533.00	\$11,392.50 (10% of funds requested from City of Carlsbad General Fund)	\$113,925.00
<b>Total Cost:</b>	<b>\$102,533.00</b>	<b>\$11,392.50</b>	<b>\$113,925.00</b>

## 2. Sources and Status of Matching Funds:

*Source of Matching Funds and expiration date	Amount	In Kind Services? Y/N Attach a detailed description of in-kind services	Status of Matching Funds	Description of funds and/or services
City of Carlsbad General Fund exp. 6/30/2015	\$11,392.50	No	Committed per Res. 2014-## and will be budgeted in 2014/15	10% of colonias funds requested
City of Carlsbad General Fund exp. 6/30/15	\$	Yes (see description to right)		Project oversight by Planning, Engineering and Regulation Department Staff
	\$			
<b>Total:</b>	\$			

\*For each "Source of Matching Funds" (e.g., local, state, federal or other funds). [Federal funds: USDA, HUD-CDBG, EPA, BECC, NRCS, etc.] Listed above, attach documentation verifying the funding source has been approved for this project. 

## SECTION VI: REQUIRED ATTACHMENTS

THE APPLICANT MUST PROVIDE:

ONE (1) ORIGINAL HARD COPY AND ONE (1) IDENTICAL PDF FILE ON A CD OR JUMP DRIVE OF THE FOLLOWING ITEMS FOR THIS APPLICATION TO BE CONSIDERED COMPLETE.

### **For All Applications:**

- ☒ Proof of Colonia designation for the benefiting Colonia by the county or municipality in which the project is located - *see attached*
- ☒ Applicant or fiscal agent current fiscal year budget as approved by the NM Department of Finance and Administration Local Government Division - *see jump drive*
- ☒ Applicant or fiscal agent three most recently completed fiscal year audit reports (if available) or Financial statements as per Budget Certification Rule 2.2.3 NMAC - *see jump drive*
- ☒ Project Purpose and Description (Please see Section II, A 2)
- ☒ Evidence of Project Readiness (Please see Section III, A 2)
- ☒ Total Estimated Project Costs (Please see Section V, A 2)
- ☒ Documentation that each source of matching funds has been approved, or is in the process of being approved (Please see Section V, A 3) - *see attached*

- ☒ Map of project area - *see attached*
- ☐ Regional/collaborative effort agreements (JPA, MOA, MOU), if applicable (see Section II, A 3) –  
*forthcoming from Eddy County*
- ☒ Indicate the regular meeting dates for your authorizing body: - *2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of every month at 6pm in the City Council Chambers, 101 N. Halagueno St., Carlsbad, NM*
- ☒ Fiscal agent approval if applicable (attach resolution) - *see attached*
- ☒ Evidence of public participation, if none please explain - *see attached*
- ☒ Is there litigation pending which would have a bearing on this project or applicant?  
Yes ☐ No ☒ if yes, attach a complete summary of all circumstances relating to such litigation
- ☒ Are your monthly/quarterly financial reports to the NM Department of Finance and Administration Local Government Division Budget and Finance Bureau current? Yes ☒ No ☐
- ☒ Does the applicant have any open Colonias Infrastructure Board projects? Yes ☐ No ☒
- ☒ Is this application a continuation of a prior Colonias Infrastructure Board project? Yes ☐ No ☒
- ☒ Proposed project is listed in the Infrastructure Capital Improvement Plan.

**For Proposed Projects if applicable:**

- ☐ A list and copies of ALL project-related permits, certificates and/or licenses necessary to complete this project. Detail the status of each item, a plan of action, and time frame for completion
- ☐ Verification of ownership of land where project will be located (property title) or land ownership arrangements
- ☐ Right-of-way/easement acquisition if applicable

**PLEASE NOTE ADDITIONAL INFORMATION MAY BE REQUESTED**

**APPLICATION AND OTHER MATERIALS MUST BE RECEIVED NO LATER THAN  
03/14/2014 BY 5:00pm**

**MAIL ALL DOCUMENTATION TO:**  
**New Mexico Finance Authority**  
**207 Shelby Street**  
**Santa Fe, NM 87501**  
*Attn: Colonias Infrastructure Project Fund Manager*

*If you have any questions contact Rick Martinez @ (505) 992-9661 or [rmartinez@nmfa.net](mailto:rmartinez@nmfa.net)*

## CERTIFICATION

I certify that:

We have the authority to request the funds described in this application and, upon award, will enter into a contract for the repayment of any Colonias Infrastructure Project Fund loans.

We will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this application is valid and accurate and the submission of this application has been authorized by the governing body of the undersigned jurisdiction.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Finance Officer/Director

Signature: \_\_\_\_\_ Title \_\_\_\_\_  
(Highest elected official)

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Authorizing Fiscal Agent if applicable:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 03/11/14

DEPARTMENT: Double Eagle	BY: L. Camero, Director of Utilities	DATE: 03/05/14												
SUBJECT: New Mexico Water Trust Board Application														
<b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):  The City of Carlsbad submitted an initial application for the 2014 NM Water Trust Board Application Cycle. The amount requested in the initial application is \$1.5 million to fund the construction of five (5) new wells at the Double Eagle Water System North Wellfield. The initial application was approved and the City has been invited to submit the complete application which requires a resolution of the Governing Body authorizing the submission of the application to the Water Trust Board and compliance with Water Trust Board Policy. The proposed resolution is enclosed herewith for your consideration.														
<b>DEPARTMENT RECOMMENDATION:</b> To approve the resolution.														
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> <table><tr><td><input type="checkbox"/> P &amp; Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td></td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
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<input type="checkbox"/> Museum	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee												
Reviewed by City Administrator: <u>/s/ Steve McCutcheon</u> Date: <u>3-6-2014</u>														

ATTACHMENT(S):

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING FILING OF AN  
APPLICATION TO THE NEW MEXICO WATER TRUST BOARD**

WHEREAS, the City of Carlsbad's primary source of water, the Capitan Reef Aquifer, continues to be in danger due to persistent drought conditions and increasing demand from residential, agricultural and industrial water users; and

WHEREAS the City of Carlsbad owns and operates the Double Eagle Water System and recognizes its importance as a secondary source of water for the city and for the region; and

WHEREAS the City of Carlsbad may apply for financial assistance from the New Mexico Water Trust Board for water system improvements.

BE IT THEREFORE RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, New Mexico, that the filing of an application to the New Mexico Water Trust Board is hereby authorized. The project type falls under Water Storage, Conveyancy and Delivery and proposes to drill and equip five (5) new wells at the Double Eagle North Wellfield. The financial assistance requested is in the amount of \$1,500,000 for the construction of the Wells.

BE IT FURTHER RESOLVED that the City of Carlsbad will provide \$200,000 cash match already budgeted for engineering services; and

BE IT FURTHER RESOLVED, that the Mayor is hereby designated as the City of Carlsbad's representative to act in connection with this application.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 11<sup>th</sup> day of March 2014.

\_\_\_\_\_  
Dale Janway, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 11 March 2014

<b>DEPARTMENT:</b> Legal	<b>BY:</b> E. Riordan	<b>DATE:</b> March 6, 2014				
<b>SUBJECT:</b> Review status of 2401A Westernway which, under Resolution No. 2012-68 was required to have the building and debris removed						
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The property commonly known as 2401A Westernway is a residential property near the corner of Westernway and Osborne. This is an older single-family home on it. It was inspected by a Code Enforcement Officer, a Building Inspector, and the Fire Marshal. They recommended that the home be condemned. The property appeared to be vacant and unsecured. The exterior doors were open and windows were broken. There were major cracks in the exterior of the structure at most of the outside corners indicating that the structure is settling. The rear portion of the structure was ready to fall in on itself. The roof had major leaks causing large sections of the sheetrock ceiling to fail. Evidence of termite damage was found throughout the residence. The Fire Marshal noted that the dry weeds on the property and exposed wood in the structure raised concerns about the potential for a quickly spreading fire. Council adopted Resolution No. 2012-68 requiring the residence to be demolished and the property cleaned.</p> <p>The Eddy County Assessor's Office listed Vicki Renea Bryant as owning or having an interest in the property. Letters about the condemnation were sent to Ms. Bryant, but she did not respond. A copy of the condemnation resolution was published in the <i>Current-Argus</i> and posted on the property.</p> <p>After the resolution was adopted, but before the property could be cleaned, the property was listed for sale by State Taxation and Revenue for unpaid taxes. The City contacted the Eddy County Treasurer's Office for the name of the new owner. They were unable to provide it because the new deed had not been filed.</p> <p>A Building Inspector reinspected the property and found that work was being done. A permit had not been obtained, but, depending on the work, a permit may not have been needed. The Building Inspector left a tag informing the new owner that the building had been condemned and to contact the City. Mr. Rageshbhai "Robert" Shah came to the City. He said that he purchased the property at the tax sale. He said that he wished to repair the home. He asked to appear before Council to stop the demolition.</p> <p>Council considered his request during its meeting on October 9, 2013. He said that he had purchased the property at a tax sale. He said he had started remodeling the home. He had not applied for or obtained any building permits. Council granted him 90 days to get a significant amount of the improvements completed. Council told him to meet with the City Planning, Engineering, and Regulation Department to determine what permits are needed.</p> <p>On January 6, 2014, Quality Electrical Solutions obtained an electrical permit for the property. On January 9<sup>th</sup>, Mr. Shah submitted a permit application for \$300 of window replacements. That application was incomplete. He later submitted a completed application.</p> <p>Council reviewed this matter on January 14, 2014. Mr. Shaw and his electrician attended the meeting. Mr. Shaw explained that his mother-in-law had been ill. The electrician said that work was progressing. Council set the next review for March 11, 2014.</p> <p>Staff has not inspected the interior of the building since the last Council meeting. The home is now secured and no inspections have been requested. A new electrical service has been installed, but the electrical work has not been completed and final inspection has not been performed. The home remains unfit for human occupancy.</p>						
<p><b>DEPARTMENT RECOMMENDATION:</b></p> <p>If Council finds that Mr. Shah can bring the structure into compliance with all applicable codes within a reasonable period of time, then Council should grant him the time to do so. If, instead, Council does not find that the structure can be properly repaired in a reasonable period of time, Council should instruct staff to proceed with the demolition.</p>						
<p><b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A</p> <table style="width: 100%; border: none;"><tr><td style="width: 33%; vertical-align: top;"><input type="checkbox"/> P &amp; Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board</td><td style="width: 33%; vertical-align: top;"><input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board</td><td style="width: 33%; vertical-align: top;"><input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee</td><td style="width: 10%; vertical-align: top; text-align: right;">} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED</td></tr></table>			<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee	} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED
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**Reviewed by:**

**City Administrator**



**Date:**

3-6-14

**ATTACHMENT(S):**

Resolution No. 2012-68, with Attachments

Letter from Rageshbhai Shah, dated 01/14/2014

Photographs



## 2401 Western Way

Thu, Jan 2, 2014 at 3:19 PM

Clinton West <ccwest@cityofcarlsbadnm.com>

To: Jeanne Thompson <jmthompson@cityofcarlsbadnm.com>

It appears new windows have been installed. There is a lot of construction debris stattered on the south side and rear of the dwelling. There is no electrical service at this time.

Doc

You have been sent 4 pictures.

CIMG0006.JPG

CIMG0007.JPG

CIMG0008.JPG

CIMG0009.JPG

These pictures were sent with Picasa, from Google.

Try it out here: <http://picasa.google.com/>

### 4 attachments



CIMG0006.JPG  
67K

1/2/2014 14:42



CIMG0007.JPG  
50K

1/2/2014 14:42



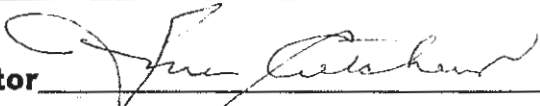
**CIMG0008.JPG**  
55K



**CIMG0009.JPG**  
55K

**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 0 October 2013

<b>DEPARTMENT:</b> Legal	<b>BY:</b> E. Riordan	<b>DATE:</b> October 4, 2013
<b>SUBJECT:</b> Consider request to rescind Resolution No. 2012-68 requiring the removal of the building and debris at 2401A Westernway		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 2401A Westernway is a residential property near the corner of Westernway and Osborne. This is an older single-family home on it. It was inspected by a Code Enforcement Officer, a Building Inspector, and the Fire Marshal. They recommended that the home be condemned. The property appeared to be vacant and unsecured. The exterior doors were open and windows were broken. There were major cracks in the exterior of the structure at most of the outside corners indicating that the structure is settling. The rear portion of the structure was ready to fall in on itself. The roof had major leaks causing large sections of the sheetrock ceiling to fail. Evidence of termite damage was found throughout the residence. The Fire Marshal noted that the dry weeds on the property and exposed wood in the structure raised concerns about the potential for a quickly spreading fire. Council adopted Resolution No. 2012-68 requiring the residence to be demolished and the property cleaned. The Eddy County Assessor's Office listed Vicki Renea Bryant as owning or having an interest in the property. Letters about the condemnation were sent to Ms. Bryant, but she did not respond. A copy of the condemnation resolution was published in the <i>Current-Argus</i> and posted on the property. After the resolution was adopted, but before the property could be cleaned, the property was listed for sale by State Taxation and Revenue for unpaid taxes. The City contacted the Eddy County Treasurer's Office for the name of the new owner. They were unable to provide it because the new deed had not been filed. A Building Inspector reinspected the property and found that work was being done. A permit had not been obtained, but, depending on the work, a permit may not have been needed. The Building Inspector left a tag informing the new owner that the building had been condemned and to contact the City. Mr. Rageshbhai "Robert" Shah came to the City. He said that he purchased the property at the tax sale. He said that he wished to repair the home. He asked to appear before Council to stop the demolition. His written request is attached. Mr. Shah also provided photographs of the work that has been done to the structure.		
<b>DEPARTMENT RECOMMENDATION:</b> If Council finds that Mr. Shah can bring the structure into compliance with all applicable codes within a reasonable period of time, then Council should grant him the time to do so. If, instead, Council does not find that the structure can be properly repaired in a reasonable period of time, Council should instruct staff to proceed with the demolition.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED
<b>Reviewed by:</b>  <b>City Administrator</b> _____ <b>Date:</b> <u>10-4-13</u>		

**ATTACHMENT(S):**

Resolution No. 2012-68, with Attachments  
Request from Rageshbhai Shah, dated October 1, 2013  
Photographs

October 1, 2013

Re: 2401A Westernway St, Carlsbad, NM 88220 – Resolution # 2012-68

To Whom It May Concern:

My name is Rageshbhai Shah, my English is "Robert". I am the Manger/Owner of Maruti & SMM Patel Properties, LLC.

I purchased the property located at 2401A Westernway St, Carlsbad, NM on April 10, 2013 at the Eddy County Tax Sale. I was not aware that the house had been condemned.

On September 26, 2013 when I went to my property I found a red tag taped to my door. I went to City Hall September 27, 2013 at 8:00am to talk with KC Cass. He was off that day. I came back today to see what I can do to keep my house.

Since purchasing the property I have spent approximately \$2,000.00 in legal fees and \$8,000.00 in remodeling the home.

I plan to have the house completely remodeled and my family and I will live in it within 6 months.

I have completed the following projects:

- Repaired the roof and stopped any further leaks
- Sealed all cracks on the structure of the house, interior and exterior
- Cleaned the property – mowed weeds, cleaned trash & debris and removed a tree
- Added support wood in ceiling and replaced the interior ceiling with new sheet rock throughout the house
- Remodeled the bathroom
- Painted the entire inside of my home

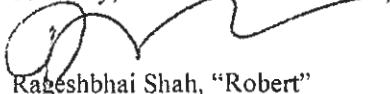
Projects to complete:

- I will have an electrician replace the electrical boxes on the outside of my house and have him check to see if there is any wiring that needs to be replace inside my home.
- Replace all the windows
- Paint the exterior
- Gut and Remodel the Kitchen
- Replace all exterior doors
- All appliances and water heater
- New carpet throughout the house
- New light fixtures throughout the house

I want to go to before the Carlsbad City Council at their next meeting on October 8, 2013 and show them everything that I have done, so that they can stop the demolition of my new home.

Please call me if you have any questions 575-302-8886.

Sincerely,



Rageshbhai Shah, "Robert"



**RESOLUTION NO. 2012-68**

**A RESOLUTION FINDING THE RESIDENCE  
AT THE PROPERTY COMMONLY KNOWN AS  
2401A WESTERNWAY TO BE RUINED,  
DAMAGED, AND DILAPIDATED AND FINDING  
THE PREMISES TO BE COVERED WITH  
RUINS, RUBBISH, WRECKAGE, WEEDS,  
DEBRIS; REQUIRING THE REMOVAL OF THE  
RESIDENCE, RUINS, RUBBISH, WRECKAGE,  
WEEDS, DEBRIS**

WHEREAS, the records of the Eddy County Assessor's Office shows Vicki Renea Bryant to be the owner of or to have an interest in the property commonly known as 2401A Westernway , Carlsbad, Eddy County, New Mexico and more particularly described as:

Beginning at the northeast corner of Block 50 (Lot 50), Belva Subdivision, thence south 100', thence west 100', thence north 100', thence east 100' to the point of beginning.

hereinafter referred to as the "Property"; and

WHEREAS, there is one structure on the Property that has been abandoned, a residence; and

WHEREAS, the abandoned structure and contents are not secured and the building is in disrepair; and

WHEREAS, a City of Carlsbad Building Inspector, and the Fire Marshal have inspected the Property; and

WHEREAS, the structure was found to be ruined, damaged, and dilapidated, and the Property contained ruins, rubbish, wreckage, weeds, debris; and

WHEREAS, the structure on the Property remain in an unsafe and unsightly condition and constitute a fire hazard; and

WHEREAS, the specific Fire Code violations include, but are not limited to those listed on the attached Exhibit "A;" and

WHEREAS; the specific International Property and Maintenance Code violations include, but are not limited to those listed on the attached Exhibit "B;" and

WHEREAS, the structure, ruins, rubbish, wreckage, weeds, and debris are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, occupant, or agent in charge of the premises. Such service shall be in person if such persons can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the premises cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the premises and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the premises shall commence removing the buildings, structures, ruins, rubbish, wreckage, weeds, and debris from the premises; or the owner, occupant, or agent in charge shall file a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueño, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the buildings, structures, ruins, rubbish, wreckage, weeds, and debris, shall begin in ten days, and proceed properly and with diligence, and all work shall be completed in thirty days.**

6. Any removal of the structures, ruins, rubbish, wreckage, weeds, and debris shall leave the premises from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge do not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, weeds, and debris, at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, wreckage, rubbish, weeds, and debris, so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.


10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien

foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 13<sup>th</sup> day of Nov, 2012.

  
DALE JANWAY, MAYOR

ATTEST

  
CITY CLERK

CITY OF CARLSBAD  
INTER-OFFICE MEMORANDUM

DALE JANWAY MAYOR

JON R. TULLY CITY ADMINISTRATOR

DATE June 1, 2012

TO: Eileen Riordan, City Attorney  
FROM: Bill Rook, Fire Marshal  
RE: 2401 Western Way Addendum

---

On June 1st, 2012 I revisited the property at 2401 Western Way. The property has deteriorated further due to the several heavy rains earlier this year. The roof is leaking badly and further structural damage has occurred.

No rehabilitation or cleanup has been attempted and the property remains a considerable hazard. This property needs to be condemned and torn down before someone is injured or killed during a fire or a collapse.



William Rook, Fire Marshal  
Carlsbad Fire Department

**EXHIBIT "A"**

CITY OF CARLSBAD  
INTER-OFFICE MEMORANDUM

DALE JANWAY MAYOR

JON R. TULLY INTERIM-CITY ADMINISTRATOR

DATE: February 21 2012

TO: Eileen Riordan, City Attorney  
FROM: Bill Rook Fire Marshal  
RE: 2401 Western Way

---

On February 17<sup>th</sup>, 2012 I conducted an inspection of a structure at 2401 Western Way. The structure is a dilapidated building in a severe state of disrepair. The building is unsecured with the doors open or missing and most of the windows have been broken out. The exterior property has old, dry weed growth and random debris.

The interior of the structure shows vandalism and structural damage. The ceiling has collapsed in several places from water leaks. There is also additional damage to the walls from water leaks. Holes have been torn in the walls by vandals and there is evidence of use by vagrants.

This structure is in very poor shape and is not economically viable for repair. The dry weeds outside along with the exposed lumber inside the structure as well as its use by vagrants make it a likely candidate for a fire. This structure is a nuisance and a hazard and should be condemned and torn down under the following Fire Codes.

*The International Fire Code, 2009 edition states:*

**Section 110 UNSAFE BUILDINGS**

**110.1 General.** If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

**110.1.2 Structural hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building code official in accordance with Section 110.1

**110.4 Abatement.** The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**Section 311 VACANT PREMISES**

**311.1 General.** Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces, shall be safeguarded and maintained in accordance with this section

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation

**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with this section

**311.2.2 Security.** Exterior openings and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety

**311.3 Removal of combustibles.** Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials

A handwritten signature in black ink, appearing to read 'William Rook', written in a cursive style.

William Rook, Fire Marshal  
Carlsbad Fire Department

**CITY OF CARLSBAD**  
**INTER-OFFICE MEMORANDUM**

---

Date Janway, Mayor

Jon Tully, City Administrator

**TO:** Ms. Eileen Riordan

**FROM:** Danny J. Jones

**DATE** 23 October 2012

**SUBJECT:** 2401 A Westernway

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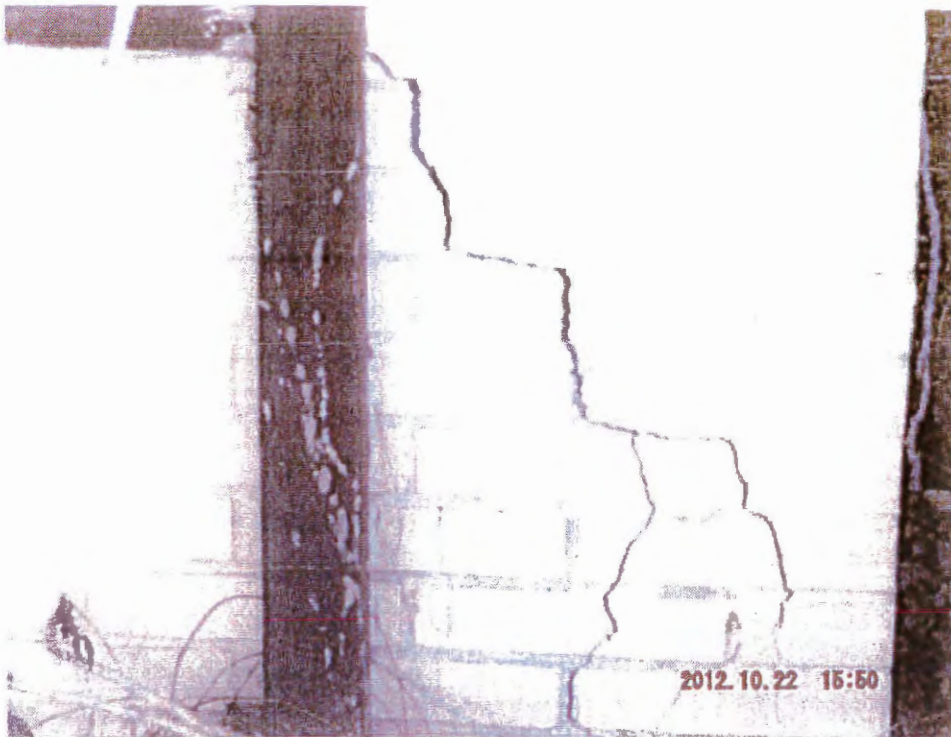
On October 22, 2012 I inspected the structure located at 2401 A Westernway and found it unlocked and not secure with all exterior doors open.

Upon further inspection I found major cracks in the exterior of the structure at most all of the outside corners which showed signs of settling. I found the rear portion of the structure ready to fall in on itself. There are major roof leaks which has caused large sections of the sheetrock ceiling to fail. There has been no water service to this structure since 8 September 2010. There is evidence of termite infestation through out the structure. Most of the windows have been broken out.

The structure should be condemned under the following sections of the International Property and Maintenance Code.

The International Property and Maintenance Code, 2009 edition states:

**EXHIBIT "B"**



Picture of front corner of structure showing cracks



Picture showing unsecured premises



## **Section 108 Unsafe Structures and Equipment**

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains Unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

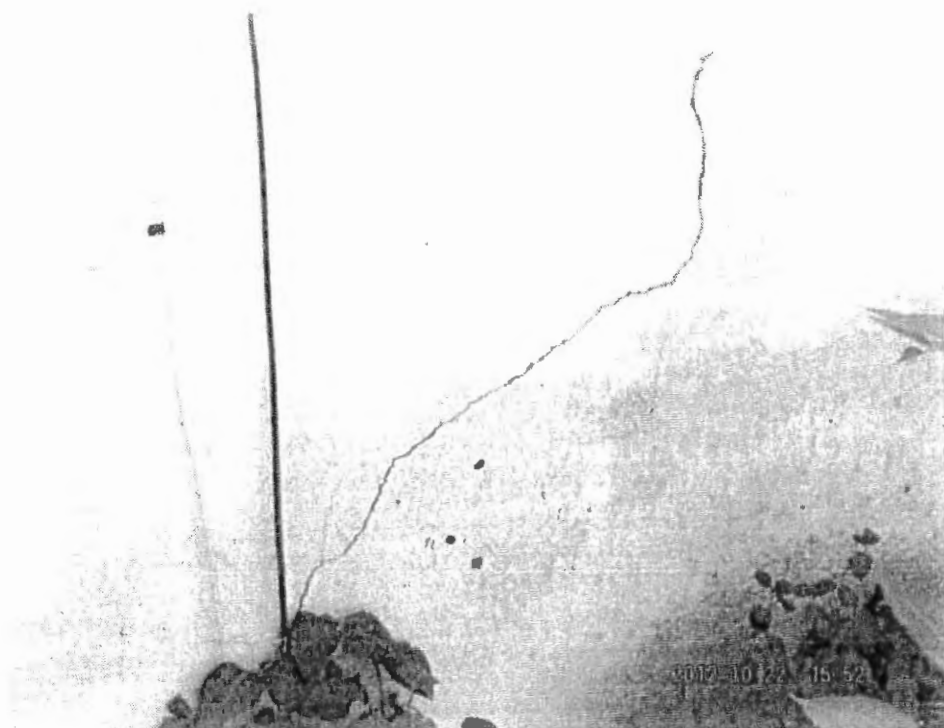
**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.



Picture showing cracks next to roof drain

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged





Picture showing water damage to sheet rock and roof members

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.



Picture showing water damaged sheet rock





Picture showing exterior cracking

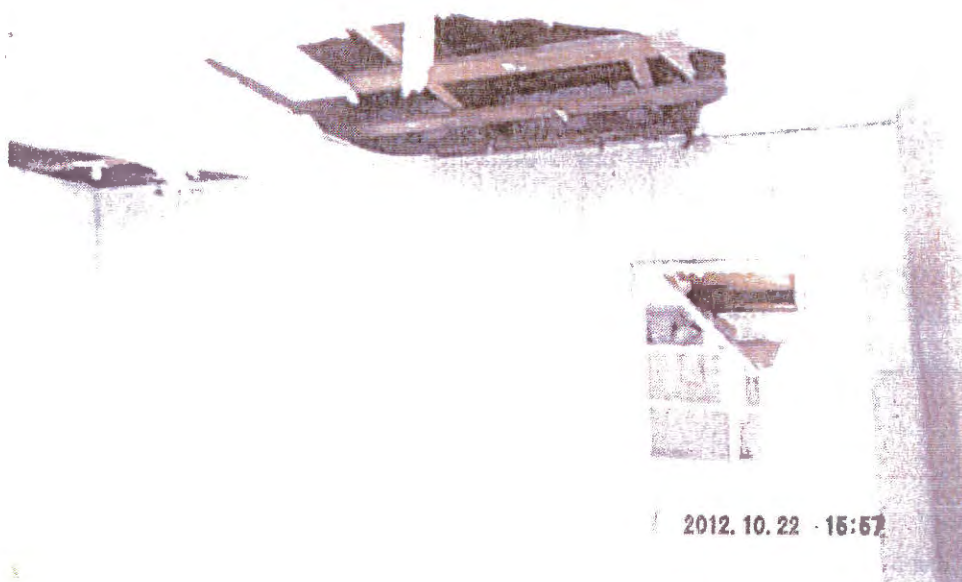


picture showing exterior cracking



Picture showing more exterior cracking



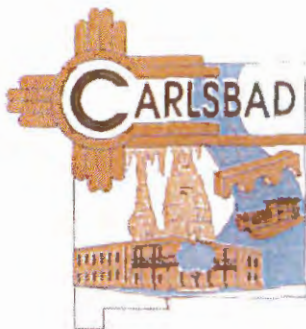




Picture showing failure of roof members

Danny J. Jones  
Senior Building Inspector





Post Office Box 1569  
Carlsbad, NM 88221 1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JON R. TULLY  
CITY ADMINISTRATOR

November 5, 2012  
via Certified Mail, Return Receipt Requested

Vicki Renea Bryant  
2401A Westernway  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 2401A Westernway, Carlsbad, New Mexico

According to the records of the Eddy County Assessor's Office, you are the owner of or have an interest in the property known as 2401A Westernway, Carlsbad, New Mexico. This property has been inspected by the City Building Inspector, and the Fire Marshal. They found the property and the structure on it to be in violation of a number of health, safety, and building laws.

Because of the condition of the property and structure, a Resolution has been prepared requiring the demolition and removal of the building and the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on Tuesday, November 13th, at 6:00 p.m. That meeting will be held in the Council Chambers in the Municipal Building at 101 N. Halagueño, Carlsbad, New Mexico. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the building and the ruins, rubbish, wreckage, debris, and weeds from the property within ten (10) days and all work must be completed within thirty (30) days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191 or at the Municipal Building, 101 N. Halagueño, Carlsbad, New Mexico 88220.

Sincerely,

A handwritten signature in cursive script that reads 'Eileen P. Riordan'.

Eileen P. Riordan  
City Attorney

Enclosure

cc: Dale Janway, Mayor  
Jon Tully, City Administrator

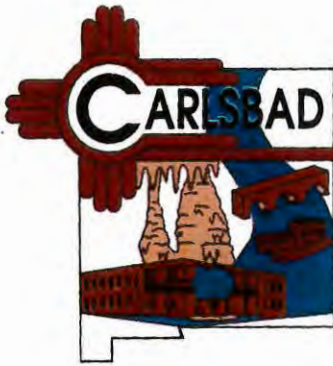
COUNCILORS

Ward 1  
PAUL C. AGUILAR  
NICK G. SALCIDO

Ward 2  
J.R. DOPORTO  
SANDRA K. NUNLEY

Ward 3  
JUDI WATERS  
JASON G. SHIRLEY

Ward 4  
DICK DOSS  
JANELL E. WHITLOCK



DALE JANWAY  
MAYOR

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January 17, 2014

STEVE MCCUTCHEON  
CITY ADMINISTRATOR

Rageshbhai Shah  
2401 A Westernway  
Carlsbad, NM 88220

RE: Resolution No. 2012-68 Requiring the Demolition of the Buildings and the Clean Up  
Of the Property at 2401A Westernway, Carlsbad, NM

Dear Mr. Shah:

You went before the Carlsbad City Council on October 9, 2013, and explained that you had purchased the home located at 2401A Westernway in a tax sale. You stated that, when you purchased the property, you were not aware the home had been condemned by the City. You presented your plans to renovate the home and showed photos of the cleanup and interior remodeling that had already been done. You said that you could complete all needed renovations within six (6) months. The City Council agreed to give you ninety days to get a significant amount of the improvements completed. Council told you to meet with the City Planning, Engineering, and Regulation Department to determine what permits are needed.

After reviewing the improvements to your home, the Carlsbad City Councilors have agreed to allow an additional 60 days, for more remodeling to be completed. The status of your home will be reviewed again on March 11, 2014. Please be prepared to come to the March 11, 2014, Carlsbad City Council Meeting, at 6:00pm, at City Hall, to give an update as to the status of the renovation project along with the building permits you have applied for.

If you have any questions regarding this matter, please contact me at (575) 887-1191 or the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Eileen P. Riordan  
Carlsbad City Attorney

cc: Dale Janway, Mayor  
Steve McCutcheon, City Administrator

COUNCILORS

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PAUL C. AGUILAR  
NICK G. SALCIDO

Ward 2  
J.R. DOPORTO  
SANDRA K. NUNLEY

Ward 3  
JUDI WATERS  
JASON G. SHIRLEY

Ward 4  
DICK DOSS  
JANELLE E. WHITLOCK

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 3/11/14**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 2/27/14
<p><b>SUBJECT:</b> Consider allowing Temporary Housing as a Temporary Use at 2700 E. Greene Street, legally described as Neal Line Adjustment Redivision, Tract A, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.</p> <p>Applicant/Property Owner: Joshua Moore 716 Winged Foot Drive Carlsbad, NM 88220</p> <p><i>There are no special notification requirements for Temporary Use Permits.</i></p>		
<p><b>SYNOPSIS, HISTORY AND IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.</p> <p>If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.</p> <p style="padding-left: 40px;">"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."</p> <p>The subject site is located at 2700 E. Greene Street, which is on the north side of the highway in close proximity to Connie Road. In December, the Planning and Zoning Commission recommended approval of the applicant's request for a zoning change from Industrial "I" to Commercial "C-2". The requested zoning change was approved by the City Council on 2/25/14.</p> <p>One of the stipulations of the Temporary Use Permit for Temporary Housing was that the property be zoned "C-2" or "R-R" at the time the temporary use regulations for temporary housing were approved (Oct. 2013). The current request does not meet that requirement however, the applicant wanted to pursue it and planning staff encouraged him to make the application primarily because this is a new type of use and the process had not been tested. Also because, while there had been a lot of interest in this type of use, no one had made an application. Meanwhile, the need for temporary housing has continued to grow.</p> <p>The applicant's long-range plan for the property is to develop a full RV Park (similar to KOA), which will be designed not only for temporary housing but also for vacationers and travelers.</p> <p>Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed</p>		

use is intended to address the need for housing temporary workers and for housing those that are seeking permanent residence in Carlsbad. The proposed use meets and exceeds the requirements for a temporary use permit for temporary housing, as approved by the City Council.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** After consideration of comments from city staff, the applicant and general public, at the meeting on 2/3/15, the Commission recommended approval with the following conditions:

1. Compliance with the City's Temporary Use Regulations (Sec. 56-80) and the Temporary Use Regulations for Temporary Housing, as approved by the City Council on 10/22/13, are required.

**PLANNING STAFF RECOMMENDATION:** Based on staff comments, planning staff recommends approval with the following conditions:

2. The zoning change, previously requested by the applicant, is scheduled to be considered by the City Council on 2/25/14. If the zoning change is not approved, then the temporary use permit shall not be granted.
3. Compliance with the City's Temporary Use Regulations (Sec. 56-80) and the Temporary Use Regulations for Temporary Housing, as approved by the City Council on 10/22/13, are required.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works				Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department				Engineering Division	X w/cond		
Police Department	x			Planning Division	X w/cond		
Utilities Department				Building & Regulation Division			x
Culture & Rec. Dept.			x				

**DEPARTMENT COMMENTS:**

Public Works: no comments received.

Utilities Department: no comments received.

Building Department: reviewed, no comments.

Fire Department: I have been working with Mr. Moore on how to implement fire protection for this project. I have no doubt that we can find a suitable solution and Mr. Moore is very willing to work with me on this. Therefore I have no objections to approval.

Code Enforcement: reviewed, no comments.

Legal Department: no comments received.

Planning Department: recommend approval, based on the recommended conditions.

Police Department: recommend approval, no comments.

Culture & Rec. Department: reviewed, no comments.

City Engineer: Recommendation of Conditional Approval:

1. Applicant to submit a properly sealed engineering site plan addressing grading, drainage, utilities, access, parking, etc... and obtain a grading and drainage permit.
2. Applicant should provide a copy of the NMDOT Access Permit and the NMED Liquid Waste Permit to the City of Carlsbad.

**BOARD/COMMISSION/COMMITTEE ACTION:** Recommendation...

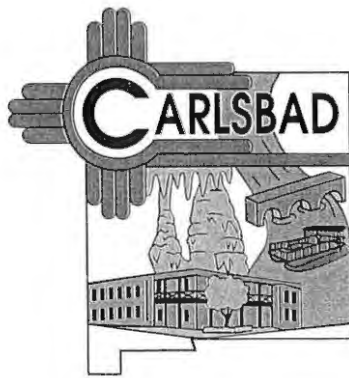
<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	

Reviewed by

City Administrator: /s/ Steve McCutcheonDate: March 6, 2014

ATTACHMENTS: application, p&amp;z minutes





DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
[www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com)

STEVE McCUTCHEON  
CITY ADMINISTRATOR

February 4, 2014

Joshua Moore  
716 Winged Foot Dr.  
Carlsbad, NM 88220

### OFFICIAL NOTICE OF RECOMMENDATION

On February 3, 2014, the City of Carlsbad Planning and Zoning Commission voted to recommend approval to the City Council of your request for a Temporary Use Permit for Temporary Housing at 2700 E. Greene Street, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13, pending a zoning change from "I" Industrial District to "C-2" Commercial District.

**This item is scheduled for Council consideration on March 11, 2014.** Your attendance is recommended at the public hearing. The City Council meets at 6 p.m. in the Council Chambers, 101 N. Halagueno, Carlsbad, NM 88220. Please contact me at (575) 234-7923 if you need additional information.

A handwritten signature in cursive script, reading "Stephanie Shumsky".

Stephanie Shumsky, AICP, CFM, CZO  
Planning Director

### COUNCILORS

Ward 1  
PAUL C. AGUILAR  
NICK G. SALCIDO

Ward 2  
J.R. DOPORTO  
SANDRA K. NUNLEY

Ward 3  
JUDI WATERS  
JASON G. SHIRLEY

Ward 4  
DICK DOSS  
JANELLE E. WHITLOCK





## CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

## TEMPORARY USE APPLICATION

Sec. 56-80 and Temporary Housing

Application Date: 12-6-13Fee Paid (\$10.00): PVP ✓

## TYPE OF USE REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event                     | <input type="checkbox"/> Real Estate Sales Office     |
| <input type="checkbox"/> Parking Lot Sale   | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale                                | <input type="checkbox"/> Other                        |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location |   |

## APPLICANT INFORMATION:

Joshua L. Moore 716 Winged Foot Dr.  
 NAME ADDRESS  
CARLSBAD NM 88220 575 361-7066 ""  
 CITY STATE ZIP PHONE EMAIL

## PROPERTY OWNER INFORMATION\* (IF DIFFERENT FROM APPLICANT):

Joshua L. Moore 716 Winged Foot Dr.  
 NAME ADDRESS  
CARLSBAD NM 88220 575 361-7066 joshua.moore@intrepidpotash.com  
 CITY STATE ZIP PHONE EMAIL

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):

2700 E Greene St.

ADDRESS

LOT

BLOCK

SUBDIVISION

ZONING

NEAL LINE ADJUSTMENT / REDIVISION TRACT A  
Section: 25 Township: 21S Range: 27E

Description and Duration of Temporary Use:

SEE ATTACHED

Site Plan:

SEE ATTACHED

**FOR OFFICIAL USE ONLY:**

☐ Approved

☐ Approved with Conditions

☐ Denied

By: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Conditions of approval:

## SEC. 56-80. TEMPORARY USES.

### (a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
  - (a) There shall be no more than two such activities per residence per twelve month period;
  - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
  - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
  - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
  - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
  - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

### (b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
  - (a) Permanent changes to the site are prohibited;
  - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
  - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
  - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
  - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

**In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):**

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

- 1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
- 2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
  - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
  - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
  - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
  - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
  - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
  - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
  - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
  - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
  - a. the temporary housing is unsafe
  - b. the housing or grounds are unsanitary
  - c. crime or safety issues are prevalent

N/A

**CITY OF CARLSBAD**  
**AFFIDAVIT BY PROPERTY OWNER(S)**

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER  
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

**APPLICATION TYPE:**

☐ ZONING CHANGE    ☐ CONDITIONAL USE    ☐ VARIANCE    ☐ TEMPORARY USE

**I (WE) HEREBY CERTIFY** that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: \_\_\_\_\_  
STREET ADDRESS

LEGAL DESSCRPTION: \_\_\_\_\_  
SUBDIVISION                      BLOCK                      LOT OR TRACT

**I (WE) HAVE AUTHORIZED** the following individuals to act as my (our) agent with regard to this application.

AGENT: \_\_\_\_\_  
NAME                                      PHONE  
\_\_\_\_\_  
ADDRESS

**I (WE) UNDERSTAND, CONCUR AND AFFIRM:**

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

**I (WE) HEREBY EXECUTE THIS AFFIDAVIT** in support of the proposed application as presented:

**OWNER 1:**

BY: \_\_\_\_\_  
SIGNATURE  
BY: \_\_\_\_\_  
PRINTED NAME  
DATE: \_\_\_\_\_  
DATE SIGNED

NOTARY SEAL

**OWNER 2: (IF APPLICABLE)**

BY: \_\_\_\_\_  
SIGNATURE  
BY: \_\_\_\_\_  
PRINTED NAME  
DATE: \_\_\_\_\_  
DATE SIGNED

NOTARY SEAL

**ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY**

11-18-2013

Subject: Temporary Housing Proposal

Hello members of the Planning and Zoning Commission and City Council Members,

This letter concerns an appropriate and reasonable resolution to the recently addressed common concern of developing Temporary Housing Services for workers of many industrial fields in our area. It also concurrently reaps exponentially positive benefits to our tourists and community, by providing facilities, amenities and accommodations for these imperative contributors to our cities vital local, as well as non-local revenues. These prevalent communal issues have been the recent topic of some social discussion among many active and informed citizens, as well as community involved groups (The Department of Development, City Administrators, City Council, etc.) within our city.

The need for Temporary Housing providers and businesses that offer these types of services has become so obvious in fact, that the matter has been researched by our local newspaper, "The Current Argus".

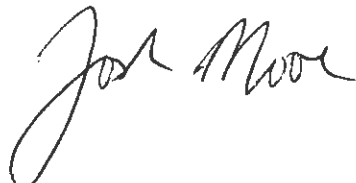
Ladies and gentlemen, I propose the approval of such a facility for these crucial purposes/demographics intended to support sustaining our evolving economic growth and expanding needs of the recently welcomed workers and visitors to our beautiful Carlsbad area. I ask that while giving consideration to this application/submission, that you keep in mind the needs of the unfortunate individuals and families that find it very difficult to find a simple, affordable solution to having a roof over their heads. This public service will cater to meeting their every sanitary need, as well as fulfilling any other personal need requirements (Parks, On-site Fresh water storage tanks, Recreational activities, etc...), it will be a progressive addition to our infrastructure, as well as offering a comfortable "place to call home", during their difficult times of transition.

This proposed business is forecasted to begin operating under "Temporary Housing" requirements, under Sec. 56-80 and within the two year span of the permit, evolve into a scenic and beautiful "RV park". It will eventually include bath houses, structures for offices and will include tenant services, such as recreation areas, sports facilities, etc. The site design will allow for this easy transition by initially, intentionally establishing set-backs, spacing, ingress and egress routes, as well as sanitary, Safety, and Security/emergency needs intended to meet the specific requirements put forth by the City of Carlsbad's' (RV Park) standards and ordinances: Sec. 56-42 "Use Regulations - (aa) RV Parks" (which I have provided) . The following pages will briefly explain and summarize the site plan (lay-out) of the proposition, accompanied by separate sanitation and utility plans for your review.

Thank you all for your hard work and influences to our growing population. I assure you that I will make every effort possible to provide the highest quality of service to our tenants, positively contributing to all involved while simultaneously taking the steps necessary to avoid impacting the surrounding properties and adjacent industrial businesses and locations in any undesirable manner.

Sincerely and with best regards,

Joshua Moore

A handwritten signature in black ink, appearing to read "Josh Moore", written in a cursive style.



My name is Joshua Moore. I am a Home/Land owner and resident of Carlsbad. I am the Training Facilitator for Intrepid Potash, Carlsbad operations. I have been teaching critical Safety and Health topics in the Mining Industry for a number of years and I am also a certified instructor of **Security Levels 1 through 3**, as well as **Alcohol Certification** for the State of New Mexico. I have a Bachelor's degree in Business (Hotel, Restaurant and Tourism) Management and Associates in Marketing from New Mexico State University. I have dedicated my life and skills to helping people, through education and execution of services. I hope to continue to do so, with the approval of the proposed "people oriented" facilities.

This proposed notion has been carefully calculated and premeditated to meet both the requirements of the Temporary Housing permit standards and the RV Park ordinances of the City of Carlsbad, in order to respond to the rapid growth and development it will experience to meet the essential needs of the residents and the increasing populations of our communities. It is contingent upon the approval of the zoning change to the area of land that is 2700 E Greene Street (Neal Re-division / Neal Line adjustment tract A), Allowing this re-zoning to commercial status will complement the activity and demands of the area it will inhabit.

The following are responses to the criteria that require approval for the Temporary Housing permit.

## 2. Approval Criteria for Temporary Housing

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use  
The site will be a triangular shaped 16.9 acres with direct access to Hwy 62/180, starting with 32 parking/camping spots and expanding as the business grows, as permitting allows. It fulfills and exceeds the minimum proposed site size of 3 acres.
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate  
Providing two spacious routes of Ingres and egress (30 Ft. wide) for Self-contained RV's and Motorhomes, direct access to Hwy 62/180 will accommodate for more than adequate internal and external avenues of mobility for the traffic that will be presented.
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan)  
Not only is there adequate parking to fulfill the requirements of the permit, but extra guest parking per camping space, adjacent to the office, near the park entrance and at either end of each internal street.
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and:  
Through internal controls and staff surveillance, we will ensure that it will not endanger or otherwise constitute a menace to the public health, safety or general welfare.



(e) All other required permits have been obtained.

All permits will be acquired before initiating (re-zoning application has been submitted)

### 3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

We will accept and **honor** any additional conditions that the City feels may be necessary. I will personally be held accountable for executing any supplementary circumstances that may be enacted.

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.

It is contingent upon the approval of the previously submitted re-zoning request for 2700 E Green, and acceptance of the city, as it will potentially be re-zoned a number of weeks after the ratification of the aforementioned date of approval. However, it will complement the activity and demands of the area it will inhabit and greatly benefit the cities need for these types of service providers.

2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

The newly assigned 911 address is 2700 E. Greene St.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.

There are no city water or sewage services provided in the area, so we will offer these services to self-contained units only (as described in the Sanitation plan), until these services can be acquired and progressed. Electrical service has been established to be provided to the site by Xcel energy (as described by the Utility plan)

4. A site plan shall be provided that identifies:

See: "Site Plan" for visual confirmation of compliance and mapping for all below criteria.

- a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and

Shown on Site Plan

- b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each);

Shown on Site Plan – 30' wide, internal and around perimeter

- c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and

Shown on Site Plan – 30' wide all gravel paving and graded to prevent ruts

- d. emergency access and turn around, if necessary, (minimum 80' diameter); and:

Shown on Site Plan Provided at entrance/exit as well as on site

e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space);

(27"x 27") provided with space for two personal vehicles also, in addition to a yard.

f. visitor parking spaces (1 – 9'x18 'space for every 4 sleeping units) in designated visitor parking area;

(27"x 27") provided to offer more than enough spacious parking to visitors

g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.

Shown on Site Plan

h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.

See: Utility Plan, service has been authorized by Xcel Energy

5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.

6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.

Shown on Site Plan, all the way around the perimeter

7. A 20' set back from this fence shall be maintained free of obstructions at all times.

Shown on Site Plan - 30'

8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.

Shown on Site Plan

9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.

Shown on Site Plan

10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.

Shown on Site Plan – 30', landscaped in areas, in addition to a roadway.

11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such

service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.

See: Sanitation Plan, In addition to the service providers having the capability to pump waste water tanks, as well as fill fresh water tanks for individual self-contained units, we will offer fresh water from an FDA approved polyethylene tank located near the office. This will enable tenants to have easy access and an additional option for acquisition of this needed commodity, in addition there will be a sign-up sheet at the office for addressing individual requests for pumping or filling each site.

For waste water, we will have 1,500 gallon buried containment tanks that will be plumbed to each parking/camping site for easy and clean hook-up & drain service. This will be the recommended form of discarding waste-water, as the service provider will simply be able to come to the site weekly or bi-weekly (depending on demand) to pump the large, centrally located waste water tanks.

Fresh water will be filled and stored in our FDA approved location tank by a service provider upon demand, as well as offered in five gallon jugs catered by Culligan.

All of these needs will be monitored and coordinated by staff and management for assurance of compliance, conformity and comfort. We will address any sanitary need of residents immediately. Litter control will be handled internally daily, weekly and monthly.

12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.

See: Sanitation Providers contact information

**Culligan (Roswell) - (575) 625 2446**

. 1303 N Garden St, Roswell NM

- Every two week drop-off service for 5 Gallon Jugs of **Potable water**.

**Medina Precast Septic – (575) 887-2224**

. 2309 Harding St, Carlsbad, NM

- **Septic Pump & Drain Services, (Grey Water, Black Water), & Spill Clean-up service.**

**Eddie's Pumping Service - (575) 236-6262.**

. 2224 Collins Ave, Carlsbad, NM 88220

- **Portable Toilets, Septic & Drain Services, (Grey Water, Black Water, Fresh Water)**
- Specialties: **Trash Trailers**, Septic Tanks, Seniors Discount, Pumping Service
- Portable Toilets.

**City of Carlsbad Solid Waste Dept. - (575) 887-1191 / (575) 885-0042**  
1702 w Fox St, Carlsbad, NM 88220

- **Garbage and Trash Collection, with disposal at Sandpoint Landfill**

**Southwest Disposal Corp - (575) 625-9506**

**405 Brahma Rd Roswell, NM 88203**

- **Solid Waste : Waste & Disposal Service & Equipment, Garbage Collection**

13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.

Temporary Housing will not be located within a floodway

14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.

Compliance will be assured by staff and Management, and me personally.

15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.

Thank you for your time and consideration, I will be happy to answer any questions...

Joshua Moore

(575) 361-7066



## Carlsbad's housing crunch has widespread impacts on economy

By JONATHAN SMITH - Carlsbad Current-Argus  
November 16, 2013 - 2:59 pm EST

Share / Save 

CARLSBAD, New Mexico — It took five months for John Thurston to find his current job.

The recent Eastern University graduate said he wanted to find a job closer to the geology field he studied in college.

Lucky for him, Morco Geological Services in Carlsbad answered his request.

"My boss told me 'you're hired,'" he said. "Then he said 'Now start looking for a place.'"

Thurston, like so many out-of-state residents, quickly found out just what his supervisor meant. For a month, Thurston spent all his time trying to find somewhere to call home here in the city. And for that month, he called the Stagecoach Motel home, a place that didn't feature many home-like qualities.

"It sucked," he said. "Unfortunately, the only room they had available was a smoking room," he added. "I felt like I was stuck there because it was really hard to find a place."

Thurston is one of many people in the area suffering from a housing shortage. It is not uncommon to find oilfield and commercial trucks lined up at hotels along Canal Street at night. It's a sight that has become more evident as time goes by.

"The population is growing so fast that housing has not caught up," he said. "People are kind of desperate."

A native of Spokane, Washington, Thurston said he came to Carlsbad in September and found out how tough it was to find an affordable place to live.

"The rest of cost of living is so normal but rent is so much more," he said.

Although his company paid for his stay at the motel, he said he attempted to find places in the city to stay for reasonable prices. He said he filed apartment applications around the city, and he constantly watched a Facebook group advertising places for rent.

He said his stay at the motel was an experience he'd rather not repeat.

"The cleaning ladies were nice," he said. "That was about it."

He finally found his current duplex a month after starting his job. He said his rent of \$650 is reasonable, and he's grateful his company helped pay his hotel fees at the Stagecoach.

"It's a good company," he said. "It's a good place. It's good money."

Like Thurston, the city has taken notice of the current housing situation.

Carlsbad's city council recently voted in October to update the city's existing temporary housing ordinance to meet the current population demand.

City Administrator Steve McCutcheon said the existing market in the city is insufficient to match the needs of the current workforce.

"The mayor tasked us to look at this issue," he said. "What drove his concern was that we have a lot of people out here to work but they don't have anywhere to stay."

The city already allows individuals and developers to apply for temporary housing permits with certain guidelines, he said. However, the updated ordinance offers opportunities to attract developers wishing to set up temporary housing units such as mobile home parks and mobile camps, similar to other thriving oil-and-gas-based communities in North Dakota and Midland, Texas.

The ordinance helps "ensure that temporary residents are living in a safe, secure and sanitary environment," the agenda report reads.

According to the report, the regional economy is expected to continue to grow for five to seven years.

Some guidelines requires properties are connected to the city's water and sewer or be completely self-contained, have a minimum 4-foot tall perimeter fence, and be accessible for emergency purposes.

The permit is good for three years and can be renewable in two 1-year spans, McCutcheon said. The permit cannot be renewed after the fifth year, he added.

"Most of the temporary housing units just don't lend themselves to permanent stability," he said.

McCutcheon said the city has avenues to ensure temporary properties are kept up to code.

Since the ordinance update, McCutcheon said the city has received interest from several developers looking to set up shop in the city.

"Carlsbad is open for business," he said.

"Although this may not be a long-term solution, it is definitely an immediate solution," he added.

Over the past couple of days, John Waters and Jeff Campbell of the Carlsbad Department of Development have been at work trying to lure several retail chains to Carlsbad at International Council of Shopping Centers' annual conference in Dallas, Texas.

Waters, executive director for the CDOD, said Carlsbad's numbers are looking good to many investors. Campbell, director of marketing for the CDOD, said Carlsbad's \$53,000 median income number posts as the second highest numbers in the state the last four years.

"The revenue stream is high here," Waters said. "People are making good money here."

However, Waters acknowledges that the tight housing market in the city makes it harder to keep revenue within the city limits. Lingering effects of the national housing crash of 2008 don't help, he said.

The problem, he says, lies in convincing developers' financiers that Carlsbad has a legitimate market.

"They think that if things are bad there then things are bad everywhere," he said. "They lost a lot of money in 2008. The developers are interested but their banks need a little bit more convincing. They are really hesitant when they invest."

The key, Waters says, is providing more rental properties in the city. Waters said his organization has trying to lure more rental properties and hotels into the area.

There are a few new apartment complexes that Waters said has helped. But it's not enough, he said.

The shortage of rental units has affected other local industries like tourism and retail, which rely on hotel tourists to spend as much time in Carlsbad as they can.

He said the lack of available hotel rooms means tourists often decide to spend their dollars in nearby cities.

"It does abruptly affect the tourism industry," he said. "There's no doubt about it."

He said that the housing ordinance is a positive step in the right direction for the city.

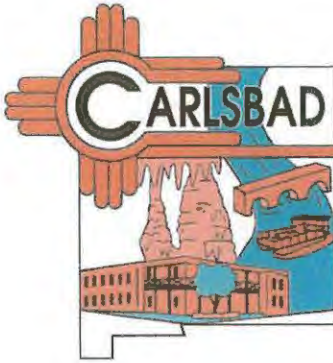
"The city council recognizes that we have to put people into places to stay," he said.

Waters, who said his office gets about one call each day from potential developers, said a lot of developers are giving Carlsbad a thought. He said two of the largest apartment complexes, Avalon and Copperstone, are about to break ground on the second phase of their developments.

"We are the real deal here in Carlsbad," he said. "We are just at the start of our boom. We know we can fill apartments."

"There's two types of towns," he added. "There are towns that are growing. There are towns that are dying. I'm thankful that I'm in a town that is growing"





Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
[www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com)

DALE JANWAY  
MAYOR

STEVE MCCUTCHEON  
CITY ADMINISTRATOR

November 20, 2013

Joshua Moore  
Intrepid Potash  
Carlsbad, NM 88220

**RE: 2608 E. Green** (The actual address is 2700 E Greene, the 911 address was not issued until after this letter was requested, so the adjacent property was used)

Dear Mr. Moore,

In reference to your question, about City sewer service available at 2608 E. Greene; sewer is not available at this address. City sewer service is available up to the Ridgcrest Sub-Division. Your address is further east.

Sincerely,

Michael A. Hernandez  
Deputy Director of Utilities

/fl

**COUNCILORS**

**Ward 1**  
PAUL C. AGUILAR  
NICK G. SALCIDO

**Ward 2**  
J.R. DOPORTO  
SANDRA K. NUNLEY

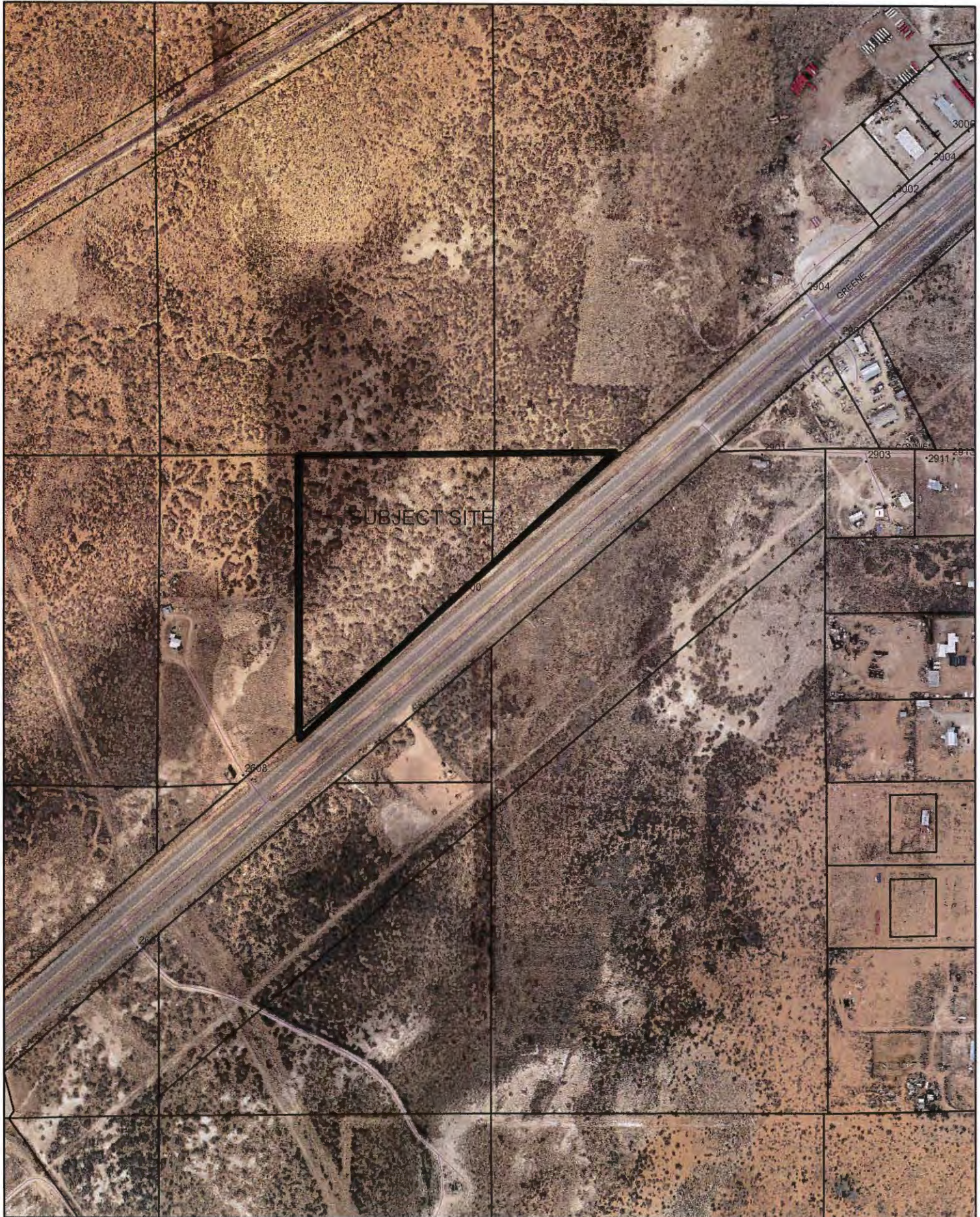
**Ward 3**  
JUDI WATERS  
JASON G. SHIRLEY

**Ward 4**  
DICK DOSS  
JANELL E. WHITLOCK





# Proposed Location of Temporary Housing as a Temporary Use



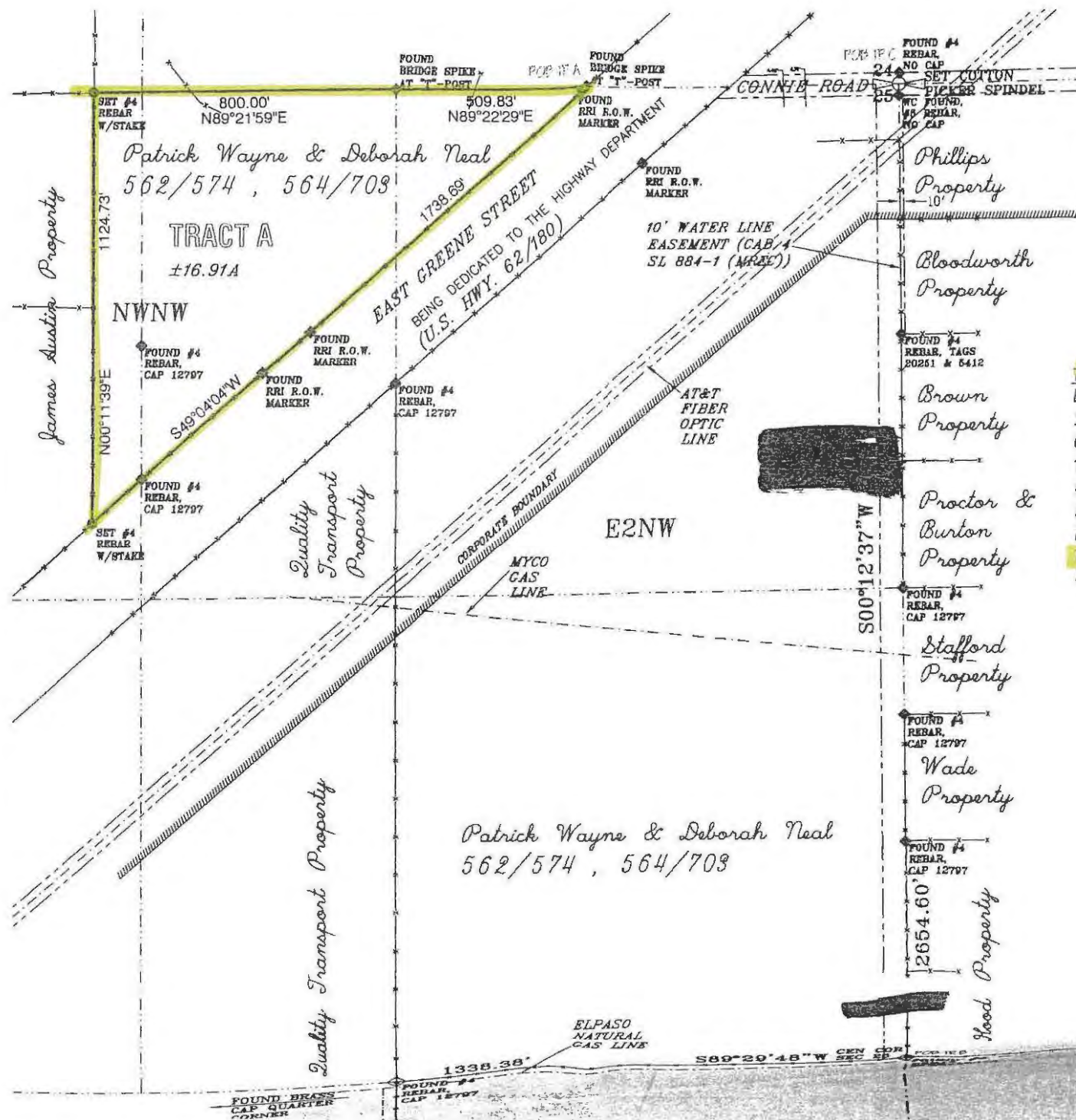


Map 5-707-1

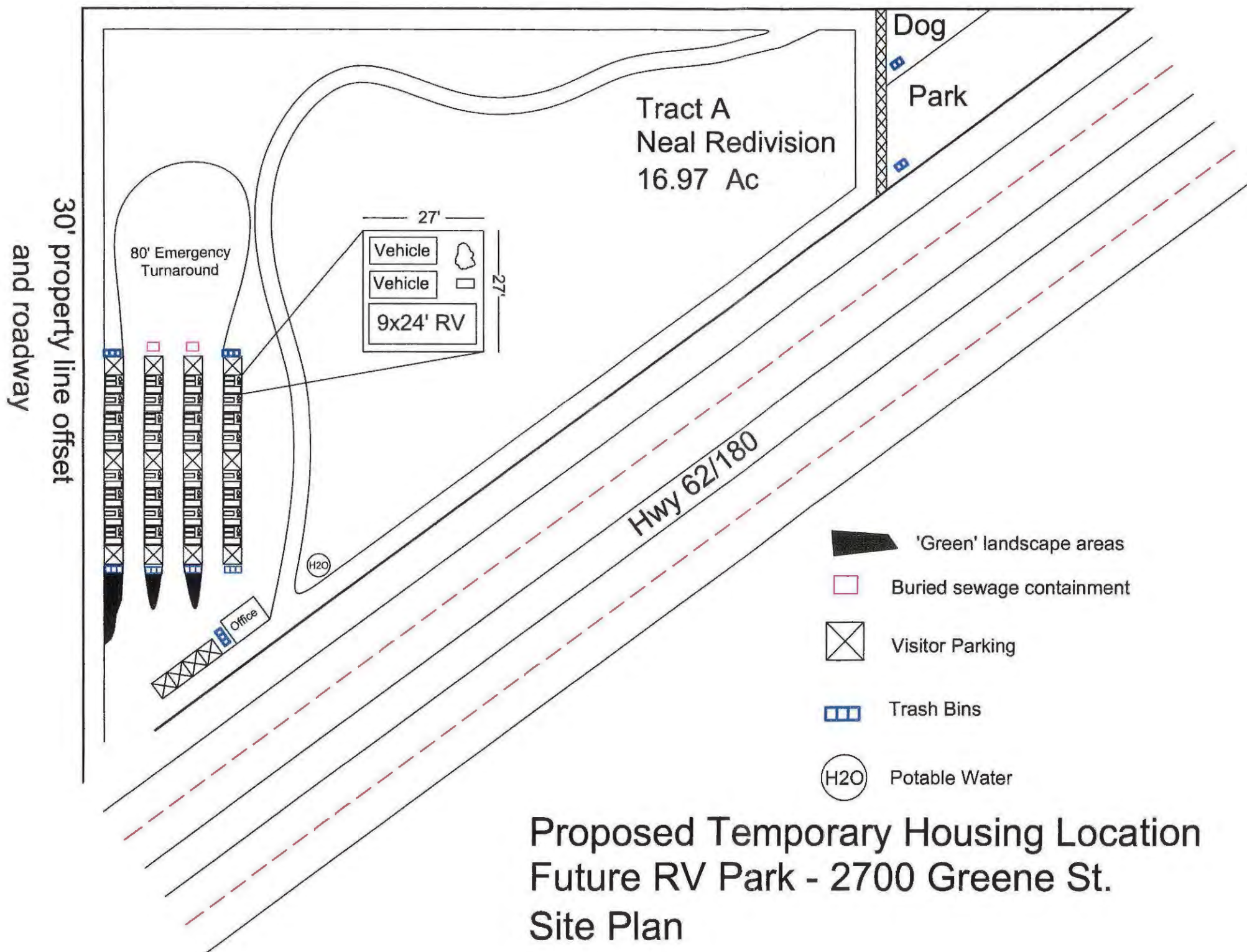
# NEAL LINE ADJUSTMENT

A SURVEY OF LANDS LYING IN SEC 25, T21S, R27E, N.M.P.M., CARLSBAD, EDDY COUNTY, NEW MEXICO, WHICH LANDS ARE REFLECTED IN WARRANTY DEEDS IN BOOK 562 PAGE 574 and BOOK 564 PAGE 703 OF THE RECORDS OF EDDY COUNTY, NEW MEXICO, WHICH SURVEY IS CREATING TRACT A AND DESCRIBED AS FOLLOWS:

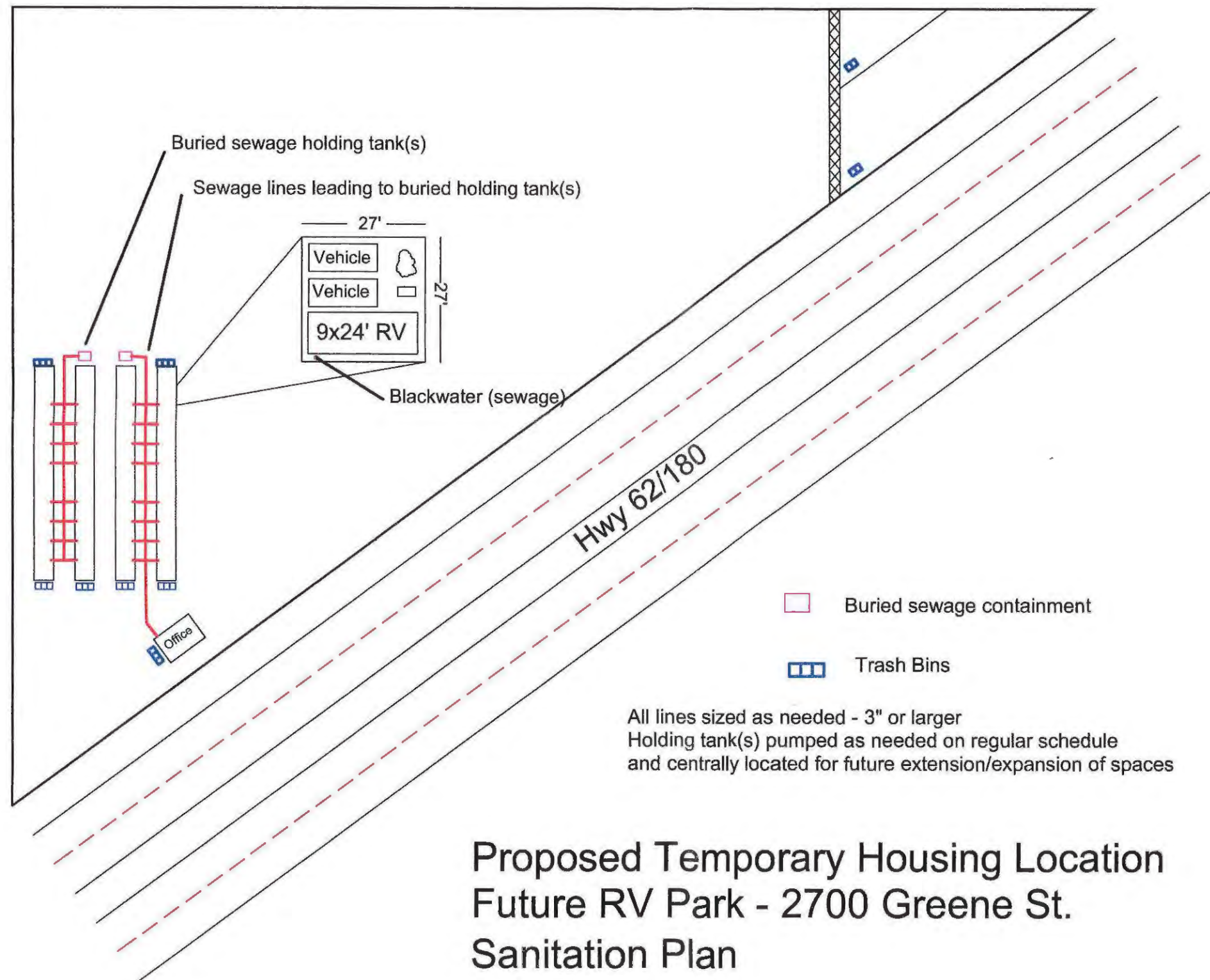
**TRACT A:**  
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SEC 25 AND THE WESTERLY R.O.W. OF EAST GREENE STREET (U.S. HWY. 62/180); THEN S49°04'04"W, ALONG SAID WESTERLY R.O.W., FOR 1738.69 FEET; THEN N00°11'39"E FOR 1124.73 FEET TO THE NORTH OF SAID SEC 25; THEN N89°21'59"E, ALONG SAID NORTH LINE FOR 800.00 FEET; THEN N89°22'29"E, CONTINUING ALONG SAID NORTH LINE, FOR 509.83 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL PERTAINING EASEMENTS,

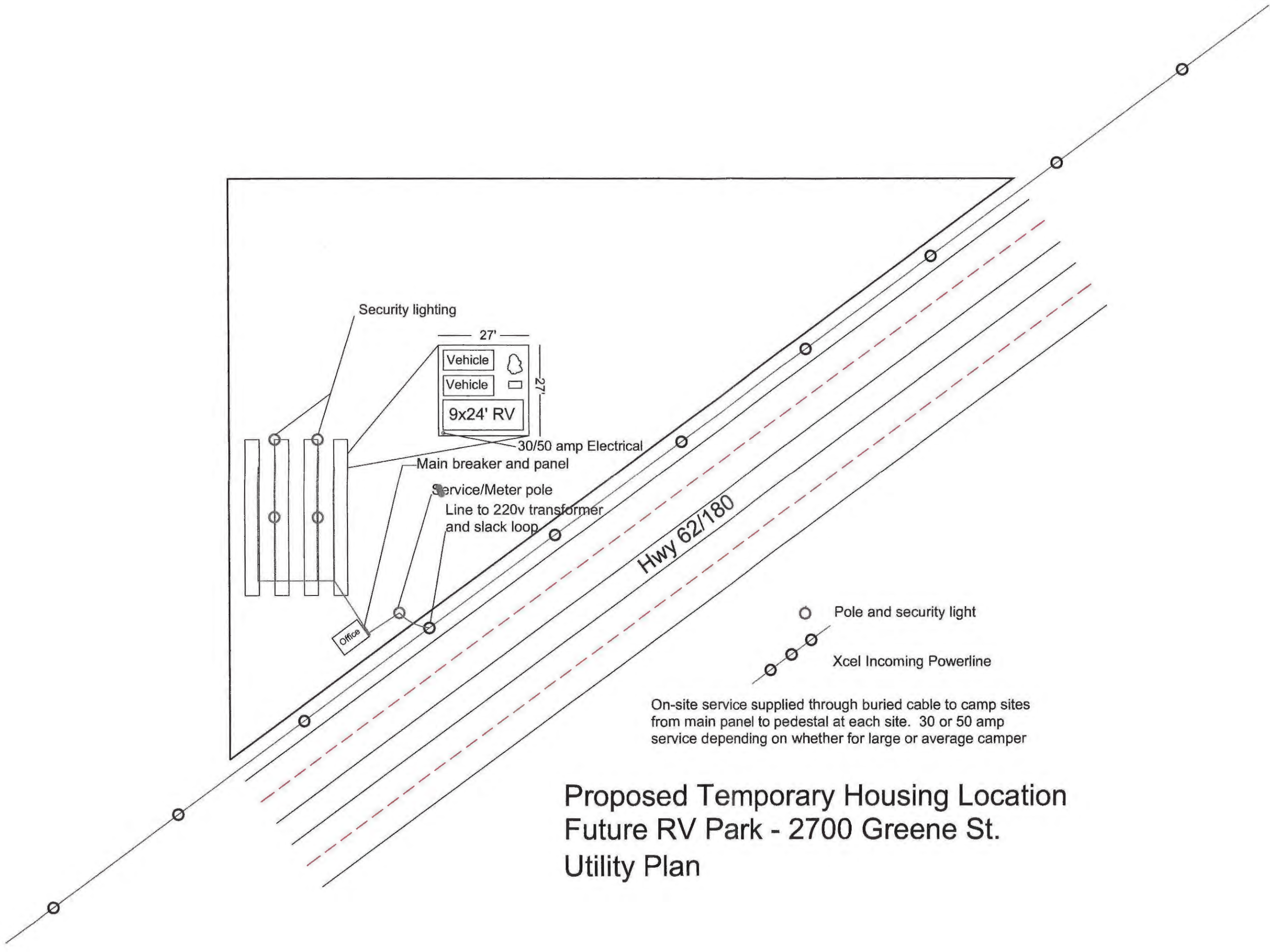


LEGEND









Proposed Temporary Housing Location  
Future RV Park - 2700 Greene St.  
Utility Plan

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**February 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, February 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held January 6, 2014.
4. Consider request for approval of a Conditional Use Permit to allow a massage therapy business as a Home Occupation at 1106 N. Canal St., pursuant to Code of Ordinances Chapters 56-41(g) and 56-70(d)(9)(a)(xii), Zoned "R-1" Residential District.
5. Consider request for approval of a Conditional Use Permit to allow a Health Clinic to be located immediately south of the main office building at 3005 Boyd Drive, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned "I" Industrial District.
6. Consider request for approval of a Conditional Use Permit to allow for Employee Housing at 812 George Shoup Relief Route, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned "I" Industrial District.
7. Consider request for approval of a Conditional Use Permit to allow multi-family housing at 507 and 509 W. Mermod, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned "C-2" Commercial District.
8. Consider request for approval of an Appeal (variance) from Code of Ordinances Chapter 56-90(b), to allow for the construction of 8 multi-family dwelling units with a lot area of 2,113 square feet per unit, instead of the required 3,000 square feet, at 1202 and 1204 W. Church St., pursuant to Code of Ordinances Chapter 56 -150(k), Zoned "R-2" Residential District.
9. Consider recommendation regarding a Temporary Use Permit for Temporary Housing at 2700 E. Greene Street, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13, pending a zoning change from "I" Industrial District to "C-2" Commercial District.
10. Consider request for approval of a Final Plat for Petroleum Park Subdivision – Unit 2, pursuant to the Code of Ordinances - Chapter 47 (1996 version), Zoned "C-2" Commercial District.
11. Consider request for approval of a Final Plat for Farm View Subdivision – Phase 3, pursuant to Code of Ordinances - Chapter 47, Zoned "R-R" Rural Residential District.
12. Consider request for approval of a Final Plat for Fountain Hills Subdivision - Phase 10, pursuant to Code of Ordinances Chapter 47, located on the west side of Miehl's Drive, Zoned "R-R" Rural Residential District.
13. Report regarding plats approved through Summary Review process.
14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.
---



**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, FEBRUARY 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**LUCIA LOPEZ  
DANIEL FIERRO  
AMOS URQUIDEZ  
GEORGE DUNAGAN  
VALERIE MURRILL  
JOSHUA MOORE  
KEN THURSTON  
LEON SANDATE  
CHAD BRADFORD  
LUPE CARRASCO  
FATHER ROD HURST  
ERNIE CARLSON**

**1106 N. CANAL  
1214 W. THOMAS  
1116 W. CHURCH  
212 W. STEVENS  
P.O. BOX 1246, CARLSBAD  
716 WINGED FOOT DRIVE  
LAS CRUCES, NM  
1416 BURGUNDY  
3003 S. BOYD  
1106 N. CANAL  
508 W. FOX  
1109 CALLE DEL ENCANTO**

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      Start Recording [5:03 PM]

0:00:47      **1.      Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:01:05      **2.      Approval of Agenda.**

Motion was made by **Ms. Durham** for approval of the Agenda. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:01:33            **3.            Approval of Minutes from the Regular Meeting held January 6, 2014.**

Motion made by **Mr. Rodriguez** and seconded by **Mr. McCormick** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:02:36            **4.            Consider request for approval of a Conditional Use Permit to allow a massage therapy business as a Home Occupation at 1106 N. Canal St., pursuant to Code of Ordinances Chapters 56-41(g) and 56-70(d)(9)(a)(xii), Zoned “R-1” Residential District.**

**Ms. Lopez** and **Mr. Carrasco** attended regarding the matter. **Ms. Lopez** has recently purchased a home at 1106 N. Canal, where she wants to operate her massage therapy business. In the past she rented an office and commuted. Staff recommended approval, provided all the regulations required of home businesses are followed. There was no public comment.

Motion made by **Mr. Brown** for approval of the Conditional Use. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:06:41            **5.            Consider request for approval of a Conditional Use Permit to allow a Health Clinic to be located immediately south of the main office building at 3005 Boyd Drive, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned “I” Industrial District.**

**Ms. Shumsky** stated that the health clinic would be on the south side of Constructor’s on Boyd Drive. The clinic would provide services to the Constructor’s employees and the public. They do meet the criteria for allowing a conditional use in this zone. Staff recommended approval with conditions. **Mr. Fierro** explained that his wife is a certified nurse practitioner. They want to provide primary care to a small number of patients. They have no problem with the conditions required and hope to open in the summer. There was no public comment.

Motion was made by **Mr. Rodriguez** for approval of the Conditional Use with the conditions recommended in the staff report. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:13:54            **6.            Consider request for approval of a Conditional Use Permit to allow for Employee Housing at 812 George Shoup Relief Route, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned “I” Industrial District.**

**Ms. Shumsky** explained that the housing will only be for employees, which is permitted as a conditional use in this zone. The issue does not have to go before City Council. Staff recommended approval with conditions. She noted that some of the conditions are the same as for temporary housing. **Mr. Bradford** and **Mr. Carlson** came forward with their request. **Mr. Bradford** explained that it is hard to find housing in the area, so he thinks this will be a benefit to the employees and to the community. **Mr. Carlson** asked if the perimeter fencing requirement

could be changed to a three-sided fence. Also, they wanted to strike one of the requirements which did not seem relevant. Everyone thought that would be fine. **Ms. Shumsky** said she normally lists all the Staff comments, like the one mentioned, but they can always be modified by the Board. There was no public comment.

**Mr. Brown** made a motion to approve the Conditional Use with the conditions recommended in the staff report, as amended. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:28:23        **7. Consider request for approval of a Conditional Use Permit to allow multi-family housing at 507 and 509 W. Mermod, pursuant to Code of Ordinances Chapters 56-31, 56-41(g) and 56-150(f), Zoned “C-2” Commercial District.**

**Mr. Sandate** and his wife were present to request the Conditional Use. **Ms. Shumsky** explained that the property had started out as apartments, but were then converted to offices. The applicant wants to remodel for small apartments again. There are already fixtures and bathrooms. The building hasn’t changed that much structurally. Staff recommended approval with conditions. **Mr. Sandate** added that he had already converted the windows and doors to be compliant regarding accessibility. They still need to re-do the kitchens. There was no public comment.

**Mr. McCormick** made a motion to approve the Conditional Use with the conditions recommended in the staff report. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:34:45        **8. Consider request for approval of an Appeal (variance) from Code of Ordinances Chapter 56-90(b), to allow for the construction of 8 multi-family dwelling units with a lot area of 2,113 square feet per unit, instead of the required 3,000 square feet, at 1202 and 1204 W. Church St., pursuant to Code of Ordinances Chapter 56 -150(k), Zoned “R-2” Residential District.**

**Mr. Urquidez** said he wants to construct two four-plexes with open space around them, similar to the apartments on Richard Street to the east. There would be common areas and private areas. He may want to make them two-storied. **Ms. Shumsky** said that Staff recommended approval. The project will further City goals, such as higher density development and utilizing a higher-traffic corridor. There is a park down the street. There was no public comment. As usual, a building permit is required prior to construction.

**Mr. Rodriguez** made a motion to approve the Variance. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:42:45        **9. Consider recommendation regarding a Temporary Use Permit for Temporary Housing at 2700 E. Greene Street, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13, pending a zoning change from “I” Industrial District to “C-2” Commercial District.**

**Mr. Moore** was on hand to present his request. His long-term plan is to have a permanent RV park, but wants to start with temporary housing for people visiting the area or coming here to work. Staff recommended approval, provided the Zone Change scheduled to be heard by City Council on February 25 is approved. Mr. Moore has been very thorough in his planning and in getting approval from different entities, such as the Environment Department, Public Works, and the Department of Transportation. He has made provision for use of fresh water and gray water. He has also made improvements to his site plan to make it more accessible for Xcel energy to do their job. He is also planning 27 x 27 spaces, rather than the required 9 x 8, so the park will be spacious and nice. He wants to include recreation facilities, a dog park, and walking and biking trails. He also wants to have 30' setbacks on all sides, not just in the front, as required. His perimeter fence will be four feet high. After two years, he wants to work on plans for a permanent park, so he is trying to incorporate whatever is necessary ahead of time. There was no public comment.

**Mr. McCormick** made a motion to recommend approval of the Temporary Use with the conditions recommended in the staff report. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:00:29      **10.      Consider request for approval of a Final Plat for Petroleum Park Subdivision – Unit 2, pursuant to the Code of Ordinances - Chapter 47 (1996 version), Zoned “C-2” Commercial District.**

**Mr. Dunagan** and **Ms. Murrill** were present to answer any questions. The Final Plat varies from the Preliminary Plat in that there will be fewer lots. **Ms. Shumsky** said that, for the most part, City comments had been addressed. There was discussion about site retention and the requirement for developers to have ongoing responsibility for the retention areas. It was agreed that “so that this lot would not be sold or developed” would be deleted from the Item #8 requirement. It was also reiterated that the requirement for sidewalks, for the future development of tract A, can be met by having them in the purchase agreement for owners, if the developer had not already provided them. There was no public comment.

**Mr. Brown** made a motion to approve the Final Plat with the conditions recommended in the staff report, as amended. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:19:30      **11.      Consider request for approval of a Final Plat for Farm View Subdivision – Phase 3, pursuant to Code of Ordinances - Chapter 47, Zoned “R-R” Rural Residential District.**

**Mr. Thurston** attended the meeting to submit the Final Plat for approval. This is for twenty-four of the remaining sixty-four lots. Phase 1 has been completed, Phase 2 is halfway built out, and Phase 3 should have all the improvements completed in the next sixty days. Mike Abell will need to inspect the infrastructure before final acceptance. There was no public comment.

**Mr. Brown** made a motion to approve the Final Plat with the conditions recommended in the staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:24:00            **12.       Consider request for approval of a Final Plat for Fountain Hills Subdivision - Phase 10, pursuant to Code of Ordinances Chapter 47, located on the west side of Miehl Drive, Zoned “R-R” Rural Residential District**

**Mr. Thurston** was present for this issue. Before sign-off, he needs to get a revised drainage plan, as-builts, and the final report from Mike Abell regarding completed infrastructure. It was agreed that an error in computing estimated water consumption had been made. There was no public comment.

**Mr. McCormick** made a motion to approve the Final Plat based on the conditions recommended in the staff report. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:35:00            **13       Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in January.

1:38:10            **14.       Adjourn.**

There being no further business, the meeting was adjourned.

1:38:16            Stop Recording [6:42 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

## CITY OF CARLSBAD

### AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 3/11/14

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>DATE:</b> 3/4/14
<p><b>SUBJECT:</b> Consider allowing Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.</p> <p>Applicant/Property Owner: Cody Northcutt P.O. Box 2273 Carlsbad, NM 88221</p> <p><i>There are no special notification requirements for Temporary Use Permits.</i></p>		
<p><b>HISTORY, SYNOPSIS and IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</b> Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.</p> <p>If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.</p> <p style="padding-left: 40px;">"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."</p> <p>The subject site is located at 908 N Main St., which is on the east side of the street and west of the railroad tracks.</p> <p>One of the stipulations of the Temporary Use Permit for Temporary Housing was that the property be zoned "C-2" or "R-R" at the time the temporary use regulations for temporary housing were approved (Oct. 2013). The current request does not meet that requirement. Over half the property being proposed is zoned "I" Industrial District, which does not meet the zoning requirements stipulated.</p> <p>The applicant is proposing to include two additional property parcels of which he is in the process of acquiring. Upon acquisition of these parcels, as a condition of approval, the applicant will be required to replat these properties, combining them into one parcel. However, another stipulation of the Temporary Housing permit Sec. 56-80, states that the property must be at least 2 acres in size as one parcel. The property in this application, even after the combination of these multiple parcels, fails to meet this requirement, being only approximately 1.7 acres in total size.</p> <p>Another Stipulation of the Temporary Housing permit Sec. 56-80 is that the property proposed cannot be in a floodway as shown on the FEMA area floodway maps. The property in this application is not within the floodway but it is within flood zone "AE" as shown by the current FEMA floodplain maps.</p>		

The applicant's site-plan fails to adequately show the water and sewer hookups as required by Sec. 56-80 Temporary Uses ordinance.

The applicant's long-range plan for the property is to operate as a temporary housing development for a maximum of 5 years.

Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed use is intended to address the need for housing temporary workers and for housing those that are seeking permanent residence in Carlsbad.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** Approval based on the following conditions:

1. Applicant will need to provide a new survey plat completed by licensed surveyor showing new property boundaries, right-of-ways, and easements.
2. Applicant shall provide evidence of property ownership of all parcels prior to issuance of a permit.
3. The application lacked any sort of plan for fire suppression. A plan for fire suppression shall be reviewed and approved by the Fire Marshal prior to issuance of a permit.
4. The applicant needs to show the size and location of water, sewer and garbage services on the site plan. The applicant shall provide planning staff with evidence of the Utility Director's approval of these locations prior to issuance of a permit.
5. In lieu of a zoning change for the industrial portion of the property, the applicant shall not be permitted to operate industrial uses on the site while temporary housing is existing and the applicant shall install a 6' "r" panel-style fencing along the portions of the property that abut industrially-zoned property, in order to minimize adverse impacts from adjacent uses on the temporary housing residents.
6. Compliance with the City's Temporary Use Regulations (Sec. 56-80) and the Temporary Use Regulations for Temporary Housing, as approved by the City Council on 10/22/13, are required.
7. Each temporary use permit application is reviewed on its own merits. This recommendation shall not set a precedent for future recommendations.

**PLANNING STAFF RECOMMENDATION:** Based on the lot size, zoning and staff comments, planning staff recommends denial.

However, if approved, the following conditions were recommended:

1. Applicant will need to provide a new survey plat completed by licensed surveyor showing new property boundaries, right-of-ways, and easements.
2. Applicant shall provide evidence of property ownership of all parcels prior to issuance of a permit.
3. The application lacked any sort of plan for fire suppression. A plan for fire suppression shall be reviewed and approved by the Fire Marshal prior to issuance of a permit.
4. The applicant needs to show the size and location of water, sewer and garbage services on the site plan. The applicant shall provide planning staff with evidence of the Utility Director's approval of these locations prior to issuance of a permit.
5. The property will need an approved zone change for the Industrial designation portion, prior to issuance of a permit.
6. Compliance with the City's Temporary Use Regulations (Sec. 56-80) and the Temporary Use Regulations for Temporary Housing, as approved by the City Council on 10/22/13, are required.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works				Plng., Eng. & Reg. Dept:			
Fire Department		x		Code Enforcement Division			
Legal Department				Engineering Division	X w/cond		
Police Department				Planning Division		x	
Utilities Department	x w/cond			Building & Regulation Division			
Culture & Rec. Dept.			x				

**DEPARTMENT COMMENTS:**

Public Works:

Utilities Department: Approval is recommended provided applicant meets the conditions recommended by the Planning Department. In addition, the applicant needs to show the size and location of water, sewer and garbage services.

Building Department:

Fire Department: The application lacked any sort of plan for fire suppression. I was not able to confirm hydrant access, which needs to be addressed before I can recommend approval.

Code Enforcement:

Legal Department:

Planning Department: the subject site does not meet the minimum lot size and the site is not entirely zoned for commercial uses/temporary housing.

Police Department:

Culture & Rec. Department: reviewed, no comment

City Engineer: Recommendation of Approval based on the following conditions:

1. Applicant will also need to provide a new survey plat completed by a licensed surveyor showing new property boundaries, right-of-ways, and easements.
3. The property will need an approved zone change for the Industrial designation portion.

**BOARD/COMMISSION/COMMITTEE ACTION: Recommendation**

<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	

**Reviewed by**

**City Administrator:** /s/Steve McCutcheon

**Date:** March 7, 2014

ATTACHMENTS: application and p&z draft minutes



**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

<b>BRIAN WESTON</b>	<b>8524 MOLINAR ROAD</b>
<b>ALFONSO MOLINAR JR</b>	<b>8312 MOLINAR ROAD</b>
<b>CLIFFORD DOWNEY</b>	<b>8302 MOLINAR ROAD</b>
<b>S.J. MARSHALL</b>	<b>8414 MOLINAR ROAD</b>
<b>CINDY &amp; GARY TAYLOR</b>	<b>5050 NATIONAL PARKS HWY</b>
<b>CONNIE I. HOOD</b>	<b>213 S. MESQUITE</b>
<b>LOU WARD</b>	<b>317 NELSON</b>
<b>BILL MURRILL</b>	<b>5317 LOMAS</b>
<b>MILES CADDELL</b>	<b>8514 NATIONAL PARKS HWY</b>
<b>CODY NORTHCUTT</b>	<b>PO BOX 2273, CARLSBAD</b>
<b>CASIMIRO G. HERNANDEZ</b>	<b>6427 KEVIL ROAD</b>
<b>GEORGE C. ORTEGA</b>	<b>1530 HASTON ROAD</b>
<b>SANDRA YBABEN</b>	<b>7008 KEVIL ROAD</b>
<b>MELANIE HOBBS</b>	<b>8314 NATIONAL PARKS HWY</b>
<b>CHARLES HOBBS</b>	
<b>JOE HAYS</b>	
<b>DAN R. REDDY</b>	<b>904 N. GUADALUPE</b>
<b>GARY MALEY</b>	
<b>SEVERAL OTHERS WHO DIDN'T SIGN IN</b>	

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      Start Recording [5:02 PM]

0:00:22      **1.      Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.            Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3.            Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4.            Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5.            Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46        **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36        **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, **Mr. Knott** would like something in writing from the Fire Chief. **Mr. McCormick** explained that **Mr. Knott** would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10            **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:19:31            **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21            **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02            **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.



2:26:29        **13.     Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

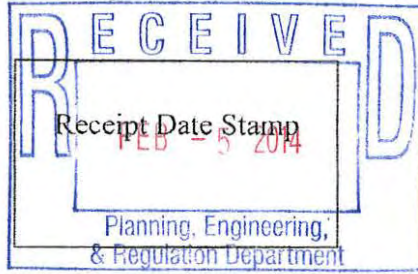
2:28:37        **14.     Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

**TEMPORARY USE APPLICATION**

**Sec. 56-80 and Temporary Housing**

Application Date: 2/5/14

Fee Paid (\$10.00): \$10.00

**TYPE OF USE REQUESTED:**

- |   |   |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event                     | <input type="checkbox"/> Real Estate Sales Office     |
| <input type="checkbox"/> Parking Lot Sale   | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale                                | <input type="checkbox"/> Other                        |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location |   |

**APPLICANT INFORMATION:**

Cody Northcutt PO Box 2273  
 NAME ADDRESS  
Carlsbad NM 88221 575-361-1738 codyelectricalclucky@gmail.com  
 CITY STATE ZIP PHONE EMAIL

**PROPERTY OWNER INFORMATION\* (IF DIFFERENT FROM APPLICANT):**

NAME ADDRESS  
 CITY STATE ZIP PHONE EMAIL

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

**LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):**

908 N. MAIN #109 203-26-38 203-26-39 203-26-39.1 C-2  
 ADDRESS LOT BLOCK SUBDIVISION ZONING

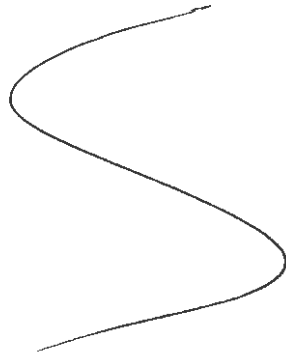
Between Fairway Auto + C+R Pecan

**Description and Duration of Temporary Use:**

Temp RV spaces for workforce coming to town  
Maximum time Allowed - 5 yrs?

**Site Plan:**

SEE  
Attached



**FOR OFFICIAL USE ONLY:**

☐ Approved

☐ Approved with Conditions

☐ Denied

By: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Conditions of approval:

## SEC. 56-80. TEMPORARY USES.

### (a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
  - (a) There shall be no more than two such activities per residence per twelve month period;
  - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
  - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
  - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
  - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
  - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

### (b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
  - (a) Permanent changes to the site are prohibited;
  - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
  - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
  - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
  - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

**In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):**

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

- 1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
- 2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
  - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
  - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
  - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
  - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
  - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
  - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
  - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
  - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
  - a. the temporary housing is unsafe
  - b. the housing or grounds are unsanitary
  - c. crime or safety issues are prevalent

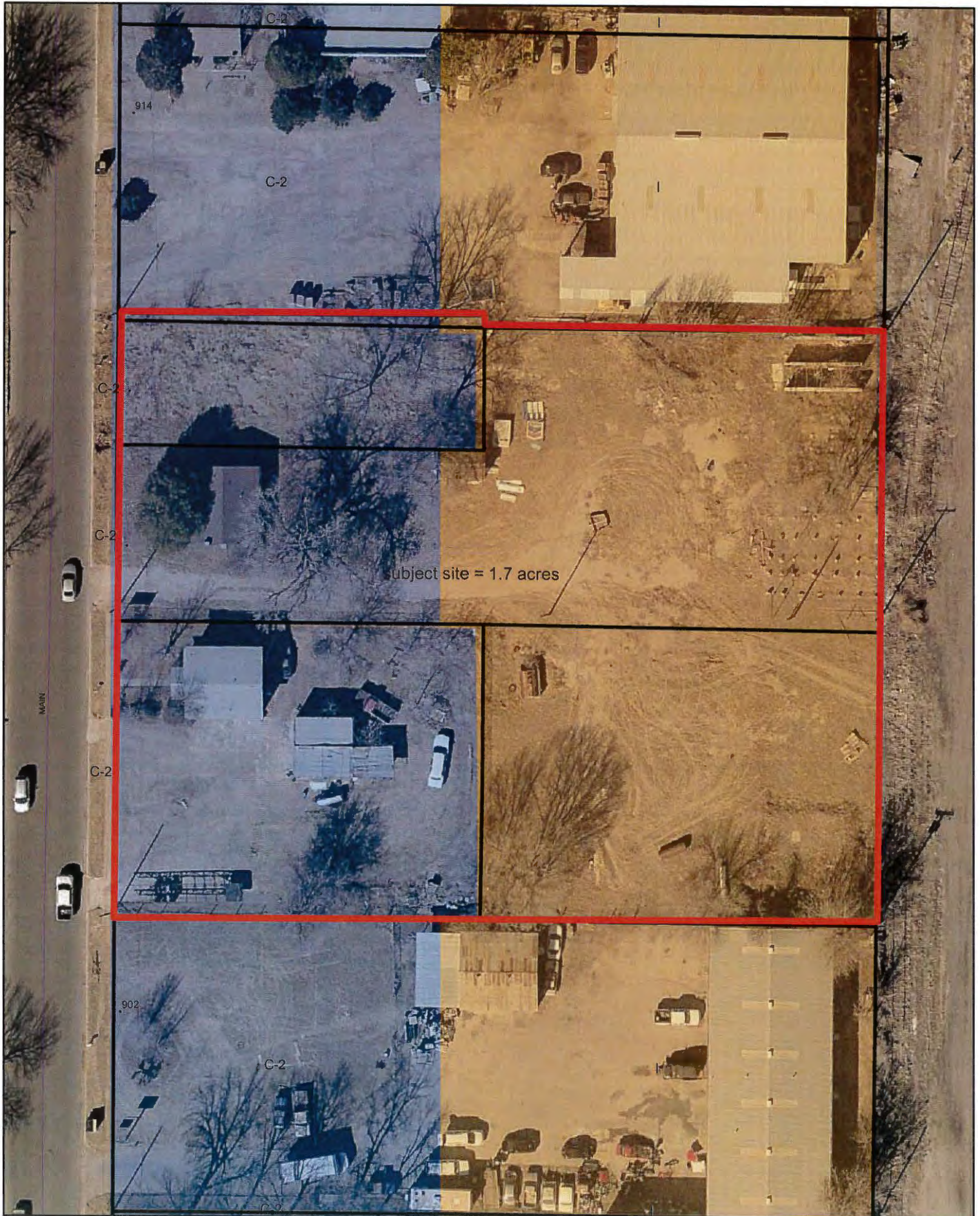
## Legal Descriptions:

- ① North Carlsbad Subdivision  
Block 109, Lot 9  
VPC: 4-157-126-357-472
- ② North Carlsbad Subdivision  
Block 109, Lot 9  
VPC: 4-157-126-358-475
- ③ North Carlsbad Subdivision  
Block 109, Lot 11  
VPC: 4-157-126-357-484
- ④ North Carlsbad Subdivision  
Block 109, Lot 11  
VPC: 4-157-126-373-484





proposed temporary housing





Ingress & Egress 24' each  
shown

SPACES shown  
with All clearances  
& spacing requirements  
met.

Electrical - Xcel  
Sewer - City Services  
Water - " "  
Garbage - " "

Total Property  
with set backs  
shown

Site: 908 N. MAIN  
Carlsbad, NM

Cody Northcutt  
PO Box 2273  
Carlsbad, NM  
88221

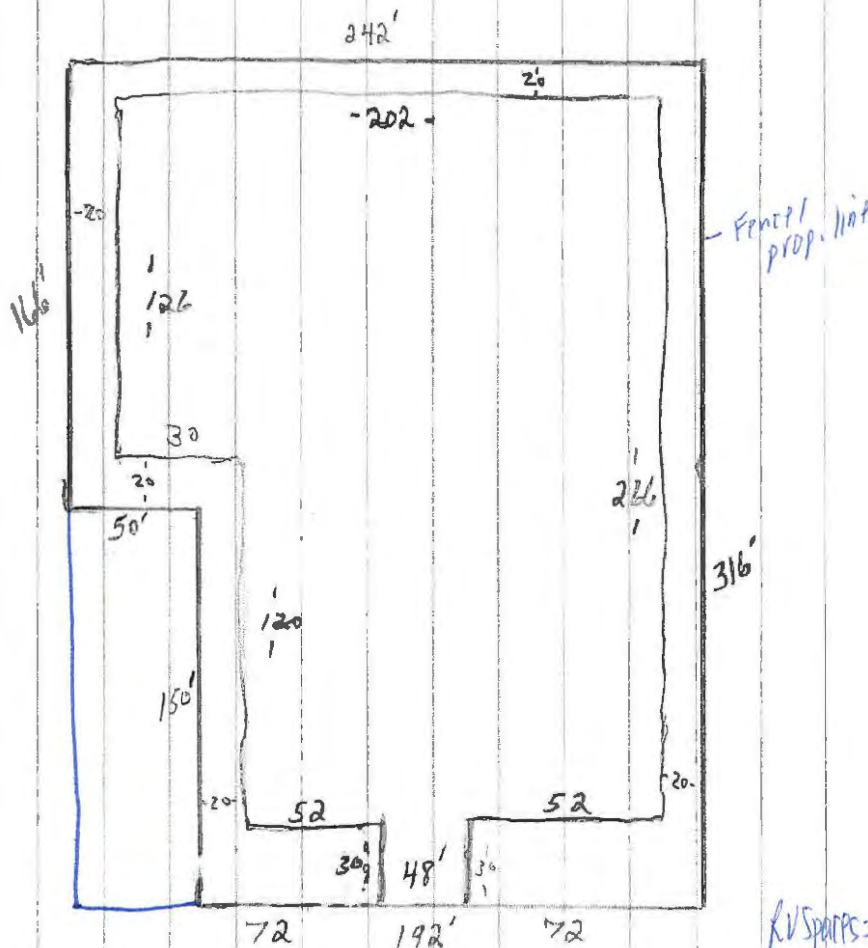
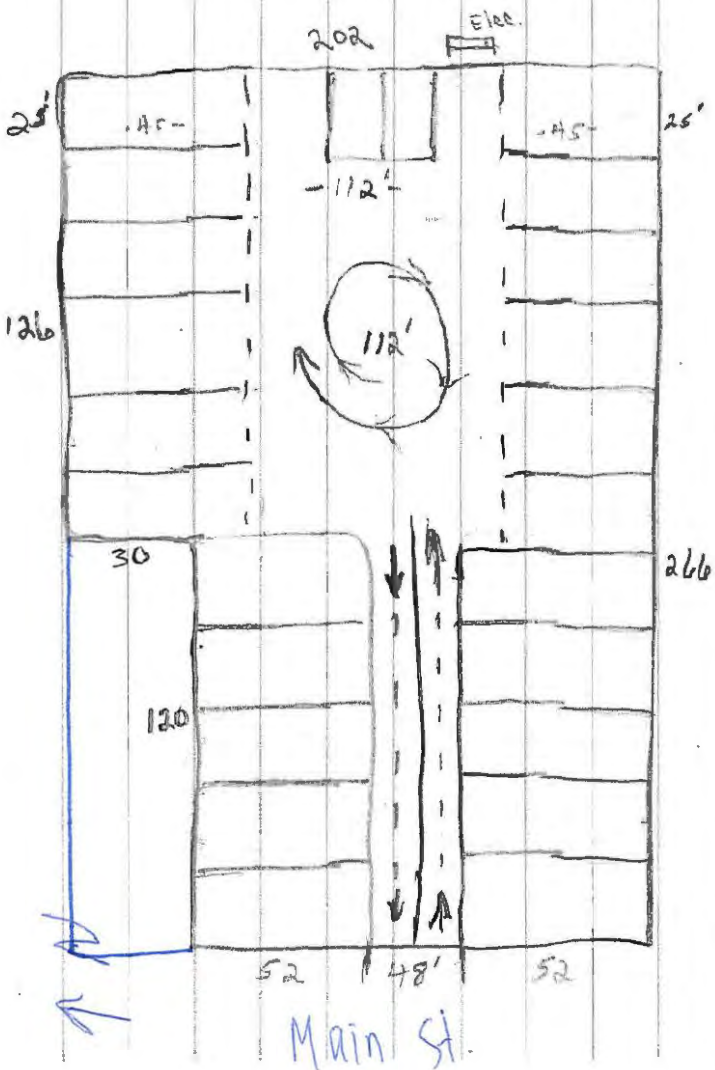
575-361-1738

ZONED C-2  
Requirement  
met

6' Fence - Chain Link  
to Be Along Sides  
& Back as  
required.

Setbacks  
Sides - 20'  
Front - 30'  
Rear - 20'

KVSPURS = gravel = 1" chip



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 3/11/14

**DEPARTMENT:** Planning, Engineering  
and Regulation

**BY:** Stephanie Shumsky, Planning  
Director

**DATE:** 3/4/14

**SUBJECT:** Consider allowing Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.

Applicant/Property Owner:  
Cindy & Gary Taylor  
5050 National Parks Hwy  
Carlsbad, NM 88220

*There are no special notification requirements for Temporary Use Permits.*

**SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):**

Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.

If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.

"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

A stipulation of the Temporary Housing permit Sec. 56-80 is that the property proposed be at least 2 acres as a whole in area. The property in this application fails to meet this requirement, being only approximately 0.64 acres in total size.

The applicant's site-plan fails to adequately show the water and sewer hookups as required by Sec. 56-80 and the regulations for Temporary Housing, as adopted by the City Council. Also, the site-plan fails to show an adequate number of ingress/egress locations (2). Finally, the site-plan does not indicate the required setbacks for the housing locations or resident and visitor parking, although there appears to be sufficient area for parking.

Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed use is intended to address the need for housing temporary workers and for housing those that are seeking permanent residence in Carlsbad.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** Approval based on the following conditions:

1. The applicant shall obtain separate water and sewer services for the subject site and shall show the proposed location of services on site plan (water, sewer, garbage).
2. The site plan did not indicate any sort of plan for fire suppression. A fire suppression plan and hydrant locations

- need to be addressed to the satisfaction of the Fire Marshal prior to issuance of a permit.
3. The sanitation plan needs to be submitted and approved by NMED prior to permit approval.
  4. A site plan shall be submitted that identifies all of the required elements (setbacks, fencing, etc.) per the council's decision in 10/2013.
  5. Because the site does not meet the minimum 2 acre size requirement, the applicant shall be limited to a maximum of 5 temporary housing spaces.
  6. Each temporary use permit application is reviewed on its own merits. This recommendation shall not set a precedent for future recommendations.

**PLANNING STAFF RECOMMENDATION:** Based on staff comments, planning staff recommends denial because the subject site does not meet the lot size requirement and the site plan does not identify the required information.

If approved, the following conditions are recommended:

1. The applicant shall obtain separate water and sewer services for the subject site and shall show the proposed location of services on site plan (water, sewer, garbage).
2. The site plan did not indicate any sort of plan for fire suppression. A fire suppression plan and hydrant locations need to be addressed to the satisfaction of the Fire Marshal prior to issuance of a permit.
3. The sanitation plan needs to be submitted and approved by NMED prior to permit approval.
4. A site plan shall be submitted that identifies all of the required elements (setbacks, fencing, etc.) per the council's decision in 10/2013.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works				Plng., Eng. & Reg. Dept:			
Fire Department		X		Code Enforcement Division			
Legal Department				Engineering Division	X w/cond		
Police Department				Planning Division		x	
Utilities Department	X w/cond			Building & Regulation Division			
Culture & Rec. Dept.			x				

**DEPARTMENT COMMENTS:**

Public Works:

Utilities Department: 1012 Airport Road. Recommended approval provided applicant: obtains separate Water and Sewer Service and shows proposed location of services on site plan, water, sewer, garbage.

Building Department:

Fire Department: All three of the Temporary Housing applications lack any sort of plan for fire suppression. I was not able to confirm hydrant access in the time allotted but this needs to be addressed before I can recommend approval.

Code Enforcement:

Legal Department:

Planning Department: recommend denial, the lot size is too small and the site plan is incomplete.

Police Department:

Culture & Rec. Department: reviewed, no comments.

City Engineer: Temporary Housing Use (1012 Airport Road)

A. Recommendation of Conditional Approval

1. Applicant needs to submit a properly sealed engineering site plan addressing grading, drainage, utilities, access, parking, etc... and obtain a grading and drainage permit.

**BOARD/COMMISSION/COMMITTEE ACTION:** Recommendation

<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	

**Reviewed by**

**City Administrator:** /s/ Steve McCutcheon

**Date:** March 7, 2014

ATTACHMENTS: application and p&z draft minutes

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.
14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

<b>BRIAN WESTON</b>	<b>8524 MOLINAR ROAD</b>
<b>ALFONSO MOLINAR JR</b>	<b>8312 MOLINAR ROAD</b>
<b>CLIFFORD DOWNEY</b>	<b>8302 MOLINAR ROAD</b>
<b>S.J. MARSHALL</b>	<b>8414 MOLINAR ROAD</b>
<b>CINDY &amp; GARY TAYLOR</b>	<b>5050 NATIONAL PARKS HWY</b>
<b>CONNIE I. HOOD</b>	<b>213 S. MESQUITE</b>
<b>LOU WARD</b>	<b>317 NELSON</b>
<b>BILL MURRILL</b>	<b>5317 LOMAS</b>
<b>MILES CADDELL</b>	<b>8514 NATIONAL PARKS HWY</b>
<b>CODY NORTHCUTT</b>	<b>PO BOX 2273, CARLSBAD</b>
<b>CASIMIRO G. HERNANDEZ</b>	<b>6427 KEVIL ROAD</b>
<b>GEORGE C. ORTEGA</b>	<b>1530 HASTON ROAD</b>
<b>SANDRA YBABEN</b>	<b>7008 KEVIL ROAD</b>
<b>MELANIE HOBBS</b>	<b>8314 NATIONAL PARKS HWY</b>
<b>CHARLES HOBBS</b>	
<b>JOE HAYS</b>	
<b>DAN R. REDDY</b>	<b>904 N. GUADALUPE</b>
<b>GARY MALEY</b>	
<b>SEVERAL OTHERS WHO DIDN'T SIGN IN</b>	

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      Start Recording [5:02 PM]

0:00:22      1.      Roll call of voting members and determination of quorum.



**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2.            Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3.            Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4.            Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5.            Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46      **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36      **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10        **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:19:31            **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21            **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02            **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:26:29        **13.    Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.    Adjourn.**

There being no further business, the meeting was adjourned.

2:28:37                      Stop Recording [7:30 PM]

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Chairman

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Date

**CITY OF CARLSBAD***Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

**TEMPORARY USE APPLICATION****Sec. 56-80 and Temporary Housing**Application Date: 2-11-14Fee Paid (\$10.00): 10.00 per**TYPE OF USE REQUESTED:**

- |   |   |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event                     | <input type="checkbox"/> Real Estate Sales Office     |
| <input type="checkbox"/> Parking Lot Sale   | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale                                | <input type="checkbox"/> Other                        |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location |   |

**APPLICANT INFORMATION:**

Cindy & Gary Taylor 5050 National Parks Highway  
 NAME ADDRESS  
Carlsbad NM 88220 885-9299 candgtaylor@GMail.COM  
 CITY STATE ZIP PHONE EMAIL

**PROPERTY OWNER INFORMATION\* (IF DIFFERENT FROM APPLICANT):**

NAME ADDRESS  
 CITY STATE ZIP PHONE EMAIL

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

**LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):**

5050 Natl Pks Hwy. 1, 2, 3, & 31 B Joel Subdivided Commercial  
 ADDRESS LOT BLOCK SUBDIVISION ZONING  
SE 1/4 of Sec 25 T22 SR 26 E

**Description and Duration of Temporary Use:**

10 RV Rental Spaces, equipped with electrical, water and sewer hook-up. Monthly or nightly Rentals.

**Site Plan:**

Attached

**FOR OFFICIAL USE ONLY:**

☐ Approved

☐ Approved with Conditions

☐ Denied

By: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Conditions of approval:

## SEC. 56-80. TEMPORARY USES.

### (a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
  - (a) There shall be no more than two such activities per residence per twelve month period;
  - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
  - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
  - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
  - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
  - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

### (b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
  - (a) Permanent changes to the site are prohibited;
  - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
  - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
  - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
  - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.



The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.



**In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):**

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
  - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
  - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
  - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
  - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
  - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
  - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
  - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
  - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
  - a. the temporary housing is unsafe
  - b. the housing or grounds are unsanitary
  - c. crime or safety issues are prevalent

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5050 National Parks Highway, Carlsbad, NM 88220 [Go!](#)

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Tick marks zoom in and out.

Map-Satellite-Hybrid selects view.



Fenced area to be site for RV (4' Metal Fence)

area where RV will set up.

Entrance off of Airport-Gated entrance

RV site - would like to start w/ 5 sites

PORT  
RK  
ON 2  
ED

NAT

REPLAT # 1

Thompson, Charles & Doris  
4-156-131-457-479  
240-R1-27

Thompson  
4-156-131-478-479  
240-20-23

Dowdy

416.19'

4-156-131-446-497  
240-20-3.2

4-156-131-444-501  
240-20-3.1

4-156-131-442-505  
240-20-3

4-156-131-439-510  
240-20-2.4

4-156-131-437-514  
240-20-2.3

4-156-131-435-518  
240-20-2.2

4-156-131-432-522  
240-20-2.1

4-156-131-430-526  
240-20-2

4-156-131-428-530  
240-20-1.2

4-156-131-426-534  
240-20-1.1

4-156-131-423-539  
240-20-1  
140'

12  
Cross  
4-156-131-460-506  
240-20-4

13  
Saenz  
4-156-131-475-506  
240-20-5

14  
Marquez  
4-156-131-485-507

1012  
Airport  
Taylor  
4-156-131-444-535  
240-20-12

Rodriguez  
4-156-131-456-530  
240-20-12.2

Rodriguez  
4-156-131-466-530  
240-20-12.1

Chambers  
4-156-131-475-531  
240-20-11

Britton  
4-156-131-484-531

AIRPORT

N88°19'53"W-339.7'

TR B

ADVANCED METAL

4-156-132-432-017

241A-BES-B

BES TRACTS

Advanced Metal  
4-156-132-470-017

241A-3A.1

Tr. A

151.52'

E88°20'25"E

467.15'

429.85'

S65°30'40"E-342.83'

149.33'

TR C

BRININST

56'

N60°15'02"W-400.23'

PA

179.74'

31°36"W  
40.94'

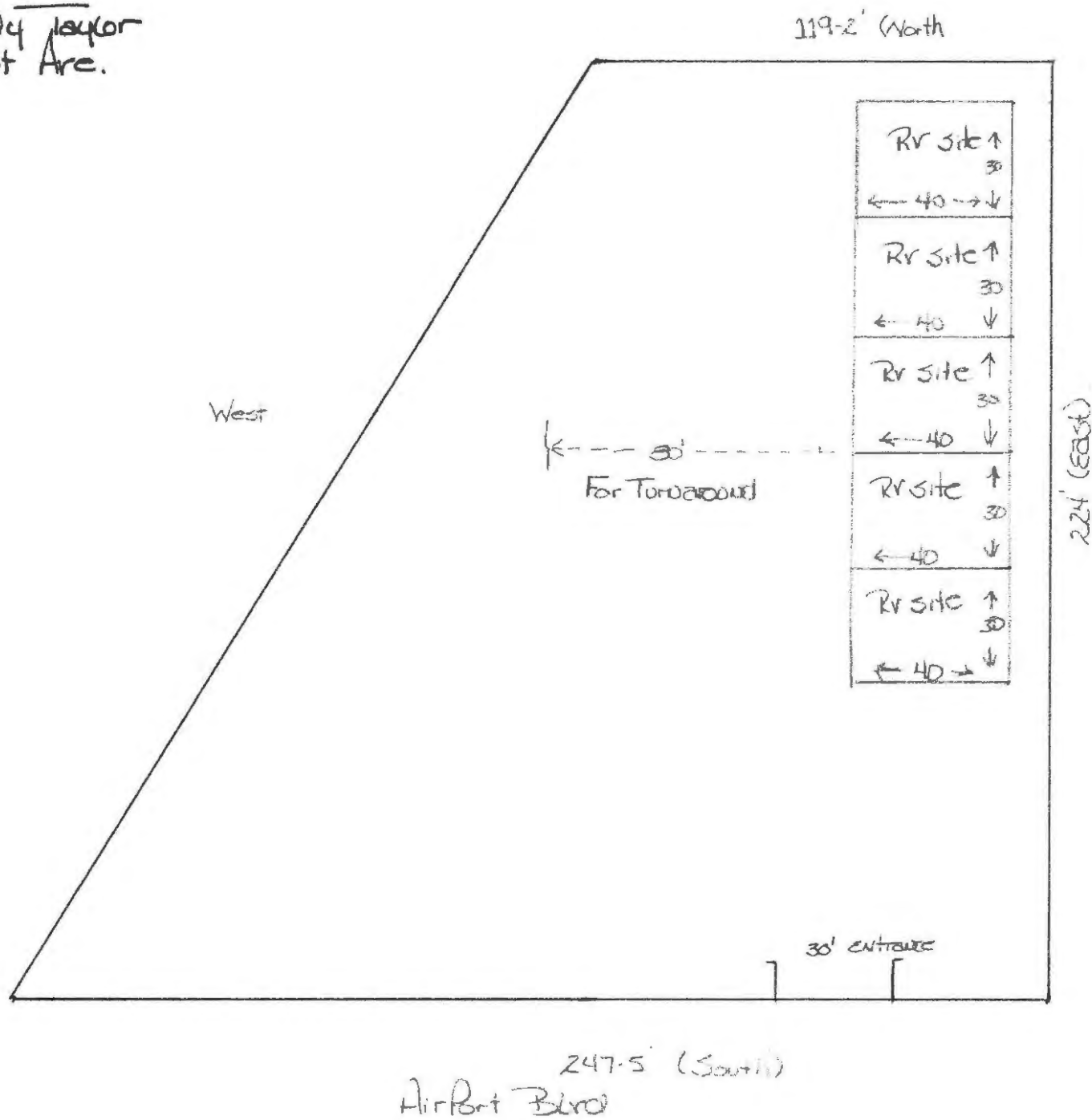
5002

1013

267.05'



Gary + Cindy Taylor  
1012 Airport Ave.



2/21/2014 09:10:33 EDDY COUNTY ASSESSOR  
0101400 Dist CI NonRend% 0  
TAYLOR, CINDY GALE & GARY D FinCo

Year 2014 MAPPING2  
0 Centrl 111600 Full  
3831 Land 37200 Txb1  
107769 Impr 0 Exmpt  
0 P.P. 37200 Net  
0 M.H. Est Tax@  
0 Livstk

5050 NATIONAL PARKS HWY  
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 131 444 535	106	LAND N/R	41070.00	0.06		2463
1012 AIRPORT AVENUE	010	CSWCD	821			

BOOK D 718 PG 372 11/21/07  
JOEL  
BLOCK B  
LOT 31  
MAP# 240-20-12  
LOC 1012 AIRPORT AVENUE  
ODD SHAPE LOT

Bottom

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return



## Temporary Housing Application

— Water Mains — Sanitary Mains



0 37.5 75 150 Feet



CITY OF CARLSBAD  
PLANNING, ENGINEERING AND  
REGULATION DEPARTMENT

2/19/2014

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Stephanie Shumsky, Planning Director	<b>Council Meeting Date:</b> 3/11/14 <b>DATE:</b> 3/4/14
<p><b>SUBJECT:</b> Consider allowing Temporary Housing as a Temporary Use at 4219 Boyd Drive (near the NW corner of Boyd Dr. and Meadow St.), legally described as <i>Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC &amp; Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 &amp; Less Knott Land Div. #2)</i>, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13, Zoned "R-R" Rural Residential Zoning District.</p> <p>Applicant/Property Owner: James Knott 3302 National Parks Hwy Carlsbad, NM 88220</p> <p><i>There are no special notification requirements for Temporary Use Permits.</i></p>		
<p><b>SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</b> Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.</p> <p>If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.</p> <p style="padding-left: 40px;">"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."</p> <p>The subject site is located near the NW intersection of Boyd Dr. and Meadow St. The property is zoned "R-R" (Rural Residential), which is one of the two zoning districts the City Council allow for temporary housing to be located in.</p> <p>The applicant's long-range plan for the property is to operate the property as a temporary housing development for 2-5 years.</p> <p>The applicant plans to follow the sketch plan for Sunwest Subdivision as the area for the Temporary Housing is built.</p> <p>Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed use is intended to address the need for housing temporary workers and for housing those that are seeking permanent residence in Carlsbad.</p> <p>The applicant's plan complies with the requirements established by the City Council in October 2013 for temporary housing. The applicant will be accessing adjacent city water and sewer utilities and will install internal lines to serve the temporary housing. Dumpsters will be needed for solid waste removal, the applicant will need to coordinate with the</p>		



**BOARD/COMMISSION/COMMITTEE ACTION: Recommendation**

<input checked="" type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input checked="" type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	

**Reviewed by****City Administrator:** /s/ Steve McCutcheon**Date:** March 6, 2014

ATTACHMENTS: application and p&amp;z draft minutes

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**March 3, 2014, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, March 3, 2014 at 5:00 PM

Municipal Building 101 N. Halagueno Street  
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held February 3, 2014.
4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.
5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned "C-2" Commercial Zoning District and "I" Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.
8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.
9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.
10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.
12. Consider deferral of the following item to the April 7, 2014 meeting: Annexation and Establishment of Planned Unit Development (PUD) zoning for an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of

Township 23S Range 26E Section 14, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

13. Report regarding plats approved through Summary Review process.

14. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,  
101 N. HALAGUENO STREET, MARCH 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
RICK BROWN  
WANDA DURHAM  
EDDIE RODRIGUEZ**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY**

**PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**BRIAN WESTON  
ALFONSO MOLINAR JR  
CLIFFORD DOWNEY  
S.J. MARSHALL  
CINDY & GARY TAYLOR  
CONNIE I. HOOD  
LOU WARD  
BILL MURRILL  
MILES CADDELL  
CODY NORTHCUTT  
CASIMIRO G. HERNANDEZ  
GEORGE C. ORTEGA  
SANDRA YBABEN  
MELANIE HOBBS  
CHARLES HOBBS  
JOE HAYS  
DAN R. REDDY  
GARY MALEY  
SEVERAL OTHERS WHO DIDN'T SIGN IN**

**8524 MOLINAR ROAD  
8312 MOLINAR ROAD  
8302 MOLINAR ROAD  
8414 MOLINAR ROAD  
5050 NATIONAL PARKS HWY  
213 S. MESQUITE  
317 NELSON  
5317 LOMAS  
8514 NATIONAL PARKS HWY  
PO BOX 2273, CARLSBAD  
6427 KEVIL ROAD  
1530 HASTON ROAD  
7008 KEVIL ROAD  
8314 NATIONAL PARKS HWY**

**904 N. GUADALUPE**

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            Start Recording [5:02 PM]

0:00:22            1.        Roll call of voting members and determination of quorum.

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown.** Absent: None.

0:00:41            **2. Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of an amended Agenda. Item #12 was deferred to the next meeting. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:01            **3. Approval of Minutes from the Regular Meeting held February 3, 2014.**

Motion made by **Mr. Brown** and seconded by **Ms. Durham** for approval of the Minutes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:02:29            **4. Consider request for an Appeal (variance) from Section 56-90(b) to allow a lot area variance at 210 S. Lake St., Zoned R-2.**

**Ms. Shumsky** stated that Staff had recommended denial, because the request does not meet the criteria for a variance. If approved by the Commission, Staff recommended several conditions. **Ms. Ward** explained that she wants to add three “shotgun” style houses to her property, which has one structure on it already. The existing structure will be renovated for occupancy, as well. The site will have security lighting, a lighted footpath, fencing, and be handicap accessible, with a ramp. After comments from the commissioners, she said she could narrow the two front homes, so that the drive will be 15’, rather than the 12’ originally planned. There will be no alley access, and occupants will park in front of their homes. During public comment, **Ms. Hood** came forward to ask questions. She wanted to reinforce that she did not want an entrance through the back to the alley, because her fence has already been damaged by alley traffic. She said that with the fencing and front entrance, she was in favor of the project.

Motion made by **Mr. Brown** for approval of the Variance with amended conditions. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown;** No – None; Abstained – None; Absent – None. The motion carried.

0:19:11            **5. Consider recommendation regarding Temporary Housing as a Temporary Use at 908 N Main St., legally described as North Carlsbad Subdivision, Block 109, Lots 9 and 11, Zoned “C-2” Commercial Zoning District and “I” Industrial District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that there were mixed comments from Staff. Planning staff recommended denial because the subject site does not meet the 2 acre lot-size minimum requirement for Temporary Housing and the property is partially zoned “I” – Industrial. Temporary Housing is not allowed in Industrially zoned areas. If the request is approved, then others will want to live in “I” zoned areas. She suggested maybe having the RV’s in the “C-2” part only and have the “I” section for other uses. She also suggested that if approval is

recommended than the commission could set very specific conditions for this applicant only, so it would not be applied to other properties later. The applicant could also request a zone change for the "I" part. If the commission approves, then Staff recommends conditions. **Mr. Northcutt** stated that there is a fire hydrant on the property, and the lot is 1.7 acres, which is just shy of the required 2 acres. The housing shortage in Carlsbad is so severe; he is turning down 15-30 people a week. He had five calls just that day. He said he didn't care what he had to do, but speed is an issue. He wants to get started as soon as possible. If they him grant approval, he can get the six-foot R-panel fence up and can re-zone later. He already has a twenty-foot buffer around the perimeter. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval of the Temporary Housing request with changes to the recommended conditions in the Staff report. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

0:49:46      **6. Consider recommendation regarding Temporary Housing as a Temporary Use at 1012 Airport Road, legally described as Joel Subdivision, Block B, Lot 31, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Ms. Shumsky** explained that the applicant did not provide a detailed site plan, and that the property does not meet the 2-acre lot size minimum requirement because the applicant's property is separated by an alley. Staff recommended denial because of the lot size but prepared conditions in case the commission recommended approval of the request. **Mr. Taylor** stated that there is an existing 4' metal fence around the property, and there is a fire hydrant. They only want five units for now, and are okay with any Staff recommendations. There was no public comment.

**Mr. Brown** made a motion to recommend approval of the Temporary Housing with the conditions recommended in the staff report, adding a limitation of the number of units to five, and stating that it was not to set precedence for future requests. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

1:03:36      **7. Consider recommendation regarding Temporary Housing as a Temporary Use at 4219 Boyd Drive, legally described as Township 22S Range 26E Section 25 NE (Less Aprox. 55.46 AC & Less Sunwest Subd. Unit 1, Unit 2, Unit 3, Unit 4, Unit 6 & Less Knott Land Div. #2), Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council on 10/22/13.**

**Mr. Knott** recused himself from considering this agenda item since he is the applicant for this request. **Mr. Reddy** and **Mr. Maley** also came forward to represent his application. **Ms. Shumsky** explained that the property and site plan meets the lot requirement and zoning requirements and staff recommended approval with a several conditions. **Mr. Knott** explained he will fence off 11 acres from the surrounding property, which he also owns. Boyd Drive is to the East, and there is road access between Hidalgo and Meadow. He will put in two more access roads on Meadow, with a 60' road easement. He wants to allow for future expansion, when the temporary housing is gone. He doesn't foresee using all 81 of the units described in his application. There are three sewer taps and a water tap at Crabb Street, which will extend the total

length of the property. He will stub up the water and sewer for each lot. He will need to do a road bore to bring the City water to his property. He said he had contacted the utility department three weeks ago to see what size line he needed. They told him verbally what they would like, but there was nothing in writing and no minimum requirement stated. In the Department Comments, Public Works wants him to indicate the size and location on his site plan. He was frustrated that they had not told him in more detail, and that the Utility department did not attend the Planning and Zoning meeting. He said he feels that the applicant should get to choose the size of his water lines, but would not say what size he would want to use. There was general discussion that the Utilities Director and City Attorney and others, who in the past attended the Planning and Zoning meetings, did not come anymore. They are needed to be on hand to answer questions when they arise at the meeting. **Mr. Knott** did not feel he should be required to follow some of the conditions required for Temporary Housing permits, because it was only temporary and it was his own private property. He thinks it is unreasonable to have to provide a fire hydrant in the middle of his own property. He didn't know why the Fire Department doesn't know where their hydrants are and that they don't know if there is hydrant access. He thinks that since the Fire Department services those, they should be in the public right-of-way. He thinks that fire suppression is unnecessary, because the RV's are not subject to fires. He asked that condition #2 be eliminated entirely. **Mr. McCormick** agreed with him. If he is required to comply, Mr. Knott would like something in writing from the Fire Chief. **Mr. McCormick** explained that Mr. Knott would have to resolve the comments and would not get a permit if they were not met, though the recommendations were vague. He would have to coordinate with utilities. There was no public comment.

**Mr. Rodriguez** made a motion to recommend approval of the Temporary Housing request with amended conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – **Mr. Knott**; Absent – None. The motion carried.

2:10:10            **8. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 5.**

**Ms. Shumsky** explained to the commissioners that there had been an ad hoc committee to review reimbursement requests. Because of scheduling problems, the committee had not met in a very long time, so the applications were backlogged. She had asked the City Administrator and the Mayor if she could present them to the Planning and Zoning Commission, who are most familiar with the projects involved and meet regularly once a month. She was directed to do so. Developers usually submit their infrastructure reimbursement application with their Preliminary Plat, showing estimated costs. When the infrastructure is complete, evidence of cost and evidence that all the contractors have been paid is submitted. Qualified public infrastructure is spelled out, and the reimbursement may not exceed the estimated costs.

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 5 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Mr. McCormick** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.



2:19:31            **9. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Spring Hollow Subdivision – Phase 6.**

**Ms. Shumsky** provided an overview of the application for Spring Hollow Subdivision – Phase 6 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that for Phase 6, the streets were identical to Phase 5. There was a question about taxes. She explained that the applicant must show he has paid the taxes. He has to have an invoice or cancelled check, proof of payment prior to reimbursement. There are worksheets and a statement involved. All numbers were consistent for the application.

**Mr. Rodriguez** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:20:21            **10. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Petroleum Park Subdivision – Unit 1.**

**Ms. Shumsky** provided an overview of the application for Petroleum Park Subdivision –Unit 1 and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** noted that the subdivision only included water and sewer lines.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:21:02            **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Valley View Heights Block 17 Subdivision.**

**Ms. Shumsky** provided an overview of the application for Valley View Heights Block 17 Subdivision and stated that planning, utilities and public works staff had conducted a thorough review and that all of the costs added up. Staff recommended approval of the request.

**Ms. Shumsky** also stated that this application had been submitted a long time ago. It had been submitted after the preliminary plat was approved and the infrastructure installed, but it was in line with the usual and customary cost. It was submitted during the time that the reimbursement program was being revised and the new application procedure was instituted.

**Mr. Brown** made a motion to approve the reimbursement and recommend payment by the City. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Rodriguez, Mr. Brown**; No – None; Abstained – None; Absent – None. The motion carried.

2:26:29        **13.    Report regarding plats approved through Summary Review process.**

**Ms. Shumsky** reported regarding the plats she had signed in February.

2:28:37        **14.    Adjourn.**

There being no further business, the meeting was adjourned.

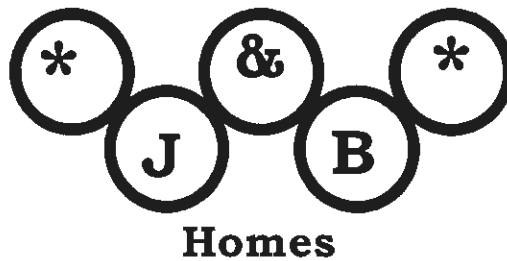
2:28:37                      Stop Recording [7:30 PM]

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Chairman

---

Date



**3302 National Parks Highway  
Carlsbad, New Mexico 88220  
(575)885-1900**

February 25, 2014

City of Carlsbad  
Planning, Engineering, and Regulation Department  
PO Box 1569  
Carlsbad, NM 88220

RE: Temporary Use Application submitted on 02/5/2014

To Whom It May Concern:

Upon further review of our application for Temporary Housing we discovered that the address listed on page 6 of the application is incorrect. We used the address as recorded on the total acreage on the property tax roles.

The correct address used for this development will be: 4219 Boyd Drive

Please accept our sincere apologies in this oversight. Thank you for your consideration.

James Knott



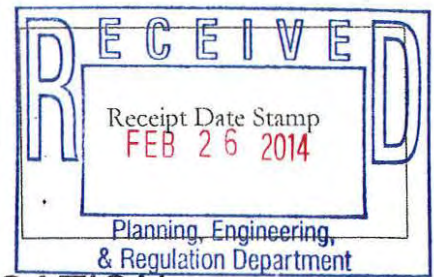
Owner



**CITY OF CARLSBAD**  
Planning, Engineering, and Regulation Department

Phone (575) 887-1191

Fax (575) 885-9871



## ADDRESS ASSIGNMENT APPLICATION

**THIS IS A REQUEST FOR:**

- ☒ New Address
- ☐ Address Change
- ☐ Additional Address

**USE OF PROPERTY:**

- ☐ Single-Family Residence
- ☐ Residential Duplex
- ☐ Multi-Family Residence
- ☐ Commercial Property
- ☐ Industrial Property
- ☒ Other (describe) **RR**

**EXCISE POWER POLE and property address**

**CHANGE OF ADDRESS: (CHECK REASON FOR CHANGE)**

- ☐ Existing address is out of sequence or range.
- ☐ Property is on a corner lot, and primary access is referenced to the wrong street.
- ☐ Existing address is a duplicate of another address or street name.
- ☐ Problems exist receiving emergency or other city services.
- ☒ Other: (Describe on other side of application) **Address never issued**

**LOCATION OF PROPERTY AND PROPOSED ACCESS:**

Universal Parcel Code - UPC (Assigned By Eddy County Assessor): **456131435103**

Current Address (If Applicable): **n/a.**

Property Location: \_\_\_\_\_  
Subdivision Name \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**REQUIRED DOCUMENTATION:**

- ☐ Copy of the recorded plat of the property, if not located in a platted and recorded subdivision.
- ☐ Site plan or sketch which shows the property lines, the footprint of the new building(s), and location of the entrance dimensioned from the property lines along street frontage.

**APPLICANT INFORMATION:**

Name: **James Knott** Firm: **J+B Homes**

☒ Property Owner ☐ Developer ☐ Tenant ☐ Architect/Engineer ☐ Contractor ☐ Other: \_\_\_\_\_

Address: **3203 National Parks Hwy** Telephone: **885-1900**

**Carlsbad, NM 88130** Facsimile: **885-2356**

**OWNER APPROVAL:**

Signature of Owner: **[Signature]** Telephone: **361-3629**

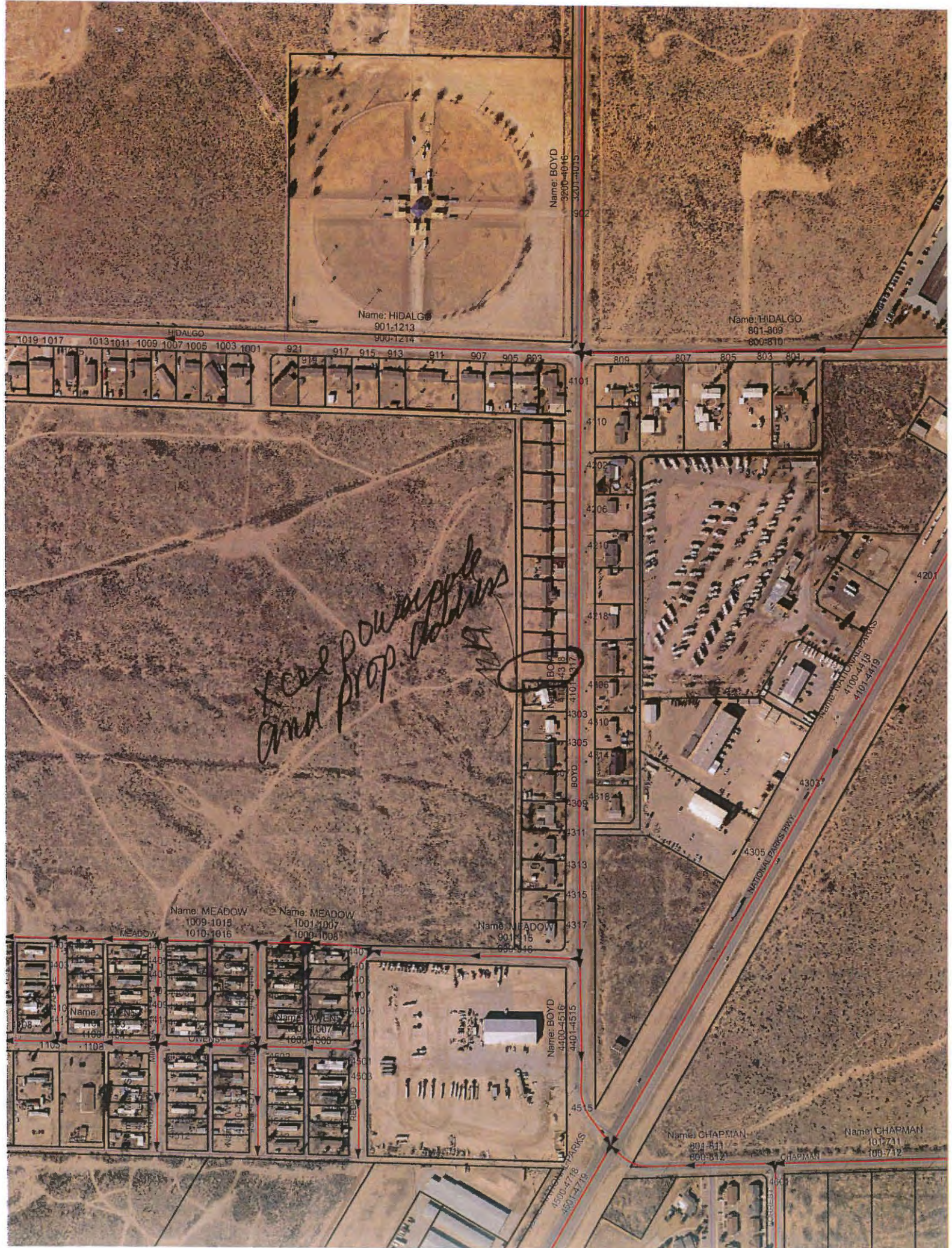
Printed Name: **James Knott**

Address: **3203 National Parks Hwy**

**Carlsbad, NM 88130**

City Review Action: ☐ Not Approved ☒ Address Assigned: **4219 Boyd Dr.** Date: **2/26/14**









# CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

## TEMPORARY USE APPLICATION

Sec. 56-80 and Temporary Housing

Application Date: 2/5/2014

Fee Paid (\$10.00): 10.00 *pd*

### TYPE OF USE REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event                     | <input type="checkbox"/> Real Estate Sales Office     |
| <input type="checkbox"/> Parking Lot Sale   | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale                                | <input type="checkbox"/> Other                        |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location |   |

### APPLICANT INFORMATION:

<u>James Knott</u>		<u>3302 National Parks Highway</u>		
NAME		ADDRESS		
<u>Carlsbad, NM 88220</u>	<u>(575)361-3629</u>	<u>jbmob@carlsbadnm.com</u>		
CITY	STATE	ZIP	PHONE	EMAIL

### PROPERTY OWNER INFORMATION\* (IF DIFFERENT FROM APPLICANT):

<u>NAME</u>		<u>ADDRESS</u>		
<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>	<u>PHONE</u>	<u>EMAIL</u>

\* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

### LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):

Book D 290 PG 469 8/22/97 SECTION-25 TOWNSHIP-22S RANGE-26E NE  
 (LESS APROX 55.46 AC & LESS SUNWEST SUBD UNIT 1, UNIT 2, UNIT 3, UNIT 4, UNIT 6  
 ADDRESS LOT BLOCK SUBDIVISION ZONING  
 & LESS KNOTT LAND DIV #2) LOC 1001 HIDALGO ROAD MAP #240-1

**Description and Duration of Temporary Use:**

54 LOTS: 32.67 WIDE X 137' LONG

27 LOTS: 32.67 WIDE X 127' LONG

TOTAL AREA 541' X 940' APPROXIMATELEY 11 1/2 ACRES

ESTIMATED USE: 2 YEARS MIN/5 YEARS MAX

**Site Plan:**

REFER TO EXHIBIT "A"

**FOR OFFICIAL USE ONLY:**

☐ Approved

☐ Approved with Conditions

☐ Denied

By: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Conditions of approval:

CITY OF CARLSBAD  
AFFIDAVIT BY PROPERTY OWNER(S)

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER  
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

**APPLICATION TYPE:**

☐ ZONING CHANGE      ☐ CONDITIONAL USE      ☐ VARIANCE      ☒ TEMPORARY USE

**I (WE) HEREBY CERTIFY** that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 1001 HIDALGO STREET ADDRESS

LEGAL DESSCRPTION: REFER TO ATTACHED PROPERTY TAX BILL

SUBDIVISION	BLOCK	LOT OR TRACT

**I (WE) HAVE AUTHORIZED** the following individuals to act as my (our) agent with regard to this application.

AGENT: \_\_\_\_\_

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_

ADDRESS \_\_\_\_\_

**I (WE) UNDERSTAND, CONCUR AND AFFIRM:**

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

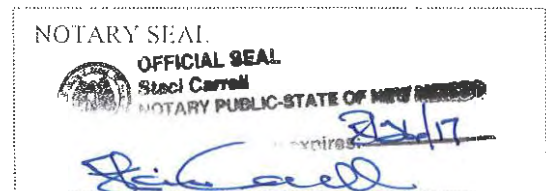
**I (WE) HEREBY EXECUTE THIS AFFIDAVIT** in support of the proposed application as presented:

**OWNER 1:**

BY: James S. Kopp  
SIGNATURE

BY: James P. Knott  
PRINTED NAME

DATE: 2-6-14  
DATE SIGNED \_\_\_\_\_



**OWNER 2: (IF APPLICABLE)**

BY: \_\_\_\_\_  
SIGNATURE

BY: \_\_\_\_\_  
PRINTED NAME

DATE: \_\_\_\_\_  
DATE SIGNED \_\_\_\_\_

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY



## SEC. 56-80. TEMPORARY USES.

### (a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
  - (a) There shall be no more than two such activities per residence per twelve month period;
  - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
  - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
  - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
  - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
  - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

### (b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
  - (a) Permanent changes to the site are prohibited;
  - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
  - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
  - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
  - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.


The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

 In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
  - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
  - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
  - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
  - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
  - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
  - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
  - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
  - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
  - a. the temporary housing is unsafe
  - b. the housing or grounds are unsanitary
  - c. crime or safety issues are prevalent

Submitted by: James E Knott

Legal Property Description

Book D 290 PG 469

SECTION -25 TOWNSHIP-22S RANGE-26E

NE (LESS APPROX 55.46 AC & LESS SUNWEST SUBD UNIT 1, UNIT 2, UNIT 3  
UNIT 4, UNIT 6 AND LESS KNOTT LAND DIV #2)

LOC 1001 HIDALGO ROAD MAP #240-1

Pursuant to the Temporary Use Regulation requirements provided in the Code of Ordinances, Sec. 56-80, I submit the following:

- 1 Property is currently zoned "R-R" Rural Residential District
  - a. Total area 541'x 940' approximately 11 ½ acres  
54 lots-32.67 wide x 137' long and 27 lots 32.67 wide x 127' long  
(Refer to exhibits "A" and "B")  
(Lot widths may vary dependant upon pre-fab dimensions with a minimum width of 28')  
Estimated use: Minimum 2 years plus max extensions
- 2 Addresses will be issued for 911 purposes
- 3 Temporary housing will be connected to city water, sewer and Xcel engineered electricity
- 4 Site Plan (Refer to exhibits "A, B and C")
  - a. All spaces will have required set backs and spacing between units; ingress and egress locations and vehicle drive aisles, emergency
  - b. access, parking spaces, and visitor parking space specifications will be met
- 5 Grading and drainage plan is not required
- 6 Fencing: 4' chain link fence N, W and E
- 7 20' set back will be maintained and free of obstacles at all times (refer to exhibit "C")
- 8 10' clear separation between all temporary structures will be maintained at all times (refer to exhibit "C")
- 9 10' clear separation between all RV spaces will be maintained at all times (refer to exhibit "C")
- 10 30' set back from the front property will be maintained at all times (refer to exhibit "B")
- 11 Sanitation: will be provided by the City of Carlsbad
- 12 Sanitation provider complies with all Federal, State and Local regulations
- 13 Temporary housing will not be located within a floodway
- 14 City Code compliance will be assured

2/05/2014 08:52:44 EDDY COUNTY ASSESSOR  
0102949 Dist CI NonRend% 0  
KNOTT, JAMES E & D ZOLENE (JT) FinCo

Year 2014 MAPPING2  
0 Centr1 10461 Full  
10461 Land 3487 Txbl  
0 Impr 0 Exmpt  
0 P.P. 3487 Net  
0 M.H. Est Tax@  
0 Livstk

3304 NATIONAL PARKS HWY  
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Full
4 156 131 435 103	192	EXCS MIS	72.54	99.99	7254
1001 HIDALGO ROAD	010	CSWCD	2418		
BOOK D 290 PG 469 08/22/97					
SECTION-25 TOWNSHIP-22S RANGE-26E					
NE (LESS APROX 55.46 AC & LESS					
SUNWEST SUBD UNIT 1, UNIT 2, UNIT 3					
UNIT 4, UNIT 6 & LESS KNOTT LAND					
DIV #2)					
LOC 1001 HIDALGO ROAD					
MAP #240-1					

Print=Y

Bottom

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

"SITE PLAN"  
EXHIBIT "A"

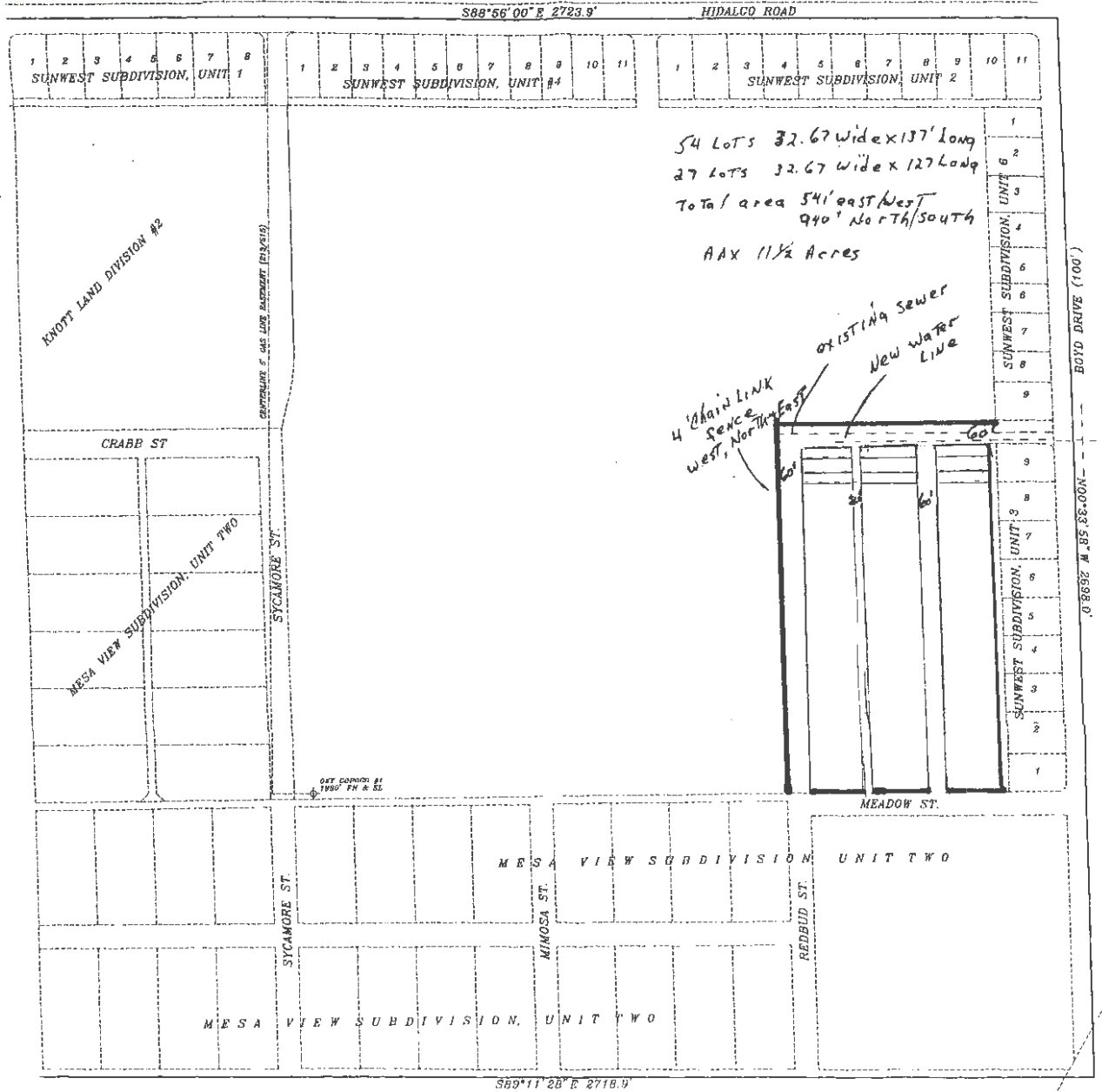
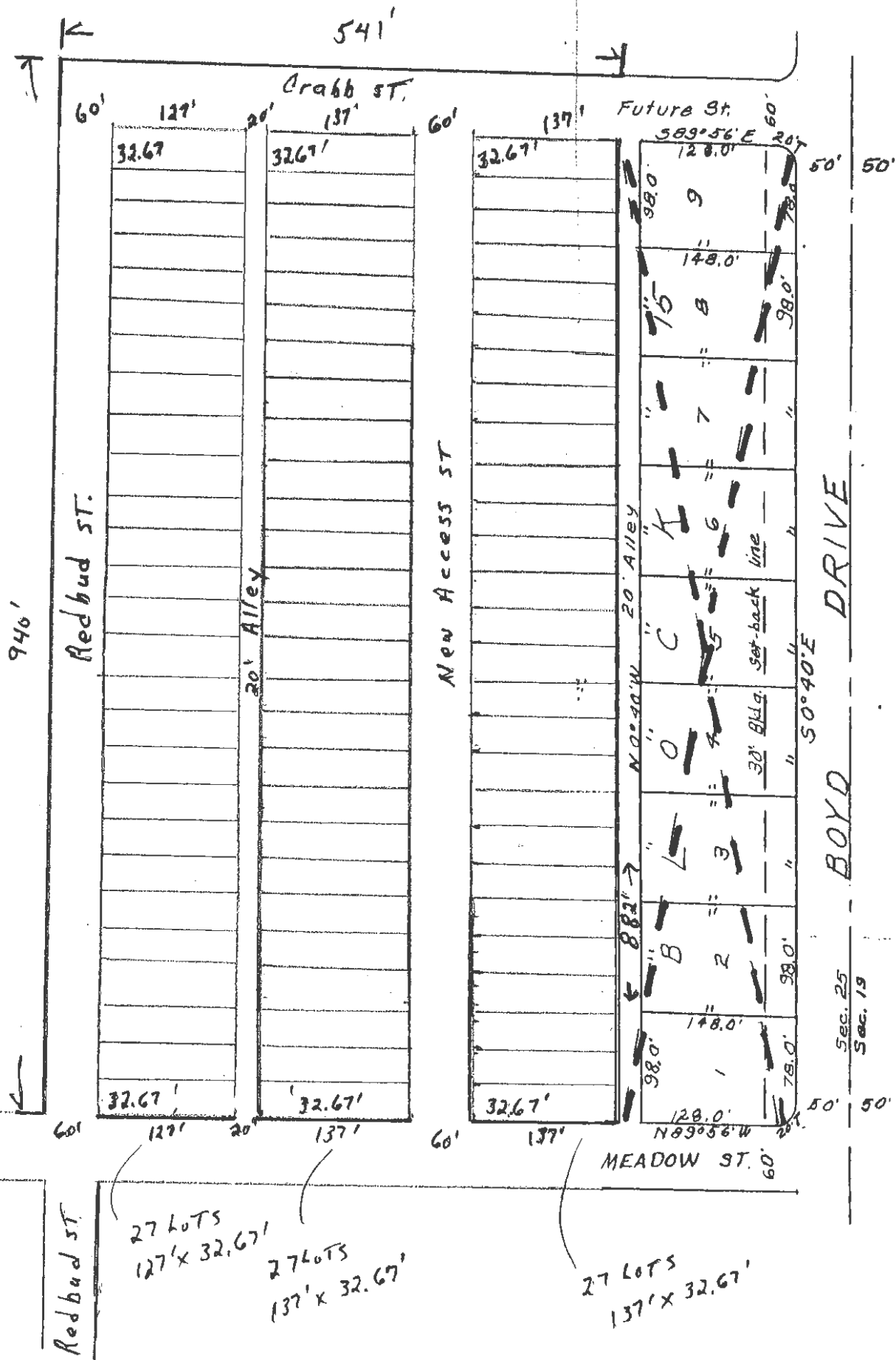
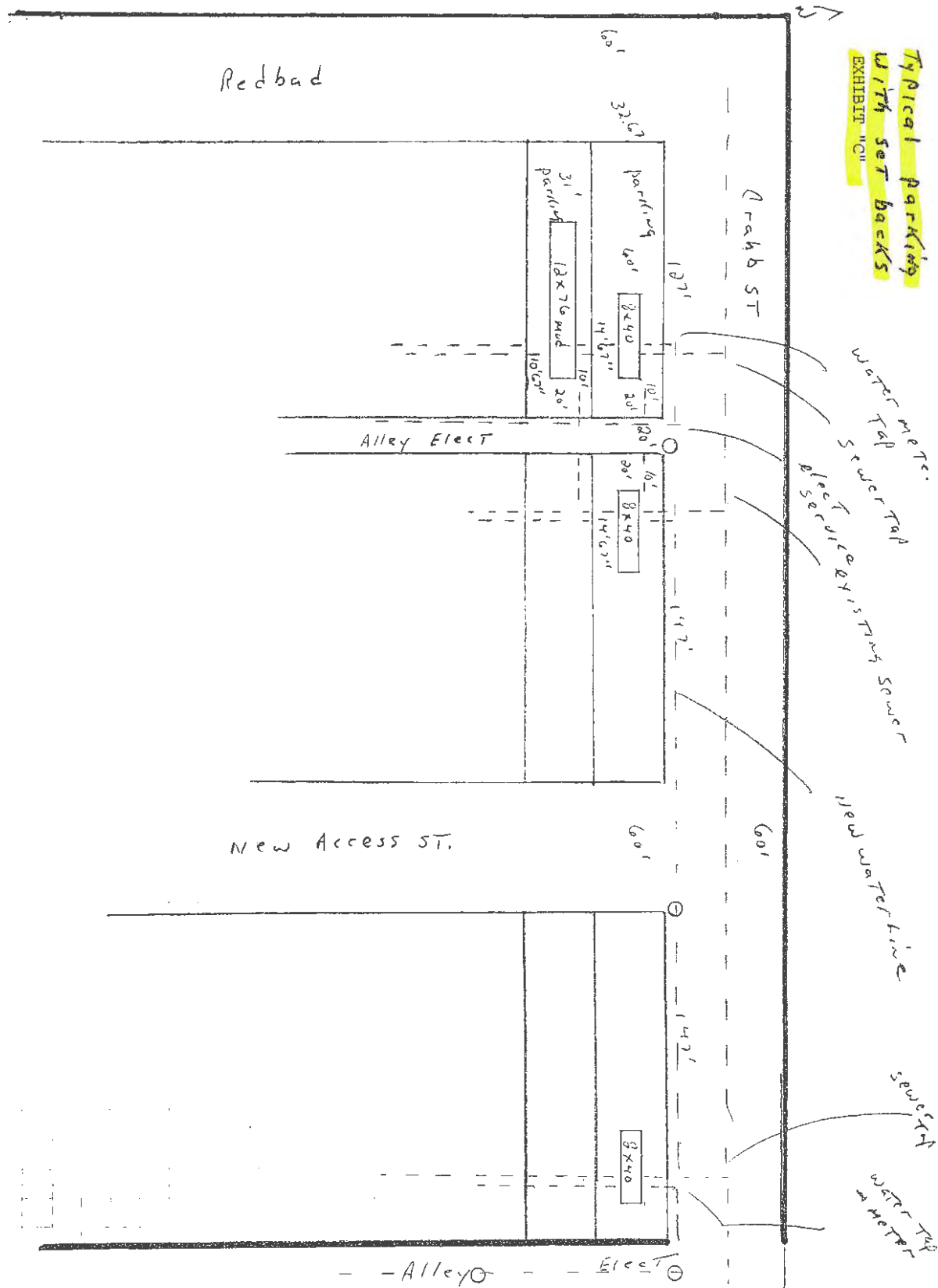


EXHIBIT "B"



Typical parkings  
with set backs  
EXHIBIT "C"





# SUNWEST SUBDIVISION, CARLSBAD, NEW MEXICO

Being a subdivision of the NE 1/4 of Section 25, T22S,  
R26E, N.M.P.M., less Mesa View Subdivision, Units 1 & 2.



## NOTES

Approximately 110 Acres

232 Lots

Minimum Lot Size 1/2 acre

Water, Sanitary Sewer, GAS &  
electric power will be made  
available to all lots

Streets will be no less than 20' wide

Prepared for:


Sigsky Estates, Inc.

Carlsbad, New Mexico

Prepared by:

Kannady Engineering

Carlsbad, New Mexico

 = Temp. Housing Area.

This Plan  
was amended by  
#12 & 1546  
Approved by  
M.M. 10/15/12  
No. 100800121, etc.

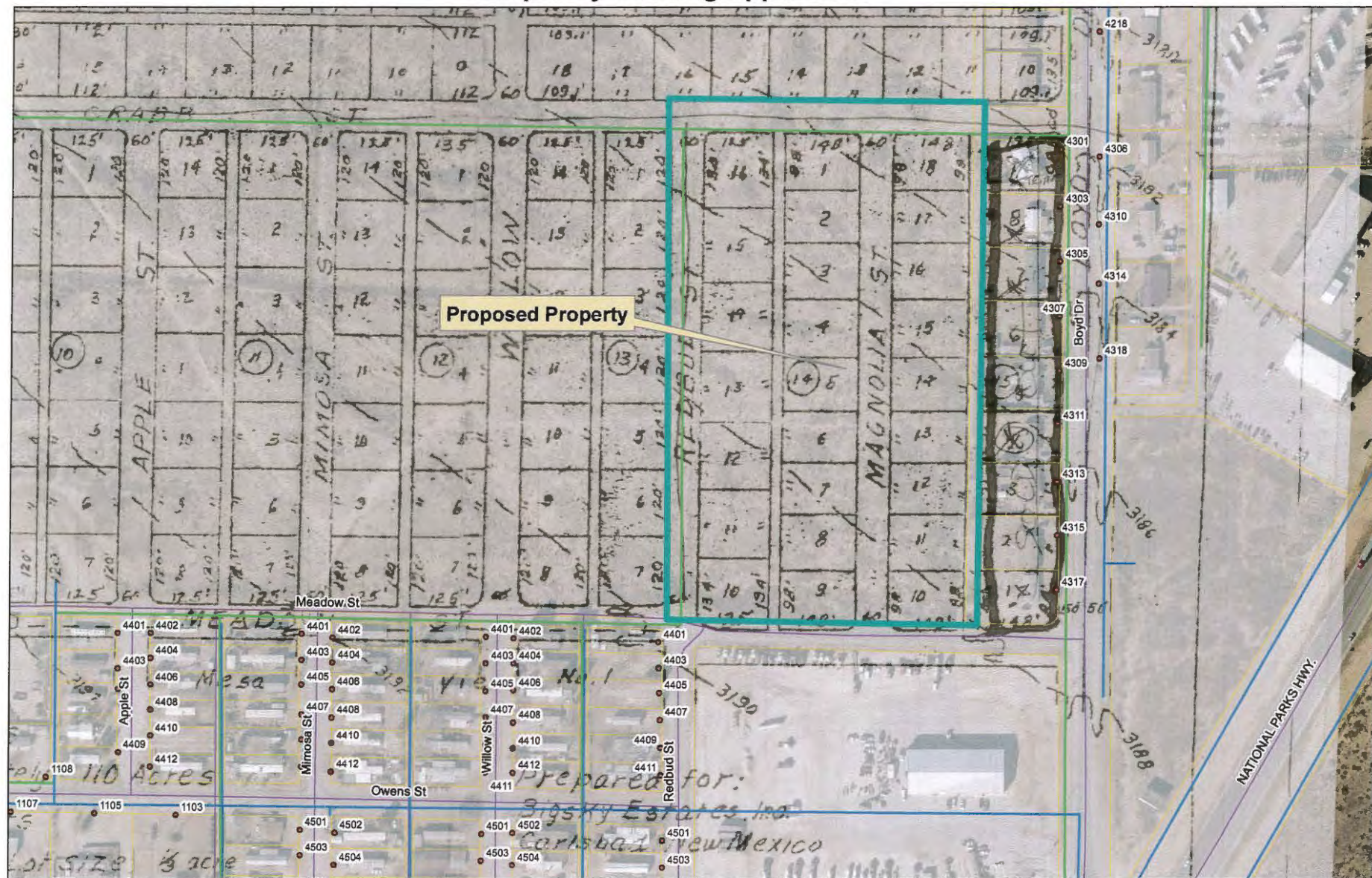
Scale: 1" = 200'





## Temporary Housing Application

Water Mains Sanitary Mains



## **ORDINANCE NO. 2014-\_\_\_\_\_**

AN ORDINANCE AMENDING ORDINANCE NO. 2013-06 TO EXTEND THE EFFECTIVE DATE OF THE REPEAL OF CHAPTER 56, ARTICLES XX AND XXI, OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO ENTITLED "EXTRATERRITORIAL COMMISSION" AND "EXTRATERRITORIAL ZONING" WITH SUCH EXTENSION TO BE TO MARCH 1, 2015.

WHEREAS, on February 26, 2013 the City Council adopted Ordinance No. 2013-06;

WHEREAS, that Ordinance repealed Chapter 56, Articles XX and XXI of the Code of Ordinances, City of Carlsbad, New Mexico regarding the Extraterritorial Commission and Extraterritorial Zoning; and

WHEREAS, Ordinance No. 2013-06 made the repeal effective April 22, 2014; and

WHEREAS, the Council wishes to extend the repeal effective date to March 1, 2015.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

Ordinance No. 2013-06 is hereby amended to extend the repeal effective date from April 22, 2014, to March 1, 2015.

INTRODUCED, PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK

## **ORDINANCE NO. 2014-\_\_\_\_\_**

### **AN ORDINANCE AMENDING ORDINANCE NO. 2012-13 REGARDING THE AUTOMATIC RESIGNATION OF CITY BOARD, COMMISSION AND COMMITTEE MEMBERS FOR ABSENCES.**

WHEREAS, the City of Carlsbad adopted Ordinance No. 2012-13 to create the automatic resignation of a member of an ordinance-created board, commission, or committee when that member has been absent from a given number of meetings; and

WHEREAS, on occasion, absences have been due to circumstances beyond the member's control, and those circumstances have since changed permitting the member to once again attend regularly; and

WHEREAS, boards, commissions, and committees have requested that Ordinance No. 2012-13 be made more flexible to recognize such situations and to permit such members to remain on the board, commission, or committee.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

1. Section 2-222(b)(2) is deleted.
2. Section 2-222(b)(3) of the Code of Ordinances, City of Carlsbad, New Mexico is renumbered to Section -222(b)(2) and amended to state:
  - (2) As may be requested by the mayor or the city administrator, the city clerk shall report in writing to the mayor and city administrator the absences of members as reflected on the official minutes of each Board.
3. Section 2-222(d)(1) of the Code of Ordinances, City of Carlsbad, New Mexico is amended to state:
  - (1) Any member, having had the number of required absences described above, shall be deemed to have resigned from the board. Such resignation shall create a vacancy that shall be filled in accordance with the provisions of the ordinance that created the board, unless such resignation is rescinded at the mayor's discretion. If mayor rescinds the resignation, that member shall be deemed to have not automatically resigned from the board.
4. No other portion of Section 2-222 of the Code of Ordinances, City of Carlsbad, New Mexico is amended hereby.

INTRODUCED, PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**No document for this  
Agenda Item**

**No document for this  
Agenda Item**

**ECONOMIC INDICATORS**  
**Planning, Engineering, & Regulation Department**  
**February 2014**

NEW BUSINESS REGISTRATIONS			
MONTH	12-13 FISCAL YEAR	13-14 FISCAL YEAR	% CHANGE
July	32	33	+3%
August	45	46	+2%
September	30	25	-17%
October	29	31	+7%
November	25	26	+4%
December	22	17	-23%
January	40	49	+23%
February	36	39	+8%
March	36		
April	25		
May	27		
June	31		
<b>Year to Date</b>	<b>378</b>	<b>266</b>	

NUMBER OF BUILDING PERMITS			
MONTH	12-13 FISCAL YEAR	13-14 FISCAL YEAR	% CHANGE
July	173	191	+10%
August	129	191	+48%
September	136	202	+49%
October	158	212	+34%
November	143	157	+10%
December	137	137	No Change
January	155	204	+32%
February	156	220	+41%
March	162		
April	195		
May	229		
June	216		
<b>Year to Date</b>	<b>1,989</b>	<b>1514</b>	

VALUATION OF BUILDING PERMITS			
MONTH	12-13 FISCAL YEAR	13-14 FISCAL YEAR	% CHANGE
July	1,393,541	3,808,836	+173%
August	1,836,653	1,072,981	-42%
September	2,543,903	8,681,365	+245%
October	2,519,087	8,050,190	+220%
November	1,185,256	5,942,651	+401%
December	6,597,783	1,443,944	-78%
January	2,583,982	1,887,858	-27%
February	2,685,850	13,289,120	+395%
March	2,371,817		
April	3,586,824		
May	3,296,087		
June	2,772,296		
<b>Year to Date</b>	<b>\$33,373,079</b>	<b>\$44,176,945</b>	