



**A G E N D A**  
Carlsbad City Council  
**Regular Meeting**  
Municipal Building, 101 North Halagueno  
Carlsbad, New Mexico  
January 13, 2015 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. **Approval of Agenda**
2. **Consider approval of Res No. 2015-01, Budget Adjustments**
3. **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 December 9, 2014**
- B. **Minutes of the Special City Council Meeting held on December 6, 2014**
- C. **Personnel Report**
- D. **Purchasing:**
  - 1) Consider approval to Advertise Invitation for Bid; the Construction of a New Restroom Facility located at the Lake Carlsbad Tennis Courts
  - 2) Consider approval to Advertise Invitation for Bid; the Effluent Reuse Sale Pump Station and Delivery Pipe
  - 3) Consider approval to Award RFP 2014-54, to Molzen Corbin Inc. for Engineering and Related Services of the Double Eagle Waterline-Phase 3, pending the negotiation of a satisfactory Contract
  - 4) Consider approval to Award RFP 2014-55, to Molzen Corbin Inc. for the Final Design Services for Callaway Drive, pending the negotiation of a satisfactory Contract
  - 5) Consider approval to purchase One (1), Container Maintenance Truck through Medium Duty State Contract Agreement No. 40-000-14-00013
  - 6) Consider approval to install a parking lot on the east side of Cruz Fernandez Park on Chavez Street, in the amount of \$54,478.55, through the 2014-2015 Annual Bid Agreement #2014-35, with Constructors, Inc.
  - 7) Consider approval to purchase One (1), Precast Concrete Restroom Building for Davis Park from CXT, Inc. through GSA Contract #GS-07F-0602N
- E. **Monthly Department Reports:**
  - 1) Arts and Culture Department Monthly Report, November 2014
  - 2) Municipal Court Monthly Report, November 2014
  - 3) Personnel Department Monthly Report, December 2014
  - 4) Planning, Engineering, Regulation Department Monthly Report, November 2014
  - 5) Sports and Recreation Monthly Report, November 2014
  - 6) Transportation and Facilities Department Monthly Report, November 2014
  - 7) Utilities Department Monthly Report, November 2014



**F. Board Appointments:**

- 1) Southeast Regional Transportation Planning Organization (SERTPO): K.C. Cass
- 2) Carlsbad ADA Coordinator: Randy Galindo
- 3) San Jose Senior Recreation Center Advisory Board: Olivia Castillo, remainder of 4-year term

**G. Set Dates: (February 10, 2015)**

- 1) An Ordinance Authorizing the Execution and Delivery of a Loan Agreement by and between the City of Carlsbad, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, in the principal amount of \$1,165,267 for the Purpose of Purchasing New Solid Waste Equipment for the Governmental Unit, Paying a Loan Processing Fee and Funding a Loan Agreement Reserve Account, and Evidencing the Special Limited Obligation of the Governmental Unit to Repay the Principal Amount of \$1,165,267, together with interest thereon; providing for the payment of the Principal and Interest due under the Loan Agreement Solely from the Net Revenues of the Governmental Unit's Solid Waste System; Ratifying Actions heretofore taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement
- 2) An Ordinance Amending Ordinance No 2010-01 Regarding the Loan Agreement with the NM Environment Department for the purpose of obtaining Wastewater Construction Loan Funds with the Amendment to Increase the Loan amount by \$7,000,000 from \$18,000,000 for New Total Loan Amount of \$25,000,000

**H. Contracts and Agreements:**

- 1) Consider authorizing the Mayor and City Administrator to negotiate and enter into an agreement with the New Mexico Department of Veterans' Services for the lease of office space at the Municipal Building

4. Consider approval of Transfer of Ownership and Location for a Dispenser Liquor License, Application No. #00834/ A-9331144, for Lab NM Investments, LLC, dba: Buffalo Wild Wings, located at 1801 W. Pierce Street, Carlsbad, New Mexico

5. Consider approval of Resolution No. 2015-02, a Resolution finding 601 N. Mesquite Street to be covered with ruins, rubbish, wreckage, debris, and/or weeds and requiring the removal of the ruins, rubbish, wreckage, debris and/or weeds, Owner: Michael Patrick Bromka

6. Consider approval of Resolution No. 2015-03, a Resolution declaring certain City property unusable or obsolete

7. Consider approval of request by Chief Rick Lopez regarding the Donation of specific, unusable and obsolete Fire Department Equipment to Eddy County

8. Consider approval of Ordinance No. 2015-01, an Ordinance rezoning Part of "I" Industrial District to "C-2" Commercial District for an approximately 8 acre Lot, located at 2009 East Orchard Lane, legally described as Gregory Enterprises Land Division, Tract 1, Pursuant to Section 3-21-1 Et. Seq. NMSA1978, and Sections 56-150 (B) and 56-140 (I), Carlsbad Code of Ordinances, Applicant: MEC Services, LLC

A. Public Hearing

B. Consider Ordinance No 2015-01

9. Consider approval of request allowing Temporary Housing as a Temporary Use at 2009 E. Orchard Lane, legally described as Gregory Enterprise Land Division, Tract 1, zoned "C-2" Commercial Zoning District in accordance with Sec. 56-80 and as approved by the City Council October 22, 2013, Applicant: MEC Services, LLC



10. Consider approval of Ordinance No. 2015-02, an Ordinance rezoning part of "R-1" Residential District to "C-2" Commercial District for an approximately 0.27 acre lot, located North of 2126 West Texas Street, legally described as Tract 60 of the Romero Line Adjustment, pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances; Applicant: Frank Romero

A. Public Hearing

B. Consider Ordinance No 2015-02

11. Council Committee Reports

12. Adjourn

#### INFORMATION ONLY

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#### NEXT REGULAR CITY COUNCIL MEETINGS

- Regular City Council Meeting on Tuesday, January 27, 2015 at 6:00 p.m.
- Regular City Council Meeting on Tuesday, February 10, 2015 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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**RESOLUTION NO. 2015-01**

**A RESOLUTION MAKING CERTAIN BUDGETARY  
ADJUSTMENTS TO THE 2014-15 FISCAL YEAR BUDGET**

WHEREAS, it is necessary to amend the 2014-15 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 2014-15 fiscal year budget be amended as attached.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13<sup>th</sup> day of January, 2015.

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Mayor

ATTEST:

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City Clerk



**CITY OF CARLSBAD  
FY 2014-2015 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>INC/DEC ADJ</b>	<b>REVISED BUDGET</b>
GENERAL FUND    FUND 01						
CASH BALANCE	20,657,621					20,657,621
REVENUE	41,329,595		-	1,280		41,330,875
NET TRANSFERS	(3,263,209)		(885,117)	(336,500)		(4,484,826)
TOTAL REVENUES AND TRANSFERS	38,066,386		(885,117)	(335,220)		36,846,049
PERSONNEL EXPENSE	31,971,655	46,896	543,989		-	32,562,540
OPERATING EXPENSE	8,255,287	150,000	14,300	1,280	1,916	8,422,783
CAPITAL OUTLAY	6,058,624	11,326	3,500	-	(1,916)	6,071,534
TOTAL EXPENSES	46,285,566	208,222	561,789	1,280		47,056,857
NET REVENUES/EXPENSES	(8,219,180)	(208,222)	(1,446,906)	(336,500)		(10,210,808)
ENDING CASH BALANCE	12,438,441	(208,222)	(1,446,906)	(336,500)		10,446,813



CITY OF CARLSBAD  
FY 2014-2015 BUDGET ADJUSTMENTS  
3RD QTR  
JANUARY

		Current Budget	Change Budget	New Budget	Item #
01-0000-31194-000000	LIBRARY STATE GRANT - IN AID INCREASE TO REFLECT ACTUAL GRANT ALLOTMENT	6,500	1,280	7,780	1
	<b>TOTAL REVENUES GENERAL FUND</b>		<b>1,280</b>		
01-0000-45044-000000	STREET IMPROVEMENT TRANSFER OUT FOR STREET REPAIRS	(4,225,000)	(336,500)	(4,561,500)	3
	<b>TOTAL TRANSFERS GENERAL FUND</b>		<b>(336,500)</b>		
01-0080-60072-991415	TRAVEL - TRANSPORTATION INCREASE TO REFLECT ACTUAL GRANT ALLOTMENT	500	500	1,000	1
01-0080-60210-991415	BOOKS INCREASE TO REFLECT ACTUAL GRANT ALLOTMENT	2,000	780	2,780	1
	<b>TOTAL EXPENDITURES DEPT. 80 - LIBRARY</b>		<b>1,280</b>		
	<b>TOTAL EXPENDITURES GENERAL FUND</b>		<b>1,280</b>		
	<b>NET INC/DEC GENERAL FUND</b>		<b>(336,500)</b>		



**CITY OF CARLSBAD  
FY 2014-2015 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>INC/DEC ADJ</b>	<b>REVISED BUDGET</b>
WATER & SEWER      FUND 36						
CASH BALANCE	19,063,004					19,063,004
REVENUE	35,936,746					35,936,746
NET TRANSFERS	(5,331,204)		-			(5,331,204)
TOTAL REVENUES AND TRANSFERS	30,605,542		(34,418)			30,605,542
PERSONNEL EXPENSE	5,069,451	12,825	65,582	5,781		5,153,639
OPERATING EXPENSE	3,451,758	-	9,885		8,600	3,470,243
CAPITAL OUTLAY	35,471,218	-	-	207,550	(8,600)	35,670,168
TOTAL EXPENSES	43,992,427	12,825	75,467	213,331	-	44,294,050
NET REVENUES/EXPENSES	(13,386,885)	(12,825)	(109,885)	(213,331)		(13,688,508)
ENDING CASH BALANCE	5,676,119	(12,825)	(109,885)	(213,331)		5,374,496



CITY OF CARLSBAD  
FY 2014-2015 BUDGET ADJUSTMENTS  
3RD QTR  
JANUARY

		Current Budget	Change Budget	New Budget	Item #
36-0360-50010-000000	SALARIES & BENEFITS SALARY INCREASE FOR DIRECTOR OF UTILITIES	1,666,973	4,850	1,671,823	2
36-0360-50012-000000	CITY SHARE - FICA CITY SHARE FICA INCREASE FOR DIRECTOR OF UTILITIES	130,206	371	130,577	2
36-0360-50013-000000	CITY SHARE - PERA CITY SHARE PERA INCREASE FOR DIRECTOR OF UTILITIES	133,722	463	134,185	2
36-0360-50014-000000	CITY SHARE - RHCA CITY SHARE RHCA INCREASE FOR DIRECTOR OF UTILITIES	28,005	97	28,102	2
	<b>TOTAL EXPENDITURES DEPT. 360 - WATER</b>		<b>5,781</b>		
36-0361-82061-000000	WASTEWATER EFFLUENT REUSE MATERIALS & INSTALLATION FOR PUMP STATION & PIPELINE AT TELL TALE RD FOR SALE OF EFFLUENT WATER	50,000	207,550	257,550	4
	<b>TOTAL EXPENDITURES DEPT. 361 - SEWER</b>		<b>207,550</b>		
	<b>TOTAL EXPENDITURES WATER &amp; SEWER</b>		<b>213,331</b>		
	<b>NET INC/DEC WATER &amp; SEWER</b>		<b>(213,331)</b>		



**CITY OF CARLSBAD  
FY 2014-2015 BUDGET**

	<b>BEGINNING BUDGET</b>	<b>1ST QTR ADJUSTMENTS</b>	<b>2ND QTR ADJUSTMENTS</b>	<b>JANUARY ADJUSTMENTS</b>	<b>INC/DEC ADJ</b>	<b>REVISED BUDGET</b>
STREET IMPROVEMENT      FUND 44						
CASH BALANCE	3,437,948					3,437,948
REVENUE	887,000		350,309			1,237,309
NET TRANSFERS	3,875,000		350,000	336,500		4,561,500
TOTAL REVENUES AND TRANSFERS	4,762,000		700,309	336,500		5,798,809
PERSONNEL EXPENSE	-		-			-
OPERATING EXPENSE	-		-			-
CAPITAL OUTLAY	7,724,387		721,245	336,500		8,782,132
TOTAL EXPENSES	7,724,387		721,245	336,500		8,782,132
NET REVENUES/EXPENSES	(2,962,387)		(20,936)	-		(2,983,323)
ENDING CASH BALANCE	475,561		(20,936)	-		454,625



CITY OF CARLSBAD  
FY 2014-2015 BUDGET ADJUSTMENTS  
3RD QTR  
JANUARY

		Current Budget	Change Budget	New Budget	Item #
44-0000-40001-000000	GENERAL FUND TRANSFER IN FOR STREET REPAIRS	4,225,000	336,500	4,561,500	3
	<b>TOTAL TRANSFERS STREET IMPROVEMENT</b>		<b>336,500</b>		
44-0440-84030-000078	S.I.- SOCORRO ST REPAIR SOCORRO ST FROM STANDPIPE TO THE WEST END	-	109,000	109,000	3
44-0440-84030-000079	S.I.- MESQUITE ST REPAIR MESQUITE ST FROM LEA TO MERMOD	-	200,000	200,000	3
44-0440-84030-000080	S.I.- CARVER ST REPAIR CARVER ST FROM KIRCHER TO ETTER	-	27,500	27,500	3
	<b>TOTAL EXPENDITURES STREET IMPROVEMENT</b>		<b>336,500</b>		
	<b>NET INC/DEC STREET IMPROVEMENT FUND</b>		<b>-</b>		



**LINKED MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL BUILDING  
ON DECEMBER 9, 2014 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Sandra K. Nunley	Councilor
	J. R. Doporto	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Janell E. Whitlock	Councilor
Absent:	Nick G. Salcido	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Stephanie Shumsky	Deputy City Administrator
	Annette Barrick	City Clerk
	Monica Harris	Finance Director
	Jeff Patterson	PER Director
	Luis Camero	Public Works Utilities Director
	Thomas Carlson	Public Works Director
	Richard Lopez	Fire Chief
	Kent D. Waller	Police Chief
	Patsy Jackson-Christopher	Director of Arts & Culture
	Steve Hendley	Director of Parks & Recreation

*Due to technical difficulties there is not a recording to accompany the minutes.*

**Call Meeting to Order**

Invocation - Pledge of Allegiance

**Councilor Nunley** introduced the Mayor's Student Advisory Board.

**1. APPROVAL OF AGENDA**

**Motion**

The motion was made by Councilor Carter and seconded by Councilor Doss to approve the Agenda



### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

## **2. CONSIDER APPROVAL OF RESOLUTION 2014-60, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2014-2015 FISCAL YEAR BUDGET**

**Ms. Harris** reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2014-2015 Fiscal Year Budget highlighting the General Fund, the Lodgers' Tax Fund, the Cemetery Fund, and the Sports Complex Fund.

### **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve Resolution 2014-60, a Resolution making certain Budgetary Adjustments to the 2014-2015 Fiscal Year Budget

### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

## **3. CONSIDER APPROVAL OF RESOLUTION 2014-61, A RESOLUTION CERTIFYING THE ANNUAL FIXED ASSET INVENTORY OF THE CITY OF CARLSBAD AS OF JUNE 30, 2014**

**Ms. Harris** reviewed the annual fixed asset inventory for the City as of June 30, 2014. She explained the inventory contains more equipment than is required. She said the inventory requirement is for movable chattel and equipment costing more than \$5,000.00. She added the City inventories many items that are valued less than \$5,000.00.

### **Motion**

The motion was made by Councilor Carter and seconded by Councilor Doss to approve Resolution 2014-61, a Resolution certifying the Annual Fixed Asset Inventory of the City of Carlsbad as of June 30, 2014

### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

## **4. ROUTINE AND REGULAR BUSINESS**

A. **Minutes of the Regular City Council Meeting held on November 25, 2014**

B. **Personnel Report**

C. **Purchasing:**

1) Consider approval to Advertise Invitation for Bid for the Lighting at the Ray Anaya San Jose Plaza Park



- 2) Consider approval to Advertise Invitation for Bid for the Renovations of the Municipal Annex
- D. **Contracts and Agreements:**  
1) Consider approval of Agreement between the City of Carlsbad and BMB Equipment Holding, LLC for a Ground Space Lease at the Cavern City Air Terminal
- E. **Monthly Department Reports:**  
1) Consider approval of the Personnel Monthly Report for November, 2014
- F. **Set Dates: January 13, 2015**  
1) An Ordinance rezoning part of "R-1" Residential District to "C-2" Commercial District for an approximately 0.27 acre lot, located North of 2126 West Texas Street, legally described as Tract 60 of the Romero Line Adjustment, pursuant to Section 3-21-1 ET. SEQ. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

**Mayor Janway asked Mr. McCutcheon to review Item C.1 Consider approval to Advertise Invitation for Bid for the Lighting at the Ray Anaya San Jose Plaza Park.** Mr. McCutcheon explained the funds have been set aside to replace the inoperable lighting system at the Park. He said this request is to allow the project to go out for construction bids and added the improvements are in support of the Park.

#### **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Carter to approve Routine and Regular Business

#### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

**5. CONSIDER APPROVAL OF RESOLUTION NO. 2014-62, A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 4410 WILLOW STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS, OWNERS: STEVE & MARLEEN MATA, ANASTACIA JONES, ANDREW JONES AND ROBERT T. MATA**

Mr. West, Code Enforcement Officer, explained the property has had some exterior clean up. He said the property is not secured from entry and was brought to staff's attention by the water department due to the theft of water. Mr. West stated that the structure is in disrepair and is not a good candidate for rehab.



### **Motion**

The motion was made by Councilor Carter and seconded by Councilor Whitlock to approve Resolution No. 2014-62, a Resolution finding the buildings or structures at the property commonly known as 4410 Willow Street to be ruined, damaged, and dilapidated and finding the premises to be covered with ruins, rubbish, wreckage, weeds, debris; requiring the removal of the buildings, structures, ruins, rubbish, wreckage, weeds, debris, Owners: Steve & Marleen Mata, Anastacia Jones, Andrew Jones and Robert T. Mata

### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

### **6. CONSIDER APPROVAL OF ORDINANCE 2014-35, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL DISTRICT TO "R-2" RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.54 ACRE LOT, LOCATED AT 1210 WEST MERMOD STREET, LEGALLY DESCRIBED AS GREENE'S HIGHLAND, BLOCK 4, LOT 6, AND GIBSON'S SUBDIVISION, BLOCK 4, LOT 8, W ½, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978, AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES**

**Mr. Patterson**, PER Director, explained the applicant is requesting a zoning change from "C-2" Commercial District to "R-2" Residential District at the subject site, which is currently three vacant lots. He said based on review of the application, staff comments, and public input at the meeting on October 13, 2014 the Planning and Zoning Commission recommended approval.

### **A. Public Hearing**

Ms. Shannon Summers, CDOD, said Carlsbad is in great need of housing and this location would be a great spot for infill.

**Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

### **B. Consider Ordinance 2014-35**

### **Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to approve Ordinance 2014-35, an Ordinance rezoning part of "C-2" Commercial District to "R-2" Residential District for an approximately 0.54 acre lot, located at 1210 West Mermod Street, Legally described as Greene's Highland, Block 4, Lot 6, and Gibson's Subdivision, Block 4, Lot 8, W. ½, pursuant to section 3-21-1 Et. Seq. NMSA 1978, and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances



### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

## **7. CONSIDER APPROVAL OF ORDINANCE 2014-36, AN ORDINANCE AMENDING SECTION 2-290.27 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO REGARDING THE DISABILITIES ADVISORY BOARD SECRETARY**

**Mr. McCutcheon** explained since the establishment of the Board, the majority of recommendations made to the City Council and staff primarily relate to safety issues. He said in 2013 the City hired a Safety Manager and it is within the job duties of the Safety Manager to facilitate an appropriate response to safety related issues. He added the Safety Manager is recommended to act as the secretary of the Disabilities Advisory Board.

### **A. Public Hearing**

**Mayor Janway** asked if anyone would like to speak regarding the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.

### **B. Consider Ordinance 2014-36**

### **Motion**

The motion was made by Councilor Carter and seconded by Councilor Nunley to approve Ordinance 2014-36, an Ordinance amending Section 2-290.27 of the Code of Ordinances, City of Carlsbad, New Mexico regarding the Disabilities Advisory Board Secretary

### **Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

## **8. COUNCIL COMMITTEE REPORTS**

**Councilor Whitlock** announced that on Thursday, December 11, 2014 there would be a presentation at the Pecos River Village on "Age Friendly City". She said Carlsbad is the first City in New Mexico to be considered an "Age Friendly City".

## **9. ADJOURN**

### **Motion**

The motion was made by Councilor Doss and seconded by Councilor Shirley to Adjourn



**Vote**

The vote was as follows: Yes - Anaya Flores, Doporto, Doss, Nunley, Shirley, Carter, Whitlock; No - None; Absent - Salcido; The motion carried.

**Adjourn**

There being no further business, the meeting was adjourned at 6:40 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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



**MINUTES OF SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF  
CARLSBAD, NEW MEXICO, HELD AT CAMP WASHINGTON RANCH, 18  
RATTLESNAKE SPRINGS ROAD, CARLSBAD, NM  
ON DECEMBER 6, 2014 AT 9:00 A.M.**

Present:	Dale Janway Richard Doss J. R. Doporto Jason Shirley Sandra Nunley Wesley Carter Janell Whitlock	Mayor Councilor Councilor Councilor Councilor Councilor Councilor
Absent:	Nick G. Salcido Lisa Anaya-Flores	Councilor Councilor
Also Present:	Steve McCutcheon Stephanie Shumsky Eileen P. Riordan Annette Barrick Randy Van Vleck Ed Zendel	City Administrator Deputy City Administrator City Attorney City Clerk NMML General Counsel NMML Risk Services Director

Time Stamps and headings below correspond to the recording of meeting and the recording is hereby made a part of the official record.

**0:00:08                    Invocation/Pledge**

**0:01:10                    2.        Introductions**

**0:03:00                    1.        Approval of Agenda**

**0:03:02                    Motion**

The motion was made by Councilor Doss and seconded by Councilor Doporto to approve the December 6, 2014 Agenda.

**0:03:09                    Vote**

The vote was as follows: Yes – Doss, Doporto, Shirley, Nunley, Carter and Whitlock; No - None; Absent – Salcido and Anaya-Flores. The motion carried.



**0:03:25      3.      Discussion and Format of Retreat**

Mr. Zendel explained that the format of the Meeting would be very casual and relaxed. Randy Van Vleck said they are here to help facilitate a productive meeting.

**0:05:04      4.a.      Role of Council and Mayor**

Randy Van Vleck explained that there has been some discussion of the Roles and Responsibilities of the Council when it comes to Personnel responsibilities. He said he has provided some statutes, and explained the legal authority that governs Personnel Issues as follows:

**3-11-4, Mayor; chief executive officer; powers.** Mr. Van Vleck explained the Mayor's role. There was discussion regarding the following:

- 3-11-6 Mayor's authority to appoint, supervise and discharge employees and the appointment of all officers and employees.
- Supervising the employees, examining complaints against employees.
- Punishment of employees including discharge of appointed officials and or employees with approval from the governing body.

Mr. Van Vleck said the Mayor is the starting point of it all.

**0:9:55**      Councilor Janell Whitlock questioned if the Mayor is responsible for getting all names of applicants. Mr. Van Vleck said it is really the Mayor's responsibility to get the names of the ones he wants to appoint. In this case, he has delegated that responsibility to Mr. McCutcheon. He added that the Mayor may involve other people in the Executive Branch of the Government; keeping the Executive separate from the Legislative.

**0:11:24**      Councilor Shirley asked if there was anything that would prohibit the Mayor from involving a Councilor in the hiring process; before it goes before the City Council for approval. Mr. Van Vleck said if you really follow the letter of the law, it seems to make a division in those functions. When you start blurring those lines, you really start to see problems arise. It can bleed over into the supervisory and dismissal process of employees and the employees do not know who to turn to. It is better to keep it clear.

Mr. Zendel said the City Council would not want to be in interviews for all positions. He explained that the adoption of a Manager / Commission form of government would change the roles. He said that would clearly establish the responsibility in hiring employees. Mr. Van Vleck said the Mayor, with Council approval, has delegated the day to day operational responsibilities to the City Administrator. The City Administrator is the point man.

**0:15:17**      Councilor Shirley said on some occasions, City Councilors have been appointed to serve on a Hiring Committee. He said it is more of a cooperative effort. He said he understands that Council may vote down a recommendation. He thinks



there would be more continuity to have Council Representatives involved in the hiring Director positions. Councilor Doss said we have to remember we are Councilors, and we make ourselves available to the Mayor when called. Councilor Sandra Nunley said she has served on Hiring Committees and she feels that she has some expertise in hiring in some of the positions. Randy Van Vleck said he wanted to caution the Councilors from getting in the position of telling the Mayor who to hire, it really is an Executive function. Councilor Nunley said that was not her intention. Mayor Janway said it has done both ways. Mr. Van Vleck said the clear fix is to go to the Manager / Commission form of Government.

**0:19:49      4.b.    Communication**

Steve McCutcheon said he feels that Administration could do a better job of communicating with the Council. He said that is the reason he requested item 4.b., Communication, be placed on the Agenda. He said he can improve the Councilors' understanding of the recommendations with better communication. Randy Van Vleck said communicating with individual Councilors would not be prohibited by the Open Meetings Act.

**0:23:25      4.c.    Rolling Quorum**

Ed Zendel explained a Rolling Quorum. Eileen Riordan said if action is taken, that is in violation of the Open Meetings Act, then that action is invalid. She added that even if the action was not discovered immediately, it can still be invalidated at a later time when it is discovered. Randy Van Vleck said Mr. McCutcheon can discuss matters with all of the Councilors, two at a time, but the Councilors cannot then discuss the same matter with one another. That is the danger of including too many Councilors. He said the Open Meetings Act says "a Meeting of a Quorum has to be open to the public." Eileen said it is not whether you vote or take action; your discussion of matters is considered a Rolling Quorum. She said your discussion should be public. Randy Van Vleck explained a Quorum of this Council is five. Eileen Riordan said that is including the Mayor and any four of the body. Ed Zendel said it is important to understand that it is not just verbal communication. A quorum can include any text, emails, facebook posting, etc. He said all communications are now subject to the Open Meetings Act. Eileen Riordan said it is about the ability to hear or review a matter. Councilor Doporto questioned a public facebook page, meeting the requirement. Eileen Riordan said discussions on facebook are not properly noticed as required by the OMA. Randy Van Vleck said additionally, if it is your personal or official facebook page, and you are discussing public business, it is subject to inspection.

There was discussion regarding deleted or destroyed electronic documents. Mr. Van Vleck said it is not about what device was used to create the document. He said the manner in which we communicate is now exceedingly important.

**0:38:27**      Councilor Doporto asked if Councilors would be entitled to receive copies of person's applications and resumes. Randy Van Vleck said once the Mayor has made a recommendation, it is appropriate to provide Councilors the resume & application data. Councilor Wes Carter said at that point, the applicant will have been



reviewed by at least three people who are qualified to make the decision. He said he has no desire to review applications, only the final approval. He said he would rather leave it to the professionals we have hired to do it. Randy Van Vleck said it takes the politics out of the issue. Ed Zendel said, as Chief Operating Officer of your Insurer, the more the Legislative Branch is involved, the more risk and potential liability there is. Randy Van Vleck said personnel issues are the second most prevalent reason municipalities get sued. Mr. McCutcheon said the resumes can be included in the Council meeting packet. Councilor Jason Shirley said a little more communication would alleviate the problem for him. Councilor Doporto said he didn't feel every resume had to be included but if a Councilor asks for it, they should receive it. Mr. McCutcheon agreed, he said that is the way he will handle it.

**0:47:00** Mayor Janway asked if everyone was satisfied with the discussion. He said it is very difficult situation.

**0:47:25** Councilor Doporto said the Councilors are caught in the middle when the public comes to them with concerns about who is being hired. He said he thinks the open-ended communication will really help.

**0:48:01** Councilor Nunley said she has a problem with Councilors sending e-mails about Personnel issues. She said she is uncomfortable with email discussions for those type of emails. Randy Van Vleck agreed, he said if you have questions about candidates they should be addressed by the Mayor or Mr. McCutcheon. He added that email discussions are discoverable; the best and safest way is to contact them face to face. Mayor Janway said if Councilors have questions, they can come see him. Stephanie Shumsky said if the information is included in the packet; all Councilors will have the same information and that will eliminate the need for discussion. Eileen Riordan said there cannot be any pre-meeting discussions. She explained further the issue of being sued, anything in writing can be brought back for / or against us. Secondly, it can be forwarded and become a Rolling Quorum. Ms. Riordan said the Employee has the right to a hearing.

**0:52:11** Randy Van Vleck said if there is concern and there are sensitive personnel issues, you can go into a Closed Session prior to voting. That is a recognized exception. Mr. Zendel said the Open Meetings Act allows for a Closed Session for seven exceptions that apply to a Municipality.

**0:52:56** Councilor Shirley said if you have a questions regarding pay or qualifications, it should not be conducted over email. It should either be in an Open Public Meeting or a Closed Session of the Council. Eileen Riordan said there is a procedural side to closed meetings. There are requirements to go into a Closed Session. Councilor Doporto said we should use our g-mail account to respond to City business.

**0:55:39** Councilor Shirley said Social Media is a strong way to respond to constitutes, but if other Councilors are friends on Social Media, it creates a Quorum. Randy Van Vleck said it is an unfortunate side effect of Social Media. It is a powerful tool to connect to your constitutes but it is very easy to violate the law.

**0:57:34** Mayor Janway asked if all were satisfied. All were in agreement.



**0:57:38          5.      Top 25 Projects**

Steve McCutcheon said there are 25 Top Projects listed but we do not have time to go over them individually. He said there are currently, 95 to 100 projects in the City. One project for discussion is the Renovation of the Federal Building. He said the HVAC, the Roof and the Sprinkler system for the entire building will be replaced. The exterior windows will be replaced. He said the first Phase of it will be extensive. He said project will go out for Bid soon. Phase II will be the Court and new Council Chambers. He said we are making progress. He said the project is estimated at more than \$900,000. He said the Utilities Department has thirty projects alone. He said the City has been managing the projects differently than in the past. He said two years ago, we had a 25% escalation in our Gross Receipt Taxes then last year we had about 5%. A lot of the money ended up in Projects and got buried in the Budget. He said we have ten or eleven Engineering Firms on projects. He said he and the Mayor have discussed the Project learning curve. He said he has approved an Agreement with Molzen Corbin to administer Grant Administration for about six months. He said he worked with Attorney, Rich Olsen about the legality. He said he has a plan to restructure the Projects Department. He thinks Anna Beason will retire as Grant Administrator. He said he shared an idea with the Mayor to bring Luis Camero in to take the lead on Projects, keep Anna on as Grant Administrator for about twenty hours a week and help out with the transition. He will ask Mike Hernandez to take the day to day operations of Water, Sewer, Wastewater, and Solid Waste. He said we are putting together a Projects Team. That team will include Luis Camero, Jason Burns and Roland Martinez and Lisa Hernandez. They will be housed at the Planning, Engineering and Regulations Department at the Federal Building if there is enough room. The team will identify every project within the City. The smaller projects won't get buried in the budget. The Departments will be responsible for their projects but the Projects team will be monitoring the funding, etc. He thinks we can get complete control of the projects with the team and manage the entire list of projects. It will allow us to give better Project updates to the Council on a quarterly basis. The other thing to do is to prioritize the projects. Stephanie Shumsky said we have some massive projects for example, the Double Eagle, the Loop Line. Mr. McCutcheon said we have a good core team and he feels confident in the Staff.

**1:15:57          6.      Discussion regarding Entertainment Options:**

A. Cavern Theater. Mr. McCutcheon said the addition will be the ADA Restrooms Stage Show area, HVAC system, all new electrical and a Sprinkler System for the entire facility. He said they are working with Billy Tubb of Pope Joy Hall in Albuquerque. He said Mr. Tubb is an expert in Theaters and has a great resume.

**1:18:19**          Councilor Janell Whitlock said she may have a source of funding for Asbestos Removal. Mr. McCutcheon said we have hired an Architect who has designed several theaters; he has a very good design. There was discussion regarding funding of the project. Councilor Whitlock said the Council didn't approve the use of General



Funds. Councilor Doporto said the Council approved the acceptance of the Cavern Theater with the understanding that it would be funded by Grants. He said we were told it would cost Three Million dollars and now it is almost Seven Million dollars. McCutcheon explained that the Architect originally said \$3.5 Million, but \$6 Million is the Cadillac version. He said the Architect said a minimum of \$4.5 Million will get us the bare bones. He said they have worked with RBC Capital on pledging Lodgers Tax Funds. Mr. McCutcheon said the Architect will design based off the \$4.7 Million. He said Lodgers Tax would be a potential source for match funding. Councilor Doporto questioned maintenance and operation funding. Mr. McCutcheon said he thinks the theater will be a revenue generator.

**1:29:50** Councilor Whitlock said she is concerned about obligating money such as Lodgers Tax for an ongoing project. She said the City is experiencing unusually high Lodgers Tax payments but she doesn't think that will last. Steve McCutcheon said he thinks there is demand that the City is not capturing, many events are cancelled due hotel room shortages. Mayor Janway said the use of Lodgers Tax Funds is only one potential source of funding.

**1:32:35** Councilor Doporto said the City could take the funding for Operation and Maintenance of the Sports Complex from the Gross Receipt Tax. He said it would free up \$2 Million a year. Mr. McCutcheon said the people obligated the fund, we cannot change that. Councilor Doporto said it is open. Councilor Whitlock said the GRT obligation is for the Operation of the Sports Complex and infrastructure related. Mr. Zendel said he thinks it would require an election to change the dedication. Mr. McCutcheon said there is \$900,000 unencumbered in Lodgers Tax. He said this project could require the Committee to go out and obtain Funding. He said the Operations could come out of General Funds, not Capital. The Mayor will appoint the Committee. Councilor Doporto said the Cavern Theater will be nice someday. Councilor Whitlock said if we move quickly, she thinks we can get more funding.

**1:37:13 6.b. Walter Gerrells Performing Arts Center**

Steve McCutcheon said Joe Brininstool approached the City about purchasing some of the land behind the Civic Center parking lot. He said we can't sell it and meet the need of the parking. He said the City plans to keep the Center, and develop the parking lot and improve the lighting. The Engineers went in and studied the standards of these types of facilities. Councilor Shirley said the Center is a viable venue; the last concert was sold out. He said that parking was a problem; people were parking across the highway and walking across to get to the Center. He said the parking is a priority. Councilor Doporto asked if it would be cheaper to tear it down and rebuild it. Councilor Shirley said there isn't enough money to build a new facility. He said with a little money to make improvements, it can continue to operate. Mr. McCutcheon suggested presenting Council with the budget and the plans for the Parking Lot.

**6.c. Public Swimming Pool**

Stephanie Shumsky said another suggestion for the community is an Aquatic Center. It offers a variety of different activities for families rather than just a community swimming pool. She said she researched a variety of plans and prices. She provided information about the different designs for the Councilors to review. She said there



hasn't been a location designated but there is some interest in having a facility. She said some have themes, Olympic size pools, toddler areas and some with water slides for older kids. Councilor Doss said he and Councilor Doporto looked at one in Andrews, Texas. He said it is very nice. Steve McCutcheon said Andrews spent half a million dollars rehabbing the pool then spent \$1.2 million for water features. He said it is unbelievable the amount of people who utilize the facility. Councilor Doporto said most of the summer employees are teachers and students who are available during the summer months. Ms. Shumsky said some of the models use recycled water for communities interested in water conservation. Ed Zendel said Santa Rosa purchased a Water Park and moved it to their lake. He said it is located at the lake but does not use lake water. Councilor Doporto said he is co-chair of the Swimming Pool Committee and they have had a difficult time meeting. Mr. McCutcheon asked Stephanie get more information and schedule a meeting with the Committee Members.

**1:57:33** Randy Van Vleck suggested holding discussion while having lunch. The meeting continued.

**1:58:05 7. Discussion regarding the Planning and Zoning Statutes and Ordinance.**

Mr. Van Vleck said the power to Zone is a very important power. But with that power, there comes significant limitations. With the power comes the responsibility to do it correctly.

**1:59:44** Stephanie Shumsky said she included information about the City Council's duty in terms of the Zoning Ordinance. She said it is our interpretation that the Planning and Zoning Commission has been delegated as the Planning Authority. Some decisions they make are final decisions unless they are appealed to the City Council. The City Council is the Appeal Body and they are the decision maker on certain items such as Annexations, Zone Changes, or changes to the text in the Zoning Code. They also hear Appeals of Variations from the Code Requirements.

**2:01:49** Randy Van Vleck said most stumbling blocks for cities is the nature of the hearing. The Code requires the Governing Body to conduct a Quasi-Judicial Hearing. At some stage in the hearing, the people have the right to appear, and the right to address the Body. There are other procedural requirements in order to meet the Quasi-Judicial requirement. Whether that occurs at the Planning and Zoning Commission or at City Council, it has to happen. It is a very important aspect. He went through the procedural requirement that should be applied. They are as follows:

- Adequate Notice-as set forth in the Statute
- Rights of people with substantial interest in the property, designated as "Parties"
- Parties Rights; including the Right to cross examine witnesses
- Chairman designates the Parties
- Witnesses are sworn in and testimony is taken under Oath
- Staff gives reports



- Applicant speaks; proving they are entitled to the requested action. They present their witnesses.
- The opposing side speaks.
- Cross examination of witnesses of the parties, not including people who are not designated as a “party”

**2:10:19** Councilor Carter asked if the process can be clarified before the testimony begins, and directed at the parties, not people who are just interested in speaking out. Mr. Van Vleck said all should have an opportunity to speak but they may be cross examined.

Stephanie Shumsky said this is the process for decision making, not the process for an Appeal. An Appeal does not require testimony.

Eileen Riordan said we have been treating Appeals like a trial de novo. If it is an Appeal it should be a record appeal. If it is a hearing, then we should have a hearing. We have not made that distinction. Ms. Shumsky said the distinction is made in the Staff Report that goes to the Council. But when it goes to Council, it is opened back up. Randy Van Vleck said that is a potential problem.

Steve McCutcheon explained this item is on the Agenda because of the growth that is going on in Carlsbad. He said this Council, Mayor and Staff have dealt with more Planning conflicts this last two years than in the history of Carlsbad. The conflicts have been very emotional. He said we have a very pro-growth Planning Commission. He said as we looked at our process, we thought it was pretty good. Planning and Zoning Commission has gotten the message from Council that they want compliance with the Zoning Code. Mr. Van Vleck said it is simple to change your process and have Council be a Hearing Body. If Council is acting as an Appellant Body, you base your opinion on whether the Planning and Zoning Commission properly applied the Zoning Regulations. Ms. Shumsky said the Council is supposed to be reviewing the record of the Planning and Zoning Commission for Appeals. Mr. Van Vleck explained the scope of review; the Council is an Appellate Body now rather than a Trial Body. Your scope of review is four parts. They are:

- whether the decision was arbitrary or capricious
- whether the decision was not supported by the substantial evidence in the record
- whether the decision was not in accordance with law
- whether or not proper notice was given

Mr. Van Vleck said all the grunt work is done by the Commission. Councilor Whitlock asked if the Council hears testimony. Eileen Riordan explained that there are two sorts of items coming to Council. One type is where the Council is the trial body. That would be things that you adopt by Ordinance. The second category is where Planning and Zoning makes the decision. They have the trial, take evidence and make the decision. Those types, if Appealed will go before Council and the decision will be based off of the information from the Planning Commission. Ms. Shumsky said in particular, Variances are not being handled by the procedure. The Staff makes recommendations for denial and the Planning Commission approves it. Then it gets appealed and the



Council needs to review the record and consider the Staff recommendations. Stephanie Shumsky said it cuts down the work load of the Council. Mr. Van Vleck said the key is recognizing the different roles.

**2:26:32** Councilor Shirley agreed that he didn't think the Council wanted to hear every item going to Planning and Zoning.

**2:27:33** Ed Zendel said that Randy Van Vleck does a great presentation for Planning and Zoning. He said he would be happy to give the Commission the presentation.

**2:31:56** Randy Van Vleck said whoever does the hearing, is required to do a written report of findings and conclusions. Ms. Shumsky said that Staff does the report but the Commission doesn't approve them.

**2:33:12** Steve McCutcheon said a lot of what we are dealing with could be resolved by tightening up the rules and process. He said he has watched the Council and Mayor struggle with these issues. He said he thinks Mr. Zendel is correct and it would be very helpful for Mr. Van Vleck to give his presentation to the Planning Commission.

**2:35:09** Stephanie Shumsky said all the Commission Members are members of the APA. She said the State Conference has a one day workshop for the Commissioners but they never attend. It would be more convenient to bring Mr. Van Vleck to them.

**2:36:03** Councilor Doporto said he would be more comfortable with the Commissioners making the decisions if we had representation from each Ward. Mr. McCutcheon said if the Commission is too big, you have problems getting quorums.

**2:36:35** Councilor Nunley said some think that the Commission is stacked with Developers.

**2:37:29** Randy Van Vleck said City Councilors should not serve on the Planning Commission or even attend the Commission Meetings.

**2:38:19** Councilor Doporto said he has not attended the meetings but citizens have called him and invited him into their neighborhood discussions regarding their issue.

**2:38:28** Randy Van Vleck said they should not be listening to people about their issue prior to the meeting. Eileen Riordan added that discussion of the matters eliminates the opportunity for cross examination and the other side is not there to present their side of the matter.

### **Motion**

**2:40:58** The motion was made by Councilor Whitlock and seconded by Councilor Dick Doss to Adjourn.

### **Vote**



The vote was as follows: Yes – Doss, Doporto, Shirley, Nunley, Carter and Whitlock;  
No - None; Absent – Salcido and Anaya-Flores. The motion carried.

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**Mayor**

**ATTEST:**

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**City Clerk**

DRAFT



**CITY OF CARLSBAD**  
**PERSONNEL REPORT**

January 13, 2015

**APPOINTMENTS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Brittany Aragon	01/20/15	Finance	Receptionist, P/T
Steven J. Dorado	01/20/15	Fire	Firefighter Rookie/EMT-B
Nathan D. Gonzales	01/20/15	Fire	Firefighter Rookie/EMT-I
Sherry Juarez	01/20/15	Finance	Receptionist, P/T
Edward Lopez	01/20/15	Police	Community Service Officer
Charles D. Munoz	01/20/15	Fire	Firefighter Rookie/EMT-B
William Norman	01/20/15	Finance	Account Clerk 1
Michelle L. Rodriguez	01/20/15	Police	Community Service Officer
Chelito Salcido	01/20/15	Golf Course	Caretaker

**TERMINATIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Anna Beason	12/31/14	Executive	Special Projects Admin.	Retired
Christopher Duran	12/15/14	Police	Patrolman, Uncertified	Resigned
Robert R. England	01/07/15	Double Eagle	Heavy Equipment Op. 2	Resigned
Richard Martinez	08/15/14	Construction	Construction Maint. 2	Discharged
Monica Navarrette	12/31/14	Municipal Court	Asst. Court Administrator	Retired
Abrianiza Ramirez	12/27/14	Library	Library Page, P/T	Resigned
Daniel Rhoades	12/14/14	Police	Patrolman, Senior	Resigned
Michelle P. Rodriguez	12/09/14	Library	Library Page, P/T	Discharged

**INTERNAL TRANSFERS AND PROMOTIONS:**

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Kyle B. Boatman	12/08/14	Golf Course	Superintendent
Tamara L. Carrigan	01/05/15	Municipal Court	Court Clerk
George U. Castro	12/08/14	Double Eagle	Supervisor
Kimberly A. Hernandez	01/05/15	Municipal Court	Asst. Court Administrator
Michael W. Taylor	01/07/15	Police	Evidence Clerk



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

FROM:

*Monica D. Harris*

Digitally signed by Monica D. Harris  
DN: cn=Monica D. Harris, o=City of Carlsbad, NM, ou=Finance  
Dept., email=mdharris@cityofcarlsbadnm.com, c=US  
Date: 2015.01.07 10:55:29 -0700

SUBJECT: Recommendation for Employment

DATE: 01/02/2015

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

### General Information:

Name: Brittany Aragon Classification/Position: Receptionist P/T

Department: Finance Department

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>14.60</u> per hour
<input type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

### Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input type="checkbox"/> Other _____	

### Employment:

Present or last Employer: Kidz Inc. Daycare  
From 4/2003 to 9/2014 Classification: Caregiver/Teacher  
Duties: Cared for children, meeting their needs and looking after their well-being

Related Experience: Brittany has prior office experience, handling duties such as customer service, answering phones, filing and providing office support.

Comments: Brittany has a great attitude and will be a great addition to the Finance Department.



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

**FROM:** Richard D. Lopez, Fire Chief 

**SUBJECT:** Recommendation for Employment

**DATE:** January 5, 2015

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

### **General Information:**

Name: Steven Joshua Dorado Classification/Position: FF/Rookie/EMT-B

Department: Fire

☒ Regular ☒ Full-time ☒ Hourly \$ \$14.44 per hour

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

☐ Temporary ☐ On call

### **Education Level:**

☒ High School Diploma ☐ GED or equivalent

☐ Associates Degree

☐ Bachelors Degree

☐ Masters Degree

☒ Other

### **Employment:**

Present or last Employer: Carlsbad Municipal Schools

From Sept. '13 to May '14 Classification: Lifeguard

Duties: Maintain pool, watch patrons and perform tasks as assigned

Related Experience: CPR and First-Aid Certified

Comments: Mr. Dorado has passed all phases of pre-employment written, skills, and physical testing. He will be a valuable asset to the community, and to the Carlsbad Fire Department.



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

**FROM:** Richard D. Lopez, Fire Chief 

**SUBJECT:** Recommendation for Employment

**DATE:** January 5, 2015

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

### General Information:

Name: Nathan D. Gonzales

Classification/Position: FF/Rookie/EMT-I

Department: Fire

☒ Regular

☒ Full-time

☒ Hourly \$ \$15.76 per hour

☐ Seasonal

☐ Part-time

☐ Salary \$ \_\_\_\_\_ per annum

☐ Temporary

☐ On call

### Education Level:

☒ High School Diploma

☐ GED or equivalent

☐ Associates Degree

☐ Bachelors Degree

☐ Masters Degree

☒ Other

EMT-I

### Employment:

Present or last Employer: American Medical Response

From June '11 to Present

Classification: EMT-I

Duties: Operate ambulance and radios, evaluate, treat and transport patients

Related Experience: 6 years paid firefighter, 3 years 911 EMS Transport, 3 years Fire Instructor, 2 years EMS Instructor

Comments: Mr. Gonzales has passed all phases of pre-employment written, skills, and physical testing. He will be a valuable asset to the community, and to the Carlsbad Fire Department.



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

FROM:

*Monica D. Harris*

Digitally signed by Monica D. Harris  
DN: cn=Monica D. Harris, o=City of Carlsbad, NM, ou=Finance  
Dept., email=mdharris@cityofcarlsbadnm.com, c=US  
Date: 2015.01.07 16:58:47 -0700

SUBJECT: Recommendation for Employment

DATE: 01/06/2015

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

### General Information:

Name: Sherry Juarez Classification/Position: Receptionist P/T  
Department: Finance

☒ Regular ☐ Full-time ☒ Hourly \$ 14.60 per hour  
☐ Seasonal ☒ Part-time ☐ Salary \$ \_\_\_\_\_ per annum  
☐ Temporary ☐ On call

### Education Level:

☒ High School Diploma ☐ GED or equivalent  
☐ Associates Degree \_\_\_\_\_  
☐ Bachelors Degree \_\_\_\_\_  
☐ Masters Degree \_\_\_\_\_  
☐ Other \_\_\_\_\_

### Employment:

Present or last Employer: Carlsbad Counseling Associates, Inc  
From 11/2012 to 8/2013 Classification: Customer Service Representative  
Duties: Answering incoming phone calls, assist general public, greet customers, appointment scheduling, directing calls

Related Experience: Customer service, prior switchboard experience

Comments: With her prior customer service experience, Sherry will be a great addition to the Finance Department.



CITY OF CARLSBAD  
RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

TO: The Honorable Mayor Dale Janway and Council Members

FROM: D. Kent Waller, Chief of Police

*DKW*  
12/31/14

SUBJECT: Recommendation for Employment

DATE: 12/30/14

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

General Information:

Name: Edward Lopez

Classification/ Position: CSO

Department: Police



Regular



Full-Time



Hourly \$ 14.76 per hour



Seasonal



Part-Time



Salary \$ \_\_\_\_\_ per annum



Temporary



On Call

Education Level:



High School Diploma



GED or Equivalent



Associates Degree



Bachelors Degree



Masters Degree



Other:

Employment:

Present or Last Employer: Albertson's

From: 11/14 to Present

Classification: Cashier

Duties: Customer Service

Related Experience: Engineering Technician Supervisor for White Sands Missile Range  
1977-2011

Comments:



**CITY OF CARLSBAD**  
**RECOMMENDATION FOR EMPLOYMENT**

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

**FROM:** Richard D. Lopez, Fire Chief 

**SUBJECT:** Recommendation for Employment

**DATE:** January 5, 2015

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

**General Information:**

Name: Charles D. Munoz Classification/Position: FF/Rookie/EMT-B

Department: Fire

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>\$14.44</u> per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

**Education Level:**

<input type="checkbox"/> Associates Degree	<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Bachelors Degree	_____	_____
<input type="checkbox"/> Masters Degree	_____	_____
<input checked="" type="checkbox"/> Other	_____	_____

**Employment:**

Present or last Employer: FedEx Ground

From Mar. '14 to Present Classification: Delivery Driver

Duties: Operate delivery vehicle, strategically plan daily routes to ensure package delivery

Related Experience: CPR Certified

Comments: Mr. Munoz has passed all phases of pre-employment written, skills, and physical testing. He will be a valuable asset to the community, and to the Carlsbad Fire Department.



# CITY OF CARLSBAD

## RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

FROM:

*Monica D. Harris*

Digitally signed by Monica D. Harris  
DN: cn=Monica D. Harris, o=City of Carlsbad, NM, ou=Finance Dept.,  
email=mdharris@cityofcarlsbadnm.com, c=US  
Date: 2015.01.07 11:47:16 -0700

SUBJECT: Recommendation for Employment

DATE: 01/02/2015

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

### General Information:

Name: William Norman Classification/Position: Account Clerk I  
Department: Finance Department

☒ Regular ☒ Full-time ☒ Hourly \$ 18.89 per hour  
☐ Seasonal ☐ Part-time ☐ Salary \$ \_\_\_\_\_ per annum  
☐ Temporary ☐ On call

### Education Level:

☒ High School Diploma ☐ GED or equivalent  
☐ Associates Degree \_\_\_\_\_  
☒ Bachelors Degree Business Administration-Virginia Commonwealth University  
☒ Masters Degree Management-Oral Roberts University  
☐ Other \_\_\_\_\_

### Employment:

Present or last Employer: Carlsbad Medical Center  
From 08/2013 to 07/2014 Classification: Financial Counselor  
Duties: Managed hospital financial assistance programs, collect payments for patient services, calculate estimated patient liability based on insurance benefits.

Related Experience: William has previous finance experience. He has reconciled vendor accounts, provided support to business customers with inquiries, stop payments and balance transfers. He also has previous AS-400 experience.

Comments: With his prior experience and education, William will be an excellent asset to the Finance Dept.



CITY OF CARLSBAD  
RECOMMENDATION FOR EMPLOYMENT

Dale Janway, Mayor

Steve McCutcheon, City Administrator

TO: The Honorable Mayor Dale Janway and Council Members  
FROM: D. Kent Waller, Chief of Police *DKW.*  
SUBJECT: Recommendation for Employment *12/31/14*  
DATE: 12/30/14

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

General Information:

Name: Michelle Rodriguez Classification/ Position: CSO

Department: Police

☒ Regular ☒ Full-Time ☒ Hourly \$ 14.76 per hour  
☐ Seasonal ☐ Part-Time ☐ Salary \$ \_\_\_\_\_ per annum  
☐ Temporary ☐ On Call

Education Level:

☒ High School Diploma ☐ GED or Equivalent  
☐ Associates Degree  
☐ Bachelors Degree  
☐ Masters Degree  
☒ Other: Certified Pharmacy Technician

Employment:

Present or Last Employer: Southwest Pharmacy  
From: 12/10 to Present Classification: Pharmacy Technician  
Duties: Customer Service

Related Experience:

Comments:



**CITY OF CARLSBAD**  
**RECOMMENDATION FOR EMPLOYMENT**

Dale Janway, Mayor

Steve McCutcheon, City Administrator

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

**FROM:** Steve Hendley, Sports and Recreation Director *SH*

**SUBJECT:** Recommendation for Employment

**DATE:** January 6, 2015

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

**General Information:**

Name: Chelito Salcido Classification/Position: Caretaker

Department: Golf Course

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>15.74</u> per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

**Education Level:**

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

**Employment:**

Present or last Employer: Oasis Fellowship

From Jan-96 to Present Classification: Groundskeeper/Janitor

Duties: Janitorial work, taking care of outside grounds.

Related Experience: \_\_\_\_\_

Comments: \_\_\_\_\_



## CITY OF CARLSBAD

# **AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION**

Council Meeting Date: 1/13/15

<b>Department:</b> Executive	<b>BY:</b> Steve McCutcheon, City Administrator	<b>Date:</b> 1/7/2015
<b>SUBJECT:</b> Infrastructure <b>Description:</b>  Construction of new restroom facility to serve the Tennis Courts located at Lake Carlsbad		
<b>SYNOPSIS:</b> Qty <u>1</u> Total Est. Cost <u>\$ 90,000.00</u> Total Actual Cost _____ Budgeted Yes                      Est. City Share <u>\$ 90,000.00</u> Actual City Share _____ Account # <u>01-70-84013-2</u> <u>\$ 100,000.00</u> Account # _____ Account # _____ Account # _____ <div style="text-align: right;">TOTAL <u>\$ 100,000.00</u></div>		
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  The bid documents for the construction of a new restroom facility at the Cascades are complete. The restroom will serve the patrons of the Lake Carlsbad Tennis Courts. The plans were designed to meet the needs of the Tennis Court facility and in accordance with the covenants of the Cascades. The plans were presented to architectural review committee for the Cascades and were approved. The project is ready to be released for advertisement.  We request Council's approval to advertise the project for bid.		
<b>Requested action to be taken by Council:</b> Advertise Invitation for Bid	<b>Council Action Taken:</b> Select one	<b>Date:</b> Jan. 8, 2015
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon		

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>	
<b>Requested action to be taken by Council:</b> Award RFP Number	<b>Council Action Taken:</b> Select one	<b>Date:</b>
<b>ADDITIONAL INFORMATION:</b>  		
<b>Reviewed by City Administrator:</b>		

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



## CITY OF CARLSBAD

# **AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION**

Council Meeting Date: 01/13/15

<b>Department:</b> Sewer	<b>BY:</b>  Luis Camero, Director of Utilities	<b>Date:</b> 01/07/15
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**SUBJECT:** Infrastructure  
**Description:**

Effluent Reuse Sale Pump Station and Delivery Pipe

<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost	\$ 257,550.00	Total Actual Cost	
	Budgeted Yes	Est. City Share	\$ 257,550.00	Actual City Share	
	Account # 36-0361-82061		\$ 50,000.00		
	Account #				
	Account #				
	Account #				
	<b>TOTAL</b>		\$ 50,000.00		

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

The City Contracted engineering services from HDR Engineering Incorporated to perform hydraulic modeling to determine any hydraulic limitations to the sale of effluent water at the Waste Water Treatment Plant and to determine the amount of effluent water available for sell after delivery to the Municipal Golf Course and meeting return flow requirements. Also included in the services to be provided by HDR is the design of the pumping station and pipeline to deliver the effluent water to the city property located on the west side of Tell Tale Lane across from the treatment plant.

The study completed by HDR shows that an average of 485 acre-ft. will be available for sale annually. This is equivalent to a flow of 900 gpm, 6 days per week, 10 hrs. per day. HDR is now proceeding with the design of the facilities.

It is recommended to advertise for bids from interested parties to purchase effluent water from the city to be delivered at the end of the pipe in the property across the treatment plant. Any storage, additional pumping and delivery from this point on will be the responsibility of the bidder.

Requested action to be taken by Council:

Advertise Invitation for Bid

Council Action Taken:

Select one

Date: Jan. 8, 2015

Reviewed by City Administrator: /s/ Steve McCutcheon

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>	
Requested action to be taken by Council:	Council Action Taken:	Date:
Select one	Select one	
<b>ADDITIONAL INFORMATION:</b>		
Reviewed by City Administrator:		

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



## CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION

Council Meeting Date: 9/9/2014

<b>Department:</b> Double Eagle	<b>BY:</b> Luis Camero, Director of Utilities	<b>Date:</b> 8/26/14																												
<b>SUBJECT:</b> Infrastructure <b>Description:</b> Double Eagle Waterline-Phase 3																														
<b>SYNOPSIS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Qty <u>1</u></td> <td style="width: 25%;">Total Est. Cost</td> <td style="width: 20%;">\$ 1,000,000.00</td> <td style="width: 40%;">Total Actual Cost</td> </tr> <tr> <td>Budgeted Yes</td> <td>Est. City Share</td> <td>\$ 1,000,000.00</td> <td>Actual City Share</td> </tr> <tr> <td>Account # <u>02-0002-85079</u></td> <td></td> <td>\$ 3,624,007.56</td> <td></td> </tr> <tr> <td>Account # <u>36-0362-85253</u></td> <td></td> <td>\$ 6,479,579.04</td> <td></td> </tr> <tr> <td>Account # _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Account # _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL</td> <td>\$ 10,103,586.60</td> <td></td> </tr> </table>			Qty <u>1</u>	Total Est. Cost	\$ 1,000,000.00	Total Actual Cost	Budgeted Yes	Est. City Share	\$ 1,000,000.00	Actual City Share	Account # <u>02-0002-85079</u>		\$ 3,624,007.56		Account # <u>36-0362-85253</u>		\$ 6,479,579.04		Account # _____				Account # _____				TOTAL		\$ 10,103,586.60	
Qty <u>1</u>	Total Est. Cost	\$ 1,000,000.00	Total Actual Cost																											
Budgeted Yes	Est. City Share	\$ 1,000,000.00	Actual City Share																											
Account # <u>02-0002-85079</u>		\$ 3,624,007.56																												
Account # <u>36-0362-85253</u>		\$ 6,479,579.04																												
Account # _____																														
Account # _____																														
TOTAL		\$ 10,103,586.60																												
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) Phase 3 of the Double Eagle Waterline Improvements to bring more Double Eagle water to Carlsbad, calls for installation of a new 5-million gallon storage tank, new disinfection facilities and metering station at the 5-Million gallon reservoir site. The project also calls for the installation of a new 24-inch diameter waterline from the existing disinfection facility near the Double Eagle 1-Million gallon reservoir to the proposed reservoir site, a new 18-inch diameter waterline from the reservoir site to Orchard Lane and a 18-inch diameter stub out for a future tie-in to Grassburr Lane and Canal Street intersection.  On September 9, 2014, the Governing Body approved the advertisement of a request for proposal for engineering and engineering related services for this project. A total of five (5) proposals were received in response to RFP 2014-54. A five (5) staff member evaluation committee has reviewed and ranked all five (5) proposals received. A summary of the evaluation is provided for your consideration.																														
<b>Requested action to be taken by Council:</b> Advertise Invitation for Request for 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> Award RFP Number                      2014-54	<b>Council Action Taken:</b> Select one
<b>Date:</b> Jan. 8, 2015	
<b>ADDITIONAL INFORMATION:</b> It is recommended to award RFP No. 2014-54 to Molzen Corbin pending the negotiation of a contract satisfactory to both, the City and the Engineer.	
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon	

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



## Evaluation Summary

RFP # 2014-54

### Double Eagle Waterline Phase 3 - Design

Point Category	Firm Name	OCCAM Counseling Engineer 200 E. Fourth St. Ste. 100 Roswell, NM 88201	HDR 2155 Louisiana Blvd. Ste. 9500 Albuquerque, NM 87110	Molzen Corbin 2701 Miles Road SE Albuquerque, NM 87106	URS Corporation 6501 Americas Prkway NE Ste. 900 Albuquerque, NM 87110	Parkhill Smith and Cooper 115 W. Griggs Ave Las Cruces, NM 88001
<b>1. Specialized Planning, Design and Technical Competence</b> Include a list of three (3) projects of a similar nature to this project, provide a contact and phone number for each <b>30 points</b>		25.0	29.0	29.8	27.0	21.0
<b>2. Capacity and Capability</b> Consultant to provide summary of project approach and completion schedule. City expects to have project ready to bid 120 day after award <b>25 points</b>		19.2	24.6	24.8	23.2	19.0
<b>3. Past Record of Performance</b> Provide records of performance on the three (3) projects listed above, include estimated (include estimated cost vs. actual cost and record of non-client initiated change orders. <b>25 points</b>		22.4	19.0	25.0	23.4	18.6
<b>4. Familiarity with Contracting Agency</b> Provide a summary of your understanding of the project and possible alternatives as well as your previous experience with the community. <b>10 points</b>		5.8	8.4	9.6	6.2	5.6
<b>5. Work to be Done in New Mexico *</b> Amount of Design work to be completed in New Mexico <b>0 points</b>						
<b>6. Current volume of work with Contracting Agency that is less than 75%</b> Consultant must provide a list of all work in progress with the community including the dollar amount of the remaining contract and the percentage of work completed. <b>5 points</b>		5.0	5.0	0.2	5.0	5.0
<b>Total Points Possible = 95</b>		<b>77.4</b>	<b>86.0</b>	<b>89.4</b>	<b>84.8</b>	<b>69.2</b>

\* Not Allowed for Federal Funded Project



## CITY OF CARLSBAD

# AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION

Council Meeting Date: 1/13/15

<b>Department:</b> Street	<b>BY:</b> Matt Fletcher, Purchasing Mgr.	<b>Date:</b> 1/7/15
------------------------------	----------------------------------------------	------------------------

**SUBJECT:** Infrastructure**Description:**

Engineering Final Design Services for Callaway Drive

<b>SYNOPSIS:</b>	Qty <u>1</u>	Total Est. Cost	\$ 1,400,550.00	Total Actual Cost	
	Budgeted Yes	Est. City Share	\$ 1,400,500.00	Actual City Share	
	Account #	44-0440-88045	\$ 1,400,500.00		
	Account #				
	Account #				
	Account #				
	TOTAL		\$ 1,400,500.00		

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

The City of Carlsbad solicited proposals for the Engineering Services for the Final Design for Callaway Drive. The City received three proposals. A six member committee reviewed the proposals and scored each based on a 100 point system. The committee selected Molzen Corbin Inc, Albuquerque, New Mexico with a total score of 90.67.

Funds have been budgeted for this project in line item 44-0440-88045 which includes Engineering and Construction cost.

<b>Requested action to be taken by Council:</b> Advertise Invitation for Request for 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>	01/13/2015
<b>Requested action to be taken by Council:</b> Award RFP Number 2014-55	<b>Council Action Taken:</b> Select one	<b>Date:</b> Jan. 8, 2015
<b>ADDITIONAL INFORMATION:</b> If it pleases the Council, it is the recommendation of the City to award RFP 2014-55 to Molzen Corbin Inc. The cost of the project to be determined during contract negotiations.		
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon		

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



## Evaluation Criteria

RFP # 2014-55  
Callaway Drive Final Design

Point Category	Firm Name	OCCAM Consulting Engineers 200 East Fourth St. Ste. 100 Roswell, NM 88201	PAIKI 2901 Juan Tabo NE, Ste. 101 Albuquerque, NM 87112	Molzen Corbin 2701 Miles Road SE Albuquerque, NM 87106
<b>1. Specialized Planning &amp; Design and Technical Competence</b> Specialized Design and Technical Competence. <b>30 points</b>		24.50	22.50	28.67
<b>2. Capacity and Capability</b> Capacity and Capability of the business to perform the work including any specialized services, within the time frame <b>30 points</b>		26.17	23.33	28.50
<b>3. Past Record of Performance</b> Past record of performance on contracts with government agencies or private industry with respect to such factor as control of costs, quality of work and ability to meet schedules <b>20 points</b>		16.00	15.33	19.67
<b>4. Familiarity with the Contracting Agency</b> Proximity to or familiarity with the area in which the project is located <b>10 points</b>		7.83	4.50	8.17
<b>5. Current volume of work with Contracting Agency that is less than 75% complete</b> Consultant must provide a list of all work in progress with the community including the dollar amount of the remaining contract and the percentage of work completed <b>5 points</b>		5.00	5.00	0.67
<b>6. Work to be Done in New Mexico</b> Amount of Design work to be completed in New Mexico <b>5 points</b>		5.00	5.00	5.00
<b>Total Points out of 100 possible</b>		84.50	75.67	90.67

Verified by: Matt Fletcher, Purchasing Manager



## CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION

Council Meeting Date: 01/13/2015

<b>Department:</b> Solid Waste	<b>BY:</b> <i>Mike Hernandez</i> 12/30/14 Mike Hernandez, Deputy Director of Utilities	<b>Date:</b> 12/30/14																					
<b>SUBJECT:</b> Equipment <b>Description:</b> One (1) Container Maintenance Truck																							
<b>SYNOPSIS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Qty <u>1</u></td> <td style="width: 25%;">Total Est. Cost <u>\$ 85,000.00</u></td> <td style="width: 60%;">Total Actual Cost _____</td> </tr> <tr> <td>Budgeted Yes</td> <td>Est. City Share <u>\$ 85,000.00</u></td> <td>Actual City Share _____</td> </tr> <tr> <td>Account # <u>24-0240-80301</u></td> <td><u>\$ 85,000.00</u></td> <td></td> </tr> <tr> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL</td> <td><u>\$ 85,000.00</u></td> </tr> </table>			Qty <u>1</u>	Total Est. Cost <u>\$ 85,000.00</u>	Total Actual Cost _____	Budgeted Yes	Est. City Share <u>\$ 85,000.00</u>	Actual City Share _____	Account # <u>24-0240-80301</u>	<u>\$ 85,000.00</u>		Account # _____	_____		Account # _____	_____		Account # _____	_____		TOTAL		<u>\$ 85,000.00</u>
Qty <u>1</u>	Total Est. Cost <u>\$ 85,000.00</u>	Total Actual Cost _____																					
Budgeted Yes	Est. City Share <u>\$ 85,000.00</u>	Actual City Share _____																					
Account # <u>24-0240-80301</u>	<u>\$ 85,000.00</u>																						
Account # _____	_____																						
Account # _____	_____																						
Account # _____	_____																						
TOTAL		<u>\$ 85,000.00</u>																					
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The Solid Waste Department needs to replace a 1998 Ford Container Maintenance Truck. A total of \$85,000 has been budgeted and approved for the current fiscal year to purchase one (1) container maintenance truck. It is recommended that the City purchase the container maintenance truck through Medium Duty State Contract 40-000-14-00013.																							
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Requested action to be taken by Council:</td> <td style="width: 30%;">Council Action Taken:</td> <td style="width: 30%;">Date: Jan. 8, 2015</td> </tr> <tr> <td>Other:</td> <td>Select one</td> <td></td> </tr> <tr> <td colspan="3">State Contract agreement 40-000-14-00013</td> </tr> </table>			Requested action to be taken by Council:	Council Action Taken:	Date: Jan. 8, 2015	Other:	Select one		State Contract agreement 40-000-14-00013														
Requested action to be taken by Council:	Council Action Taken:	Date: Jan. 8, 2015																					
Other:	Select one																						
State Contract agreement 40-000-14-00013																							
Reviewed by City Administrator: /s/ Steve McCutcheon																							

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>
Requested action to be taken by Council: Select one	Council Action Taken: _____ Select one
Date: _____	
<b>ADDITIONAL INFORMATION:</b>  <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>	
Reviewed by City Administrator: _____	

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



## CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION

Council Meeting Date: 01/13/15

<b>Department:</b> Parks	<b>BY:</b> Luis Renteria, Parks Superintendent	<b>Date:</b> 12/29/14																																			
<b>SUBJECT:</b> Infrastructure <b>Description:</b> Parking lot for Cruz Fernandez park																																					
<b>SYNOPSIS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Qty <u>1</u></td> <td style="width: 35%;">Total Est. Cost</td> <td style="width: 20%; text-align: right;">\$ 54,478.55</td> <td style="width: 30%;">Total Actual Cost</td> <td style="text-align: right;">\$ 54,478.55</td> </tr> <tr> <td>Budgeted Yes</td> <td>Est. City Share</td> <td style="text-align: right;">\$ 54,478.55</td> <td>Actual City Share</td> <td style="text-align: right;">\$ 54,478.55</td> </tr> <tr> <td>Account # <u>01-0070-80014-3</u></td> <td></td> <td style="text-align: right;">\$ 60,000.00</td> <td></td> <td></td> </tr> <tr> <td>Account # _____</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Account # _____</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Account # _____</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL</td> <td style="text-align: right;">\$ 60,000.00</td> <td colspan="2"></td> </tr> </table>			Qty <u>1</u>	Total Est. Cost	\$ 54,478.55	Total Actual Cost	\$ 54,478.55	Budgeted Yes	Est. City Share	\$ 54,478.55	Actual City Share	\$ 54,478.55	Account # <u>01-0070-80014-3</u>		\$ 60,000.00			Account # _____					Account # _____					Account # _____					TOTAL		\$ 60,000.00		
Qty <u>1</u>	Total Est. Cost	\$ 54,478.55	Total Actual Cost	\$ 54,478.55																																	
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Account # _____																																					
Account # _____																																					
Account # _____																																					
TOTAL		\$ 60,000.00																																			
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The Carlsbad Park and Recreation Advisory Board have requested to install a parking lot on the east side of Cruz Fernandez park along Chavez street. Cruz Fernandez park is used by many of the local sports teams for practice, and enjoyment by the neighborhood children. Parking is very limited, and safety concerns have arisen. Installing this parking lot will allow better traffic flow, and safety for the public to access the park. A new sidewalk, A.D.A. ramps, and parking space will also be installed. The cost of this parking lot is \$54,478.55 through Constructors Inc. from Carlsbad, N.M. who have the 2014-2015 annual bid agreement for paving with the City of Carlsbad. Budget for the new parking lot at Cruz Fernandez park has been approved by the governing body.																																					
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"><b>Requested action to be taken by Council:</b></td> <td style="width: 30%;"><b>Council Action Taken:</b></td> <td style="width: 30%;"><b>Date:</b></td> </tr> <tr> <td>Other:</td> <td>Select one</td> <td></td> </tr> <tr> <td>Approve parking as per annual bid prices.</td> <td></td> <td></td> </tr> </table>			<b>Requested action to be taken by Council:</b>	<b>Council Action Taken:</b>	<b>Date:</b>	Other:	Select one		Approve parking as per annual bid prices.																												
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<b>Reviewed by City Administrator:</b>																																					

<b>POST BID/RFP RECOMMENDATION</b>	<b>Council Meeting Date:</b>						
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<b>Requested action to be taken by Council:</b>	<b>Council Action Taken:</b>	<b>Date:</b> Jan. 8, 2015					
Select one	Select one						
<b>ADDITIONAL INFORMATION:</b> It is recommended to approve Constructors Inc. to install a parking lot on the east side of Cruz Fernandez park along Chavez Street in the amount of \$54,478.55 through the 2014-2015 annual agreement.							
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon							

 ATTACHMENT(S): ☒ Specifications ☐ Bid/RFP Summary ☒ Other: Annual bid # 2014-35





# CONSTRUCTORS, INC

Dirt, Asphalt, Concrete, and Utilities Construction  
Aggregate and Asphalt Products  
Public Works Registration # 0101462008071

Proposal Submitted To:	CITY OF CARLSBAD	Job Name:	CRUZE PARK PARKING LOT
Attn:	LUIS RENTERIA	Place of Job:	CARLSBAD, NM
Billing Address:	PO BOX 1589	Architect or Engineer:	CITY OF CARLSBAD
City, State, Zip:	CARLSBAD, NM	Date of Plans:	NA
Phone #:	885-6262	Date of Proposal:	12/19/14
Fax #:	885-2773	Special Note / Addendum(s):	PER 2014-36 ANNUAL AGREEMENT

## FURNISH LABOR, EQUIPMENT, AND MATERIALS TO:

1. REMOVE AND REPLACE CURB AND GUTTER	340	LF	\$	75.00	\$	25,600.00
2. REMOVE AND REPLACE SIDEWALK	160	SY	\$	85.00	\$	13,600.00
3. UNCLASSIFIED EXCAVATION	101	CY	\$	15.00	\$	1,516.00
4. SUBGRADE PREP	302	SY	\$	3.50	\$	1,057.00
5. BASE COURSE - 4" THICK	94	TONS	\$	26.50	\$	2,491.00
6. TACK COAT	302	SY	\$	0.85	\$	256.70
7. HOT MIX ASPHALT - 2" THICK	303	SY	\$	12.50	\$	3,787.50
8. ADA RAMPS	25	SY	\$	100.00	\$	2,500.00
					\$	50,707.20
					NMGT (7.4375%)	\$ 3,771.35
GRAND TOTAL					\$	54,478.55

**PLEASE NOTE:** This proposal must be made an integral part of any contract or subcontract arising from it, or all prices, exclusions, terms, and conditions are null and void. Owner responsible for eradicating any vegetation issues prior to any work; Constructors not responsible for weeds that arise after installation of materials.

## PRICE EXCLUSIONS:

PERMITS, BOND, TESTING, SURVEY, FLOWFILL, ROCK EXCAVATION, REPAIR OF DEFECTIVE OR WET SUBGRADE, STRIPING, BUMPER BLOCKS, ANY WORK NOT SPECIFICALLY STATED ABOVE

We Heretby Promise to furnish labor, materials and equipment to complete the project in accordance with above specifications, for the sum listed above plus New Mexico Gross Receipt Tax, with payment due upon receipt of invoice unless prior agreement has been made. Any alterations or deviations from the above specifications involving extra cost will be assessed only upon written order, and will become an extra charge over and above the proposed amount above. If payment is not received within 30 days from date of invoice, interest will be charged at 1 1/2% per month or fraction of a month on the unpaid balance plus incidental collection costs, including attorney fees. (As allowed by New Mexico Statute N.M.S.A. 1978, Section 57-26-5). This proposal also serves as acknowledgment of Constructors' request for the location of underground facilities. The property owner and/or the General contractor is responsible for the location of such facilities on private property. Constructors, Inc. is not responsible for damage to underground facilities which are not located and/or mislocated. Facilities are defined as computer lines, telephone, gas, water, sewer, electric, sprinkler, or any other facility installed by man. Facilities shall be marked prior to the beginning of Constructors, Inc.'s work on the project site. If either party commences legal action to enforce its rights pursuant to this agreement, the prevailing party in the legal action shall be entitled to recover its reasonable attorney's fees and costs of litigation relating to the legal action, as determined by a court of competent jurisdiction.

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be assessed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon delays, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurances. Our workers are fully covered by worker's compensation insurance. See additional conditions on back.

Authorized Signature:

*Colby Crouch*  
COLBY CROUCH

Note: This proposal may be withdrawn by user not accepted within 45 days.

Acceptance of Proposal—The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature:

Date Accepted:

3003 S. BOYD DR. - CARLSBAD, NM 88220 - PHONE (575) 885-8838 - FAX (575) 887-0896

SERVING CHAVES, EDDY AND LEA COUNTIES  
Website - [www.clconstructors.com](http://www.clconstructors.com)



## ANNUAL BID INDEX

July 1, 2014 to June 30, 2015

Polarset added by percentage	N/A	\$	3.95	Southeast Ready Mix	3003 S. Boyd Dr Carlsbad, NM	887-2105
Fiber Mesh (per yard)	N/A	\$	6.50	Southeast Ready Mix	3003 S. Boyd Dr Carlsbad, NM	887-2105

Bid # 2014-00

## Annual Paving Bid (Hot Mix, Cold Lay Asphalt Etc.)

<u>Item</u>	<u>Part # /Size</u>	<u>Amount</u>	<u>Vendor</u>	<u>Location</u>
Hot Mixed Cold Lay Asphalt	per ton	\$ 105.00	Constructors Inc.	3003 S. Boyd Carlsbad, NM Phone 885-8838
Plant Mix Asphalt Concrete (Bulk)	per ton	\$ 89.50		
Asphalt Concrete Paving (Laid in Place) less than 1/2 mile 12 ft and larger width				
1 Inch	square yard	\$ 6.95		
1 1/2 inch	square yard	\$ 9.50		
2 inch	square yard	\$ 11.95		
3 inch - Single Mat	square yard	\$ 17.95		
4 inch - Double Mat	square yard	\$ 23.95		
Asphalt Concrete Paving (Laid in Place) in areas of 1/2 mile or more 12 ft width and wider				
1 Inch	square yard	\$ 6.75		
1 1/2 inch	square yard	\$ 8.95		
2 inch	square yard	\$ 11.50		
3 inch - Single Mat	square yard	\$ 17.35		
4 inch - Double Mat	square yard	\$ 22.95		
Asphalt Concrete Paving (Laid in Place) over irregular and or rough surface	per ton	\$ 118.00		
Asphalt Concrete Paving (Laid in Place) over irregular and or rough surface	per ton	\$ 118.00		
Asphalt Concrete Paving (Laid in Place) for parking lots			Constructors Inc.	3003 S. Boyd Carlsbad, NM 885-8838
1 Inch	square yard	\$ 7.50		
1 1/2 inch	square yard	\$ 10.50		
2 inch	square yard	\$ 12.50		



## CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM  
PURCHASING RECOMMENDATION

Council Meeting Date: 01/13/15

<b>Department:</b> Parks	<b>BY:</b> Luis Renteria, Parks Superintendent	<b>Date:</b> 12/04/14
<b>SUBJECT:</b> Infrastructure <b>Description:</b> Precast Concrete Restroom Building		
<b>SYNOPSIS:</b> Qty <u>1</u> Total Est. Cost <u>\$ 51,364.18</u> Total Actual Cost <u>\$ 51,364.18</u> Budgeted Yes Est. City Share <u>\$ 51,364.18</u> Actual City Share <u>\$ 51,364.18</u> Account # <u>01-0070-80032</u> <u>\$ 75,000.00</u> Account # _____ Account # _____ Account # _____ <div style="text-align: right;">TOTAL <u>\$ 75,000.00</u></div>		
<b>BACKGROUND, JUSTIFICATION AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The parks department are requesting to purchase a complete 20' x 10' Precast Concrete Restroom Building for Davis Park. The building comes complete with all plumbing and electrical to connect to the site, stainless steel fixtures, electric hand dryers are also included. This double flush building meets A.D.A. requirements. The cost of this building is \$51,364.18 through CXT Incorporated from Spokane, Washington. Budget for the restroom at Davis Park has been approved by the governing body.		
<b>Requested action to be taken by Council:</b> Purchase pursuant to GSA contract	<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	<b>Council Action Taken:</b> Select one
<b>Date:</b> Jan. 8, 2015	
<b>ADDITIONAL INFORMATION:</b> It is recommended to purchase one (1) Precast Concrete Restroom building from CXT Incorporated from Spokane, Washington through GSA contract GS-07F-0602N, in the amount of \$51,364.18.	
<b>Reviewed by City Administrator:</b> /s/ Steve McCutcheon	

 ATTACHMENT(S): ☒ Specifications ☐ Bid/RFP Summary ☒ Other: GSA Contract GS-07F-0602N



# CORTEZ



Cortez with chase restroom building. Standard features include simulated barnwood texture walls, simulated cedar shake textured roof, vitreous china fixtures, interior and exterior lights, off loaded and set up at site.

## Base Price

Cortez

\$ 35,643.32

## Optional Sections:

Price  
per Unit

Select Optional Section Here--

\$ 0.00

0.00

\*Includes hot water tank.

## Added Cost Options:

Final Connection to Utilities		\$ 1,934.50	<input type="checkbox"/>	
Optional Wall Texture -choose one	<input type="checkbox"/> Split Face Block <input type="checkbox"/> Struck Trowel <input type="checkbox"/> Exposed Aggregate	\$ 1,595.96		
Optional Roof Texture -choose one	<input checked="" type="checkbox"/> Delta Rib <input type="checkbox"/> Exposed Aggregate	\$ 870.52		870.52
Two-Tone Color Scheme		\$ 241.81	<input type="checkbox"/>	
Stainless Steel Plumbing Fixtures		\$ 1,644.32	<input checked="" type="checkbox"/>	1,644.32
Electric Hand Dryers		\$ 2,031.22	<input checked="" type="checkbox"/>	2,031.22
Electronic Flush Valves		\$ 918.88	<input checked="" type="checkbox"/>	918.88
Electronic Lavatory Faucets		\$ 918.88	<input type="checkbox"/>	
Exterior Mounted ADA Drinking Fountain		\$ 2,611.57	<input type="checkbox"/>	
4-gallon Electric Water Heater		\$ 988.00	<input type="checkbox"/>	
Skylight in Restroom (each)	Qty: 2	\$ 411.08	<input type="checkbox"/>	
Marine Grade Skylight in Restroom (each)	Qty: 2	\$ 1,354.15	<input type="checkbox"/>	
Marine Package for Extra Corrosion Resistance		\$ 3,143.56	<input type="checkbox"/>	
Fiberglass Entry and Chase Doors and Frames		\$ 3,337.01	<input type="checkbox"/>	
Tile Floor in Restroom		\$ 2,418.12	<input type="checkbox"/>	
VandlShield XT		\$ 2,756.66	<input type="checkbox"/>	
Timed Electric Lock System (does not include chase door)		\$ 3,012.98	<input type="checkbox"/>	
Exterior Frostproof Hose Bib with Box		\$ 372.39	<input type="checkbox"/>	
Paper Towel Dispenser		\$ 82.21	<input type="checkbox"/>	
Toilet Seat Cover Dispenser		\$ 72.54	<input type="checkbox"/>	
Sanitary Napkin Disposal		\$ 46.42	<input type="checkbox"/>	
CXT Wastebasket		\$ 36.75	<input type="checkbox"/>	
Paint Touch up Kit - Single Color		\$ 38.69	<input type="checkbox"/>	
Paint Touch up Kit - Two Tone Color		\$ 48.36	<input type="checkbox"/>	

Total Cost of Selected Accessories from Accessories Price List:

\$ 5,464.94

Estimated One-Way Transportation Costs to Site (quote):

\$ 3,100.00

Custom Options: Lap siding w rock lower \$3850.00, NMTags (\$700) Sales tax 5.7% \$2594.92

\$ 7,155.92

Total Cost per Unit Placed at Job Site:  
(excludes all taxes)

\$ 51,364.18

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

I accept this quote. Please process this order.

Company Name

Customer



## Exterior Color Options:

(For single color mark an X or for two tone combinations use W = Walls / R = Roof.)

<input type="checkbox"/> Amber Rose	<input type="checkbox"/> Liberty Tan	<input type="checkbox"/> Berry Mauve	<input type="checkbox"/> Sage Green
<input type="checkbox"/> Toasted Almond	<input type="checkbox"/> Oatmeal Buff	<input type="checkbox"/> Buckskin	<input type="checkbox"/> Rosewood
<input type="checkbox"/> Sun Bronze	<input type="checkbox"/> Golden Beige	<input type="checkbox"/> Mocha Carmel	<input type="checkbox"/> Malibu Taupe
<input type="checkbox"/> Sand Beige	<input type="checkbox"/> Natural Honey	<input type="checkbox"/> Salsa Red	<input type="checkbox"/> Java Brown
<input type="checkbox"/> Pueblo Gold	<input type="checkbox"/> Cappuccino Cream	<input type="checkbox"/> Coca Milk	<input type="checkbox"/> Raven Black
<input type="checkbox"/> Granite Rock	<input type="checkbox"/> Georgia Brick	<input type="checkbox"/> Western Wheat	<input type="checkbox"/> Nuss Brown
<input type="checkbox"/> Rich Earth	<input type="checkbox"/> Charcoal Grey	<input type="checkbox"/> Hunter Green	<input type="checkbox"/> Evergreen

Special Roof Color # \_\_\_\_\_

Special Wall Color # \_\_\_\_\_

Special Trim Color # \_\_\_\_\_

(Sage Green, Hunter and Evergreen colors are not available in colored through concrete.)

## Rock Color Options:

☐ Basalt ☐ Mountain Blend ☐ Natural Grey ☐ Romana

## Roof Texture Options:

☐ Cedar Shake ☐ Ribbed Metal ☐ Exposed Aggregate

## Wall texture Options:

☐ Barnwood ☐ Horizontal Lap ☐ Napa Valley Rock  
☐ Split Face Block ☐ Board & Batt ☐ River Rock  
☐ Stucco / Skip Trowel ☐ Brick ☐ Field Stone

(Textures not included in CXT's quote are additional cost.)

## Door Opener Options:

☐ Non-Locking ADA Handle ☐ Pull Handle/Push Plate  
☐ Privacy ADA Latch ☐ Pull Handle/Push Plate w/ Slide Lock

## Deadbolt Options:

☐ CXT Supplied ☐ Customer Supplied: \_\_\_\_\_  
 Type & Part Number

## Accessible Signage Options:

☐ Men ☐ Women ☐ Unisex

## Paper Holder Options:

☐ 2 Roll Stainless Steel ☐ 3 Roll Stainless Steel





Concrete Buildings



CXT Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

**GSA Contract Information:**

**SCHEDULE TITLE:** 056-Buildings and Building Material/Industrial Services and Supplies  
FSC Group 54 – Pre-Engineered/Prefabricated Buildings and Structures

**FSC CLASS:** 5410

**CONTRACT NUMBER:** GS-07F-0602N

**CONTRACT PERIOD:** June 6, 2013 through June 5, 2018

**CONTRACTOR'S NAME ADDRESS TELEPHONE AND FAX NUMBER E-MAIL AND/OR WEBSITE ADDRESS:**

CXT Precast Products, Inc.  
3808 N. Sullivan Road, Building #7  
Spokane, WA 99216  
Toll Free: 800-696-5766  
Fax: 509-928-8270  
E-mail: sales@lbfoster.com

**CONTRACTOR'S ADMINISTRATION SOURCE:** Mr. Scott Wilhelm, Division Controller

**BUSINESS SIZE/TYPE:** Large/Manufacturer

**DELIVERY INFORMATION:**

All prices F.O.B. Origin prepaid and added to invoice. CXT operates two (2) manufacturing plants in the United States and will deliver from the closest location on our carriers. Use the following chart to determine the origin:

- F.O.B. 3808 N. Sullivan Road, Building 7, Spokane, WA 99216 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.
- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AL, AR, AZ, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NM, NY, OH, OK, PA, PR, RI, SC, TN, TX, VA, VT, WI, WV.



# GSA CUSTOMER INFORMATION



Concrete Buildings



1a. TABLE OF AWARDED SPECIAL ITEM NUMBERS (SIN's) WITH APPROPRIATE CROSS-REFERENCE TO PAGE NUMBER(S).

SIN	DESCRIPTION
361-10A	Precast Concrete Buildings including accessories and options
361-10G	
361-10H	
361-32	Ancillary services related to Pre-Engineered /Prefabricated Buildings and Structures

1b. IDENTIFICATION OF THE LOWEST PRICED MODEL NUMBER AND PRICE FOR EACH SIN:

(Government net price based on a unit of one, exclusive of any quantity/ dollar volume, prompt payment, or any other concession affecting price).

SIN	MODEL/Description	NET GSA PRICE
361-10H	Gunnison/Single Vault	\$11,920.44

1c. HOURLY RATES: N/A

2. MAXIMUM ORDER PER SIN: 361-10A, 361-10G & 361-10H - \$200,000, 361-32 - \$350,000\*

\* If the "best value" selection places your order over this Maximum Order, you have an opportunity to obtain a better schedule contract price. Before placing your order, contact the aforementioned contractor for a better price. The contractor may (1) offer a new price for this requirement (2) offer the lowest price available under this contract or (3) decline the order. A delivery order that exceeds the maximum order may be placed under the Schedule contract in accordance with far 8.404.

3. MINIMUM ORDER: \$100 unless the contractor agrees to accept a smaller order amount.

4. GEOGRAPHIC COVERAGE (delivery area): The 50 States, D.C., Puerto Rico and US Territories.

5. POINT(S) OF PRODUCTION:

- CXT Precast Concrete Products, 901 North Hwy 77, Hillsboro TX 76645 Hill County
- CXT Precast Concrete Products, 3808 North Sullivan Road Bldg. 7, Spokane WA 99216 Spokane County

6. DISCOUNT FROM LIST PRICES OR STATEMENT OF NET PRICE:

Prices shown are net. Prices exclude all Federal/State/Local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.

7. QUANTITY DISCOUNT(S): SIN 361-10A & 361-10H - None offered  
SIN 361-32 (Services) - None offered

8. PROMPT PAYMENT TERMS:

Payment to CXT by the purchaser shall be made net 30 days after the submission of the invoice to the purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning the 35th day (includes 5 day grace period) from the date of the invoice. Under no circumstances can a retention be taken and purchaser shall pay the full invoiced amount without offset or reduction.

9a. NOTIFICATION THAT GOVERNMENT PURCHASE CARDS ARE ACCEPTED BELOW THE MICROPURCHASE THRESHOLD:  
Visa, Mastercard, and American Express

9b. NOTIFICATION WHETHER GOVERNMENT PURCHASE CARDS ARE ACCEPTED OR NOT ACCEPTED ABOVE THE MICROPURCHASE THRESHOLD:  
Visa, Mastercard accepted above the micropurchase threshold.

10. FOREIGN ITEMS: None

11a. TIME OF DELIVERY: 90 days ARO

11b. EXPEDITED DELIVERY: None

11c. OVERNIGHT AND 2-DAY DELIVERY: None

11d. URGENT DELIVERY: None

12. FOB POINT(S): FOB Origin - Prepay and Add

13. ORDERING ADDRESS(ES): CXT Precast Products, Inc.,  
3808 N. Sullivan Road, Building 7, Spokane, WA 99216

13b. ORDERING PROCEDURES: Fax GSA Purchase Order to  
(509) 928-8270.

14. PAYMENT ADDRESS(ES): CXT Precast Products, Inc.,  
3808 N. Sullivan Road, Building 7, Spokane, WA 99216

15. WARRANTY PROVISIONS:

CXT provides a warranty against defects in material or workmanship for a period of twenty (20) years on all concrete components. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

16. EXPORT PACKING CHARGES: N/A

17. TERMS AND CONDITIONS OF GOVERNMENT PURCHASE CARD ACCEPTANCE: Government purchase cards will be accepted on all orders.

18. TERMS AND CONDITIONS OF RENTAL, MAINTENANCE AND REPAIR (IF APPLICABLE): N/A

19. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): Customers are responsible for marking exact location building is to be set; Providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs





incurred for special equipment required to perform delivery and installation. Customer is responsible for all building permits required and compliance with Davis-Bacon Requirements. Customers will negotiate installation on a project-by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at [www.cxtinc.com](http://www.cxtinc.com).

- 20a. TERMS AND CONDITIONS OF REPAIR PARTS INDICATING DATE OF PARTS PRICE LISTS AND ANY DISCOUNTS FROM LIST PRICES (IF APPLICABLE): List of repair parts available upon request.
- 20b. TERMS AND CONDITIONS FOR ANY OTHER SERVICES (IF APPLICABLE): N/A
- 21. LIST OF SERVICE AND DISTRIBUTION POINTS (IF APPLICABLE): N/A
- 22. LIST OF PARTICIPATING DEALERS (IF APPLICABLE): N/A
- 23. PREVENTATIVE MAINTENANCE: Maintenance manuals available online at [www.cxtinc.com](http://www.cxtinc.com). Printed manuals available by request by calling (800) 696-5766
- 24. SPECIAL ATTRIBUTES SUCH AS ENVIRONMENTAL ATTRIBUTES: N/A
- 24b. Section 508 compliance: N/A
- 25. DATA UNIVERSAL NUMBER SYSTEM (DUNS) NUMBER: 157004896
- 26. NOTIFICATION REGARDING REGISTRATION IN CENTRAL CONTRACTOR REGISTRATION (CCR) DATABASE: Cage Code 0GA05





ATTENDANCE FOR NOVEMBER 2014

19,162



## Monthly Report –November, 2014

Department-Airport

No. of Patron Incidents/Complaints: 0

Attendance to Cavern City Airport-- 712

<b>Projects/Maintenance/F.A.A. compliance</b>	
Daylight and night-time daily inspections-perimeter check of all gates and intrusion of animals.	ok
Dead weeds and grass removed from pavement. On going task. Raking around lights and signs.	ok
Mowing needed area around Runways, Taxiways and Ramp areas. Mowing lawn and auto watering.	ok
Continue to work on identified areas to keep in compliance.	ok
Continuing with F.O.D. removal	ok
Continuing with annual Part 139 training.	ok
Weekly maintenance including: cleaning of terminal, fueling and checking fluids on vehicles, running and servicing generators, mowing and line-trimming of airside lawn and entrance, checking irrigation	ok
Communications-(1)NOTAM issued and (1) standing NOTAM, monitoring aviation radio	ok
Weekly cleaning of the terminal building.	ok

<b>Complaint Resolution</b>
NONE

<b>Significant Weather Event</b>
NONE

<b>NM Airlines-Landing Report</b>
NOVEMBER-- <b>NONE.</b>



# CARLSBAD PUBLIC LIBRARY

## NOVEMBER 2014

### LIBRARY USAGE

#### NUMBER OF USES

Visitors	6,033
Computer Sessions	1,343
Annex Use	16
ILL Loan items Received	47
ILL Loan Items Sent	11
Catalog Searches	2,462
Reserves Placed	221
Youth Information Requests	79
Adult Information Requests	375
Virtual Librarian Information Requests	1
<b>Total Information Requests</b>	<b>455</b>

### DATABASES

#### NUMBER OF USES

A to Z Maps	0
A to Z USA	5
A to Z World Travel	1
Britannica Online	0
Chilton's Auto Repair	3
Cypress Resume	1
EBSCO Legal Reference Database	0
Gale Databases - NMSL	349
Gale Testing & Education Resource	1
Global Road Warrior	0
Mango Language	0
National Geographic Kids	n/a
<b>TOTAL DATABASE USAGE</b>	<b>360</b>

### CATALOGING

#### NUMBER OF ITEMS

Items Added to Collection	420
Items Withdrawn	614
Items Missing	83
Total Carlsbad Items	64,231
Materials Requests Fulfilled	76

### ACTIVITIES

#### NUMBER SESSIONS / EVENTS

Preschool Story Time	5
Toddler Time	4
Summer Reading - Children	0
Summer Reading - Teen	0
Tours	0
Outreach	5
Teen Programs	0

### CIRCULATION

#### NUMBER OF ITEMS

Books	3,240
Large Print Books	318
Graphic Novels	106
E-Books	224
Audio Books	366
E-Audio Books	167
Software	13
Music	4
Videos	1,069
Magazines	66
E-Magazines	9
Paperbacks	512
Reference	0
Nook eReader	0
<b>TOTAL ITEMS CIRCULATED</b>	<b>6,094</b>
Adult Items Circulated	3,006
Teen Items Circulated	290
Children's Items Circulated	2,798
Digital Items Circulated	400

### PATRONS

#### NUMBER OF PERSONS

New Patrons This Month (Reg & Dig)	175
Total Digital Patrons Registered	131
Total Patrons Registered	9,976
Unresolved Member Problems	92
Incidents	1
Dear Reader Subscribers	146
NMLTG Users	77

### OTHER SERVICES

#### NUMBER OF SERVICES

Archival Requests	1
Tests Proctored	6
Newspaper Features	5
Pinterest posts	187
Radio features	0
Facebook posts	11

### ATTENDANCE

#### NUMBER OF PERSONS

Preschool Story Time	101
Toddler Time	141
Summer Reading - Children	0
Summer Reading - Teen	0
Tours	0
Outreach	210
Teen Programs	0



Adult Programs	0
Book Fair - Friends Annual Sale	0
Special Activities - LEGO Club	1
Technology Event - Holiday	1
<b>TOTAL</b>	<b>16</b>

Adult Programs	0
Book Fair (est)	0
Special Activities - LEGO Club	25
Technology Event - Holiday	64
<b>TOTAL</b>	<b>541</b>

## LIBRARY NEWS

A new disc cleaner machine was placed into service, to allow DVDs, audio, and software materials to be cleaned and repaired, allowing for increased circulation life. A new materials return book drop was installed outside the library. The new book drop allows both books and multimedia materials to be returned when the library is closed, and features a soft-drop system to prevent material damage. The old book drop will be repurposed into a Donations Dropoff by the library back door. Informational materials about the 2014 GO Bond 'B' to support libraries on the November ballot were distributed to library visitors, and Cassandra Arnold spoke about the importance of the Bond on the KCCC "Community Forum" radio show. The voters of Eddy County and the state showed their support for their community libraries and resoundingly approved the Bond issue.

### Board Directives and Committee Reports

The Board reviewed and approved an update to the Information Services Policy. The borrowing limits portion of the Circulation Policy was also reviewed and the Board approved maintaining the reduced limits to continue the reduction in blocked patrons for high outstanding fines and number of missing materials per month.

### Programs, Events, and Outreach

This month, CPL held a Digital Holiday event with 64 participants. Participants were allowed to try out and/or get information on a variety of digital devices and ask questions related to digital devices. Each participant was allowed to spin the prize wheel and earn a variety of prizes. Children's Outreach included 4 storytime visits to San Jose Daycare and a visit by the Youth Services Librarian to Joe Stanley Smith Elementary for a schoolwide family Reading Night.

### Incidents/Complaints and Resolution

A child pinched his finger due to a loose seat on one of the children's library chairs. First aid was given by the Youth Services Librarian, and the child was fine later. All chairs were subsequently inspected for loose seats and a number were repaired by Facilities Maintenance staff.





**Monthly Report  
for  
November, 2014**

<b>Department:</b>	Carlsbad Museum & Art Center
<b>No. of Patrons Served:</b>	536
<b>No. of Incidents / Complaints:</b>	0
<b>Date of Next Board Meeting:</b>	Wednesday, December 17, 2014, 1:30 PM
<b>Activities / Projects / Attendance</b>	
November 1-3, Dave Morgan attended workshop in Las Vegas, NM to learn about the makers movement and talk with NMHU staff about the proposed technology showcase exhibit.	
November 3, Michele Robertson attended the Students as Curators workshop in Albuquerque, NM at the National Museum of Nuclear Science and History.	
November 4, Lodgers Tax proposal rejected by finance department.	
November 3, Cassie Parks and Edward VanScotter attended Southeast regional New Mexico Association of Museum's meeting in Roswell, NM and toured the Anderson, RMAC, and UFO Museum.	
November 5, Museum staff attended the New Mexico Association of Museums 2015 Conference planning meeting in Carlsbad.	
November 5, Museum evening program by Michele Robertson for the 3rd Floor Rehabilitation Unit at the Carlsbad Medical Center to assist in the occupational therapy for stroke and other patients. 12 patients attended.	
November 6, Museum hosted the Carlsbad Mainstreet Lunch & Learn program.	
November 6, Michele Robertson attended Chamber of Commerce Ambassador meeting.	
November 11, Museum was closed for Veterans Day.	
November 11, Storage Units installed at rear of museum, used to store event furniture.	
November 12, Dave attended the selection committee meeting for the artist in residence program at Guadalupe Mountains National Park.	
November 13-15, A partition erected in Atrium Gallery to allow Willi to continue with 1905 Carlsbad diorama.	
November 15, Carlsbad Area Art Association Images show was uninstalled.	
November 17, Installation began for the return of the exhibit Underground of Enchantment: Lechuguilla Cave.	
November 18, St. Edwards School students toured the Museum. 67 students attended.	
November 19, Museum program by Michele Robertson for the 3rd Floor Rehabilitation Unit at the Carlsbad Medical Center to assist in the occupational therapy for stroke and other patients. 4 patients attended.	
November 19, Museum Board held regular monthly meeting.	
November 20, Michele Robertson and Cassie Parks volunteered to fill backpacks for Packs for Hunger.	
November 22, Museum hosted an opening fiesta for the Underground of Enchantment exhibit with around 200 in attendance.	
November 26, Lodgers Tax proposal submitted.	
November 26, Staff decorated a tree on the Pecos River for Christmas on the Pecos.	
November 26, A new kitchen sink was installed.	
November 27-28, Museum closed for Thanksgiving.	
November 29, The Museum extended hours to stay open during the Electric Light Parade.	
<b>Board / Committee Reports or Directives</b>	
The Museum Board had regular board meeting, November 19 <sup>th</sup> . The next Museum Board meeting is scheduled for December 17 <sup>th</sup> , 2014 at 1:30 at the Carlsbad Museum & Art Center.	
<b>Problem / Complaint Resolution: none</b>	

Minutes Attached: Yes \_\_\_\_\_ No \_\_\_\_\_

Signed: \_\_\_\_\_ Dave Morgan, Museum Director



# San Jose Senior Recreation Center

## Monthly Report

November 2014

No. of Patrons served: 4,289

No. Of Incidents/Complaints: 0

Nutritional Program: 1,293

*Date of next board meeting*

*December 3, 2014*

Activities/Project	
Amateur Hour	22
Arts & Crafts	48
Bingo	85
Bunco	
Cards	4
Mexican Train Dominos	
Exercise Equipment	96
FLU Shots	140
Line Dancing	43
Commission for deaf	
Mexican BINGO	110
NM State Tax Filing	
Party	230
Pool	115
Quilters	13
Sing - Along	20
Low Impact Exercise Class	27
Vitals (BP/Sugar/Oxygen)	72
NM Long Term (MCR)	30
	0

Meetings	
Training Classes	14
Coalition Wise Eye	0
Foster Grandparents	0
Lawyer Referral	4
Leadership Carlsbad	0
Public Meeting	70
RSVP Advisory Board	5
SENMCA Adv./Project	5
SJ Adv. Board	3
Arts&Crafts Sale	60

Services	
Announcements	10
Copies	800
Forms	10
In-coming calls	950
Notaries	0
Referrals (Walk-Ins)	8
Transportation	2
	2,996

### Board/Committee Reports or Directives


### Problems/Complaints/Resolutions

N/A	

<b>Signed:</b> _____ Date _____
------------------------------------




## San Jose Senior Center

[illegible][illegible][illegible]



San Jose Senior Center

Nov-14 		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
RSVP Advisory Board	5			5																												
SENMCA Adv./Project	5												5																			
San Jose Advisory Board	3					3																										
Arts&Crafts Sale	60																					60										

2,996

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Nutritional Program	1,293
No. Of Incidents/Complaints:	0
Date Of Next Board Meeting:	12/03/14
No.of Patrons served	4,289



**Monthly Report**  
**November 2014**  
**NORTH MESA SENIOR RECREATION CENTER**

**Number of Patrons Served: 3339**

**New Members: 17**

**Number of Incidents/Complaints:**

**Date of Next Board Meeting: January 14, 2015**

<b>Activities/Projects/Attendance</b>
<p>November 6<sup>th</sup>, the morning exercise group held their Birthday breakfast for the months of October, November and December. There were 20 exercisers enjoying the good food and fellowship together after exercising.</p> <p>AARP Drivers Safety Class was held on the 14<sup>th</sup> of November. Barbara Brown taught the class of 12.</p> <p>The Senior Social group held their Thanksgiving Dinner on the 14<sup>th</sup>, and the committee cooked the turkey, dressing and gravy. Those attending brought the desserts, salads and vegetables to complete the wonderful meal. There were 82 attending and enjoying the dinner.</p> <p>AARP held their monthly meeting on the 17<sup>th</sup> of November and John Waters was the guest speaker. Mr. Waters spoke of the new businesses that were to open in town and on the growth we are experiencing. AARP reminded everyone that they have a food box for donation of food for those not as fortunate as others. There were 25 attending the meeting.</p> <p>IGNC held their Thanksgiving potluck on the 18<sup>th</sup> of November with 10 sharing their meal and discussing new projects for the next year.</p>
<p>Incidents/Complaints: Attached</p>

Minutes Attached:

Signed: \_\_\_\_\_ Pat Beason, Manager



## NORTH MESA SENIOR RECREATION CENTER

November 2014

<b>Activity</b>	<b>Participation</b>
-----------------	----------------------

Dance	237
Line Dance	501
Health/Inquires	409
Exercise/Fitness	657
Bridge, Cards, Games	461
Arts/Crafts/Lapidary	105
Bingo/ Library	206
Pool	488
Social/Potluck	163
Organizations	57
Western Jammers	45
Visitors/Guests	10

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<b>TOTAL</b>	<b>3339</b>
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### **Dues**

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November 3, 2014	\$	121.99	Cash
November 3, 2014	\$	18.78	Checks
November 17, 2014	\$	99.36	Cash
November 17, 2014	\$	17.52	Checks
November 24, 2014	\$	50.67	Cash
November 24, 2014	\$	8.76	Checks

TOTAL	\$	317.08
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**New Members: 17**  
Pat Beason, Manager



**Monthly Report  
For  
November 2014**

**Department: Carlsbad Municipal Transit System**

**No. of Patrons Served: 3883**

**No. of Incidents/Complaints:** One-Vandalism

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<b>Activities / Projects / Attendance</b>
-------------------------------------------

I attended the Local Emergency Planning meeting on November 13, 2014
----------------------------------------------------------------------

We transported 28 students from St. Edwards School to the Carlsbad Museum.
----------------------------------------------------------------------------

Ridership is down due to the Thanksgiving holiday closure and the fact that school was out for a week.
--------------------------------------------------------------------------------------------------------

One part time driver resigned due to medical issues.
------------------------------------------------------

Jo Ann Moore, Transit Manager                      12/15/2014



**November 2014 Financial Report  
Walter Gerrells Performing Arts Center**

Newsboys	11/01/2014	\$2500.00
Nelson Illusions	11/7-8/2014	1150.00
Western Frontier Gun Show	11/14-15/2014	1000.00
Praise and Prayer Gathering	11/21/2014	500.00
Ken Aragon Fight Promotions	11/29/2014	<u>650.00</u>
		<b>\$5800.00</b>

We collected \$5800.00 in rentals for November 2014. We paid the City of Carlsbad **\$4930.00** which represents 85% of the rental fees collected. MSL Productions retained **\$870.00** for their 15% of rental fees collected.

**Upcoming events:**

Mayor's Prayer Breakfast  
Guitars and Country Stars Christmas Spectacular  
Intrepid Christmas Party  
Rick Serano New Year's Eve Party

**Note:** Mosaic Potash cancelled all four dates in December at the last minute due to company issues which led to booking vacancies for two weekends in December. Hopefully someone will come forward and fill those vacancies soon when they see the availability on the calendar.



**MONTHLY REPORT**

**FOR**

**November 2014**

**Department: RSVP (Retired & Senior Volunteer Program)**

**No. of Registered Volunteers:** 370

**No. of Active Volunteers:** 225

**No, of Work Stations:** 27

**No. of Volunteer Hours for November 2014:** 3591



CARLSBAD MUNICIPAL COURT  
CITY OF CARLSBAD  
MONTHLY REPORT



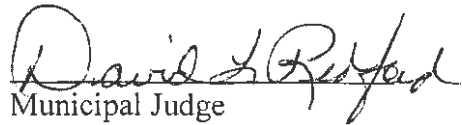
November

Number of Cases	759
Warrants Outstanding	2,812
Amount of Fines	\$48,830.00
Cases on Appeal	0

**FINES**

Summary for the Month of	November 2014
Total Fines	\$32,462.00
Total Prevention Fees	\$ 254.00
Total Lab Fees	\$ 141.00
Total Correction Fees	\$10,811.00
Total Automation Fees	\$ 3,447.00
Judicial Fees	\$ 1,700.00
Notary Fees	\$ 15.00
Victim Restitution	\$ -0-
<b>TOTAL</b>	<b>\$48,830.00</b>
TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE - \$240.00	

cc: Chief  
City Administrator  
Finance Department

  
Municipal Judge



**City of Carlsbad  
Personnel Department**

**Action Report  
Month of December 2014**

**Submitted by  
Scot D. Bendixsen, HR Director**



City of Carlsbad  
Personnel Department Action Report  
Month of December 2014

<b>EMPLOYEE REPORT</b>	<b>Beginning of Month</b>	<b>New Hires</b>	<b>Termina- tions</b>	<b>Transfers In</b>	<b>Transfers Out</b>	<b>End of Month</b>
Full-Time Employees	417	7	4			420
Part-Time/Temp Employees	72		2			70
Total Employees	489	7	6			490
Administrative	22		1			21
Judicial	7		1			6
Finance	18	2				20
Police	109		2			107
Fire	58					58
Arts & Culture	82		2			80
Sports & Recreation	29	1				30
Planning & Regulation	16					16
Utilities	79	2				81
Transportation & Facilities	69	2				71
TOTAL	489	7	6			490

<b>WEEKLY INDEMNITY</b>	<b>Beginning of Month</b>	<b>New Claims</b>	<b>Released To Work</b>	<b>Terminated</b>	<b>End of Month</b>
Employees on WI	0	2	0	0	2

<b>UNEMPLOYMENT CLAIMS</b>	<b>Claims Received</b>	<b>Claims Returned</b>	<b>Claims Denied</b>	<b>Claims Approved</b>	<b>Claims Pending</b>	<b>Claims Appealed</b>
Current Month	0	0	0	0	2	0



<b>DRUG TESTS</b>	Number Given
Pre-employment	4
Probationary	2
Post Accident	11
Random	
Periodic	
Probable Cause	

<b>VACANCIES BID</b>	Department
Beautification Coordinator	Beautification
Account Clerk I	Finance
Library Page, P/T	Library

<b>PHYSICAL EXAMINATIONS</b>	Number Given
Pre-employment	5
Return to Work Evaluation	
Functional Capacity Evaluation	

<b>VACANCIES ADVERTISED</b>	Applications Received
Building Inspector I	2
Building Inspector II	3
Telecommunicator	5
Library Page	9
Electrician	Pending
Electronics Technician	Pending
Water Operator 4	Pending
Patrolman	Pending

<b>TESTING</b>	Number Given
Telecommunicator	4
Typing	9



**MONTHLY ACTIVITY REPORT**  
**Planning, Engineering, & Regulation Department**  
**November 2014**

<b>ACTIVITY SUMMARY</b>		
<b>1. Business Activity:</b>		
New Businesses: 21	Temporary Businesses: 57	Business Renewals: 1
<b>2. Miscellaneous Permits:</b>		
Dances: 0	Parades: 0	Other: 0
<b>3. Building Permits &amp; Inspections:</b>		
Permits Issued: 219	Permit Revenue: \$21,473.00	Inspections Completed: 328
110—Building Permits		55—Building
52—Plumbing/Mechanical		115—Plumbing/Mechanical
57—Electrical Permits		158—Electrical
<b>4. Code Enforcement</b>		
25—New Cases		
22—Closed cases		
<b>5. Planning &amp; Engineering activities for the month of November 2014:</b>		
<u><b>NEW</b></u>		
<ul style="list-style-type: none"><li>• Ten Planning &amp; Zoning Applications received for December meeting</li><li>• Infrastructure Standards Document —99% Complete</li><li>• Long-Range Roadway Plan—75% Complete</li><li>• Veterans Cemetery Project Moving Forward</li><li>• Civic Center Parking Lot Design Moving Forward</li><li>• CDBG Project Selected—Application in Process</li><li>• Housing Plan Update 10% Complete</li><li>• Asset Management Plan 10% Complete</li></ul>		
<u><b>ONGOING</b></u>		
<ul style="list-style-type: none"><li>• Infrastructure Mapping (GIS)</li><li>• Development Review</li><li>• Subdivision Review and Approvals</li><li>• Leased Properties Inspections</li></ul>		
<b>PLANNING AND ZONING COMMISSION</b> Meets the first Monday of each month at 5 p.m. in the City Hall Planning Room.		

Signed: \_\_\_\_\_

  
Planning Director





Director: Steve Hendley

# **MONTHLY REPORT**

## **November 2014**

**TOTAL PATRONS SERVED:**  
**33,229**



# MONTHLY WORK REPORT

DEPARTMENT: GOLF COURSE	MONTH: NOVEMBER
NO. OF EMPLOYEES: 5	NO. OF DAYS IN MONTH: 30
HOLIDAYS THIS MONTH: 3	NO. OF WORK DAYS THIS MONTH: 17

**ROUNDS PLAYED: NOVEMBER 2014: 2,533 UP 45 ROUNDS ABOVE 2013**  
**TOTAL ROUNDS FISCAL YEAR 2014/2015: 18,347 DOWN 94 ROUNDS BELOW FY2013/2014**

ROUTINE TASKS		NON-ROUTINE TASKS	
TASK	HOURS	TASK	HOURS
Mowing Fairways	52	Paint fence	4
Mowing Greens	61	Apply Knife Plus, PK Fight. Revolution, Propicanizol and Perkup to all greens	8
Mowing Tees	28	Clean up vacant lot right of # 1	36
Mowing Fringes	12	Clean up Riverwalk (Normal Cleanup)	12
Mowing Roughs	68	Paint fence	20
Setting Up	21	Verticut greens	5
Mower Maint. and Minor Repair	60	Gopher Control	12
Watering Trees	8		
Irrigation System Maintenance	96		
Manual Watering	6		
Shop Housekeeping	32		
Hand Mowing and Trimming	23		
Roll Greens	8		
Blow debris off greens, pick up branches	3		
Clean bathrooms, empty trash, move tee markers, fill water cans, check ball washers	9		
<b>TOTAL HOURS SPENT ON ROUTINE TASKS</b>	<b>467</b>	<b>TOTAL HOURS SPENT ON NON-ROUTINE TASKS</b>	<b>97</b>
<b>TOTAL GOLF COURSE HOURS</b>			

Prepared by: \_\_\_\_\_

Steve Hendley, Golf Course Superintendent



# MONTHLY REPORT FOR NOVEMBER 2014

**Department:** Carlsbad Department of Sports and Recreation  
Riverwalk Recreation Complex

**No. of Rental Events:** 19

**No. of Incidents/Complaints:**

Activities	No. of Events	No. of Patrons	Total
Las Cruces School	1	250	250
Basketball	23	15	345
Cheer Practice	23	20	460
Herbal Life Meeting	22	10	220
Turbo Fire Fit Class	11	10	110
Fitness Class	26	10	260
Coffee Drinkers	22	12	264
Hockey Park	9	15	135
Church Meeting	2	30	60
Skate Park	28	100	2,800
Racquet Ball Players	28	28	784
LULAC	2	15	30
Mental Health	28	12	336
Pickle Ball	12	8	96
NA Meeting	7	15	105
Men Volleyball	5	30	150
<b>Daily Attendance</b>	28	300	8,400
<b>Rentals:</b>			
Birthday Parties	12	60	720
Safety Meeting	1	50	50
Baby Shower	6	60	360
<b>Attendance for the month was</b>			<b>15,675</b>
<b>Average for the day was</b>			<b>560</b>

**Problem/Complaint Resolution:**

**Minutes Attached:** Yes ☐ No ☒

**Signed:** \_\_\_\_\_



# CEMETERY MONTHLY REPORT

## November, 2014

	Carlsbad Cemetery	Santa Catarina	Sunset Gardens	Total
<b>Number of Interments:</b>	<b>17</b>	<b>2</b>	<b>2</b>	<b>21</b>
Cremations (Columbaria, included)	<b>4 (1)</b>	<b>0</b>	<b>0</b>	<b>4(1)</b>
Babyland	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
Indigent	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Saturday	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>
Double Depth	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SUNDAY/Holiday</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Disinterment:	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Sale of Lots: (Columbaria, included)</b>	<b>5 (1)</b>	<b>0</b>	<b>0</b>	<b>5(1)</b>
On Payment Plan:	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>
Pre-Need: (Columbaria, included)	<b>(0)</b>	<b>0</b>	<b>0</b>	<b>(0)</b>
<b>Meetings:</b>	<b>1</b>			<b>1</b>
<b>Monument Permits:</b>	<b>5(0)</b>	<b>0</b>	<b>2</b>	<b>7</b>
<b>Complaint/Incident Reports:</b>		<b>0</b>	<b>0</b>	
Vandalism				
Damaged Stone				
Sunken Grave	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>
Sunken Marker				
Theft				
Flowers				
Maintenance				
Other	<b>1</b>			<b>1</b>
<b>Correspondence:</b>				



# MONTHLY WORK REPORT

DEPARTMENT: Sports Complex	<b>BFYSC</b>	MONTH: November 2014	
NO. OF EMPLOYEES: 4		NO. OF DAYS IN THE MONTH: 30	
HOLIDAYS THIS MONTH: 3	Attendance Approx. 15,000	NO. OF WORK DAYS THIS MONTH: 17	

## **November 3<sup>rd</sup> through 7<sup>th</sup>**

Two employees performed litter control and ARC Litter control throughout facility. One employee applied herbicide in baseball along lea St landscape, softball, and around parking lot perimeter. Three employees trimmed front entrance, perimeter fence, soccer area, and removed pine cones and needles from the soccer area. One employee mowed the baseball fields. One employee dragged, leveled, and prepared baseball, softball, & Jr/Sr fields for baseball and softball practices. One employee mowed the front (north) open areas. Two employees washed department equipment, shops, buildings (inclement weather). One employee performed gopher control on the soccer fields.

## **Week of November 10<sup>th</sup> through 14<sup>th</sup>**

One employee mowed the soccer fields. One employee continued mowing the north open areas and hackberry draw. One employee performed ARC litter control in soccer. Three employees prepared the soccer area (bleachers, trash cans, sidewalks, wash concession, level base course, check playground) for the 3v3 live soccer tournament. Two employees repaired a hose bib leak on water well #1.

## **Week of November 17<sup>th</sup> through 21<sup>st</sup>**

One employee applied herbicide in jr/sr league area and along the perimeter fence. Two employees performed ARC litter control in soccer after the 3v3 Live Soccer tournament. One employee mowed the softball fields One employee dragged the infields on the Little League, junior/senior league, and softball fields for practices. One employee mowed the south open areas. Two employees washed the shuttle carts and mowing equipment. One employee trimmed the softball fields and common areas. One employee edged the sidewalks in baseball.

## **Week of November 24<sup>th</sup> through 28<sup>th</sup>**

One employee trimmed the baseball fields and bullpens. Two employees set-up and installed anchors on baseball field #4 for 65' bases. Two employees prepped the concrete bull-pen mounds for turf installation. One employee installed portable pitching mounds in softball to accommodate baseball practices. Two employees rolled the infield aprons on baseball fields #1 & #2.

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John Lowe, Sports Superintendent



# CITY OF CARLSBAD



## TRANSPORTATION AND FACILITIES

**Monthly Reports from:**

- **Community Service**
- **Construction**
- **Electrical**
- **Garage**
- **Parks**
- **Street**

**November 2014**  
**Director of Public Works: Tom Carlson**



# **MONTHLY WORK REPORT**

DEPARTMENT: COMMUNITY SERVICE	MONTH: November 2014
NO. OF EMPLOYEES: 4	NO. OF DAYS IN MONTH: 30
HOLIDAYS THIS MONTH: 3	NO. OF WORK DAYS THIS MONTH: 17

No. of Community Service workers 1

Hours of Work Performed by Community Service Workers: 24

1. Community Service Employees conduct bi-weekly litter control at Ocotillo Trail, Eddy House, and Spring Park. And maintain the trash receptacles Downtown.
2. Weed and trash removal along National Parks Highway.
3. Tree trimming and removal at several locations.
4. Cleaning of Parade Routes for Holidays.
5. Graffiti removal performed throughout City.
6. Mowing of Disc Golf area at Lower Tansil.
7. Clean weeds and trash from drainage ditch on Howard Street.

Prepared by:



Digitally signed by Alton Walker  
DN: cn=Alton Walker, o=City of Carlsbad,  
ou=Public Works,  
email=alwalker@cityofcarlsbadnm.com,  
c=US  
Date: 2014.12.17 14:21:10 -0700

Alton Walker, Community Service Supervisor



# MONTHLY WORK REPORT

DEPARTMENT: <b>Construction</b>	MONTH: October 2014
NO. OF EMPLOYEES: 12	NO. OF DAYS IN MONTH: 31
HOLIDAYS THIS MONTH: 0	NO. OF WORK DAYS THIS MONTH: 23

1. Safe Route to School Project
2. Installed new sidewalk on 1500 Blk. of N. 8<sup>th</sup> St.
3. Placed memorial at N.E. 1<sup>st</sup> St. Park
4. Various repairs at Heritage Park
5. Installed monument at Bob Forrest Sports Complex
6. Vandalism repairs at Pavilion Restrooms
7. Concrete repairs for Water Dept. on Florida, Monta Vista St. and Monterrey St.
8. Vandalism repairs at Playground on the Pecos
9. Sidewalk repairs on Guadalupe and Church
10. Placed forms for Glass Pulverizer foundation
11. Installed new Shade Canopies on Island

Prepared by



Digitally signed by Pat Cass  
DN: cn=Pat Cass, o=City of Carlsbad, ou=Public  
Works, email=pjccass@cityofcarlsbadnm.com, c=US  
Date: 2015.01.06 08:03:29 -07'00'

Patrick Cass, Deputy Director of Public Works



# MONTHLY WORK REPORT

DEPARTMENT: ELECTRICAL

MONTH: OCTOBER 2014

NO. OF EMPLOYEES: 7

NO. OF DAYS IN THE MONTH: 30

HOLIDAYS THIS MONTH: 02

NO. OF WORK DAYS THIS MONTH: 17

## ***Number of Jobs Preformed for Individual Departments***

1. Airport	14
2. Golf Course	06
3. Parks	37

### ***4. Waste Water***

a. Treatment Plant	18	b. Primary Lift	12
c. Lift Station	07	d. Other	0

### ***5. Water***

a. Water Wells	21	b. Double Eagle	08
c. Yard	0	d. Other	0

### ***6. Public Building and Yards***

a. City Hall	08	b. Library	04
c. Museum	02	d. Mesa Senior Rec.	07
e. San Jose Sr. Rec.	07	f. Riverwalk Rec.	11
g. Rifle Range	02	h. Community Soup Kitchen	0
i. Antique Lights	31	j. Pecos River Village	10
k. Convention Center	07	l. Civic Center	06
m. Reintegration	01	n. Literacy Building	0
o. Public Works Yard	22	p. Bob Forrest Sports Complex	16
q. Sign Shop	01	r. Port Jefferson	0
s. Landfill	0	t. Solid Waste	12
u. PFA Garage	0	v. Police Department	17
w. Fire Department	11	x.	

7. Traffic	18
8. Streets	17
9. School Crossing Lights	05
10. Transportation	06
11. Cascades	01
12. Sunnyview Catch Basin	0
13. Underground Line Locates	52

Prepared by \_\_\_\_\_



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***Patrick Cass, Deputy Director of Public Works***



## MONTHLY WORK REPORT

DEPARTMENT: <b>GARAGE</b>	MONTH: <b>NOVEMBER 2014</b>
NO.OF EMPLOYEES: 16	NO. OF DAYS IN MONTH: 30
HOLIDAYS THIS MONTH: 3	NO. OF WORK DAYS THIS MONTH: 17

### VEHICLE AND EQUIPMENT REPAIR SUMMARY

**TOTAL LABOR HOURS**  
**1070.50**

**TOTAL LABOR COST**  
**\$30,538.16**

**TOTAL MATERIAL COST**  
**\$24,427.53**

### Summary of Work Performed

#### **Garage Department Master Mechanics and Mechanics**

Performed necessary repairs and adjustments to keep the Public Works equipment operable as indicated in the vehicle and equipment repair summary. Perform preventive maintenance checks on various vehicles and equipment to prevent costly repairs in the future. Made service calls for all departments as required.

#### **Lubrication**

Check fluid levels on refuse collection trucks daily. Deliver fuel to various locations and projects. Washed and steam cleaned cars and trucks. Perform preventive maintenance on units (changed oil and filters, lubricated, serviced batteries, and cleaned batter cables) according to maintenance schedule. Check all vehicles anti-freeze levels. Steam cleaned parts for mechanics

#### **Tire Repair Shop**

Removed, repaired, and reinstalled tires for Public Works, equipment and fleet vehicles to keep them in service. Filled out requisitions and got purchase orders for tire repairs and tire purchases for all departments. Deliver tires to different locations. Made service calls for tire repairs or to air tires as required. Kept spare tire room supplied and tire inventory current.

#### **Welding Shop**

Performed various repairs for the following departments:

#### **GOLF**

Repair watering valve for fairways

#### **POLICE DEPARTMENT**

Fabricate bolts for cover plates in SWAT unit

#### **PFA**

Weld hose real on wall for water hose  
Weld stainless steel fan frame



**CEMETARY**

Repair and hang gate at North side of Sunset Gardens

**SPORTS & REC/CUSTODIANS**

Weld water can holder on truck. Tie down hooks on Unit# 6282

**GARAGE**

Fabricate shelf for water heater

Plump water separator for garage air system

Fabricate tailgate for welding truck. Fabricate bumper on truck. Weld on hitch on Unit# 13328

**STREET**

Load/deliver handrail to be painted.

Fabricate four legs for 8<sup>th</sup> street handrail. Fabricate toe plate. Install handrail.

Extract broken bolts

Weld nut on broom/sweeper on Unit# 3128

**CONSTRUCTION**

Straighten tarp shaft and weld new eye bolt to shaft on Unit# 14130

**PARKS**

Cut bolts on new trash cans at Ray Anaya Plaza de San Jose

Weld base on light pole at Ray Anaya Plaza de San Jose

Fabricate handrail and cut letters for Cascades

Weld docks at Carousel House

Repair grills and weld grill locks on park grills

Repair picnic table and legs

Cut two basket ball goal posts down and weld two new posts for Shorthorn fiend

Fabricate hook

Fabricate fence

**DOUBLE EAGLE**

Drill holes in pipes

Fabricate stand for 2" pump

Cut braces for water pump guard

Fabricate and install 2" pipe vent on water well at Loco Hills

Fabricate locking bars for water meter lids

**WATER**

Cut bolts on meter grate. Cut holes for sewer grate

Fabricate water meter ring and lid

Fabricate water valve wrench

Repair steel water meter lids

Cut stainless steel bolts off fire hydrant South San Jose Blvd

**WWC**

Cut shovels for meter box cleanout

Fabricate lock cover on door at Primary Lift Station



## SOLID WASTE

Straighten grab arm on Unit# 1796

Fabricate clamp for tarp on Unit# 9090

Fabricate clamp/chains and ring for retractable tarp. Straighten center pipe for tarp Unit# 9092

Heat and straighten side mast rails. Heat and straighten lift structure on side mast Unit# 10780

Cut pin on jack. Repair side mast. Repair crack on mast lift structure on Unit# 10781

Repair lift structure on Unit# 10823

Weld extension on limit switch. Straighten tarp rod. Fabricate hook for hydraulic hoses Unit# 13258



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m.com, c=US  
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Prepared by: \_\_\_\_\_

Terry Mathis, Maintenance Superintendent



# **MONTHLY WORK REPORT**

DEPARTMENT: **PARKS**

MONTH: **November 2014**

NO. OF EMPLOYEES: 12

NO. OF DAYS IN MONTH: 30

HOLIDAYS THIS MONTH: 02

NO. OF WORK DAYS THIS MONTH: 17

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## **Week of November 3<sup>rd</sup> through November 7<sup>th</sup>**

Five employees removed silt and debris at the Lake Carlsbad Recreation area. Four employees replaced the trash can liners at the beach area, Riverview Park, Lower Tansill area, and the Ray Anaya Plaza De San Jose (RAPDSJ). Four employees winterized backflow preventers throughout all city parks and turned off irrigation systems for the winter. Four employees returned portable backstops from practice fields to the Public Works yard for repairs. Six employees assembled and installed picnic tables and trash can receptacles at the RAPDSJ. Two employees power washed sidewalks at the Lower Tansill area.

## **Week of November 10<sup>th</sup> through November 14<sup>th</sup>**

Monday, November 11<sup>th</sup> was the Veterans Day holiday. Seven employees mowed and trimmed the Carlsbad Municipal Shooting Range. Four employees replaced the trash can liners at the beach area, Riverview Park, Lower Tansill area, and the RAPDSJ. Four employees repaired a water leak at the Shorthorn Little League fields they trenched and installed a bubbler irrigation system at Riverview Park for tree installation. Five employees removed trash and debris at the upper lake. Four employees insulated the palm trees at Park Drive and the Cascades. Three employees set up chairs and podium at the Carlsbad Veterans Memorial Park for the Veterans Day event.

## **Week of November 17<sup>th</sup> through November 21<sup>st</sup>**

Seven employees mowed and trimmed the following park/areas: The Riverwalk at Park Drive, Lake Carlsbad Recreation area, Dr. Martin Luther King Jr. Park, The Carlsbad Veterans Memorial Park, South James Street Park, The Lower Tansill Area, The Old Campgrounds, Playground on the Pecos, Millennium Park, Lamont Street Park, and Riverview Park. Four employees replaced the trash can liners at the beach area, Riverview Park, The Lower Tansill Area, and the RAPDSJ. Three employees removed the drinking fountain heads at the beach area, repaired a water leak at the Carlsbad Community Soup Kitchen and trenched and installed a bubbler irrigation system at Riverview Park for tree installation. Four employees insulated the palm trees at the Cascades. One employee assisted the Construction Department in repairing the boat docks at the Pecos River Village Conference Center for the upcoming Christmas on the Pecos event.

## **Week of November 24<sup>th</sup> through November 28<sup>th</sup>**

Thursday November 27<sup>th</sup> was the Thanksgiving Holiday. Five employees mowed and trimmed the Riverwalk at Park Drive and the beach area island. Four employees replaced the trash can liners at the beach area, Riverview Park, Lower Tansill area and RAPDSJ. Three employees repaired and installed a bubbler irrigation system at Riverview Park for tree installation. Three employees installed basketball rims and nets at Sunset Park, Troy Young Park, Arcadia Park, Hall Addition Park, and Cruz Fernandez Park basketball courts. Two employees removed debris at the upper lake next to the Pecos River Village Conference Center.

Prepared by: \_\_\_\_\_



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Luis Renteria, Parks Superintendent



# MONTHLY WORK REPORT

DEPARTMENT: STREET DEPARTMENT	MONTH: November, 2014
NO. OF EMPLOYEES: 17	NO. OF DAYS IN MONTH: 30
HOLIDAYS THIS MONTH: 3	NO. OF WORK DAYS THIS MONTH: 17

## Work Performed By the Signs and Markings Division of the Street Department

- Sign Department Employees set up work zones for Water, Street, and Construction Departments at various locations.

<i>Type of Sign</i>	<i>Repaired</i>	<i>Stripped</i>	<i>Replaced</i>	<i>Installed</i>	<i>Constructed</i>
<b>Stop Signs</b>		6	13		6
<b>Warning Signs</b>	1	3	1	3	19
<b>Guide Signs</b>				3	3
<b>Street Marker Signs</b>	2		6		12
<b>Regulatory Signs</b>	5	12	4	8	13

## Street Department Monthly Work Report

1. Street Department Sweepers cleaned City streets according to scheduled routes, and performed routine maintenance on equipment.
2. Mowing of right of ways was done with tractor mounted mower.



3. Using portable pumps Crew removed water from low water crossing on San Jose to allow inspection of under carriage of downstream side of crossing.
4. Hauling of materials and debris by dump truck.
5. Patching of potholes and utility cuts with asphalt.
6. Blading of drain at Plaza Park to allow better drainage.
7. Blading of shoulders on Boyd to eliminate edge drop offs.
8. Removal of debris from upstream side of low water crossing on San Jose.
9. Installation of Speed Hump on Legion Street.
10. Lowboy used to transport several vehicles and equipment to various locations including taking an ambulance from the Fire Department to Hobbs for repair.
11. Demolition and removal of old concrete, and preparation of subgrade for Basketball court at National Little League.
12. Improvements on frontage road at Industrial Park on Hobbs Highway.

Prepared by: \_\_\_\_\_



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Date: 2014.12.17 10:03:15 -07'00'

Alton Walker, Street Supervisor





**CITY OF CARLSBAD**

**FY 2014-2015**

**DEPARTMENT OF UTILITIES**

**NOVEMBER 2014**

*Luis Camero, Director of Utilities*



# Environmental Services Reports

## November 2014

<b>Environmental Services:</b>	<b><u>This Month</u></b>	<b><u>Previous Month</u></b>	<b><u>Calendar Year to Date</u></b>
State and Federal Environmental Violations by City	0	0	0
Environmental Assessments (CDBG, P&Z, Drilling)	0	0	2
Environmental Compliance Inspections	0	0	1
Criminal Complaints Filed	0	0	0
Environmental Projects or Programs	0	0	2
Grease Interceptors Inspections	1	1	9

### **Laboratory:**

#### **Municipal Water Sampling/Analysis:**

Wellfield Chemical Characteristic Analysis	36	37	404
Partial Wellfield Chemical Characteristics	27	27	230
Monitoring Wells Chemical Analysis	15	17	99
Total Coliform Analysis	30	30	330
Fecal Coliform Analysis	0	0	0
Chlorine Residual Tests (DE)	20	23	238
Special Chemicals (BTEX, Ammonia, Nitrite)	0	0	0

#### **Municipal Wastewater Sampling/Analysis (Reads):**

Chemical Oxygen Demand Tests	0	0	0
Biochemical Oxygen Demand	4	5	58
Total Suspended Solids Tests	4	5	58
Volatile Alkalinity Tests	0	1	62
E-Coli on Effluent	20	23	229
Metals/TCLP/PCB/M2 Sampling on Sludge	0	0	0
Fecal Coliform Analysis on Sludge	0	0	0
Effluent Chemical Characteristic Analysis	1	1	11



	<u>This Month</u>	<u>Previous Month</u>	<u>Calendar Year to Date</u>
<i>DMR Bench Sheet</i>			
Influent BOD Avg. (Lbs.)	5,008	3,900	33,834
Effluent BOD Avg. (Lbs.)	42.39	51.81	323.47
BOD Removal (%)	99.15	98.67	791.77
Influent TSS Avg. (Lbs.)	4,373	3,510	29,438
Effluent TSS Avg. (Lbs.)	33.66	61.00	338.71
TSS Removal (%)	99.23	98.26	790.66

*Private Well Analysis:*


Total Coliform Analysis	68	62	595
Total Coliform Analysis (Construction)	4	1	23
Number of Positives for Confirmation	10	5	39
Chemical Characteristics Analysis	0	0	3
Environment Department Mediated Tests	0	0	0
Lake Carlsbad E-Coli Analysis Performed	0	0	210
Lake Carlsbad Beach Closures Due to Bacterial Count	0	0	5

*Golf Course (Reclaimed) Water Analysis (NMED Groundwater Discharge Permit):*

Nitrate	4	5	60
Total Kjeldahl Nitrogen	0	0	3
Total Dissolved Solids	1	1	11
E-Coli Analysis	20	23	230
Chemical Characteristics	0	0	0
Other NMED-Required Testing (Chlorides, etc.)	1	1	11

Remarks:


Environmental Services Superintendent: \_\_\_\_\_

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DN: cn=Richard Aguilar, o. ou,  
email=raguilar@cityofcarlsbadnm.co  
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Date: 2014.12.09 10:34:17 -07'00'



## **Solid Waste Department Summary**

November 2014

<b><u>This Month</u></b>	<b><u>Previous Month</u></b>	<b><u>Calendar Year to Date</u></b>
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### **Garbage Collection**

Number of ARC Trucks in Operation	11	12	12
Number of Repairs on ARC Trucks	48	59	605
Tons Collected and Delivered to Landfill	1,822.51	2,040.79	21,643.49
Number of Trips to Landfill	254	270	2884

### **Residential and Commercial Services**

Number of Residential Services	9,489	9,489	9,489
Number of Commercial Services	965	947	947
Number of New Residential Services	5	10	68
Number of New Commercial Services	0	3	16

### **Container Maintenance**

Number of 3 CuYard Containers Repaired	44	88	1,151
Number of 3 CuYard Containers Replaced	6	17	245
Number of 1.5 CuYard Containers Repaired	2	7	270
Number of 1.5 CuYard Containers Replaced	2	1	78
Number of 96 gallon Containers Repaired	3	9	107
Number of 96 gallon Containers Replaced	27	25	509

### **Trash/Yard Waste Residential Collection**

Number of Trucks in Operation	3	3	4
Number of Repairs on Trucks	8	11	84
Tons of Trash Delivered to Landfill	288.50	483.70	4,368.17
Number of Trips to Landfill	85	145	1238
Green Waste Collected and Delivered to WWTP (TONS)	0.00	2.00	18.00
Number of trips to WWTP	0	1	9

### **Recycling Collection**

Number of Trucks in Operation	1	1	1
Number of Repairs on Trucks	1	2	24
Tons Collected and Delivered to Rainbow	71.08	82.90	828.69
Number of Trips to Rainbow	62	81	763

### **Mulching Operation**

Total Ground Mulch Produced (Cu. Yards)	0	0	0
Total Mulch Sold/Given Away (Cu. Yards)	0	0	0
Mulch Used on City Parks/Landscaping (Cu. Yards)	0	0	0
Mulch Sent to WWTP for Composting (Cu. Yards)	0	0	30



## Solid Waste Department Summary

November 2014

This Month

Previous Month

Calendar  
Year to Date

### Sandpoint Landfill Operation

Waste Received from Carlsbad (Tons)	3,835.28	4,760.21	45,275.47
Waste Received from Artesia (Tons)	1,713.59	2,291.85	20,683.05
Waste Received from Eddy County (Tons)	1,268.50	1,719.25	15,089.93
Waste Received from Others (Tons)	45.12	56.94	303.63
Tipping Fees received at Gate	\$7,961.06	\$11,550.89	\$76,689.19
Tipping fees Billed	\$49,023.30	\$66,108.05	\$511,027.26
Solid Waste Facility Permit Violations	0	0	0

### Rainbow Recycling Operation

Tons of Cardboard Recycled	36.20	45.52	452.76
Tons of Newspaper Recycled	0.00	0.00	3.76
Tons of Bi-metal Recycled	0.32	0.30	4.27
Tons of Aluminum Recycled	0.12	0.51	4.28
Tons of Office Pack Recycled	27.74	30.74	278.05
Tons of Plastic Recycled	1.94	2.82	23.48
Tons of waste material	4.76	6.01	69.06

### Convenience Station

Tons of Trash Collected and Delivered to Landfill	157.11	170.85	2,613.46
Green Waste Collected and Delivered to WWTP (TONS)	30.00	40.00	431.00
Number of trips to WWTP	15	20	214

### Roll Off Rentals

Fees Billed	\$10,604.40	\$14,675.93	\$116,547.56
Tons of Refuse Collected and Delivered to Landfill	129.62	162.41	1,386.78
No. of 40 CuYard Containers Rented	2	0	4
No. of 30 CuYard Containers Rented	20	20	20
No. of 25 CuYard Containers Rented	0	0	0
No. of 15 CuYard Containers Rented	3	3	3

REMARKS:

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Date: 2014.12.15 08:56:56 -0700

Ruben Ramirez, Solid Waste Superintendent

Date



# Carlsbad Municipal Water System Report

## Nov-14

**Production Figures:**                      **This Month**    **Previous Month**    **Year to Date**

Pumped from Sheep's Draw (Ac. Ft.)	414.16	541.69	7,460.80
Water Imported from Double Eagle (Ac. Ft.)	10.57	17.31	137.18
Water Sold to Residential Customers (Ac. Ft.)	433.66	429.69	6,548.15
Water delivered to Livestock (Ac. Ft.)	0.061	0.043	1.75
Water Sold to Commercial/Semi-Comm. Customers (Ac. Ft.)	88.95	82.20	1,050.40
Water Sold to Industrial Customers (Ac. Ft.)	0.52	0.74	7.10
Safe Drinking Water Act Violations	0	0	0

**Wells:**

Number in Operation (Sheep's Draw)	7/9	7/9	7/9
KWH Consumed	387,600	487,600	5,915,600
Capitan Aquifer Level (Ft. from Surface @ #6)	384.80	384.70	385

**Meters:**

Total in Service	11,892	12,022	11,892
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**Fire Hydrants:**

In Service	807	804	807
Out of Service	0	1	0
Repaired *	0	2	0

**Remarks:**

<b>#6 &amp; #7 Wells Down</b>



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Superintendent



# CARLSBAD WATER SYSTEM WELL OPERATION

## Nov-14

WELL	POWER CONSUMPTION			WATER PRODUCTION X 1000				ENGINE HOUR CLOCK			WATER LEVELS			
	CURRENT MONTH	LAST MONTH	KWH CONSUMED	CURRENT MONTH	LAST MONTH	GALLONS PUMPED	ACRE FEET	CURRENT MONTH	LAST MONTH	HOURS RUN	GPM	STATIC	PUMPING	DRAW DOWN
1	2558	2557	400	116349	116332	17,000	0.05	15580	15579	1	1800			
2	826	825	400	569775	569767	8,000	0.02	9165	9164	1	1200			
3	7010	7009	400	991622	991599	23,000	0.07	18714	18714	0	1900			
4	2348	2038	124,000	1222198	1163896	58,302,000	178.92	13768	13112	656	1450			
5	8474	8467	2,800	1340163	1339184	979,000	3.00	14785	14775	10	1750			
6	down											384.8		
7	16937	16935	800	1397962	1397962	0	0.00	39908	39908	0	0			
8	11815	11676	55,600	1248471	1225776	22,695,000	69.65	5322	5077	245	1500			
9	16259	15751	203,200	638195	588405	49,790,000	152.80	9980	9285	695	1250			
10												395.4		
TOTAL KWH CONSUMED			387,600	TOTAL PUMPED		131,814,000	404.51	TOTAL HOURS RUN		1,608	OIL		TOTAL CHLORINE USED	
											7 Gallons		943.60	
Reservoir No. 4 Meter				Total Gallons Pumped Comparison				Total Rainfall			Notes			
Inlet This Month X 1000		13352546		THIS MONTH		131,814,000	404.51	1.9"			Wells #4 and #5 on State Trust Land			
Inlet Last Month X 1000		13217593		LAST YEAR, SAME MONTH		135,138,000	414.72							
				DIFFERENCE		(3,324,000)	(10.21)							



**MUNICIPAL WATER SYSTEM  
WATER RIGHTS PUMPED (C-76)  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1992	215.50	184.7	430.78	786.21	642.79	518.11	1150.17	912.02	671.48	505.47	320.1	256.78	6594.11
1993	243.39	264.79	533.02	739.29	938.52	1240.54	977.8	1248.15	798.88	563.65	275.31	342.6	8165.94
1994	299.30	322.47	667.97	812.12	764.18	1257.73	1310.92	1309.94	789.7	550.78	327.17	286.84	8699.12
1995	338.16	337.39	607.06	790.36	949.86	1085.12	1283.23	1220.33	652.06	608.70	395.10	296.84	8564.21
1996	315.87	403.90	552.10	850.44	1269.81	1038.58	1152.33	791.39	516.96	522.84	304.57	313.96	8032.75
1997	342.07	328.10	561.85	643.72	767.99	1070.18	1228.69	886.86	885.44	526.72	301.11	340.26	7882.99
1998	426.17	385.79	554.45	826.67	1094.81	1420.73	1272.89	948.07	922.2	572.16	293.30	244.59	8961.83
1999	259.97	275.11	485.12	694.64	798.54	839.8	903.86	1,102.11	751.4	534.43	395.59	253.70	7294.27
2000	303.85	377.05	592.71	710.82	1,063.12	1,168.66	1,072.41	1,134.64	886.9	487.13	260.33	278.46	8336.08
2001	379.10	340.60	389.50	714.8	1,129.68	1,083.53	1,341.71	1,074.96	612.54	662.35	356.80	276.27	8361.84
2002	297.16	268.70	440.91	704.96	958.06	1,066.88	1,341.56	1,074.79	774.52	485.05	280.99	155.99	7849.57
2003	270.84	203.99	505.94	1,064.03	1,206.94	1,122.78	1,343.98	1,076.39	775.41	685.53	305.27	409.57	8970.67
2004	385.42	439.36	489.06	680.19	948.71	1,063.84	1,068.05	798.52	772.40	451.14	364.15	414.64	7875.48
2005	332.30	318.24	425.71	655.91	878.61	1,123.12	1,338.81	773.36	830.12	609.54	478.07	445.90	8209.69
2006	395.24	416.50	606.61	799.07	1,145.49	1,165.26	1,141.96	699.68	536.40	574.84	453.79	372.30	8307.14
2007	386.96	350.66	480.44	665.57	629.51	1,062.65	841.31	964.52	740.42	672.37	485.02	446.90	7726.33
2008	452.24	668.55	705.92	934.92	1,060.06	1,454.74	1,040.96	900.29	768.43	684.45	505.09	456.16	9631.81
2009	458.70	519.36	694.55	871.85	1,095.02	1,202.19	951.06	980.82	809.14	666.16	529.67	420.61	9199.13
2010	422.56	352.26	539.69	327.39	1,150.19	1,219.15	848.31	1,057.28	738.68	677.68	503.09	461.84	8298.12
2011	474.73	536.44	800.88	973.90	1,238.89	1,355.98	1,423.54	1,226.62	886.11	776.71	540.43	454.95	10689.18
2012	466.85	431.44	701.69	810.10	828.11	1,185.27	901.47	1,013.28	806.85	652.17	480.34	461.15	8738.72
2013	423.91	412.36	633.53	822.91	947.12	1,047.09	800.86	925.05	727.29	611.46	451.84	377.93	8,181.35
2014	388.31	383.82	557.69	701.51	872.84	1,031.98	1,122.07	893.82	552.90	541.69	414.16		7,460.79



**MUNICIPAL WATER SYSTEM  
WATER SOLD  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1998	380.65	332.18	418.14	613.32	1057.78	1043.25	1511.13	1220.90	964.15	816.10	544.73	365.24	9267.57
1999	350.77	374.47	397.90	656.23	911.43	4297.85	920.96	1014.63	905.42	728.53	529.12	405.76	11493.08
2000	373.25	650.60	546.39	773.25	931.39	1142.12	887.46	1038.70	1263.06	789.03	390.59	337.31	9123.16
2001	359.22	321.33	350.51	521.39	826.57	1078.63	3129.89	1129.37	1153.48	696.13	620.56	508.76	10695.82
2002	361.07	373.67	374.24	527.03	956.91	1164.77	996.81	977.93	1153.18	607.92	431.21	301.17	8225.93
2003	391.07	304.91	404.05	598.44	999.69	1030.55	1061.59	1169.02	1046.52	731.67	559.33	342.90	8639.75
2004	418.82	310.23	337.47	479.72	685.58	983.31	984.35	814.65	763.90	475.02	413.97	302.17	6969.19
2005	368.27	275.02	299.95	503.81	693.61	840.97	1296.63	886.95	754.89	658.48	468.42	377.74	7424.74
2006	414.11	677.07	450.26	678.99	725.58	1280.61	1083.09	705.47	564.79	572.49	430.08	334.08	7916.62
2007	354.13	318.22	380.07	437.50	653.63	756.31	899.69	774.47	896.99	541.76	530.36	344.60	6887.72
2008	326.32	375.13	413.71	627.22	842.55	1025.43	943.54	855.66	605.32	559.79	494.03	0.00	7068.68
2009	439.03	352.25	614.56	2321.13	1268.55	1211.80	1099.85	927.66	1030.30	765.46	976.92	564.86	11572.39
2010	567.77	471.98	547.89	757.41	1272.59	1066.67	1081.09	913.03	1105.63	1031.30	950.35	786.38	10552.09
2011	444.27	760.40	774.56	1233.94	1338.54	1352.52	1717.55	1405.40	1347.32	924.66	874.25	677.51	12850.91
2012	565.38	642.97	581.75	926.04	848.01	1000.31	1440.24	1151.94	1237.78	866.01	865.02	670.56	10796.01
2013	616.99	671.05	645.27	975.32	1,049.04	1,249.35	944.16	951.65	1,058.15	785.76	592.98	469.93	10009.65
2014	475.55	470.88	507.96	653.04	920.21	1,041.43	1,157.15	978.54	953.20	558.14	550.55		8266.65



## MUNICIPAL WATER SYSTEM METERS IN SERVICE

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1997	10327	10321	10304	10346	10378	10403	10431	10431	10457	10319	10362	10318
1998	10356	10389	10391	10433	10468	10485	10519	10509	10481	10487	10410	10396
1999	10394	10420	10425	10474	10473	10509	10490	10523	10483	10466	10431	10352
2000	10378	10370	10365	10394	10450	10468	10490	10479	10517	10456	10368	10318
2001	10350	10344	10315	10376	10497	10460	10442	10462	10449	10484	10401	10354
2002	10385	10398	10360	10396	10485	10486	10492	10479	10512	10468	10448	10534
2003	10453	10420	10550	10505	10549	10682	10604	10670	10688	10631	10586	10606
2004	10608	10541	10617	10624	10627	10678	10700	10730	10671	10672	10684	10597
2005	10581	10552	10635	10618	10645	10733	10757	10747	10725	10695	10692	10669
2006	10676	10669	10663	10704	10687	10759	10720	10746	10739	10711	10670	10645
2007	10633	10661	10679	10717	10726	10814	10801	10786	10740	10735	10761	10753
2008	10804	10784	10809	10826	10836	10880	10861	10875	10820	10758	10713	
2009	10747	10881	11126	11179	11156	11232	11160	11184	11158	11169	11182	11107
2010	11132	11105	11201	11157	11208	11221	11216	11225	11201	11205	11184	11165
2011	11271	11292	11256	11270	11281	11349	11331	11333	11327	11300	11267	11224
2012	11249	11229	11277	11305	11333	11353	11368	11370	11319	11332	11344	11321
2013	11290	11361	11415	11405	11412	11450	11488	11527	11507	11478	11482	11442
2014	11501	11709	11803	11807	11848	11893	11919	11988	12001	12022	11892	



**AIRPORT WELLS  
WATER RIGHTS PUMPED  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2002								0.12	0.32	0.00	0.02	0.02	0.48
2003	1.31	0.90	0.19	0.01	0.00	0.00	0.00	0.02	0.03	0.37	0.08	0.02	2.93
2004	0.00	0.00	0.01	0.02	0.00	0.02	0.04	0.03	0.00	0.00	0.00	0.00	0.14
2005	0.01	0.00	0.01	0.02	0.02	0.05	0.03	0.00	0.01	0.00	0.00	0.06	0.20
2006	0.11	0.11	0.11	0.03	0.03	0.07	0.01	0.02	0.02	0.00	0.00	0.01	0.53
2007	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2008	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
2009	0.00	0.00	0.00	0.00	0.03	0.01	0.00	0.00	0.00	0.15	0.03	0.02	0.26
2010	0.13	0.02	0.04	0.55	0.18	0.85	0.03	0.10	0.03	0.04	0.19	0.76	2.94
2011	2.10	0.98	0.83	0.38	0.21	1.01	0.59	0.28	0.57	0.42	1.24	0.44	9.05
2012	0.59	0.62	1.08	0.83	1.83	3.64	2.31	3.67	2.27	2.01	1.67	1.87	22.41
2013	0.89	2.32	2.26	1.18	1.28	1.73	1.9	3.69	2.01	2.62	1.99	1.06	22.93
2014	1.86	0.73	1.04	1.55	0.66	0.20	3.17	0.96	0.37	1.89	0.80		13.23

**AIRPORT WELLS  
WATER SOLD  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2002													0
2003													0
2004													0
2005					0.03	0	0.01	0	0	0	0	0.06	0.1
2006	0.01	0.02	0.19	0.38	0.02	0.07			0.02	0	0	0.01	0.72
2007	0.01	0	0	0.09	0.02	0	0	0	0	0.02	0	0	0.14
2008	0	0	0	0	0	0				0	0	0	0
2009	0	0	0	0	0	0	0	0	0	0	0	0.2	0.2
2010	0.02	0	0	0	1.2	0.08	0.03	0.11	0.04	0.04	0.2	1.53	3.25
2011	1.18	1.09	3.76	3.87	3.32	3.91	3.32	1.69	3.5	3.25	3.99	0.81	33.69
2012	2.36	2.65	3.77	3.84	1.27	3.02	2.66	4.22	2.62	2.3	2.65	1.28	32.64
2013	1.32	1.11	0.88	0.49	0.64	1.67	1.78	2.70	1.22	0.97	1.20	0.95	14.93
2014	1.15	0.05	1.51	0.82	0.07	0	0.44	0.27	0.01	0.02			4.34

Note: Water Sold Report is always one month behind.



**SHOOTING RANGE WELL  
WATER RIGHTS PUMPED  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2002	0.01	0.00	0.04	0.11	0.16	0.16	0.06	0.14	0.10	0.02	0.00	0.01	0.80
2003	0.02	0.05	0.15	0.19	0.11	0.09	0.13	0.15	0.08	0.01	0.15	0.11	1.23
2004	0.05	0.17	0.19	0.27	1.08	0.68	0.57	0.22	0.35	0.14	0.11	0.09	3.93
2005	0.17	0.12	0.19	0.22	0.22	0.85	0.72	0.71	0.40	0.30	0.32	0.41	4.65
2006	0.44	0.48	0.00	0.38	0.58	0.90	0.38	0.36	0.25	0.28	0.14	0.01	4.20
2007	0.15	0.05	0.19	0.36	0.13	0.27	0.10	0.43	0.23	0.17	0.13	0.08	2.28
2008	0.16	0.14	0.07	0.12	0.10	0.14	0.26	0.06	0.09	0.07	0.08	0.06	1.34
2009	0.07	0.08	0.10	1.07	0.91	0.02	0.15	0.12	0.18	0.10	0.12	0.08	3.00
2010	0.03	0.03	0.06	0.10	0.10	0.67	0.15	0.13	0.15	0.11	0.09	0.06	1.67
2011	0.04	0.04	0.09	0.22	0.43	0.78	0.67	0.72	0.43	0.35	0.07	0.03	3.88
2012	0.05	0.04	0.08	0.17	0.17	0.31	0.22	0.19	0.09	0.10	0.09	0.03	1.54
2013	0.05	0.03	0.12	0.16	0.18	0.28	0.21	0.32	0.16	0.20	0.08	0.05	1.84
2014	0.07	0.10	0.16	0.10	0.13	0.29	0.34	0.31	0.17	0.18	0.11		1.96

**SUNSET GARDEN WELL  
WATER RIGHTS PUMPED  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2012											10.75	0	10.75
2013	0.00	0.00	0.00	1.51	4.53	4.47	2.98	5.09	1.73	0.51	0.00	0.00	20.82
2014	0.00	0.00	0.00	0.00	0.00	0.00	6.81	2.58	0.53	0.00	0.00		9.92

**WOOD FARM WELLS  
WATER RIGHTS PUMPED  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2007	Removed	Removed	0.00	0.00	0.00	0.00	0.00	6.96	3.59	2.90	1.64	0.08	15.16
2008	1.23	4.83	1.99	9.94	8.47	5.77	5.74	9.59	5.04	5.52	2.49	0.50	61.10
2009	2.19	0.66	4.03	10.91	16.08	16.77	14.51	11.66	13.44	8.40	3.00	0.14	101.79
2010	0.02	0.07	1.71	6.32	14.64	17.33	5.79	12.66	6.97	8.66	0.63	1.55	76.36
2011	0.08	0.90	11.80	9.78	22.64	22.54	18.60	19.88	37.60	8.30	2.20	0.02	154.34
2012	0.00	4.81	9.11	11.16	11.79	18.76	10.00	11.69	15.24	1.89	0.05	0.64	95.13
2013	0.35	0.61	7.29	12.51	16.04	16.64	10.62	16.57	8.61	4.90	2.34	0.27	96.75
2014	1.36	1.79	6.64	10.62	16.04	22.07	21.01	13.50	3.31	4.42	0.12		100.88



# Water Department Summary

## Double Eagle Water System

### Nov-14

#### Production Figures:

**This Month   Previous Month   Year to Date**

##### Water:

Pumped from Double Eagle (Ac. Ft.)	102.38	114.24	1,171.75
<b>Water Exported to Carlsbad Municipal System (Ac. Ft.)</b>	<b>10.57</b>	<b>17.31</b>	<b>137.18</b>
Water delivered to "Livestock Water" Customers (Ac. Ft.)	1.19	1.62	25.01
Water sold to "Governmental Domestic Water" Customers (Ac. Ft.)	0.35	0.30	4.58
Water sold "Commercial Domestic Water" Customers (Ac. Ft.)	0.00	0.00	0.03
Water sold to "Industrial Water" customers (Ac. Ft.)	57.17	62.92	722.66
Water delivered to WIPP (Ac. Ft.)	1.03	0.98	8.61
Water Used by Smith Co Phase 2 Construction	0.00	0.06	11.70
Water Used by AUI - Phase I Pipeline	3.59	1.47	8.18
Safe Drinking Water Act Violations	0	0	0.00

##### Wells:

Wells in Operation	21	21	
KWH consumed	96,731	104,489	1,049,205
Total Wells in Service	21	21	
Ogallala Aquifer Level (Mean Sea Level) at Hudson 1	130.60	129.03	
Tatum Aquifer Level (Mean Sea Level)	119.517	119.695	
Meters in Service	89	89	


#### Distribution Figures:

##### Transmission Lines:

Line Extension (feet)	0	0	0
Line Replacement (feet)	67	9	419
Leaks (Main Lines)	9	16	162
Leaks (Service Lines)	0	0	18
Number of Isolating Valves Operated	11	6	111
Number of Isolating Valves Serviced	1	0	5
Number of Pressure Reducing Valves Serviced	0	1	3
Number of Air Relief Valves Serviced	0	0	0
Line Location Services	216	322	2,299

##### Remarks:

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Digitally signed by Ron Myers  
 DN: cn=Ron Myers, o=City of Carlsbad,  
 NM, ou=Water,  
 email=rwmyers@cityofcarlsbadnm.com,  
 c=US  
 Date: 2014.12.09 07:27:15 -0700



# Double Eagle Well Operation Nov-14

12/10/2014

Well	Status	Water Production				Power Consumption			Motor Hours			Well Information		
		Present Read	Previous Read	Water Pumped		Present Read	Previous Read	KWH	Current	Previous	Hours Run	Flow GPM	Static Water Elevation	Pumping Elevation
				Gallons	Acre Ft.									
AMBASSADOR # 1	Neptune/ Trident	30516200	29265900	1250300	3.84	162037	156502	5535	11801	11202	599	33		
AMBASSADOR # 4	Well Inoperable													
AMBASSADOR # 3	Well Inoperable													
CAPROCK # 2	Well Inoperable													
CAPROCK # 3	Well Inoperable													
CAPROCK # 1	Mc Crometer	2277803	1659484	618319	1.90	8411	5689	2722	1364	1005	359	41		
CAPROCK # 4	Well Inoperable	1024631	568820	455811	1.40	4940	2718	2222	554	315	239	51		
CAPROCK # 5	Well Inoperable													
CAPROCK # 6	Neptune/ Trident	22499300	22304000	195300	0.60	73374	72872	502	5706	5680	26	off		
C-5	Well Inoperable													
C-4	Mc Crometer													
CAPROCK # 18	Sensus/ Omni	75548551	73965733	1582818	4.86	130733	126782	3951	5692	5380	312	90		
CAPROCK # 10	Mc Crometer	21295630	19953940	1341690	4.12	62904	57853	5051	4339	4103	236	120		
C-3	Mc Crometer	553196	553196	0	0.00	74465	74461	4	4297	4297	0	off		
CAPROCK # 20	Sensus/ Omni	78538152	76419256	2118896	6.50	73909	69278	4631	5200	4958	242	150		
CAPROCK # 17	Mc Crometer	14308720	12853030	1455690	4.47	31267	27555	3712	1933	1624	309	100		
CAPROCK # 13	Mc Crometer	27957200	25911400	2045800	6.28	26781	22644	4137	1832	1619	213	140		
CAPROCK # 19	Mc Crometer Mag	9715148	9477922	237226	0.73	25831	25214	617				off		
CAPROCK # 16	Mc Crometer	4769230/0040720	4419130	390820	1.20	166220	161638	4582	5916	5628	288	off		
CAPROCK # 15A	Mc Crometer	50195820	46831820	3364000	10.32	84688	77212	7476	7495	7089	406	120		
CAPROCK # 14	Mc Crometer	37266370	34480710	2785660	8.55	17802	11099	6703	5583	5210	373	130		
HUDSON # 1	Mc Crometer Mag	40233915	36079342	4154573	12.75	60372	54184	6188			0	131		
CAPROCK # 21	Mc Crometer	4606197	3273980	1332217	4.09	15865	10649	5216	1164	843	321	96		
C-1	Mc Crometer	45176200	42566920	2609280	8.01	74096	67946	6150	7660	7280	380	110		
C-2	Mc Crometer	50798300	49192800	1605500	4.93	51401	47430	3971	1209	1037	172	170		
Frontier # 1	Sensus/ Omni	108549952	106950692	1599260	4.91	100539	96076	4463	10635	10176	459	70		
Frontier # 2	Mc Crometer	498550	275872	222678	0.68	2470	1204	1266	274	152	122	41		
FRONTIER # 3	Mc Crometer	1717009	1661428	2334402	7.16	130388	124359	6029	10526	10181	345	120		
C-6	Mc Crometer	1256112	1216599	1659546	5.09	112390	107846	4544	6740	6575	165	200		
Boosters						111382	104323	7059	10387	9926	461			
Totals				33359786	102.38			96731			6027			

Meter Reads In Barrells  
Ambassador # 3 - Well Inoperable  
C-3 - Well Inoperable



**DOUBLE EAGLE WATER SYSTEM  
WATER RIGHTS PUMPED  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1992	116.28	105.80	97.68	99.61	130.79	151.09	159.78	101.99	131.91	85.53	114.48	126.61	1,421.55
1993	127.26	125.49	102.69	115.96	103.63	136.57	140.64	145.47	95.59	115.61	125.89	112.29	1,447.09
1994	124.08	119.20	113.05	145.59	105.80	110.30	94.00	149.20	112.90	111.90	146.80	78.10	1,410.92
1995	90.90	128.40	89.40	89.10	98.80	140.90	125.90	106.80	133.80	161.70	97.50	99.20	1,362.40
1996	111.80	77.60	100.00	151.20	133.20	117.70	205.40	158.80	164.10	136.10	120.70	112.20	1,588.80
1997	132.10	154.30	111.60	155.20	123.50	161.90	170.90	132.77	105.89	111.54	110.91	129.78	1,600.39
1998	130.83	155.18	113.30	131.10	152.43	119.88	130.83	112.66	116.60	121.75	95.89	118.50	1,498.95
1999	78.68	71.70	77.54	114.55	109.99	98.33	160.17	127.84	99.14	97.14	106.14	130.77	1,271.99
2000	113.29	117.02	135.80	108.22	147.45	140.18	132.03	130.61	164.64	123.90	119.08	109.78	1,542.00
2001	146.50	99.75	131.68	126.49	119.52	134.26	156.98	177.92	88.05	121.14	132.68	97.17	1,532.14
2002	110.71	96.18	114.93	131.16	117.33	107.38	108.68	108.99	171.67	130.89	132.41	115.11	1,445.44
2003	122.27	104.02	106.63	131.16	131.94	108.31	137.27	122.89	129.50	122.80	83.40	125.20	1,425.39
2004	94.10	99.14	108.96	88.59	85.29	104.91	80.47	96.62	108.99	99.07	84.00	132.98	1,183.12
2005	81.06	73.83	91.00	90.00	110.71	129.71	103.80	125.81	89.55	91.54	92.55	103.75	1,183.31
2006	99.66	92.01	109.29	75.35	137.85	132.18	86.22	98.53	96.51	96.88	103.45	82.69	1,210.62
2007	73.12	78.65	99.85	73.60	97.46	93.25	114.77	141.58	113.26	111.06	98.79	109.92	1,205.31
2008	108.28	117.41	93.89	110.54	91.87	107.59	103.60	134.80	114.37	126.79	119.45	139.80	1,368.39
2009	115.53	83.87	105.70	112.09	109.80	124.02	128.01	105.62	101.64	134.59	96.48	98.93	1,316.28
2010	98.23	113.03	134.55	139.75	121.56	152.79	139.33	180.08	160.27	158.58	167.75	151.88	1,717.80
2011	171.89	131.01	144.73	160.28	185.57	170.30	157.83	137.34	139.25	135.26	137.58	117.98	1,789.02
2012	112.77	108.16	110.15	110.62	111.76	186.92	141.80	163.02	72.61	134.45	161.72	175.64	1,589.62
2013	164.38	146.44	142.20	145.50	142.80	124.28	97.54	94.88	109.18	103.89	93.63	85.58	1,450.30
2014	85.93	86.42	87.69	97.98	125.16	108.77	144.13	120.58	98.47	114.24	102.38		1,171.75



**DOUBLE EAGLE WATER SYSTEM  
WATER SOLD  
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1997	164.98	142.78	141.45	164.01	136.07	198.32		223.12	182.77	187.52	170.22	197.76	1,909
1998	200.04	159.87	122.00	121.08	125.87	196.82	157.93	150.40	118.47	117.29	121.67	102.30	1,694
1999	106.42	73.98	68.12	86.24	93.07	85.15	95.56	100.62	95.88	74.37	101.29	99.00	1,080
2000	137.51	122.38	127.96	110.84	90.93	110.81	111.90	82.50	89.49	45.71	60.36	45.43	1,136
2001	75.00	65.55	45.53	81.43	74.79	103.72	71.29	139.47	65.07	36.06	50.18	61.96	870
2002	43.84	82.83	80.26	161.21	93.23	113.19	96.36	119.52	105.17	96.72	77.40	111.07	1,181
2003	103.16	118.81	92.16	100.16	106.02	121.98	117.48	118.48	96.98	96.27	117.92	65.14	1,255
2004	77.06	132.54	98.28	113.37	95.77	156.29	95.71	102.28	75.52	133.76	82.88	78.70	1,242
2005	95.53	53.68	62.88	76.56	70.95	68.86	107.91	88.42	76.59	66.83	88.31	60.69	917
2006	68.06	68.09	64.04	74.07	54.60	73.13	70.56	65.77	63.28	71.94	70.15	67.72	811
2007	63.47	71.20	43.33	64.06	81.36	83.03	80.18	72.46	89.35	38.88	49.77	115.89	853
2008	73.31	54.99	170.85	58.17	113.89	87.58	112.17	93.30	54.07	113.46	87.57	0.00	1,019
2009	133.68	134.89	193.91	128.57	124.42	147.29	149.87	144.41	403.39	204.34	216.64	205.47	2,187
2010	166.20	147.23	156.74	206.90	262.81	159.74	235.21	209.27	261.26	289.04	249.98	202.71	2,547
2011	273.88	296.83	197.17	305.62	293.17	356.46	306.39	341.59	373.96	299.28	332.79	115.34	3,492
2012	70.53	108.07	365.95	127.64	147.59	169.53	110.81	151.82	168.33	94.88	158.73	145.76	1,820
2013	304.62	105.90	114.03	89.49	91.59	72.45	66.60	67.58	58.66	52.40	62.94	49.32	1,136
2014	60.02	54.78	73.24	66.94	80.62	76.05	68.73	80.55	75.86	58.67	67.36		763

Note: Free Stock Included



# WASTEWATER TREATMENT REPORT

## NOVEMBER 2014

	<u>This Month</u>	<u>Previous Month</u>	<u>Calendar Year to Date</u>
<b><u>Wastewater</u></b>			
Total Effluent Discharge to Pecos River (Acre/Ft.)	244.57	255.76	2,271.36
Treated Effluent Delivered to Mun. Golf Course (Acre/Ft.)	19.69	32.05	396.87
Treated Effluent Sold to County (Acre/Ft.)	0.00	0.00	0.00
Treated Effluent Sold to Other Customers (Acre/Ft.)	0.00	0.00	0.00
After Hours Control Panel Alarms	0.00	0.00	3.00
KWH Consumed x 160	150,240.00	163,840.00	1,553,412.00
NPDES Permit Violations	0.00	0.00	0.00
Sodium Hypochloride for Reuse	0.00	0.00	0.00

### **Septage Disposal Report**


Total Number of Loads	223	277	1,240
Total Number of Gallons @ \$.08	764,630	949,555	4,164,702
Rejected Loads	0	1	1
Manifest Books Sold @ \$30.00	5	4	\$270.00
Total Amount Billed	\$61,320.40	\$76,084.40	\$333,446.16

### **Biosolids:**

Total Compost Produced (Cu. Yds.)	0.00	0.00	252.00
Amount of Sludge Sent to Compost Operation (Cu. Yds.)	0.00	0.00	603.00

	<u>This Month</u>	<u>Previous Month</u>	<u>Permit Limit</u>
<b><u>Wastewater Discharge Characteristics:</u></b>			
Average Biochemical Oxygen Demand (Lbs./Day)	42.39	51.81	1,051.00
Average Total Suspended Solids (Lbs./Day)	33.66	61.00	1,051.00
Average Flow (Million Gallons/Day)	2.27	2.27	NA
E.Coli (30 Day Avg.)	9	6	200

Significant Incidents / Remarks:


Digitally signed by Joe Harvey  
 DN: cn=Joe Harvey, o=City of Carlsbad,  
 ou=WWTP,  
 email=jpharvey@cityofcarlsbadnm.com,  
 c=US  
 Date: 2014.12.09 11:22:09 -0700

Joe Harvey, Wastewater Superintendent



# SEWER COLLECTIONS REPORT

## NOVEMBER 2014

	<u>This Month</u>	<u>Previous Month</u>	<u>Calendar Year to Date</u>	<u>Average Year to Date</u>
<b><u>Collection Lines:</u></b>				
<b>Total Mileage of Main Line in System</b>			<b>139</b>	
Line Extension (Ft.)	0	0	0	
Line Replacement (Ft.)	0	0	36	
Repairs on Main Lines	0	0	2	
Main Line Stoppages	7	6	36	
Number of Manholes and Cleanouts	0	0	0	
Manholes Flushed	0	0	0	
Manholes Repaired	0	1	0	
Customer Service Repairs	0	0	3	
Customer Complaints, All Other	7	5	29	
Carlsbad Line Location Service	165	213	2,045	
Double Eagle Line Location Service	216	322	1,969	
Ft. Sewer Liner Cleaned/Rodded	4,001	4,468	49,960	
Sewer Tap Inspections	1	*	1	
Total No. of Customer Services	9,931	9,943	98,718	9,872
Total No. of New Cust. Services Installed	13	11	89	9

### **Lift Stations:**

<b>Total in Service</b>			<b>19</b>
Number of After-Hour Control Panel Alarms	2	0	25
Number of Repairs	5	1	11
KWH Consumed, Primary Lift Station	53,220	45,920	525,620
KWH Consumed, All Other Lift Stations	13,686	11,433	114,028

Significant Incidents / Remarks: Installed pump #1 at the Primary Lift. JCH picked up the spare pump.

*Added B.E.F. to all the Lift Stations with grease possibilities. Pulled both pumps out at Copperstone and Quail Hollow due to rags plugging the pumps.*

\* Sewer Tap inspections are done by the City Mechanical Inspector.

Wesley Nichols, Wastewater Collections Superintendent



**EFFLUENT DISCHARGE TO PECOS RIVER  
ACRE / FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1993	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1994	240.57	203.47	229.25	241.43	284.21	290.90	343.16	345.93	331.81	324.23	275.46	258.43	3,368.85
1995	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1996	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1998	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1999	321.96	281.14	277.87	284.86	325.79	338.14	368.30	364.52	353.57	350.40	329.14	305.76	3,901.45
2000	275.31	248.42	260.88	233.80	316.16	282.37	276.77	278.69	311.94	258.03	349.52	325.73	3,417.62
2001	272.21	204.60	217.67	191.40	142.09	236.98	244.68	224.77	225.64	195.79	254.84	265.78	2,676.45
2002	266.35	232.01	263.62	256.99	225.81	190.74	250.02	214.79	206.30	244.07	207.28	239.84	2,797.82
2003	195.98	143.44	168.79	155.94	169.64	151.16	185.64	183.40	174.65	209.24	209.88	236.34	2,184.10
2004	232.32	213.56	223.88	291.51	274.82	213.81	209.05	186.17	199.53	241.73	280.59	208.26	2,775.23
2005	184.13	164.12	178.11	168.66	206.41	168.17	167.37	181.58	157.77	173.60	147.12	169.92	2,066.96
2006	141.87	127.02	172.99	140.40	140.92	169.70	174.86	188.76	197.39	185.97	178.88	182.23	2,000.99
2007	175.29	153.32	169.55	166.88	207.94	153.26	271.96	303.14	316.00	351.48	364.76	305.84	2,939.42
2008	259.44	239.22	252.53	246.40	228.69	180.08	206.35	210.09	240.35	261.89	258.89	171.21	2,755.14
2009	358.99	231.11	189.22	175.11	196.47	196.37	167.43	158.99	147.30	182.56	165.29	186.18	2,355.02
2010	179.80	164.40	171.85	172.47	136.28	138.37	220.04	174.07	196.08	190.49	192.02	181.35	2,117.22
2011	177.75	161.00	153.44	128.22	131.87	132.52	140.71	144.86	149.98	149.77	158.14	176.47	1,804.73
2012	177.26	133.35	158.96	132.17	197.54	139.17	163.09	149.43	143.97	124.39	140.86	183.20	1,843.39
2013	174.54	155.21	161.36	131.65	121.07	133.60	175.46	164.14	177.28	206.07	240.30	209.81	2,050.49
2014	210.63	150.47	156.04	153.06	160.67	157.52	218.21	280.09	284.34	255.76	244.57		2,271.36



**EFFLUENT REUSE  
ACRE / FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1993	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1994	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1996	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1998	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1999	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2004	18.94	15.45	17.52	25.36	40.46	43.55	50.58	38.81	31.31	20.14	7.82	8.08	318.02
2005	6.96	5.99	14.35	35.49	31.91	43.54	45.14	30.45	37.52	25.95	25.12	20.74	323.16
2006	22.68	22.17	23.21	37.40	49.95	99.47	207.81	72.92	23.20	34.28	20.50	17.75	631.34
2007	13.63	13.91	24.14	31.79	27.52	49.34	36.59	38.53	32.68	25.42	12.77	13.64	319.96
2008	15.06	20.54	21.83	41.29	46.49	48.50	35.56	40.95	22.85	38.63	26.92	7.18	365.80
2009	16.77	20.71	26.54	40.51	39.84	41.08	44.08	51.38	49.33	43.70	27.62	11.71	413.27
2010	16.58	8.89	23.08	31.79	62.07	61.63	15.10	49.33	28.02	29.55	21.36	18.51	365.91
2011	14.69	8.13	38.05	54.54	56.44	52.72	55.45	50.42	49.73	44.67	23.78	7.38	456.00
2012	5.82	10.40	24.91	46.25	37.18	50.67	42.51	59.86	50.03	26.67	15.56	8.15	378.01
2013	8.68	7.48	21.68	38.81	58.76	53.68	37.15	36.50	21.42	29.52	12.20	14.36	340.24
2014	19.88	23.44	34.05	32.20	47.27	54.26	67.18	45.85	21.00	32.05	19.69		396.87



**CITY OF CARLSBAD**

**INTER-OFFICE MEMORANDUM**

Dale Janway, Mayor

Steve McCutcheon, City Administrator

January 5, 2015

TO: Council Members  
FROM: Dale Janway, Mayor  
RE: Board, Commission and Committee Appointments

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Subject to the approval of the Governing Body, I would like to appoint the following City of Carlsbad Board member:

**Southeast Regional Transportation Planning Organizations (SERTPO)**

KC Cass

**Carlsbad ADA Coordinator Americans Disabilities Act**

Randy Galindo

**Carlsbad Senior Recreation Center Advisory Board at San Jose Center**

Olivia Castillo      Remainder 4 year term

DJ:cm



STATE OF NEW MEXICO  
CITY OF CARLSBAD  
EDDY COUNTY

The City Council (the “Governing Body”) of the City of Carlsbad, New Mexico, met in regular session in full conformity with law and the rules and regulations of the Governing Body at the Municipal Building, 101 North Halagueno Street, Carlsbad, New Mexico being the meeting place of the Governing Body for the regular meeting held on the 10th day of February, 2015, at the hour of 6:00 p.m. Upon roll call, the following members were found to be present:

Present:

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Absent:

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Also Present:

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Thereupon, there was officially filed with the City Clerk a copy of a proposed ordinance in final form.



CITY OF CARLSBAD, NEW MEXICO  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF CARLSBAD, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, IN THE PRINCIPAL AMOUNT OF \$1,165,267 FOR THE PURPOSE OF PURCHASING NEW SOLID WASTE EQUIPMENT FOR THE GOVERNMENTAL UNIT, PAYING A LOAN PROCESSING FEE AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT, AND EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO REPAY THE PRINCIPAL AMOUNT OF \$1,165,267, TOGETHER WITH INTEREST THEREON; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S SOLID WASTE SYSTEM; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the Governmental Unit is a legally and regularly created, established, organized and existing municipality under the general laws of the State; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts borrowed under the Loan Agreement and that it is in the best interest of the Governmental Unit and its residents that the Loan Agreement be executed and delivered and that the financing of the acquisition of the Project take place by executing and delivering the Loan Agreement; and

WHEREAS, the Governing Body has determined pursuant to the Act that it may lawfully pledge the Pledged Revenues for the payment of amounts due under the Loan Agreement; and

WHEREAS, other than as described in Exhibit "A" to the Loan Agreement, the Pledged Revenues have not heretofore been pledged to secure the payment of any obligation, which is currently outstanding; and

WHEREAS, the Loan Agreement shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues, and shall not constitute a general obligation of the Governmental Unit, or a debt or pledge of the full faith and credit of the Governmental Unit or the State; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the City Clerk this Ordinance and the form of the Loan Agreement, which is incorporated by reference and considered to be a part hereof; and



WHEREAS, the Governing Body hereby determines that the Project to be financed by the Loan is to be used for governmental purposes of the Governmental Unit and will not be used for purposes which would cause the Loan Agreement to be deemed a “private activity bond” as defined by the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Governing Body intends by this Ordinance to authorize the execution and delivery of the Loan Agreement in the amount and for the purposes set forth herein; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Pledged Revenues to the Finance Authority (or its assigns) for the payment of the amounts due under the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement which are required to have been obtained by the date of this Ordinance, have been obtained or are reasonably expected to be obtained.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO:

Section 1. Definitions. As used in this Ordinance, the following capitalized terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

“Act” means the general laws of the State, Sections 3-31-1 through 3-31-12, NMSA 1978, as amended, and enactments of the Governing Body relating to the Loan Agreement, including this Ordinance.

“Aggregate Annual Debt Service Requirement” means the total principal and interest payments due and payable pursuant to the Loan Agreement and on all Parity Obligations secured by a pledge of the Pledged Revenues for any one Fiscal Year.

“Authorized Officers” means the Mayor, City Administrator and City Clerk.

“Bonds” means public project revolving fund revenue bonds, if any, issued hereafter by the Finance Authority and specifically related to the Loan Agreement and the Loan Agreement Payments.

“Closing Date” means the date of execution, delivery and funding of the Loan Agreement.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder.

“Completion Date” means the date of final payment of the cost of the Project.

“Expenses” means the cost of execution of the Loan Agreement and the costs of issuance of the Bonds, if any, and the periodic and regular fees and expenses incurred by the Finance Authority in administering the Loan Agreement, including legal fees.

“Finance Authority” means the New Mexico Finance Authority.



“Finance Authority Debt Service Account” means the debt service account in the name of the Governmental Unit and held by the Finance Authority to pay principal and interest on the Loan Agreement as the same become due.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Governmental Unit as its fiscal year.

“Governing Body” means the City Council of the Governmental Unit, or any future successor governing body of the Governmental Unit.

“Governmental Unit” means the City of Carlsbad, New Mexico.

“Gross Revenues” means all income and revenues directly or indirectly derived by the Governmental Unit from the operation and use of the System, or any part of the System, and includes, without limitation, all revenues received by the Governmental Unit, or any municipal corporation or agency succeeding to the rights of the Governmental Unit, from the System and from the sale and use of solid waste services or facilities, or any other service, commodity or facility or any combination thereof furnished to the inhabitants in the Service Area.

Gross Revenues do not include:

(a) Any money received as (i) grants or gifts from the United States of America, the State or other sources or (ii) the proceeds of any charge or tax intended as a replacement therefore or other capital contributions from any source which are restricted as to use;

(b) Gross receipts taxes, other taxes and/or fees collected by the Governmental Unit and remitted to other governmental agencies; and

(c) Condemnation proceeds or the proceeds of any insurance policy, except any insurance proceeds derived in respect of loss of use or business interruption, and except as provided in the Loan Agreement.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to this entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

“Indenture” means the General Indenture of Trust and Pledge dated as of June 1, 1995, as amended and supplemented, by and between the Finance Authority and the Trustee, or the Subordinated General Indenture of Trust and Pledge dated as of March 1, 2005, as supplemented, by and between the Finance Authority and the Trustee, as determined by the Finance Authority pursuant to a Pledge Notification or Supplemental Indenture (as defined in the Indenture).

“Loan” means the funds to be loaned to the Governmental Unit by the Finance Authority pursuant to the Loan Agreement.

“Loan Agreement” means the Loan Agreement dated the Closing Date between the Finance Authority and the Governmental Unit which provides for the financing of the Project and requires payments by or on behalf of the Governmental Unit to the Finance Authority and/or the Trustee.



“Loan Agreement Principal Amount” means the original principal amount of the Loan Agreement as shown on Exhibit “A” to the Loan Agreement.

“Loan Agreement Reserve Account” means the loan agreement reserve account established in the name of the Governmental Unit, funded from the proceeds of the Loan Agreement and administered by the Trustee pursuant to the Indenture.

“Loan Agreement Reserve Requirement” means, with respect to the Loan, the amount shown as the Loan Agreement Reserve Account Deposit on Exhibit “A” to the Loan Agreement, which amount does not exceed the least of: (i) ten percent (10%) of the Loan Agreement Principal Amount; (ii) one hundred twenty-five percent (125%) of the average annual principal and interest requirements under the Loan Agreement; or (iii) the maximum annual principal and interest requirements under the Loan Agreement.

“NMSA” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

“Net Revenues” means the Gross Revenues after deducting Operation and Maintenance Expenses.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the System, for any particular Fiscal Year or period to which such term is applicable, paid or accrued, related to operating, maintaining and repairing the System, including, without limiting the generality of the foregoing:

- (a) Legal and overhead expenses of the various Governmental Unit departments directly related and reasonably allocable to the administration of the System;

- (b) Insurance premiums for the System, including, without limitation, premiums for property insurance, public liability insurance and workmen’s compensation insurance, whether or not self-funded;

- (c) Premiums, expenses and other costs (other than required reimbursements of insurance proceeds and other amounts advanced to pay debt service requirements on System bonds) for credit facilities;

- (d) Any expenses described in this definition other than expenses paid from the proceeds of System bonds;

- (e) The costs of audits of the books and accounts of the System;

- (f) Amounts required to be deposited in any rebate fund;

- (g) Salaries, administrative expenses, labor costs, surety bonds and the cost of water, materials and supplies used for or in connection with the current operation of the System; and

- (h) Any fees required to be paid under any operation, maintenance and/or management agreement with respect to the System.



Operation and Maintenance Expenses do not include any allowance for depreciation, payments in lieu of taxes, franchise fees payable or other transfers to the Governmental Unit's general fund, liabilities incurred by the Governmental Unit as a result of its negligence or other misconduct in the operation of the System, any charges for the accumulation of reserves for capital replacements or any Operation and Maintenance Expenses payable from moneys other than Gross Revenues.

"Ordinance" means this Ordinance No. \_\_\_\_\_ adopted by the Governing Body on February 10, 2015 approving the Loan Agreement as amended from time to time.

"Parity Obligations" means the Loan Agreement and any other obligations, now or hereafter issued or incurred, payable from or secured by a lien or pledge of the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the Loan Agreement, including those obligations described on the Term Sheet attached as Exhibit "A" to the Loan Agreement.

"Pledged Revenues" means the Net Revenues of the Governmental Unit pledged to payment of the Loan Agreement Payments.

"Processing Fee" means the processing fee to be paid on the Closing Date by the Governmental Unit to the Finance Authority for the costs of originating and servicing the Loan, as shown on Exhibit "A" to the Loan Agreement.

"Program Account" means the account in the name of the Governmental Unit established pursuant to the Indenture and held by the Trustee for the deposit of the net proceeds of the Loan Agreement for disbursal to the Governmental Unit for payment of the costs of the Project.

"Project" means the project described in Exhibit "A" to the Loan Agreement.

"State" means the State of New Mexico.

"Service Area" means the area served by the System, whether situated within or without the limits of the Governmental Unit.

"System" means the municipally owned public utility designated as the Governmental Unit's solid waste system consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the Governmental Unit through purchase, condemnation, construction or otherwise, including all expansions, extensions enlargements and improvements of or to the solid waste system, and used in connection therewith or relating thereto, and any other related activity or enterprise of the Governmental Unit designated by the Governing Body as part of the solid waste system, whether situated within or without the limits of the Governmental Unit.

"Trustee" means the BOKF, NA dba Bank of Albuquerque, Albuquerque, New Mexico, or any successor trustee company, national or state banking association or financial institution at the time appointed Trustee by the Finance Authority.

Section 2. Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Governing Body and officers of the Governmental Unit directed toward the acquisition of the Project and the execution and delivery of the Loan Agreement, be, and the same hereby are, ratified, approved and confirmed.



Section 3. Authorization of the Project and the Loan Agreement. The acquisition of the Project and the method of financing the Project through execution and delivery of the Loan Agreement are hereby authorized and ordered. The Project is for the benefit and use of the Governmental Unit.

Section 4. Findings. The Governmental Unit hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Governmental Unit and its residents and the issuance and delivery of the Loan Agreement is necessary and advisable.

B. Moneys available and on hand for the Project from all sources other than the Loan are not sufficient to defray the costs of acquiring the Project.

C. The Pledged Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement.

D. It is economically feasible to defray, in whole or in part, the costs of the Project by the execution and delivery of the Loan Agreement.

E. The Project and the execution and delivery of the Loan Agreement pursuant to the Act to provide funds for the financing of the Project are necessary and in the interest of the public health, safety and welfare of the residents of and the public served by the Governmental Unit.

F. The Governmental Unit will acquire the Project, in whole or in part, with the net proceeds of the Loan.

G. Other than as described in Exhibit "A" to the Loan Agreement, the Governmental Unit does not have any outstanding obligations payable from the Pledged Revenues which it has incurred or will incur prior to the initial execution and delivery of the Loan Agreement.

H. The net effective interest rate on the Loan does not exceed twelve percent (12.0%) per annum, which is the maximum rate permitted by State law.

Section 5. Loan Agreement - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of at least a three fourths (3/4) majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the residents of the Governmental Unit and acquiring the Project, it is hereby declared necessary that the Governmental Unit, pursuant to the Act, execute and deliver the Loan Agreement evidencing a special, limited obligation of the Governmental Unit to pay a principal amount of \$1,165,267, plus interest thereon, and the execution and delivery of the Loan Agreement are hereby authorized. The Governmental Unit shall use the proceeds of the Loan to (i) finance the acquisition of the Project; (ii) fund the Loan Agreement Reserve Account; (iii) pay the Processing Fee; and (iv) to make a deposit to the Finance Authority Debt Service Account. The Project will be owned by the Governmental Unit.



B. Detail. The Loan Agreement shall be in substantially the form presented at the meeting of the Governing Body at which this Ordinance was adopted. The Loan shall be in an original aggregate principal amount of \$1,165,267, shall be payable in installments of principal due on May 1 of the years designated in Exhibit "B" to the Loan Agreement and bear interest payable on May 1 and November 1 of each year, beginning on May 1, 2015 at the rates designated in Exhibit "B" to the Loan Agreement.

Section 6. Approval of Loan Agreement. The form of the Loan Agreement as presented at the meeting of the Governing Body at which this Ordinance was adopted is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan Agreement, with such changes, insertions and omissions as may be approved by such individual Authorized Officers, and the City Clerk is hereby authorized to affix the seal of the Governmental Unit on the Loan Agreement and attest the same. The execution of the Loan Agreement by an Authorized Officer shall be conclusive evidence of such approval.

Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable solely from the Pledged Revenues. The Loan Agreement, together with other obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues as provided in this Ordinance and the Loan Agreement and shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in this Ordinance or in the Loan Agreement, or any other instruments, shall be construed as obligating the Governmental Unit (except with respect to the application of the Pledged Revenues), as incurring a pecuniary liability or a charge upon the general credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement contained in this Ordinance, the Loan Agreement, or any other instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other funds of the Governmental Unit legally available therefore to payments required by the Loan Agreement, in its sole and absolute discretion.

Section 8. Disposition of Proceeds: Completion of Acquisition of the Project.

A. Program Account, Finance Authority Debt Service Account and Loan Agreement Reserve Account. The Governmental Unit hereby consents to creation of the Finance Authority Debt Service Account to be held and maintained by the Finance Authority and to the Program Account and the Loan Agreement Reserve Account to be held by the Trustee pursuant to the Indenture, each in connection with the Loan. The Governmental Unit hereby approves: (i) the deposit of a portion of the proceeds of the Loan Agreement in the Program Account and the Finance Authority Debt Service Account; (ii) the deposit of funds in the amount of the Loan Agreement Reserve Requirement in the Loan Agreement Reserve Account; and (iii) the payment of the Processing Fee to the Finance Authority, all as set forth in Exhibit "A" to the Loan Agreement.



The proceeds derived from the execution and delivery of the Loan Agreement shall be deposited promptly upon the receipt thereof in the Program Account, the Loan Agreement Reserve Account and the Finance Authority Debt Service Account, and the Processing Fee shall be paid to the Finance Authority, all as provided in the Loan Agreement and the Indenture.

Until the Completion Date, the money in the Program Account shall be used and paid out solely for the purpose of acquiring the Project in compliance with applicable law and the provisions of the Loan Agreement and the Indenture.

The Governmental Unit will acquire the Project with all due diligence.

B. Completion of Acquisition of the Project. Upon the Completion Date, the Governmental Unit shall execute and send to the Finance Authority a certificate stating that acquisition of and payment for the Project have been completed. As soon as practicable, and, in any event, not more than sixty (60) days from the Completion Date, any balance remaining in the Program Account shall be transferred and deposited into the Finance Authority Debt Service Account, as provided in the Loan Agreement and the Indenture.

C. Finance Authority and Trustee Not Responsible. The Finance Authority and the Trustee shall in no manner be responsible for the application or disposal by the Governmental Unit or by its officers of the funds derived from the Loan Agreement or of any other funds herein designated.

Section 9. Deposit of Pledged Revenues, Distributions of the Pledged Revenues and Flow of Funds.

A. Deposit of Pledged Revenues. Pledged Revenues shall be paid directly by the Governmental Unit to the Finance Authority for deposit in the Finance Authority Debt Service Account and remittance to the Trustee in an amount sufficient to pay principal, interest, premium, if any, and other amounts due under the Loan Agreement, including sufficient Pledged Revenues in the Loan Agreement Reserve Account to maintain the Loan Agreement Reserve Requirement.

B. Termination on Deposits to Maturity. No payment shall be made into the Finance Authority Debt Service Account if the amounts in the Finance Authority Debt Service Account and Loan Agreement Reserve Account total a sum at least equal to the entire aggregate amount to become due as to principal and interest on, and any other amounts due under, the Loan Agreement in which case moneys in such account in an amount at least equal to such principal and interest requirements shall be used solely to pay such obligations as the same become due, and any moneys in excess thereof in such accounts shall be transferred to the Governmental Unit and used as provided below.

C. Use of Surplus Revenues. After making all the payments hereinabove required to be made by this Section and any payments required by outstanding Parity Obligations, any moneys remaining in the Finance Authority Debt Service Account shall be transferred to the Governmental Unit on a timely basis and shall be applied to any other lawful purpose, including, but not limited to, the payment of bonds or obligations subordinate and junior to the Loan Agreement, or other purposes authorized by the Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time to time determine.



Section 10. Lien on Pledged Revenues. Pursuant to the Loan Agreement, the Pledged Revenues are hereby authorized to be pledged to, and are hereby pledged, and the Governmental Unit grants a security interest therein for, the payment of the principal, interest, and any other amounts due under the Loan Agreement, subject to the uses hereof permitted by and the priorities set forth in this Ordinance. The Loan Agreement constitutes an irrevocable and first lien, but not necessarily an exclusive first lien, on the Pledged Revenues as set forth herein and therein and the Governmental Unit shall not create a lien on the Pledged Revenues superior to that of the Loan Agreement.

Section 11. Authorized Officers. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Ordinance, the Loan Agreement and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Ordinance and the Loan Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Ordinance and the Loan Agreement, including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan Agreement and the publication of the summary of this Ordinance set out in Section 17 of this Ordinance (with such changes, additions and deletions as may be necessary).

Section 12. Amendment of Ordinance. Prior to the date of the initial delivery of the Loan Agreement to the Finance Authority, the provisions of this Ordinance may be supplemented or amended by ordinance of the Governing Body with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. This Ordinance may be amended without receipt by the Governmental Unit of any additional consideration, but only with the prior written consent of the Finance Authority.

Section 13. Ordinance Irrepealable. After the Loan Agreement has been executed and delivered, this Ordinance shall be and remain irrepealable until all obligations due under the Loan Agreement shall be fully paid, canceled and discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 15. Repealer Clause. All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor and City Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 17 below) shall be published in a newspaper which maintains an office and is of general circulation in the Governmental Unit, or posted in



accordance with law, and said Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Carlsbad, New Mexico  
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. \_\_\_\_\_, duly adopted and approved by the Governing Body of the City of Carlsbad, New Mexico, on February 10, 2015. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 101 North Halagueno Street, Carlsbad, New Mexico.

The title of the Ordinance is:

CITY OF CARLSBAD, NEW MEXICO  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF CARLSBAD, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, IN THE PRINCIPAL AMOUNT OF \$1,165,267 FOR THE PURPOSE OF PURCHASING NEW SOLID WASTE EQUIPMENT FOR THE GOVERNMENTAL UNIT, PAYING A LOAN PROCESSING FEE AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT, AND EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO REPAY THE PRINCIPAL AMOUNT OF \$1,165,267, TOGETHER WITH INTEREST THEREON; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S SOLID WASTE SYSTEM; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

A general summary of the subject matter of the Resolution is contained in its title. This notice constitutes compliance with Section 6-14-6, NMSA 1978.

(End of Form of Summary for Publication)



PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2015.

CITY OF CARLSBAD, NEW MEXICO

By: \_\_\_\_\_  
Dale Janway, Mayor

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Annette Barrick, City Clerk



Councillor \_\_\_\_\_ then moved adoption of the foregoing Ordinance, duly seconded by Councillor \_\_\_\_\_.

The motion to adopt said Ordinance, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Voting Nay: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Absent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (\_\_) members of the Governing Body having voted in favor of said motion, the Mayor declared said motion carried and said Ordinance adopted, whereupon the Mayor and the City Clerk signed the Ordinance upon the records of the minutes of the Governing Body.



After consideration of matters not relating to the Ordinance, the meeting on the motion duly made, seconded and unanimously carried, was adjourned.

CITY OF CARLSBAD, NEW MEXICO

By: \_\_\_\_\_  
Dale Janway, Mayor

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Annette Barrick, City Clerk



**EXHIBIT “A”**

Meeting Agenda  
of the February 10, 2015  
City Council Meeting

(See attached)



STATE OF NEW MEXICO  
CITY OF CARLSBAD  
EDDY COUNTY

I, Annette Barrick, the duly qualified and acting City Clerk of the City of Carlsbad, New Mexico (the "Governmental Unit"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the City Council of the City of Carlsbad, New Mexico (the "Governing Body"), constituting the governing body of the Governmental Unit had and taken at a duly called regular meeting held at the Municipal Building, 101 North Halagueno Street, Carlsbad, New Mexico, on February 10, 2015, at the hour of 6:00 p.m., insofar as the same relate to the execution and delivery of the proposed Loan Agreement, a copy of which is set forth in the official records of the proceedings of the Governing Body kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of said meeting was given in compliance with the permitted methods of giving notice of regular meetings of the Governing Body as required by the Governmental Unit's open meetings standards presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CARLSBAD, NEW MEXICO

By: \_\_\_\_\_  
Annette Barrick, City Clerk

[SEAL]



## **ORDINANCE NO. 2015-\_\_\_\_\_**

AN ORDINANCE AMENDING ORDINANCE NO. 2010-01 REGARDING THE LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS WITH THE AMENDMENT TO INCREASE THE LOAN AMOUNT BY \$7,000,000 FROM \$18,000,000 FOR A NEW TOTAL LOAN AMOUNT OF \$25,000,000.

WHEREAS, the City of Carlsbad adopted Ordinance No. 2010-01 authorizing the City of Carlsbad ("City") to enter into a loan agreement with the New Mexico Environment Department ("NMED") for the purpose of obtaining wastewater construction loan funds in a principal amount not to exceed eighteen million dollars for the purpose of renovation of the Carlsbad Wastewater Treatment Plant to include planning, designing, constructing, equipping, and otherwise improving new and existing facilities; and

WHEREAS, the City and NMED wish to amend Ordinance No. 2010-01 to increase the loan amount by \$7,000,000 from \$18,000,000 for a total loan amount of \$25,000,000.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

1. Ordinance No. 2010-01 is hereby amended to include an increased loan amount of \$7,000,000 where applicable for a total loan amount of \$25,000,000.
2. The Authorized Officers, agents and employees of the City, as defined in Ordinance No. 2010-01 are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this ordinance, Ordinance No. 2010-01, and the related Loan Agreement and Note as defined in Ordinances No. 2010-01.

INTRODUCED, PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK



**ORDINANCE NO. 2010-01**

**AUTHORIZING THE CITY OF CARLSBAD (“CITY”) TO ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT (“NMED”) FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED EIGHTEEN MILLION \$18,000,000; DESIGNATING THE USE OF THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, PLANNING, DESIGNING, CONSTRUCTING, MODIFYING, EQUIPPING, AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE CITY’S JOINT WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM; DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES OF THE SYSTEM; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE SECURITY THEREFOR; AND DECLARING AN EMERGENCY.**

Capitalized terms used in the following preambles are defined in Section 1 of this Ordinance, unless the context requires otherwise.

**WHEREAS**, the City is a legally and regularly created public body organized under the general laws of the State; and

**WHEREAS**, the City now owns, operates and maintains a joint public utility constituting a joint water and wastewater conveyance and treatment (i.e., sanitary wastewater) system (“System”), which includes a system for disposing of wastes by surface and underground methods; and



**WHEREAS**, the City has the following obligations outstanding to which the Net Revenues have already been pledged.

Series	Amount Outstanding	Priority
Feb 2009 Bonds that refinanced the 1998 Water and Sewer Bonds	\$8,000,000	Parity
June 2009 Bond for Infrastructure Improvements	\$8,000,000	Parity

**WHEREAS**, the present System is insufficient and inadequate to meet the needs of the City and its residents for the treatment and disposal of wastewater or for groundwater protection; and

**WHEREAS**, the Loan Agreement and Note will be payable solely from the Net Revenues; and

**WHEREAS**, the Council has determined that it is in the best interest of the City to accept and enter into the Loan Agreement and to execute and to deliver the Note to the NMED.

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY:**

**Section 1. DEFINITIONS.** As used in the Ordinance, the following terms shall have the meanings specified below, unless the context clearly requires otherwise (*such meanings to be equally applicable to both the singular and the plural forms of the terms defined unless the plural form is separately defined*):

**ACT.** The general laws of the State, including the Wastewater Facility Construction Loan Act at sections 74-6A-1 to 74-6A-15 NMSA 1978, as amended; enactments of the Council relating to the Note and the Loan Agreement made by resolution or ordinance, including this Ordinance, and the powers of the City as a public body under authority given by the Constitution and Statutes of the State.



**ADMINISTRATIVE FEE.** A fee assessed and collected by the NMED from the City on each loan and expressed as a percentage per year on the outstanding principal amount of the loan, payable by the City on the same date that principal and interest on the loan are due, for deposit in the Clean Water Administrative Fund;

**ANNUAL AUDIT or SINGLE AUDIT.** Financial statements of the Borrower as of the end of each Fiscal Year, audited by an Independent Accountant, consistent with the federal Single Audit Act and the State Auditor's rules.

**ANNUAL LOAN REPAYMENT ACCOUNT.** An account established under this Ordinance and held by the City, funded from the Net Revenues in the amount necessary for payment of the principal, interest and administrative fees due annually under the Loan Agreement and Note.

**AUTHORIZED OFFICER.** The City's chief administrative officer, or other officer or employee of the City as designated by the City's Resolution Number 2010-03 adopted by the governing body of the City, as amended.

**CITY.** The City of Carlsbad. The entity requesting funds pursuant to the Act

**COUNCIL.** The governing body of the City.

**DEBT SERVICE RESERVE ACCOUNT.** The account established under this Ordinance and held by the City funded from the Gross Revenues in the amount of the Debt Service Reserve Requirement.

**DEBT SERVICE RESERVE REQUIREMENT.** An amount equal to one annual repayment of principal, interest and administrative fees due.

**FISCAL YEAR.** The twelve-month period commencing on the first day of July of each year and ending on the last day of June of the next succeeding year, or any other twelve-month period which the City hereafter may establish as the fiscal year for the System.



**GROSS REVENUES.** All income and revenues directly or indirectly derived by the City from the operation and use of the System.

**HEREIN, HEREBY, HEREUNDER, HEREOF, HEREINBEFORE or HEREAFTER.** Refer to this Ordinance and not solely to the particular portion of this Ordinance in which such word is used.

**JOINT WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM, JOINT SYSTEM, or SYSTEM.** The City's utility designated as the City's water system and wastewater conveyance and treatment system.

**LOAN.** A loan of funds from NMED made pursuant to the Loan Agreement.

**LOAN AGREEMENT.** One or more loan agreements substantially in the form of Exhibit A attached hereto between the City and NMED, pursuant to which funds will be loaned to the City to construct the Project and pay eligible costs relating thereto, and the amended loan agreement which shall state the final amount the NMED loaned to the City, and which shall be executed upon completion of the Project and dated on the date of execution thereof.

**NET REVENUES.** Gross Revenues LESS the following expenses: (1) Operation and Maintenance expenses, (2) approved indirect charges, (3) any amounts expended for capital replacements and repair of System, and (4) the required set asides for Debt Service Reserve Requirement and Replacement Reserve Requirement.

**NMED.** The New Mexico Environment Department, successor to the Environmental Improvement Division of the New Mexico Health and Environment Department and any assignee of the NMED pursuant to the Loan Agreement and Note, or its successor agency as provided by law.

**NMSA.** New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.



**NOTE.** The interim and final promissory notes substantially in the form of Exhibit B attached hereto issued by the City to the NMED evidencing the obligation of the City to the NMED incurred pursuant to the Ordinance and Loan Agreement.

**OPERATION AND MAINTENANCE.** All reasonable and necessary current expenses of the System, paid or accrued, relating to operating, maintaining and repairing the System.

**ORDINANCE.** This Ordinance as amended or supplemented from time to time.

**PARITY BONDS or PARITY OBLIGATIONS.** The 2009 Revenue Bonds and other bonds or other obligations payable from the Net Revenues issued with a lien on the Net Revenues on a parity with the bonds or obligations as listed in this ordinance.

**PROJECT.** Renovation of the Carlsbad Wastewater Treatment Plant to include, planning, designing, constructing, equipping and improving new and existing facilities.

**PROJECT COMPLETION DATE.** Means the date that operations of the completed works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

**REGULATIONS.** Regulation promulgated by the Water Quality Control Commission at 20.7.5 NMAC and New Mexico Environment Department at 20.7.6 – 20.7.7 NMAC.

**REPLACEMENT RESERVE ACCOUNT.** The account established under this Ordinance and held by the City funded from the Gross Revenues in the amount of the Replacement Reserve Requirement.

**REPLACEMENT RESERVE REQUIREMENT.** An amount equal to 5% of the sum of the final principal amount loaned to the City.

**STATE.** The State of New Mexico.

**SYSTEM FUND.** The fund established under this Ordinance for deposit of the Gross Revenues of the System.



**Section 2. RATIFICATION.** All action heretofore taken (not inconsistent with the provisions of the Ordinance) by the Council, the officers and employees of the City, directed toward the Loan Agreement and the Note, is hereby ratified, approved and confirmed.

**Section 3. FINDINGS.** The Council hereby declares that it has considered all necessary and relevant information and data and hereby makes the following findings:

(A) The execution and delivery of the Loan Agreement and the Note pursuant to the Act to provide funds to finance the Project, is necessary and in the interest of the public health, safety, morals and welfare of the residents of the City and will result in savings of finance costs to the City.

(B) The City will acquire, improve and finance the Project.

(C) The money available for the Project from all sources other than the Loan Agreement is not sufficient to pay when due the cost of the Project.

(D) The Project is and will be part of the System, which is a publicly owned water and sanitary wastewater conveyance and treatment system the purposes of which include the disposal and treatment of wastewater, either by surface or underground methods.

(E) The Net Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement and Note.

**Section 4. JOINT UTILITY.** The municipal water facilities and the municipal sanitary wastewater conveyance and treatment facilities shall continue to constitute a joint utility (i.e., the Joint Water and Wastewater System) and shall be operated and maintained as such.

**Section 5. AUTHORIZATION OF PROJECT.** The acquisition and construction of the Project and payment of eligible items as set forth in the Regulations from proceeds of the Loan Agreement and Note is hereby authorized at a cost not to exceed the principal amount of



\$18,000,000.00 excluding any cost of the Project to be paid from any source other than the proceeds of the Loan Agreement and Note.

**Section 6. AUTHORIZATION OF LOAN AGREEMENT.**

(A) For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the citizens of the City and acquiring the Project, it is hereby declared necessary that the City, pursuant to the Act, and the Regulations execute and deliver the Loan Agreement and Note, and the City is hereby authorized to execute and deliver the Loan Agreement and the Note, to be payable and collectible solely from the Net Revenues. The NMED has agreed to disburse the proceeds according to the terms of the Loan Agreement to the City over the construction period of the Project. The aggregate principal amount of the Note shall not exceed \$18,000,000.00 without the adoption of another Ordinance amending the Ordinance by the Council, and the annual interest rate and administrative fee on that principal amount shall not exceed two percent per annum collectively. Interest and the administrative fee shall be computed as a percentage per year on the outstanding principal amount on the Loan on the basis of a 365 day year, actual number of days lapsed. The final maturity date on the Note shall not extend beyond 20 years from the Project Completion Date. The Loan shall be repaid in substantially equal annual installments of principal, interest and administrative fees on the dates provided in the Loan Agreement with the first annual installment due within one year of the Project Completion Date, but no later than one year after the date of the warrant of final payment from the NMED. The City must obtain the written consent of the NMED before issuing additional obligations secured by the Net Revenues.

(B) The form of the Loan Agreement and the Note are approved. An Authorized Officer is hereby authorized and directed to execute and deliver the Loan Agreement and the Note and any extensions of or amendments to any such document to be executed after



completion of the Project, or any substitution therefore, substantially in the forms attached hereto as Exhibits A and B, with such changes therein as are not inconsistent with the Ordinance and as shall be approved by an Authorized Officer whose execution thereof, or any extension thereof, or substitution therefore, in their final forms shall constitute conclusive evidence of their approval and compliance with this Section.

(C) From and after the date of the initial execution and delivery of the Loan Agreement and the Note, Authorized Officers, agents and employees of the City are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this Ordinance, the Loan Agreement and the Note.

**Section 7. SPECIAL LIMITED OBLIGATIONS.** The Loan Agreement and the Note and all payments of principal, interest and administrative fees thereon shall be special limited obligations of the City and shall be payable and collectible solely from the Net Revenues which are irrevocably pledged as set forth in Section 5 and 6 of the Ordinance. The NMED may not look to any general or other fund for the payment of the principal, interest or administrative fees on the Loan Agreement and the Note except the designated special funds pledged therefore. The Loan Agreement and the Note shall not constitute indebtedness or debts within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or be held to be general obligations of the City and shall recite that they are payable and collectible solely from the Net Revenues the income from which is so pledged., and that the NMED may not look to any general or other fund for the payment of the principal, interest or the administrative fee on the Loan Agreement or the Note.



**Section 8. OPERATION OF PROJECT.** The City will operate and maintain the Project so that it will function properly over its structural and material design life, which is not less than 20 years.

**Section 9. USE OF PROCEEDS.** The NMED shall disburse Funds pursuant to the Loan Agreement for NMED approved costs incurred by the City for the Project or to pay contractors or suppliers of materials for work performed on the Project as set forth in the Loan Agreement.

**Section 10. DEBT SERVICE, REPLACEMENT RESERVE, AND ANNUAL LOAN REPAYMENT ACCOUNTS.**

**(A) DEBT SERVICE RESERVE ACCOUNT.** A Debt Service Reserve Account is established under this Ordinance, held by the Borrower and funded from the Gross Revenues in the amount of the Debt Service Reserve Requirement. The Borrower shall deposit no less than one-sixth of the amount of one annual repayment of principal, interest and the administrative fee from the System Fund into this account in each 12-month period beginning at final loan closing and continuing until the full amount of the Debt Service Reserve Requirement is on deposit in the Debt Service Reserve Account. In the event that funds from the Debt Service Reserve Account are used to service the Loan Agreement and the Note, the Borrower shall replenish the Debt Service Reserve Account as soon as possible by depositing funds in the manner described above until the full amount of the Debt Service Reserve Requirement is on deposit in the Debt Service Reserve Account. So long as the Loan Agreement and the Note are outstanding, whether as to principal, interest, or the administrative fee the Borrower shall fund the Debt Service Reserve Account and identify this in the Annual Audit.

**(B) REPLACEMENT RESERVE ACCOUNT.** A Replacement Reserve Account is established under this Ordinance, held by the Borrower and funded from the Gross Reserves in



the amount of the Replacement Reserve Requirement. The Borrower shall deposit no less than one-sixth of 5% of the sum of the final principal amount loaned and the amount of the loan subsidy granted to the Borrower from the System Fund into this account in each 12-month period beginning at final loan closing and continuing until the full amount of the Replacement Reserve Requirement is on deposit. The Replacement Reserve Account shall accumulate funds to pay for replacement of parts to ensure the Project is fully operational during the term of the Loan Agreement and Note. In the event that funds from the Replacement Reserve Account are used to pay for replacement of parts, the Borrower shall replenish the Replacement Reserve Account as soon as possible by depositing funds in the manner described above until the full amount of the Replacement Reserve Requirement is on deposit in the Replacement Reserve Account. So long as the Loan Agreement and the Note are outstanding, whether as to principal, interest, or the administrative fee, the Borrower shall fund the Replacement Reserve Account and identify this in the Annual Audit.

**(C) ANNUAL LOAN REPAYMENT ACCOUNT.** An Annual Loan Repayment Account is established under this Ordinance, held by the Borrower and funded from the Net Revenues in the amount necessary for payment of the principal, interest and the administrative fee due annually under the Loan Agreement and Note. So long as the Loan Agreement and the Note are outstanding, whether as to principal, interest, or the administrative fee, the Borrower shall fund the Annual Loan Repayment Account and identify this in the Annual Audit.

**Section 11. SYSTEM FUND.** So long as the Loan Agreement and the Note are outstanding, whether as to principal, interest, or the administrative fee, all Gross Revenues shall continue to be set aside and credited to the System Fund.



**Section 12. ANNUAL LOAN REPAYMENT ACCOUNT.** The City hereby consents to the creation of the Annual Loan Repayment Account to be held and maintained by the City in connection with the Loan.

**Section 13. APPLICATION OF SYSTEM FUNDS.**

**(A) GROSS REVENUES.** Gross Revenues in the System Fund shall be applied to the following:

**(1) OPERATION AND MAINTENANCE.** The City shall pay for the operation and maintenance expenses of the System, approved indirect charges, and any amounts for capital replacement and repair of the System from the Gross Revenues in the System Fund as incurred.

**(2) DEBT SERVICE AND REPLACEMENT RESERVES.** The City shall deduct the required amounts for debt service reserve and replacement reserve accounts from the Gross Revenues in the System Fund as required.

**(B) NET REVENUES.** Net Revenues in the System Fund shall be applied to the following:

**(1) ANNUAL LOAN REPAYMENT ACCOUNT.** The City shall fund the Annual Loan Repayment Account from the Net Revenues in the amount necessary for payment of the principal, interest and the administrative fee due annually under the Loan Agreement and Note. The Borrower shall make such annual payments of principal, interest and the administrative fee to the NMED according to the schedule in the Loan Agreement and Note.

**(2) PARITY OBLIGATIONS AND OTHER APPROVED DEBT(S).** The City shall pay the principal, interest and administrative fees of parity



obligations and other approved debts which are secured from the Net Revenues as scheduled.

- (3) **EQUITABLE AND RATABLE DISTRIBUTION.** Obligations of the City secured by the Net Revenues on a parity with the Loan Agreement and the Note, from time to time outstanding, shall not be entitled to any priority one over the other in the application of the Net Revenues, regardless of the time or times of their issuance or creation.
- (4) **SUBORDINATE OBLIGATIONS.** The Net Revenues used for the payment of Subordinate Obligations shall be applied first to the payment of the amounts due the Loan Agreement and the Note, including payments to be made to other obligations payable from the Net Revenues which have a lien on the Net Revenues on a parity with the Loan Agreement and the Note.

**Section 14. LIEN OF LOAN AGREEMENT AND NOTE.** The Loan Agreement and the Note shall constitute irrevocable liens upon the Net Revenues with priorities on the Net Revenues as set forth in Section 13 of the Ordinance. The City hereby pledges and grants a security interest in the Net Revenues for the payment of the Note and any other amounts owed by the City to the NMED pursuant to the Loan Agreement.

**Section 15. OTHER OBLIGATIONS.** Nothing in the Ordinance shall be construed to prevent the City from issuing bonds or other obligations payable from the Net Revenues and having a lien thereon subordinate to the liens of the Loan Agreement and the Note. The City shall first obtain the written consent of the NMED prior to issuing such other obligations.

**Section 16. DEFAULT.** The following shall constitute an event of default under the Loan Agreement:



(A) The failure by the City to pay the principal, interest and administrative fees on the repayment of the Loan set forth in the Loan Agreement and Note when due and payable either at maturity or otherwise; or

(B) Default by the City in any of its covenants or conditions set forth under the Loan Agreement *(other than a default described in the previous clause of this section)* for 60 days after the NMED has given written notice specifying such default and requiring the same to be remedied.

**UPON OCCURRENCE OF DEFAULT:**

(A) The entire unpaid principal amount of the Interim and Final Promissory Note plus accrued interest and the administrative fees thereon may be declared by the NMED to be immediately due and payable and the City shall pay the amounts due under Note from the Net Revenues, either immediately or in the manner required by the NMED in its declaration, but only to the extent funds are available for payment of the Note(s), the NMED may require the Borrower to adjust the rates charged by the System to ensure repayment of the Note.

(B) The NMED shall have no further obligation to make payments to the City under the Loan Agreement.

**Section 17.** **ENFORCEMENT; VENUE.** The NMED retains the right to seek enforcement of the terms of the Loan Agreement. If the NMED and the City cannot reach agreement regarding disputes as to the terms and conditions of this Loan Agreement, such disputes are to be resolved promptly and expeditiously in the district court of Santa Fe County. The City agrees that the district court for Santa Fe County shall have exclusive jurisdiction over the City and the subject matter of this Loan Agreement and waives the right to challenge such jurisdiction.



**Section 18. REMEDIES UPON DEFAULT.** Upon the occurrence of any of the events of default as provided in the Loan Agreement or in Section 16 of the Ordinance, the NMED may proceed against the City to protect and enforce its rights under the Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained in the Ordinance for the enforcement of any proper legal or equitable remedy as the NMED may deem most effective to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of the NMED, or to require the City to act as if it were the trustee of an express trust, or any combination of such remedies. Each right or privilege of the NMED is in addition and cumulative to any other right or privilege under the Ordinance or the Loan Agreement and Note and the exercise of any right or privilege by the NMED shall not be deemed a waiver of any other right or privilege.

**Section 19. DUTIES UPON DEFAULT.** Upon the occurrence of any of the events of default as provided in Section 16 of the Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the NMED to protect and preserve the security created for the payment of the Note to ensure the payment of the principal, interest, and the administrative fee on the Note promptly as the same become due. All proceeds derived from the System, so long as the Note is outstanding, shall be treated as revenues. If the City fails or refuses to proceed as required by this Section, the NMED, after demand in writing, may proceed to protect and enforce the rights of the NMED as provided in the Ordinance and the Loan Agreement.

**Section 20. TERMINATION.** When all obligations under the Note and Loan Agreement have been paid, the Loan Agreement and Note shall terminate and the pledge, lien, and all other obligations of the City under the Ordinance shall be discharged. The principal



amount of the Note, or any part thereof, may be prepaid at any time without penalty at the discretion of the City and the prepayments of principal shall be applied as set forth in the Loan Agreement.

**Section 21. AMENDMENT OF ORDINANCE.** This Ordinance may be amended with the prior written consent of the NMED.

**Section 22. ORDINANCE IRREPEALABLE.** After the Loan Agreement and Note have been executed and delivered, the Ordinance shall be and remain irrepealable until the Note has been fully paid, terminated and discharged, as provided in the Ordinance.

**Section 23. SEVERABILITY CLAUSE.** If any section, paragraph, clause or provision of the Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

**Section 24. REPEALER CLAUSE.** All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

**Section 25. EMERGENCY CLAUSE AND EFFECTIVE DATE.** Because of the urgent need for the Project, an emergency is declared to exist and upon due adoption of this emergency Ordinance, the Ordinance shall be recorded in the book of ordinances of the City kept for that purpose and the Ordinance or the title and general summary of the subject matter contained in the Ordinance shall be published in a newspaper which maintains an office and is of general circulation in the jurisdiction of the City and the Ordinance shall be in full force and effect upon such publication.

***/Remainder of page intentionally left blank./***



**INTRODUCED, PASSED, ADOPTED AND APPROVED** this 26<sup>th</sup> day of January,  
2010.

  
\_\_\_\_\_  
BOB FORREST, MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK



February 2, 2010

NOTICE OF ADOPTED ORDINANCE

TO WHOM IT MAY CONCERN:

Notice is hereby given that at its regular meeting at the Municipal Building at 6:00 P.M., January 26, 2010, the Carlsbad City Council adopted the following ordinance

ORDINANCE NO. 2010-01

AN ORDINANCE AUTHORIZING THE CITY OF CARLSBAD (CITY) TO ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT ("NEMED") FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED EIGHTEEN MILLION \$18,000,000; DESIGNATING THE USE OF THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, PLANNING, DESIGNING, CONSTRUCTING, MODIFYING, EQUIPPING, AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE CITY'S JOINT WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM; DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES OF THE SYSTEM; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE SECURITY THEREOF; AND DECLARING AN EMERGENCY.

/s/ Bob Forrest  
Mayor

/s/ Amanda J. Asbury  
City Clerk

A copy of the ordinance is available to all interested persons during normal and regular business hours at the Municipal Building, 101 North Halaguena Street, Carlsbad, New Mexico. Copies of the ordinance will be available at a fee

Affidavit of Publication

State of New Mexico,  
County of Eddy, ss.

Kathy McCarroll, being first duly sworn,  
on oath says:

That she is the Classified Supervisor of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

February 2 2010

That the cost of publication is \$82.39 and that payment thereof has been made and will be assessed as court costs.

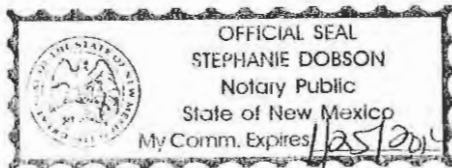
*Kathy McCarroll*

Subscribed and sworn to before me this

4<sup>th</sup> day of February, 2010  
*Stephanie Dobson*

My commission Expires on 1/25/2014

Notary Public





be available at a fee  
of fifty (50) cents per  
page. The ordinance  
in its entirety is also  
available on the City  
of Carlsbad web site:  
cityofcarlsbadnm.co  
m.

/s/ Amanda J. Asbury  
City Clerk

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## Affidavit of Publication

State of New Mexico,  
County of Eddy, ss.

**Kathy McCarroll**, being first duly sworn,  
on oath says:

That she is the Classified Supervisor of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

January 10 2010

That the cost of publication is **\$55.44** and that payment thereof has been made and will be assessed as court costs.

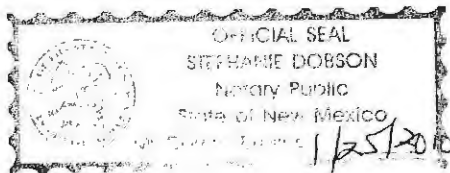
*Kathy McCarroll*

Subscribed and sworn to before me this

11<sup>th</sup> day of January, 2010  
*Stephanie Dobson*

My commission Expires on 1/25/2010

Notary Public



*A. Asbury*

January 10, 2010

### NOTICE OF PROPOSED ORDINANCE

TO WHOM IT MAY  
CONCERN:

Notice is hereby given that at its regular meeting at the Municipal Building at 6:00 P.M., January 26, 2010, the Carlsbad City Council will consider the adoption of the following ordinance:

ORDINANCE NO. .  
2010-

AN ORDINANCE  
AUTHORIZING THE  
CITY OF  
CARLSBAD TO ENTER INTO A LOAN  
AGREEMENT WITH  
THE NEW MEXICO  
ENVIRONMENT  
DEPARTMENT ("N  
MED") FOR THE  
PURPOSE OF OBTAINING WASTE-  
WATER CONSTRUCTION LOAN FUNDS  
IN A PRINCIPAL  
AMOUNT NOT TO  
EXCEED EIGHTEEN MILLION  
\$18,000,000; DESIGNATING THE USE  
OF THE LOAN  
FUNDS FOR THE PURPOSE OF  
ACQUIRING, PLANNING, DESIGNING,  
CONSTRUCTING, MODIFYING,  
EQUIPPING, AND OTHERWISE IMPROVING THE  
WASTEWATER FACILITIES OF THE  
CITY'S JOINT WATER AND WASTE-  
WATER CONVEYANCE AND TREATMENT SYSTEM;

DECLARING THE  
NECESSITY FOR  
THE LOAN; PROVIDING THAT THE  
LOAN WILL BE PAYABLE AND  
COLLECTIBLE SOLELY FROM THE  
NET REVENUES OF THE SYSTEM;  
PRESCRIBING OTHER DETAILS CONCERNING THE  
LOAN AND THE SECURITY THEREOF; AND  
DECLARING AN  
EMERGENCY.

/s/ Amanda J. Asbury  
City Clerk

FINANCE DEPT.  
JAN 14 10 AM 2010  
PURCHASING





SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building  
1190 St. Francis Drive  
PO Box 5469  
Santa Fe, NM 87502  
Phone (505) 827-2806 Fax (505) 827-2837  
www.nmenv.state.nm.us



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

November 10, 2014

Steve McCutcheon, City Administrator  
City of Carlsbad  
City Hall  
101 N. Halagueno  
Carlsbad, NM 88221

RE: Interim Loan Agreement Amendment No. 3 - Clean Water State Revolving Fund (CWSRF)  
Program Loan No. CWSRF 010

Dear Mr. McCutcheon:

Enclosed are three original Amendments for the purpose of increasing the loan amount and extending the term of the above referenced loan so that the City can complete the project. Please ensure that the Mayor sign all three Amendments and return all three originals no later than **December 1, 2014**. I will return one original set for your files once our Cabinet Secretary has signed it. If you need assistance or have any questions, please feel free to contact me at (505) 827-2807.

Sincerely,

Jennifer Prada, CWSRF Program Administrator  
Construction Programs Bureau

Enclosures

cc: Anna Beason, Special Projects  
Andrea Pollock, NMED Project Manager



**NEW MEXICO ENVIRONMENT DEPARTMENT  
CONSTRUCTION PROGRAMS BUREAU  
CLEAN WATER STATE REVOLVING FUND (CWSRF) PROGRAM**

**INTERIM LOAN AGREEMENT, AMENDMENT No. 3**

**Loan No. CWSRF 010**

**THIS AMENDMENT TO THE INTERIM LOAN AGREEMENT**, hereinafter referred to as "Amendment No. 3" is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, **2014** by the New Mexico Environment Department ("NMED") and the **CITY OF CARLSBAD** ("Borrower") (collectively the "Parties"). Borrower has enacted Ordinance No. 2010-01 approved on January 26, 2010 and Ordinance No. \_\_\_\_\_ approved on \_\_\_\_\_ hereinafter collectively referred to as ("Ordinance") which authorizes execution of the Interim Loan Agreement and this Amendment No. 3; authorizes the Borrower to accept loan funds from NMED; and irrevocably pledges the Net System Revenues for the repayment of this Amendment No. 3, the Agreement and Note.

**WHEREAS**, NMED and the Borrower entered into an Interim Loan Agreement on April 29, 2010, amended December 17, 2012, and amended June 5, 2013 (collectively the "Agreement");

**WHEREAS**, it has become necessary to amend the Agreement, which expires by its own terms on April 29, 2015;

**WHEREAS**, a continuation of the Agreement and an increase in loan funds in the amount of \$7,000,000.00 will allow for the completion of Project No. CWSRF 010;

**WHEREAS**, it has become necessary to make changes to the Agreement;

**NOW THEREFORE**, the Parties do mutually agree as follows:

**SECTION III. LOAN AMOUNT:**

**Delete the first paragraph, which reads:** NMED agrees to loan funds to the Borrower to pay for approved costs to plan, acquire and construct the Project, in an amount not to exceed: Eighteen Million Dollars and No Cents (\$18,000,000.00) ("Loan Amount") at the interest rate of Two Percent (2%) per annum during construction upon the terms and conditions set forth in this Agreement and Interim Promissory Note ("Note").

**In place of the deleted paragraph, insert:** NMED agrees to loan funds to the Borrower to pay for approved costs to plan, acquire and construct the Project, in an amount not to exceed: Twenty Five Million Dollars and No Cents (\$25,000,000.00) ("Loan Amount") at the interest rate of Two Percent (2%) per annum during construction upon the terms and conditions set forth in this Amendment No. 3, the Agreement and Note.



### SECTION III. LOAN AMOUNT:

**Delete the third paragraph, which reads:** Provided the Borrower complies with the Construction Conditions below, the loan amount will be available for a period of Three (3) years from the date of this Agreement.

**In place of the deleted paragraph, insert:** Provided the Borrower complies with the Construction Conditions below, the loan amount will be available until December 31, 2015.

### SECTION IV. CONSTRUCTION CONDITIONS:

**Delete Sub-Section A, which reads:** Upon execution of this Agreement, the Borrower shall adhere to the schedule below to expeditiously initiate and achieve Project Completion within 36 months. The Borrower shall:

Complete Construction Three (3) years from the date of this agreement.

**In place of the deleted Sub-Section A, insert:** Upon execution of this Agreement, the Borrower shall adhere to the schedule below to expeditiously initiate and achieve Project Completion by December 31, 2015. The Borrower shall:

Complete Construction by December 31, 2015.

### SECTION V. DISCLOSURE STATEMENT:

**Delete Sub-Section B FINANCE COSTS IF THE FULL LOAN AMOUNT IN SECTION III IS LOANED, which reads:**

<b>ANNUAL PERCENTAGE RATE</b> The cost of your credit as a yearly rate	<b>AMOUNT FINANCED</b> The amount of credit provided	<b>INTEREST CHARGES</b> The total interest amount	<b>ADMINISTRATIVE FEE PAYMENTS</b> The total administrative fee amount	<b>TOTAL OF PAYMENTS</b> The amount you will have paid after you have made all payments as scheduled
2%	\$18,000,000.00	\$3,141,642.57	\$874,775.95	\$22,016,418.53

**In place of the deleted Sub-Section B FINANCE COSTS IF THE FULL LOAN AMOUNT IN SECTION III IS LOANED, insert:**

<b>ANNUAL PERCENTAGE RATE</b> The cost of your credit as a yearly rate	<b>AMOUNT FINANCED</b> The amount of credit provided	<b>INTEREST CHARGES</b> (1.5644%) The total interest amount	<b>ADMINISTRATIVE FEE PAYMENTS</b> (0.4356%) The total administrative fee amount	<b>TOTAL OF PAYMENTS</b> The amount you will have paid after you have made all payments as scheduled
2%	\$25,000,000.00	\$4,363,392.40	\$1,214,966.60	\$30,578,359.00



**SECTION V. DISCLOSURE STATEMENT:**

**Delete Sub-Section C REPAYMENT SCHEDULE, which reads:**

Your repayment schedule will be:

NUMBER OF PAYMENTS	AMOUNT OF PAYMENT	WHEN PAYMENTS ARE DUE
20 annual installments as shown on Attachment C	\$1,100,820.93	Within one year of the Project Completion date, but no later than one year after the date of the warrant of final disbursement from the NMED; and annually thereafter.

**In place of the deleted Sub-Section C REPAYMENT SCHEDULE, insert:**

Your repayment schedule will be:

NUMBER OF PAYMENTS	AMOUNT OF PAYMENT	WHEN PAYMENTS ARE DUE
20 annual installments as shown on Attachment C	\$1,528,917.95	Within one year of the Project Completion date, but no later than one year after the date of the warrant of final disbursement from the NMED; and annually thereafter.

**ADDING:**

**SECTION IX. SPECIAL CONDITIONS:**

The Borrower must amend Ordinance No. 2010-01 to include the increased loan amount of \$7,000,000.00 where applicable for a total loan amount of \$25,000,000.00 prior to NMED disbursing funds.

All conditions of the Agreement, which are not identified in this Amendment No. 3, remain the same.

**Remainder of page intentionally left blank**



**THE PARTIES FURTHER AGREE** that this Amendment No. 3 becomes effective upon execution by NMED Secretary.

**IN WITNESS WHEREOF**, the Borrower and NMED do hereby execute this Amendment No. 3.

THIS AMENDMENT NO. 3 has been approved by:

New Mexico Environment Department  
Wastewater Facility Construction Loan Program  
Clean Water State Revolving Loan Fund

BY: \_\_\_\_\_  
Signature of duly authorized Loan Official

TITLE: Cabinet Secretary DATE: \_\_\_\_\_

By executing this Amendment No. 3, the undersigned represents that he/she is duly authorized to act on behalf of the Borrower.

BY: \_\_\_\_\_  
Signature of duly authorized Borrower Official  
City of Carlsbad

TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

Attest: (Seal)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title

DATE: \_\_\_\_\_

Approved as to form: (optional)

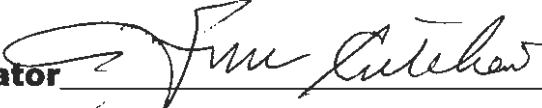
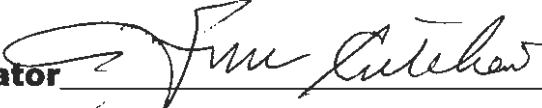
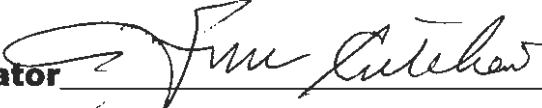
\_\_\_\_\_  
Borrower's Attorney

DATE: \_\_\_\_\_



**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 13 January 2015

<b>DEPARTMENT:</b> Legal	<b>BY:</b> E. Riordan	<b>DATE:</b> 9 January 2015					
<b>SUBJECT:</b> Consider authorizing the Mayor and City Administrator to negotiate and enter into an agreement with the New Mexico Department of Veterans' Services for the lease of office space at the Municipal Building							
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  The New Mexico Department of Veterans' Services has a Field Office in Carlsbad to assist local veterans and their dependants with filing for their state and federal benefits. Until recently, the office has been located at the National Guard facility on Fiesta Drive. NMDVS is looking for new office space for its Carlsbad Field Office. Alan Martinez, Deputy Secretary of NMDVS, and Dagmar Youngberg, Veterans' Service Officer for Carlsbad, have determined that two rooms in the basement of the Municipal Building would meet the needs of NMVSD and their clients. They have offered to rent that space for \$250 per month.  Administration is asking that Council authorize the Mayor and City Administrator to negotiate and enter into an agreement with NMDVS for the lease of office space at the Municipal Building.							
<b>DEPARTMENT RECOMMENDATION:</b>  Authorize the Mayor and City Administrator to negotiate and enter into an agreement with NMDVS for the lease of office space at the Municipal Building upon the terms set forth above.							
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A  <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: center;">} } }</td><td style="width: 10%; vertical-align: top; text-align: center;"><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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<table style="width: 100%; border: none;"><tr><td style="width: 60%;"><b>Reviewed by:</b> <b>City Administrator</b> </td><td style="width: 40%;"><b>Date:</b> <u>1/9/15</u></td></tr></table>			<b>Reviewed by:</b> <b>City Administrator</b> 	<b>Date:</b> <u>1/9/15</u>			
<b>Reviewed by:</b> <b>City Administrator</b> 	<b>Date:</b> <u>1/9/15</u>						

ATTACHMENT(S):



**MINUTES OF A PUBLIC HEARING IN THE MUNICIPAL BUILDING  
ON JANUARY 6, 2015 AT 2:00 P.M.**

IN THE MATTER OF:      STATE LIQUOR LICENSE APPLICATION #00834/ A-9131144

Proposed Owner & Location:  
Lab NM Investments, LLC  
For Buffalo Wild Wings  
1801 W. Pierce St.  
Carlsbad, NM 88220

Present:  
Veronica Cordova, Buffalo Wild Wings  
Steve McCutcheon, Hearing Officer  
Annette Barrick, Exec. Assistant/City Clerk

Mr. McCutcheon convened the hearing at 2:09 p.m. to consider the Transfer of Ownership and Location for a Dispenser Liquor License; State Liquor License Application No. #0834/ A-931144, located at 1801 W. Pierce Street Street, Carlsbad, NM. The purpose of the hearing was to approve/disapprove the Transfer of Ownership and Location for a Dispenser Liquor License.

The matter was received by the City of Carlsbad on December 19, 2014. The hearing was conducted in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

For the record, public notice was properly made on December 27, 2014 and January 2, 2015, in accordance with the applicable statutes. Persons representing the applicant were present. The proposed location is within an area where the sale of alcoholic beverages is allowed by the laws of New Mexico.

Mr. McCutcheon asked for comments from those present at the hearing. There were no comments.

There being no further business, the hearing was adjourned at 2:12 p.m.

Steve McCutcheon  
Hearing Officer



**Jan 6, 2015 at 2:00 p.m.**

**Proposed Location:**

Lab NM Investments, Buffalo LLC Wild Wings  
1801 W. Pierce St.  
Carlsbad, NM 88220

**PRINT:**

[illegible]





**New Mexico Regulation and Licensing Department**  
**ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87505-5101  
(505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

December 15, 2014

**Susana Martinez**  
GOVERNOR

**Robert "Mike" Unthank**  
SUPERINTENDENT

**James C. McKay**  
GENERAL COUNSEL

**Mary Kay Root**  
DIRECTOR

Certified Mail No: 7013 2630 0000 9073 2494

City of Carlsbad  
Annette Barrick, City Clerk  
PO Box 1569  
Carlsbad, NM 88221-1569

Re: License / App. No. License 0834/ A-931144  
Applicant Name: Lab NM Investments, LLC  
Doing Business As: Buffalo Wild Wings  
Proposed Location: 1801 W Pierce Street Carlsbad, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

**\*(Please review the revised instructions for approval or disapproval below.)**

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval from the Alcohol and Gaming Division, the governing body shall hold a public hearing on the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

**The applicant is requesting a Transfer of Ownership and Location for a Dispenser Liquor License;**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries &  
Manufactured Housing Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800



The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.)

The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

**\*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division *in writing* as to whether the local governing body has approved or disapproved the issuance or transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s).* If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,



Pamela Brommer  
Hearing Officer

ENCLOSURES: Original page 1  
Copy of page 2  
Copy of Zoning Statement



# LIQUOR LICENSE APPLICATION

Application fee- \$200.00 Fees are non-refundable

10/21/14  
ENTERED  
200  
1642917

State Liquor License # 0834

Application Number 930193  
1144  
carlsbad

Local Option (AGD use) carlsbad

Record Owner of License Sunset Liquors, GP

Current D/B/A Name Sunset Liquors

Current Premise Address 202 California St., Socorro, New Mexico 87801

Application is for: (check one) Change of Structure ☐ Change of Officers/Directors ☐ Transfer of Ownership of Existing License ☐ Transfer of Ownership and Location ☒  
Transfer Location ☐ Other ☐ Issue New License ☐ Type of License being applied for \_\_\_\_\_

Applicant is: Individual ☐ Corporation ☐ Partnership (General or Limited) ☐ Limited Liability Company ☒

NAME OF APPLICANT (company or individual):

ADDRESS (INCLUDING CITY, STATE, ZIP)

TELEPHONE NUMBER

LAB NM Investments, LLC

120 Chula Vista, San Antonio, Texas 78232

210-403-3725

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: Buffalo Wild Wings

Phone Number for licensed premises TBD

Physical Address Where License is to be used: 1801 W. Pierce Street, Carlsbad, New Mexico 88220

(Street No./Highway No./State Road/City/County)

Mailing Address: 120 Chula Vista, San Antonio, Texas 78232

(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location? ☐ No ☐ If yes, give license number \_\_\_\_\_

I, (print name) Allen Jones, as (title) manager being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant(s) [Signature]

Date 9/22/2014

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of September, 2014 by Allen Jones (Name of Person(s) Signing Above)

NOTARY PUBLIC: Lauren Najarian

My Commission Expires 9/11/2018

Local Governing Body of: \_\_\_\_\_

PLEASE CHECK ONE: ☐ APPROVED ☐ DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title):

For Alcohol and Gaming Division Use Only

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DIRECTOR APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_



## PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES

1. The land and building which is proposed to be the licensed premise is (check one):

Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (please provide details) X Leased by Bill Wing Carlsbad, LLC

2. If the land and building are not owned by Applicant, please indicate the following:

A. Owner(s) JFAL Holding Company, LLC

B. Date and Term of Lease August 13, 2014 for 15 years

Attach a hand drawn map, zoning map, or other map, showing the location of the proposed premises, and the main adjacent streets, roads or highways, in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premise location is zoned (example C-1) C-2

If the premise is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises-shortest distance).

1000 ft Name of Church St. Peter Lutheran Church Address-Location of Church 1302 W. Pierce St., Carlsbad, New Mexico

5. Distance from nearest school \*(Property line of school to licensed premises-shortest distance).

1500 ft Name of School Sunset Elementary School Address-Location of School 923 Walter St., Carlsbad, New Mexico

Distance from military installation (Property line of military installation to licensed premises-shortest distance).

Miles 140 Name of Military Installation White Sands Missile Range

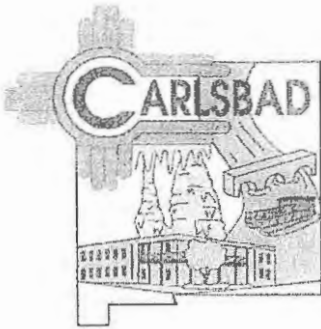
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premise. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant X Package \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (Please specify) \_\_\_\_\_





DALE JANWAY

Mayor

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(505) 887-1191  
1-800-658-2713  
[www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com)

STEVE V. MCCUTCHEON

City Administrator

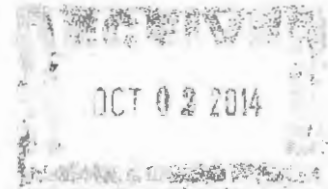
September 18, 2014

## ZONING DISTRICT DETERMINATION

Property Address: 1801 W. Pierce St. Carlsbad, NM 88220  
Legal Description: n/a  
Business Name: Buffalo Wild Wings  
Business Address: 120 Chula Vista. San Antonio, TX 78232  
Property Owner: JFAL Holding Company, LLC  
Zoning District: C-2 Commercial

The proposed restaurant, including alcohol sales, is an allowed use within the C-2 zoning district. For additional uses allowed in this zoning district and development restrictions please refer to Carlsbad Code of Ordinances, Chapter 56. The Code of Ordinances can be found by visiting the City's webpage at [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) and then by clicking on the Planning, Engineering and Regulation Department's link.

Jeff Patterson  
Deputy Planning Director



### COUNCILORS

Ward 1

NICK G. SALCIDO

LISA A. ANAYA FLORES

Ward 2

SANDRA K. NUNLEY

J.R. DOPORTO

Ward 3

JASON G. SHIRLEY

WESLEY CARTER

Ward 4

JANELL E. WHITLOCK

DICK DOSS



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$ 4.48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48

Postmark  
Here

#155

Mr. Allen Jones  
LAB NM, LLC  
120 Chula Vista  
San Antonio, TX 78232

See Reverse for Instructions

**ENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Mr. Allen Jones  
LAB NM, LLC  
120 Chula Vista  
San Antonio, TX 78232

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
☒ *Land Nijon* ☐ Agent  
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery  
*L. Meyer* 12/26/14

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number

(Transfer from service label)

7011 2970 0002 0898 7386



**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ <u>48</u>
Certified Fee	<u>3.30</u>
Return Receipt Fee (Endorsement Required)	<u>2.70</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>6.48</u>

Postmark  
Here

#155

Ms. Linda Aikin  
530B Harkle Rd  
Santa Fe, NM 87505

PS Form 3800, August 2006

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

#155

Ms. Linda Aikin  
530B Harkle Rd  
Santa Fe, NM 87505

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below ☒ No

DEC 26 2014

3. Service Type

☒ Certified Mail

☒ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

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☐ Yes

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(Transfer from service label)

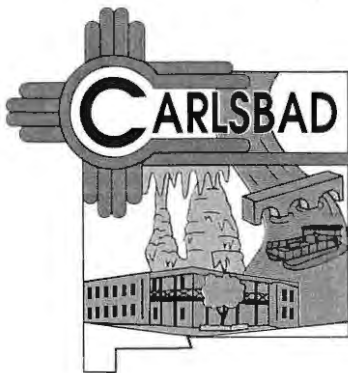
7011 2970 0002 0897 9244

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540





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

December 22, 2014  
*Via Certified Mail: 7011 2970 0002 0898 7386*

Mr. Allen Jones, Manager  
LAB NM, LLC  
120 Chula Vista  
San Antonio, TX 78232

Dear Mr. Jones:

Enclosed you will find the Notice of Hearing for LAB NM Investments, LLC, dba: Buffalo Wild Wings, for a Transfer of Ownership and Location for a Dispenser Liquor License.

The hearing will be held Tuesday, January 6, 2015 at 2:00 p.m. in the Planning Room at City Hall, 101 N. Halagueno Street. If the Hearing Officer recommends the approval of the License, it will be recommended for approval by the Governing Body of the City of Carlsbad at their regular Meeting on January 13, 2015.

Sincerely,

A handwritten signature in cursive script, reading 'Stephanie Shumsky'.

Stephanie Shumsky  
Deputy City Administrator

SS:jab  
Attachment

**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



**Please publish on December 27, 2014, and January 2, 2015  
PO #: 152841**

## **NOTICE OF LIQUOR LICENSE HEARING**

Notice is hereby given that a public hearing will be held by the City of Carlsbad, New Mexico in the Planning Room, # 204, of the Municipal Building, 101 North Halagueno Street, Carlsbad, NM at 2:00 p.m. on Tuesday, January 6, 2015.

The purpose of the hearing will be on whether the Alcohol and Gaming Division should approve or disapprove the proposed issuance of the Transfer of Ownership & Location for a Dispenser Liquor License-Application #0834/ A-931144.

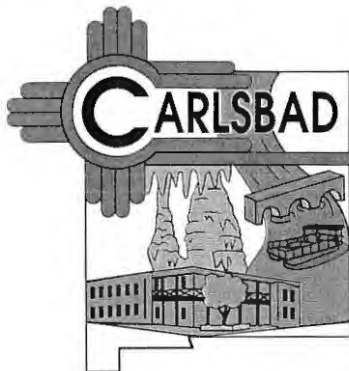
Only questions relating to the issuance of the Transfer of Ownership and Location for a Dispenser Liquor License will be considered. Written comments regarding this matter may be directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, and will be accepted until 2:00 p.m. on January 6, 2015.

**Proposed Owner and Location:**

Lab NM Investments, LLC  
DBA: Buffalo Wild Wings  
1801 W. Pierce Street  
Carlsbad, NM 88220

/s/ Steve McCutcheon  
City Administrator





DALE JANWAY

MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
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STEVE McCUTCHEON

CITY ADMINISTRATOR

December 22, 2014

Via Certified Mail: 7011 2970 0002 0897 9244

Ms. Linda Aikin  
Lawyer  
530B Harkle Road  
Santa Fe, NM 87505

Dear Ms. Aikin:

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The hearing will be held Tuesday, January 6, 2015 at 2:00 p.m. in the Planning Room at City Hall, 101 N. Halagueno Street. If the Hearing Officer recommends the approval of the License, it will be recommended for approval by the Governing Body of the City of Carlsbad at their regular Meeting on January 13, 2015.

Sincerely,

A handwritten signature in cursive script, reading 'Stephanie Shumsky'.

Stephanie Shumsky  
Deputy City Administrator

SS:jab  
Attachment

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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



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PO #: 152841**

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The purpose of the hearing will be on whether the Alcohol and Gaming Division should approve or disapprove the proposed issuance of the Transfer of Ownership & Location for a Dispenser Liquor License-Application #0834/ A-931144.

Only questions relating to the issuance of the Transfer of Ownership and Location for a Dispenser Liquor License will be considered. Written comments regarding this matter may be directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, and will be accepted until 2:00 p.m. on January 6, 2015.

**Proposed Owner and Location:**

Lab NM Investments, LLC  
DBA: Buffalo Wild Wings  
1801 W. Pierce Street  
Carlsbad, NM 88220

/s/ Steve McCutcheon  
City Administrator



December 27, 2014  
and January 2,  
2015

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**Proposed Owner  
and Location:**  
Lab NM Investments, LLC  
DBA: Buffalo Wild  
Wings  
1801 W. Pierce  
Street  
Carlsbad, NM  
88220

/s/ Steve  
McCutcheon  
City Administrator



**CITY OF CARLSBAD**  
**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: 13 January 2015

<b>DEPARTMENT:</b> Legal	<b>BY:</b> E. Riordan	<b>DATE:</b> January 7, 2015										
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the weeds and debris at 601 N. Mesquite Street												
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)  The property commonly known as 601 North Mesquite Street is at the northwest corner of Mesquite and Bonbright. It is in a residential neighborhood and has a single-family residence on it. The property has been inspected by a Code Enforcement Officer and a City Fire Marshal. The property is covered by a tall growth of weeds, some waist high, and many bushes and trees that appeared to be dead or dying. As the weeds and grass dry, they will create a severe fire hazard. The inspectors also found trash, junk, and vehicle parts on the property. It is believed that the property is occupied. Notices about the need to clean the property have been sent by Code Enforcement to the owner of record, but no work appears to have been done. The property was recommended for Council's consideration. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, rubbish, wreckage, debris, and/or weeds from the property within thirty days of the service of the resolution. The Eddy County Assessor's Office lists Michael Bromka as the owner of the property. On January 5, 2015, Mr. Bromka was sent a certified letter, return receipt requested, stating that the Carlsbad City Council would consider adopting this resolution at its meeting on January 13 <sup>th</sup> . The letter invited him to attend the meeting and speak with Council about the property.												
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.												
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A <table style="width:100%"><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"/> <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"/> 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"/> <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"/> 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"/> <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"/> North Mesa Board	<input type="checkbox"/> _____ Committee										
<div style="display:flex; justify-content:space-between; align-items:center"><div>Reviewed by: City Administrator <u>/s/ Steve McCutcheon</u></div><div>Date: <u>Jan. 8, 2015</u></div></div>												

**ATTACHMENT(S):**

Proposed Resolution with Attachments  
Photographs  
Letter to Michael Bromko dated January 5, 2015



## **RESOLUTION NO. 2015-**

### **A RESOLUTION FINDING 601 N. MESQUITE ST. TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS.**

WHEREAS, the records of the Eddy County Assessor's Office show Michael Patrick Bromka to be the owner of or to have an interest in the property commonly known as 601 N. Mesquite St, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subdivision Lowe, Block 71, Lot 13, Carlsbad, NM

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Marshal; and

WHEREAS, the Code Enforcement Officer and the Fire Marshal found that the Property is vacant and has not been adequately maintained; and

WHEREAS, the Property contains ruins, rubbish, wreckage, and/or debris, and is covered with tall weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passers by; and

WHEREAS, the City Fire Marshal has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "B;" and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds 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, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person 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 Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property 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 Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, 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 ruins, rubbish, wreckage, debris, and weeds shall:**

**A. Begin immediately;**

**B. Proceed properly and with diligence; and**

**C. Be completed in a timely manner;**

**D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property 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 does 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 ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds 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 \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
ANNETTE BARRICK, CITY CLERK















# CITY OF CARLSBAD

## INTER-OFFICE MEMORANDUM

DALE JANWAY, MAYOR

STEVE McCUTCHEON, CITY ADMINISTRATOR

DATE: December 4, 2014  
TO: Eileen Riordan, City Attorney  
FROM: Bill Rook, Fire Marshal  
RE: 601 N. Mesquite St.

---

On December 4<sup>th</sup>, 2014 I inspected a property at 601 N. Mesquite St. in Carlsbad. This is a house with very overgrown weeds and brush. It has clearly had no upkeep in a long time.

Upon inspecting the property I found waist high weeds and grass as well as many bushes and trees that were dead or dying. The grass and weeds were still somewhat green at this time but will dry quickly and create a severe fire hazard.

There was also a fair amount of trash and junk as well as old vehicles and parts.

As the winter progresses the weeds will dry to a dangerous level and the fire load will be quite high. This will create a hazard for the house as well as the surrounding properties.

I recommend that the property be condemned for the weeds and brush and that the property be cleaned up 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', is written above the typed name.

William Rook, Fire Marshal  
Carlsbad Fire Department



**CITY OF CARLSBAD**  
**INTER-OFFICE MEMORANDUM**

---

Dale Janway, Mayor

Steve McCutcheon, City Administrator

**TO:** Bill Rook, Fire Marshal

**FROM:** Deanna Cavender, Code Enforcement

**DATE:** 12/01/2014

**SUBJECT:** 601 N. Mesquite

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Good afternoon,

Attached is a file for the property located at 601 N. Mesquite. I would like to start weed condemnation on this property as I have been attempting to work with the property owner since the beginning of August. Please look at all the dates of the pictures as it documents the little to no progress that has been made to get this property cleaned up. I understand that he has some natural vegetation on the property, but the weeds all around the property, in the alley, and the grass that has now died needs to go. The neighbors have complained several times of the overgrowth on their property, and now have opted to place their home up for sale due to the issues with this neighbor's property.

Could you please take a look at this and give me your recommendation by 12/4/14, so that we may get this to council on the 9<sup>th</sup>.

Thanks and have a great day!



**CITY OF CARLSBAD**  
**INTER-OFFICE MEMORANDUM**

---

Dale Janway, Mayor

Steve McCutcheon, City Administrator

DATE: 12/05/2014  
TO: Eileen Riordan, City Attorney  
FROM: Deanna Cavender, Code Enforcement  
RE: 601 N. Mesquite

---

Good Afternoon,

I am requesting a weed and debris cleanup for the property of 601 N. Mesquite. I have attached supporting documentation you will need to proceed with the presentation to City Council.

Thanks,

Deanna Cavender





## CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department

101 N. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 887-1191, Fax (575) 885-9871

### CODE ENFORCEMENT REPORT

Case Number: <b>CE- 14 - 597/798</b>	Date of Complaint: <b>08/06/14</b>	Complaint Taken By: <b>D. Cavender</b>
Complainant Name:		Phone Number:
Complaint Location: <b>601 N. Mesquite</b>		
Details of Complaint:  <b>WD</b>		
Primary Structure: <input type="checkbox"/> None <input type="checkbox"/> Secured <input type="checkbox"/> Occupied <input type="checkbox"/> Unsecured <input type="checkbox"/> Vacant <input type="checkbox"/> Unknown	Photographs Taken: <input type="checkbox"/> Yes <input type="checkbox"/> No	District: <input type="checkbox"/> North <input type="checkbox"/> South
Narrative:  Drive by inspection noted tall weeds in alley.		
Disposition of Case: <input type="checkbox"/> No Basis for Complaint: _____ <input type="checkbox"/> Mailed Notice of Violation Date: <b>08/06/14</b> _____ <input type="checkbox"/> Door Hanger Notice of Violation Date: _____ <input type="checkbox"/> Verbal Warning Date: _____ <input type="checkbox"/> Referred to Other Agency: _____ <input type="checkbox"/> Other: _____		
Code Enforcement Signature	Printed Name Deanna Cavender	Date 08/06/14
Report Information: Entered into Database on: <b>8-7-14</b> By: <b>DC</b> Page <b>1</b> of <b>1</b>		



**15 CITY OF CARLSBAD**

Planning, Engineering, and Regulation Department  
Code Enforcement Division  
101 N. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 887-1191, Fax (575) 885-9871

**NOTICE OF CODE VIOLATION**Date: 08/07/14Case: CE- 14 - 597/798Address: 601 N. Mesquite

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*

Bromka, Michael Patrick  
601 N. Mesquite  
Carlsbad, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 8/25/14****CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please mow weeds around property and in alleyway.

**CODE VIOLATED:**

**EXCESS WEEDS - LOTS (CCO 22-64):** It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

**CODE VIOLATED:****CODE VIOLATED:**

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

Handwritten signature of Deanna Cavender in black ink.

Deanna Cavender 885-1185 x-1185

Code Enforcement Signature

Printed Name

08/07/14

Date



## NOTICE OF CODE VIOLATION

### GENERAL NOTES REGARDING COMPLIANCE

This Notice of Violation was based on a recent inspection of your property by Carlsbad Code Enforcement Personnel. A re-inspection of your property will be made after the date specified for compliance. A decision will be made at that time regarding the need for further action.

If you are willing to complete the required actions, but are unable to do so in a reasonable manner by the compliance date, the date for compliance may be extended for certain violations with a demonstration of a realistic need and supported with appropriate justification. This extension must be requested prior to the original compliance date. The date, however, for mitigation of violations that involve a serious and/or immediate threat to the health, safety, and/or welfare of the occupants of the property or general population may not be extended, but must be resolved without delay.

Code Enforcement Personnel will evaluate each request, as sole arbitrator, and will offer an Agreement to Abate, if appropriate. An Agreement to Abate is a written agreement between the individual responsible for mitigation, most generally the owner of the property or agent, and the Code Enforcement Personnel by which the applicant is afforded additional time to achieve compliance without threat of sanction. If awarded, the Agreement will extend the date for compliance the minimum amount of time required for compliance, and is generally not renewable.

Please contact the Code Enforcement Division at (575) 887-1191 for additional information or guidance regarding resolution of this matter.

**PLEASE DON'T DELAY—CORRECT THE PROBLEM NOW!**



**15 CITY OF CARLSBAD**Planning, Engineering, and Regulation Department  
**Code Enforcement Division**

101 N. Halagueno St., PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

**NOTICE OF CODE VIOLATION**Date: 9/8/14Case: CE- 14 - 597 / 798Address: 601 N. Lake

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*

Bromka, Michael Patrick

601 N. Mesquite

Carlsbad, NM 88220

**FINAL NOTICE**

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 9/19/14****CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:****Please mow all weeds around property and in alley way or citation will be issued.****CODE VIOLATED:**

**EXCESS WEEDS - LOTS (CCO 22-64):** It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

**CODE VIOLATED:****CODE VIOLATED:**

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

Deanna Cavender  
Code Enforcement Signature

Deanna Cavender 885-1185 x-2238

Printed Name

9/8/14

Date



## NOTICE OF CODE VIOLATION

### GENERAL NOTES REGARDING COMPLIANCE

This Notice of Violation was based on a recent inspection of your property by Carlsbad Code Enforcement Personnel. A re-inspection of your property will be made after the date specified for compliance. A decision will be made at that time regarding the need for further action.

If you are willing to complete the required actions, but are unable to do so in a reasonable manner by the compliance date, the date for compliance may be extended for certain violations with a demonstration of a realistic need and supported with appropriate justification. This extension must be requested prior to the original compliance date. The date, however, for mitigation of violations that involve a serious and/or immediate threat to the health, safety, and/or welfare of the occupants of the property or general population may not be extended, but must be resolved without delay.

Code Enforcement Personnel will evaluate each request, as sole arbitrator, and will offer an Agreement to Abate, if appropriate. An Agreement to Abate is a written agreement between the individual responsible for mitigation, most generally the owner of the property or agent, and the Code Enforcement Personnel by which the applicant is afforded additional time to achieve compliance without threat of sanction. If awarded, the Agreement will extend the date for compliance the minimum amount of time required for compliance, and is generally not renewable.

The Code Enforcement Division is located in the Municipal Building Annex at 114 S. Halagueno Street. Code Enforcement Personnel may also be contacted by phone at (575) 885-1185 for additional information or guidance regarding resolution of this matter.

**PLEASE DON'T DELAY—CORRECT THE PROBLEM NOW!**



**15 CITY OF CARLSBAD**

Planning, Engineering, and Regulation Department

**Code Enforcement Division**

101 N. Halagueno St., PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

**NOTICE OF CODE VIOLATION**

Date: 11/03/14

Case: CE- 14 - 798

Address: 601 N. Mesquite

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*

BROMKA, MICHAEL PATRICK

601 N MESQUITE

CARLSBAD NM 88220

**FINAL NOTICE**

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 11/13/14****CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please mow all the weeds around your property, and trim your trees that are hanging in the right of way, mow the sidewalk, and alley.

**CODE VIOLATED:**

**EXCESS WEEDS - LOTS (CCO 22-64):** It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

**CODE VIOLATED:**

**PARKWAY OBSTRUCTION 2 (CCO 48-71(1)):** The following is declared to be obstructions or traffic hazards subject to the regulations of this article: Any bush, tree or other vegetation within the parkway, or extending into the parkway, which exceeds a height of 2 1/2 feet above the gutter elevation of the adjacent street or which overhangs a sidewalk, except single trunk trees which are pruned to eliminate all leaves and branches as follows: a. Below seven feet in height above the ground beneath the tree; b. Below eight feet in height above a sidewalk beneath the tree; c. Which would tend to obstruct the view of a traffic control device it shall be the duty of any person owning, leasing or occupying any lot or parcel of land in the city fronting upon a sidewalk, street or alley to remove and prohibit any of the nuisances, obstructions or traffic hazards set out in this article, and failure to remedy, eliminate or modify such nuisance, obstruction or traffic hazard in accordance with the instructions of the notifying official shall be a violation of the provisions of this article and shall be punishable as provided in section 1-6 of this Code. CCO Section 48-73

**CODE VIOLATED:**

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

*Deanna Cavender*  
Code Enforcement Signature

Deanna Cavender

Printed Name

885-1185  
X-2238

11/06/14

Date



## NOTICE OF CODE VIOLATION

### GENERAL NOTES REGARDING COMPLIANCE

This Notice of Violation was based on a recent inspection of your property by Carlsbad Code Enforcement Personnel. A re-inspection of your property will be made after the date specified for compliance. A decision will be made at that time regarding the need for further action.

If you are willing to complete the required actions, but are unable to do so in a reasonable manner by the compliance date, the date for compliance may be extended for certain violations with a demonstration of a realistic need and supported with appropriate justification. This extension must be requested prior to the original compliance date. The date, however, for mitigation of violations that involve a serious and/or immediate threat to the health, safety, and/or welfare of the occupants of the property or general population may not be extended, but must be resolved without delay.

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The Code Enforcement Division is located in the Municipal Building Annex at 114 S. Halagueno Street. Code Enforcement Personnel may also be contacted by phone at (575) 885-1185 for additional information or guidance regarding resolution of this matter.

**PLEASE DON'T DELAY—CORRECT THE PROBLEM NOW!**





- Search by
- [Owner #](#)
- [Owner Name](#)
- [Mailing Zip Code](#)
- [Property Code](#)
- [Physical Address](#)
- [Subdivision](#)
- [Metes](#)

**Owner Information**

Owner # 16312 District CI  
BROMKA, MICHAEL PATRICK

601 N MESQUITE  
CARLSBAD NM 88220

**Estimated Taxes for Owner**

Estimated Tax	Estimated Year used
\$453.71	2013

**Recap Value Information**

Central Full Value	0	Full Value	60282
Land Full Value	6393	Taxable Value	20094
Improvements Full value	53889	Exempt Value	0
Personal Property Full Value	0	Net Value	20094
Manufactured Home Full Value	0		
Livestock Full Value	0		

**Property Information**

Property Code 4157127098095  
Book 659 Page 532 Reception# 0  
Physical Address 601 N MESQUITE STREET  
Bldg Apt  
Subdivision LOWE  
71 BLOCK 71 LOT 13  
LOT 13  
MAP# 247-15-62  
LOC 601 N MESQUITE  
LOT SIZE 50' X 150'

**Appraisal Information**

Basement Sq. Ft. 0 First Floor Sq. Ft. 1452 Second Floor Sq. Ft. 0 Year built 1

**Property Value Information**

101	Residential	Land	7500.00	0.29	6393
201	Residential	Improvements		0.00	53889





601 N. Mesquite - weed + debris  
Michael Bromka

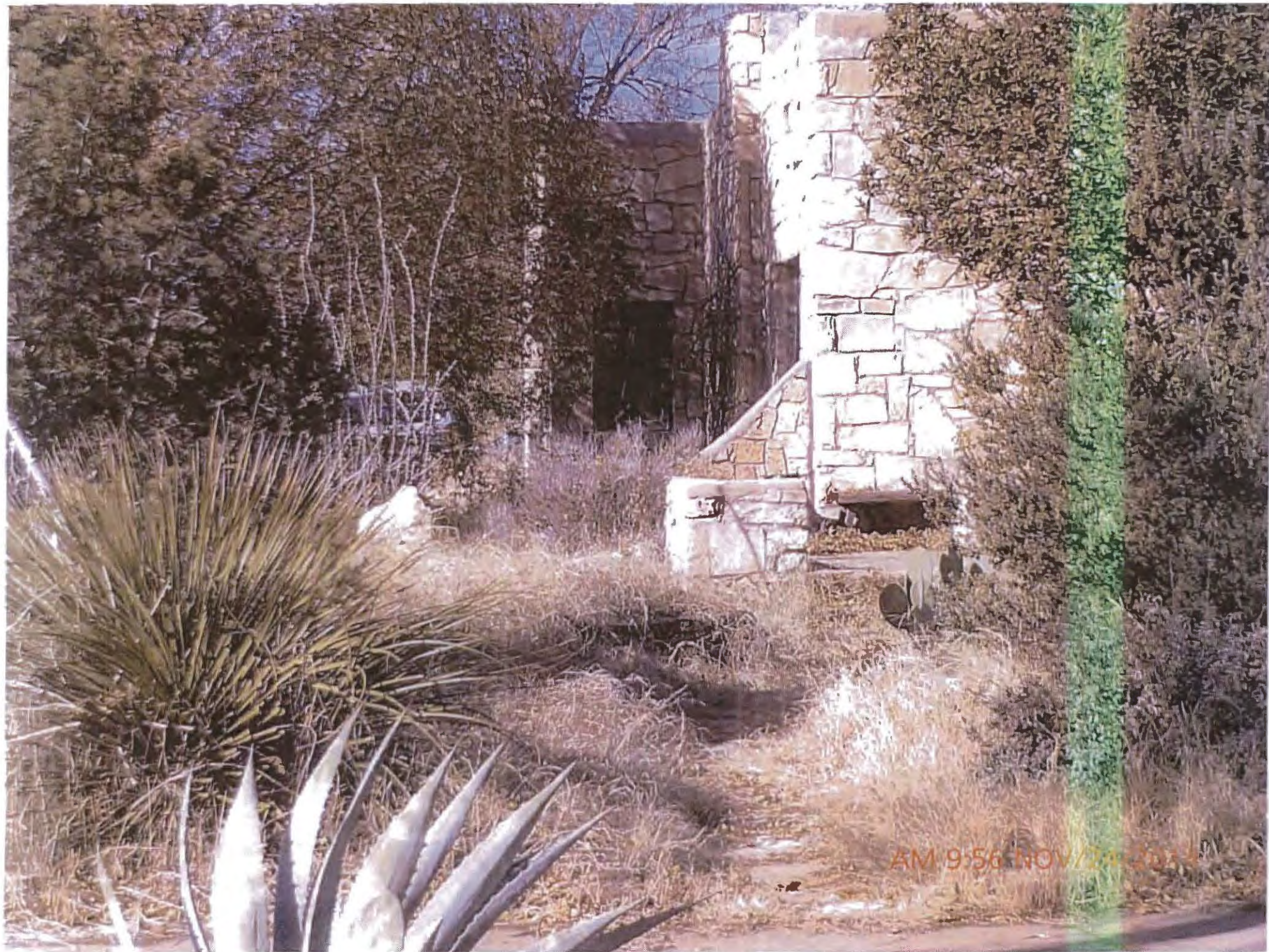




















Lat N. 10.000000









PM12:24 SEP/25/2014









PM12:23 SEP/23/2014

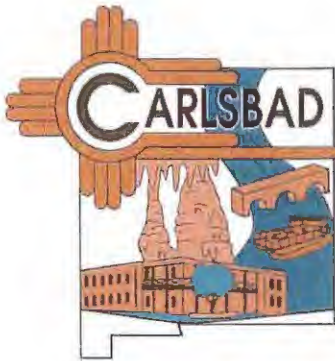












DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

STEVE MCCUTCHEON  
CITY ADMINISTRATOR

January 5, 2015  
via Certified Mail, Return Receipt Requested

Michael Patrick Bromka  
601 N. Mesquite  
Carlsbad, NM 88220

Re: Dangerous Premises at the property known as 601 N. Mesquite, Carlsbad, New Mexico

Dear Mr. Bromka:

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 601 N. Mesquite, Carlsbad, New Mexico. This property has been inspected by the City Code Enforcement Officer and the Fire Marshal. They found the property to be in violation of a number of health and safety laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, January 13, 2014 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 ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty 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 liens 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, extension 7931, or at the Municipal Building, 101 N. Halagueño, Carlsbad, New Mexico 88220.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen P. Riordan".  
Eileen P. Riordan  
City Attorney

EPR:jmt

Enclosure

cc: Dale Janway, Mayor  
Steve McCutcheon, City Administrator

**COUNCILORS**

**Ward 1**  
NICK G. SALCIDO  
LISA A. ANAYA FLORES

**Ward 2**  
SANDRA K. NUNLEY  
J.R. DOPORTO

**Ward 3**  
JASON G. SHIRLEY  
WESLEY CARTER

**Ward 4**  
JANELL E. WHITLOCK  
DICK DOSS



RESOLUTION NO. 2015-\_\_\_\_

WHEREAS, the attached lists of materials, equipment, and supplies are considered surplus and nonessential for municipal purposes; and

WHEREAS, it is to the City's advantage to dispose of those things listed; and

WHEREAS, the State regulations allow for such disposal of public property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO that the items listed on the attached pages and incorporated herein are declared unusable and obsolete and that said items be disposed of by public sale or as otherwise provided by law.

APPROVED, PASSED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

---

Mayor

ATTEST:

---

City Clerk




# FIRST VERIFICATION (Prior to Actual Disposal)

Each of the below-signed officials of the City of Carlsbad, New Mexico do hereby verify that, upon information and belief, the attached document is a list of tangible personal property belonging to the City of Carlsbad, such property has a value of five thousand dollars (\$5,000.00) or less, such property is worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use by the City of Carlsbad, and each official approves of the disposition of such property as provided by law.

  
Tom Carlson, Director of Public Works

  
Luis R. Camero, Director of Utilities

  
Richard D. Lopez, Fire Chief

  
Kent Waller, Police Chief

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

Signed and sworn to me this 10<sup>th</sup> day of January, 2015, by Tom Carlson, Director of Public Works.

My commission expires: 8/17/15   
Notary Public

OFFICIAL SEAL  
MELINDA A. ROUNTREE  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 8/17/15

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

Signed and sworn to me this 10<sup>th</sup> day of January, \_\_\_\_\_, by Luis R. Camero, Director of Utilities.

My commission expires: 8/17/15   
Notary Public

OFFICIAL SEAL  
MELINDA A. ROUNTREE  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 8/17/15

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


Signed and sworn to me this 8<sup>th</sup> day of January, 2015, by Richard D. Lopez, Fire Chief.

My commission expires: 8-12-15   
Notary Public

OFFICIAL SEAL  
Amanda J. McDougall  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 8-12-15

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

Signed and sworn to me this 31<sup>st</sup> day of December, 2014, by Kent Waller, Chief of Police.

My commission expires: 05-23-15   
Notary Public

OFFICIAL SEAL  
KAREN E. BOCK  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 5-23-15



## UNUSABLE OR OBSOLETE CITY PROPERTY

Department: AIRPORT Date: 12-5-14

Department Head: PATSY JACKSON-CHRISTOPHER

The City property described below is unusable or obsolete and has been. It is recommended that the governing body declare such property unusable or obsolete and authorize disposition by public sale or as otherwise provided by law.

[illegible]



## UNUSABLE OR OBSOLETE CITY PROPERTY

Department: PARKS

Date: 12-15-14

Department Head: TOM CARLSON

The City property described below is unusable or obsolete and has been. It is recommended that the governing body declare such property unusable or obsolete and authorize disposition by public sale or as otherwise provided by law.

[illegible]



## UNUSABLE OR OBSOLETE CITY PROPERTY

Department: POLICE

Date: December 10, 2014

Department Head: KENT WALLER

The City property described below is unusable or obsolete and has been. It is recommended that the governing body declare such property unusable or obsolete and authorize disposition by public sale or as otherwise provided by law.

[illegible]



FIRST VERIFICATION (Prior to Actual Disposal)

Each of the below-signed officials of the City of Carlsbad, New Mexico do hereby verify that, upon information and belief, the attached document is a list of tangible personal property belonging to the City of Carlsbad, such property has a value of five thousand dollars (\$5,000.00) or less, such property is worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use by the City of Carlsbad, and each official approves of the disposition of such property as provided by law.

  
Tom Carlson, Director of Public Works


  
Luis R. Camero, Director of Utilities


  
Richard D. Lopez, Fire Chief

 1/7/15  
Kent Waller, Police Chief

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

Signed and sworn to me this 8<sup>th</sup> day of January, 2015, by Tom Carlson, Director of Public Works.

My commission expires: 8-16-15   
Notary Public

 OFFICIAL SEAL  
KADEE WACHHOLZ  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 8-16-15

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


Signed and sworn to me this 8<sup>th</sup> day of January, 2015, by Luis R. Camero, Director of Utilities.

My commission expires: 8-16-15   
Notary Public

 OFFICIAL SEAL  
KADEE WACHHOLZ  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 8-16-15

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

Signed and sworn to me this 6<sup>th</sup> day of January, 2015, by Richard D. Lopez, Fire Chief.

My commission expires: 8-12-15   
Notary Public

 OFFICIAL SEAL  
Amanda J. McDougall  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
Commission Expires 8-12-15



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

Signed and sworn to me this 7<sup>th</sup> day of January, 2015, by Kent Waller, Chief of Police.

My commission expires: 07/17/17 Eileen Bonney  
Notary Public



## UNUSABLE OR OBSOLETE CITY PROPERTY

Department: FIRE DEPT

Date: 1-7-15

Department Head: RICHARD D LOPEZ

The City property described below is unusable or obsolete and has been. It is recommended that the governing body declare such property unusable or obsolete and authorize disposition by public sale or as otherwise provided by law.


[illegible]



**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

**COUNCIL MEETING DATE: 01-13-2015**

**DEPARTMENT:** Fire

**BY:** Richard Lopez, Fire Chief 

**DATE:** 1-5-2014

**SUBJECT:** Donation of obsolete equipment to Eddy County

**SYNOPSIS, HISTORY and IMPACT** (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):

**BACKGROUND:** We are removing two pieces of equipment from our inventory and would like to donate them to Eddy County Fire Service.


The first piece of equipment is a 1983 American La France 75' ladder truck. This vehicle has not been in service for 3 years due to the maintenance problems. The hydraulic system, brake system and pump would have to be re-worked from top to bottom. We have attempted to replace parts on this truck in the past and have been told that the truck is obsolete and certain parts are no longer available. We do not have the man power in maintenance to try and rebuild this truck and it would cost 10's of thousands of dollars to have a private company work on this truck. If the work was done, at the end of the day the truck would still be a 21 year old truck and the technology and engineering of the truck would still be out of date.

The second piece of equipment is a 1987 E-One rescue truck. This truck was a Hazmat truck, heavy rescue and a dive truck. We have replaced it with newer pieces of equipment in those areas that have proven to be a better fit. At this time this truck is not needed and we do not for see needing this vehicle in the future. Eddy County would like to make this vehicle a re-habilitation vehicle. Carlsbad Fire Department does not have the resources to operate a re-habilitation vehicle. We have tried for the last year to repurpose this vehicle and have been unable to do so. At this time this vehicle is taking up much needed space and considering the upkeep cost we feel we could spend that money more wisely.

**DEPARTMENT RECOMMENDATION:** I recommend that we remove both of these vehicles from inventory and allow Eddy County to take possession.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |                                        |                                            |                                          |                                       |
|----------------------------------------|--------------------------------------------|------------------------------------------|---------------------------------------|
| <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 |                                       |

Reviewed by  
City Administrator: 

Date: 1/8/15

ATTACHMENTS:



## CITY OF CARLSBAD

### AGENDA BRIEFING MEMORANDUM

**COUNCIL MEETING DATE: 1/13/2015**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 11/14/2014
<p><b>SUBJECT:</b> Zoning Change from "I" Industrial District to "C-2" Commercial District for an approximately 8 acre parcel, located at 2009 E. Orchard Ln., legally described as Gregory Enterprises Land Division, Tract 1, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant: MEC Services, LLC 6613 Ruby St. NE Albuquerque, NM 87109</p> <p><b><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></b></p>		
<p><b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The applicant is requesting a Zoning Change from "I" Industrial District to "C-2" Commercial District at the subject site. The zoning around this property is zoned as Industrial District, with the property to the west being zoned "R-R" Rural Residential. Changing the zoning to "C-2" Commercial will fit with the surrounding uses at this site, but the change will result in the creation of a spot zone.</p> <p>The existing zoning is intended to accommodate heavy and/or concentrated fabrication, production, research, manufacturing, and industrial uses. The proposed commercial zoning is intended to accommodate community and regional-scale retail and commercial uses. This area along U.S. Hwy. 62/180 (E. Greene St.) is primarily an industrial area with some commercial uses connected to or housed within the industrial properties. Changing the zoning to C-2 would open up the possibility of residential uses at this site. The applicant has stated that the need for a zone change to C-2 arises from their plan to place a temporary RV park at this location. However, there is no property with residential uses within the direct vicinity of the subject site.</p> <p>According to Zoning Ordinance Sec. 56-4. Amendments, prior to approving a zoning change, the Planning and Zoning Commission must find "whether or not the proposal would improve or damage the comprehensive zoning plan herein established".</p> <p><i>Comprehensive Plan: Strategy 2030</i> goals and policies that are applicable to this request are:</p> <p><b>Chapter 3: Land Use</b></p> <p><u>Goal 1:</u> The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario.</p> <p><u>Goal 2:</u> The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.</p> <p><u>Goal 4:</u> The City of Carlsbad will strive to create an aesthetically pleasing built environment.</p> <p><u>Goal 5:</u> The City of Carlsbad will ensure that land use does not negatively impact the city's environmental resources.</p>		



## **Chapter 5: Economic Development**

Goal 4: Improve the appearance of Carlsbad.

Goal 6: Support the efforts and expansion of existing major industries, such as potash mining, oil and gas drilling, and nuclear waste disposal.

***An amendment to the Official Zoning Map or to the Text of this Zoning Ordinance must be justified by one or more of the following findings:***

- (a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and
- (b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
- (c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and
- (d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
- (e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
- (f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
- (g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
- (h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Based on review of the application, staff comments, and public input, at their meeting on 11/3/2024, the Planning and Zoning Commission recommended approval of this request based on the following findings:

1. The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and
2. The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.



**PLANNING STAFF RECOMMENDATION:** Based on review of the application and staff comments, planning staff recommended approval of this request based on the following findings:

1. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Zoning Ordinance; and
2. The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works	x			Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department			x	Engineering Division	x		
Police Department	x			Planning Division	x		
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x				

**DEPARTMENT COMMENTS:**

Public Works: no comments received.

Utilities Department: no comments received.

Building Department: no comments received.

Fire Department: 2900 E. Orchard Ln. Zone Change: No objections. If this property does become an RV park, access and fire hydrants will need to be addressed at a later date.

Code Enforcement: no comments received.

Legal Department: no comments received.

Planning Department: recommend approval, no comments.

Police Department: no comments received.

Culture and Recreation Department: no comments received.

City Engineer: Recommendation of Approval



**BOARD/COMMISSION/COMMITTEE ACTION:**

- |                                         |                                            |                                          |                                              |
|-----------------------------------------|--------------------------------------------|------------------------------------------|----------------------------------------------|
| <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:** Jan. 8, 2015

ATTACHMENTS: ordinance, application, maps, p&amp;z minutes, notification letters



**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**November 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, November 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 Special Meeting held October 13, 2014.
4. Consider an Appeal (variance) from Section 56-90(b) to allow a 0' front-yard setback variance instead of the required 30' at 912 Albert St. Legal description is Carter Subdivision Unit 3, Block 16, Lot 14.
5. Consider a request for a Conditional Use Permit to allow a mobile home park at 2126 W. Texas St. within the C-2 Commercial Zone.
6. Consider an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 24' resulting in a 6' front-yard setback at 3504 Cass Dr. Legal description is Cass 2<sup>nd</sup> Subdivision, Block 2, Lot 6.
7. Consider an Appeal (variance) from Section 56-90(c) to allow a street frontage variance of 28' which is 22' short of the required 50', at 1208 Hidalgo Rd. Legal description is Southwest, Tract 2, lying in Section 24, T22S R26E.
8. Consider a recommendation regarding a zoning change from "I" Industrial District to "C-2" Commercial District for an 8 acre parcel located at 2009 E. Orchard Ln., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. Legal description is Gregory Enterprises Land division, Tract 1.
9. Consider Approval of Preliminary and Final Plat for Atwood Subdivision, pursuant to Code of Ordinances - Chapter 47, zoned "R-1" Residential District, creating 6 new lots for residential use.
10. Consider Approval of Replat for Cascades Subdivision, pursuant to Code of Ordinances - Chapter 47, creating 7 new lots, zoned C-2 Commercial District.
11. Consider Approval of a Final Plat for Quail Hollow Subdivision, Unit 5, pursuant to the Code of Ordinances, Chapter 47, zoned R-1, creating 20 new lots. The final plat generally conforms to the approved preliminary plat.
12. Report regarding plats approved through Summary Review Process.
13. 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, NOVEMBER 3, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
EDDIE RODRIGUEZ  
WANDA DURHAM  
LASON BARNEY**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES MCCORMICK**

**COMMISSION SECRETARY**

**EX-OFFICIO MEMBERS PRESENT:**

**STEPHANIE SHUMSKY  
JEFF PATTERSON  
GEORGIA GOAD**

**DEPUTY CITY ADMINISTRATOR  
PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**BOARD SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**CYNTHIA MILLER  
SERENITY COGGINS  
CARLA BOLCH  
FRANK ROMERO  
RUBEN RODRIGUEZ  
FRED J. HILL  
KAY ATWOOD  
MARK COMER  
TRENT ATWOOD  
ANTONIO CAMPOS  
GEORGE DUNAGAN  
VELMA READ  
KARLA CRUZ  
OLIVIA SOSA  
JOHN WATERS  
MARK SCHINNERER  
MARCUS BLUTH  
HAROLD R. FINICAL  
MATTHEW KNEELAND  
JAY JENKINS  
SHANNON SUMMERS**

**1208 HIDALGO ROAD  
2126 W. TEXAS #2  
2126 W. TEXAS #2  
601 W. RIVERSIDE DRIVE  
912 ALBERT STREET  
402 S. 6<sup>TH</sup> STREET  
502 FARRIS  
606 WELEKA LANE  
914 N. EDWARDS  
3504 CASS  
212 W. STEVENS  
2126 TEXAS #6  
2126 TEXAS #6  
1507 BRONSON  
400-2 CASCADES  
902 W. CHERRY LANE  
601 FREEDOM LANE  
1414 SOUTH COUNTRY CLUB  
100 E. NAVAJO, HOBBS, NM  
PO BOX 1233  
2610 UTAH STREET**

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 [5:02:35 PM]

0:00:09 **1. Roll call of voting members and determination of quorum.**



Meeting was called to order at 5:02 p.m. **Mr. Knott** called roll. There was a quorum. Present: **Mr. Rodriguez, Mr. Knott, Ms. Durham, Mr. Barney.** Absent: **Mr. McCormick.**

0:01:21      **2. Approval of Agenda.**

Motion was made by **Mr. Rodriguez** for approval of the Agenda. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:01:52      **3. Approval of Minutes from the Special Meeting held October 13, 2014.**

Motion was made by **Ms. Durham** and seconded by **Mr. Rodriguez** for approval of the Minutes. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Ms. Durham;** No – None; Abstained – **Mr. Barney;** Absent – **Mr. McCormick.** The motion carried.

0:02:24      **4. Consider an Appeal (variance) from Section 56-90(b) to allow a 0' front-yard setback variance instead of the required 30' at 912 Albert St. Legal description is Carter Subdivision Unit 3, Block 16, Lot 14.**

**Mr. Rodriguez** was present for the request. **Mr. Patterson** explained that Staff recommends denial. If approved, Staff recommends conditions. **Mr. Rodriguez** said he would have all four sides opened and he wants to have the carport for hail damage that just happened months back. **Mr. Knott** asked how big he wanted to build his carport. **Mr. Rodriguez** said he was not going to build it he was going to have a metal carport anchored down. He said he was not sure how big it was going to be, but that he wanted it to be from the front of the house to the sidewalk. **Mr. Knott** said as he drove around the neighborhood he noticed that there were garages built in the back of the houses right on the property line. **Mr. Rodriguez** said he uses his garage as storage. **Ms. Durham** asked if there was any room behind the house to put the carport. **Mr. Rodriguez** said, “no”, because there are two gates and he would not have a backyard. **Mr. Patterson** said he was not sure what the open area is, but it would cut off a significant part of this backyard.

Motion was made by **Mr. Rodriguez** to recommend denial of the Variance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried to recommend denial.

0:13:02      **5. Consider a request for a Conditional Use Permit to allow a mobile home park at 1126 W. Texas St. within the C-2 Commercial Zone.**

**Mr. Romero** was present for the request. **Mr. Patterson** explained that Staff recommends approval. If approved, Staff recommends conditions. This lot has historically been a mobile home park; however **Mr. Romero** took over ownership and did not get a conditional use permit under his name which he is required to do. This property was in disrepair and code enforcement officers have been working with **Mr. Romero** on the cleanup and changes he's made so far. He lacks meeting certain criteria and the land requires 3 acres for a mobile home park. He has 1.54 acres at this address. We usually require 24 units and he will only have 11 units. He would need to apply for two variances, which he has agreed to do if he is approved for the conditional use permit. **Mr. Patterson** told **Mr. Romero** that the parcel that he intends to include to the north is zoned R-1 and it will need to be zoned to C-2. **Mr. Romero** agreed. **Mr. Patterson** said the staff recommended approval with all the conditions. **Mr. Knott** asked about the approving the conditional use without an engineering plan because there is nothing indicating any



setbacks. **Mr. Patterson** said that Mr. Romero has expressed some hesitation before he spends any money. He is waiting to see if he'll get approved on the conditional use permit. **Mr. Knott** said he's not sure where Mr. Romero wants to put the trailers will fit. **Mr. Romero** said he thinks they will, because they are only going to have eleven spaces. If they turn the mobile homes at a forty-five degree angle it will have more space for road access. Instead of having twelve for one and a half acres he's only going to be having 10 or 11 lots because he's going to have to make one a road to the back. (Looking at the diagram pgs. 33 & 34) Trailer #2 or trailer #8 will have to be used as a drive through road so they might have traffic in and out. **Mr. Patterson** said that on page 34 where it shows the 30ft turn around, was the parcel that I was referencing to that he had to do a zone change right now. It's a separate parcel and it is zone R-1, so to include it in the park he had to get it changed. **Mr. Knott** said that he wanted to make the applicant aware of what it consists of by reading from the Ordinance Section on mobile home parks. He just wanted to make sure the applicant has done all his due diligence to make sure that this was going to make good use of the property. **Mr. Romero** said he has tenants that are here tonight for the meeting and they are here to support him on his request. He has eleven trailers and one house, he just spent \$50,000 for electrical wiring that they had going on top and now it is underground. He has also put in a new water supply. There are not too many trailers that are available for people that can afford minimum payments. **Mr. Knott** asked how many units are sealed and not habitable. **Mr. Romero** said that he did have the inspectors red tag them on purpose because at the time of the construction he needed to keep people from destroying the trailers. He has told the owners of the Flea Market that he was interested in buying the land. Then he would have 3 acres and he could have 24 trailers, but they are not ready to sell right now. **Mr. Knott** asked he knew of any citations with the City. **Mr. Romero** said "no".

**Mr. Hill** said his mother is the oldest person that lives in the trailer park. She's been there since the 70's. She owns her home and she's in a wheelchair. She has nowhere to go if the trailer park closes and she's on social security. He cannot make her leave; she lives on the #1 home (looking at the picture). **Mr. Romero** said he has wonderful tenants.

**Ms. Coggins** said she is a tenant and a sophomore student at Carlsbad High School. She says she speaks for the kids and teenagers that live there. She says she lives in trailer #3 and the schools are close. They watch each other and their kids and she's happy where she lives. It's a good neighborhood and she's for the conditional use.

**Mr. Finical** said his daughter lives at the park and she lives in trailer #6. This is the only home that his daughter could afford and she could not move. Mr. Romero has done a good job, he takes care of his tenants and he has been putting a lot of effort into this property. He hopes that P & Z will consider this request.

**Ms. Bolch** said she lives in trailer #2. She said that Mr. Romero has made improvements to the park and sees him doing what we ask him to fix, or anything that needs to be done.

**Ms. Read** said she lives in trailer #6 and she's on social security with her kids and that's what she can afford. The area is very comfortable and everyone helps everyone out and she doesn't have any money to move. Mr. Romero is a good landlord and she doesn't have any problems with him or anyone else, they take care of each other. She would like for the board to consider the conditional use.

**Ms. Durham** said she would like to see Mr. Romero's request more in compliance with all the conditions needed to be done for everyone's wellbeing. She knows that all this will be costly but in the long run it will be done correctly. **Mr. Barney** asked if there was a way if we said "yes" temporarily and if it works out and it looks good then we could approve it. **Mr. Knott** said that Mr. Patterson made his recommendation based on the application. **Mr. Patterson** said the board could approve the conditional use permit with these conditions. As soon as he meets these conditions he will be issued a conditional use to operate. He's been working with code enforcement and he's willing to do what he needs to do to get



this approved. **Mr. Knott** asked, at this time he's not in compliance? **Mr. Patterson** said, "yes". **Mr. Rodriguez** asked if they do approve the conditional use permit what will happen if the adjacent property is acquired. How will that effect the present location when he expands it to the 3 full acres and moves in the full 24 units? **Mr. Patterson** said as far as the two issues go if he had the 3 acres and room for the 24 units then we would not require him to get a variance on those issues. **Mr. Rodriguez** said at this time he does not have the 3 acres, but is attempting to purchase it, he just doesn't want to shoot themselves on the foot. **Mr. Knott** said if we issue him a conditional use permit and he purchased the remaining property of the 3 acres, then he has to come back before the board. **Mr. Patterson** said he would have to bring in an engineering site plan if he acquires the property and then he has to incorporate it in his plans and show use of the 3 acres and have room for the 24 units. Then he would not be required to apply for a variance and it would be within the current regulation. **Mr. Knott** said if he did not acquire the additional property then he would just have to go with these regulations. **Mr. Romero** asked if he had to have 24 units if he had 3 acres. **Mr. Knott** said that was the maximum and nothing more, but he could have less than what has been approved.

Motion was made by **Mr. Knott** to recommend approval for Conditional Use permit based on staff's recommendations. And bringing in engineering site plans, as well as, verifying all the setbacks had been approved and that driveways meet the recommendations.

**Mr. Barney** asked if there were going to make them have sidewalks. **Mr. Knott** said that they are going with the mobile home park definition and it addresses the sidewalks conditions. **Mr. Patterson** said the sidewalks, being ADA compliance, have to be from the street to the front door to the mobile home. Also from the street to any common areas such as a park area or laundry area that all residents use. **Mr. Knott** said this conditional use permit is using the conditions of a mobile home park but smaller and still has to address the setbacks and all the requirements on the engineered site plan? **Mr. Patterson** said, "yes".

**Ms. Durham** seconded the motion. The vote was as follows: Yes –**Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval with staff's conditions.

0:46:11      **6. Consider an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 24' resulting in a 6' front-yard setback at 3504 Cass Dr. Legal description is Cass 2nd Subdivision, Block 2, Lot 6.**

**Mr. Campos** was present for the request. **Mr. Patterson** said this request is to place an open sided metal carport in the 30' front-yard setback at 3504 Cass Drive that is part of Cass 2<sup>nd</sup> subdivision. He wants to take the front back from 30' to 6'. The applicant states that there's a 35 year old tree adjacent to where he parks his car in his front yard. He has tree trash and limbs falling on vehicles, as well as bird droppings. The City requires a 30' front setback in the single family residential neighborhoods. The Planning Staff based on comments recommends denial. However, if approved, the applicant should ensure that there will be no drainage to the adjacent property as a result of the installation of this carport. Also, a building permit would be required before construction of an open structure. **Mr. Campos** said that it states there that he has a 6' setback, the carport that he wants is 24' and that would leave him with a 16'3" setback. He said from his house to the sidewalk he has about 40' front setback. He said he does not see where it would block any view from the neighbors because it's going to be open carport. **Mr. Patterson** said that he wants a variance of 24' and to leave a 6' ft. setback. **Mr. Campos** said it would leave a 16'3" setback. **Mr. Knott** asked if he knew the location of his property front line. **Mr. Campos** said he's only going with what they told him when he first started to inquire about this variance. They told him to measure from the end of the sidewalk up to the existing garage. (Looking at the map on pg. 55) He said that the tree is humongous and it goes all the way across the driveway and has been a burden to me for many, many years and he's thought about cutting the tree but it's too big and if he trims it then it will grow again. He has to wash his driveway every morning because of the bird droppings on the driveway and



vehicles and he's just tired of it. **Mr. Knott** asked what the buildings in his backyard were. **Mr. Campos** said his wife runs a daycare business and his storage is to keep his lawnmower and tools. **Mr. Patterson** said the property runs well inside where the sidewalks are located. **Mr. Campos** said he could make the carport smaller. **Mr. Knott** asked if there were any other carports in front of houses. **Mr. Campos** said, "no" but they don't have the problem that he has. **Mr. Patterson** said in most R-1 single family residential, the normal setbacks are 30' from the front property line. There are neighborhoods where a 15' front setback applies but most of the houses down your block are a 30' setback. **Mr. Campos** said he understands the rules but he would like for the board to approve the request because of his hardship.

Motion was made by **Mr. Rodriguez** to recommend denial of the Variance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham;** No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend denial.

1:01:47      **7. Consider an Appeal (variance) from Section 56-90(c) to allow a street frontage variance of 28' which is 22' short of the required 50', at 1208 Hidalgo Rd. Legal description is Southwest, Tract 2, lying in Section 24, T22S R26E.**

**Ms. Miller** was present for the request. **Mr. Patterson** said this request is to create a flag lot with a street frontage of 28' which would be 22' short of the required 50' of street frontage, at the subject site. According to sec. 56-90(c)(1)(a), "Each flag lot shall have a minimum of 50 ft. of street frontage and 20ft of continuous width for the entire length of the driveway." The applicant wishes to split her property into three lots, creating a 15, 912 sq. ft. lot on Hidalgo Rd., a 10,920 sq. ft. lot directly north of the first lot with a 28' driveway access to the west of the first lot, and leaving a 46,836 sq. ft. just above an acre at the north end of the property. Splitting the property satisfies the requirement for minimum lot area in R-R zoning (10,890 sq. ft.) and with the variance for street frontage; each lot will satisfy the frontage requirement. (Looking on the map on pg. 78) The map shows how the lots will be divided and showing the 28' road accessing it from Hidalgo Rd. The Planning Staff based on comments recommended approval with the condition that all 28' of that access remain unobstructed and has to be access only. **Mr. Knott** asked about the minimum lot size. The 10,890 sq. ft. has city utilities and does that lot have city sewer and water? **Ms. Miller** said not right now it's all vacant lot. **Mr. Knott** asked where it will come from. **Ms. Miller** said from the main street. **Mr. Patterson** said it will have city utilities and he believed that the city water and sewer was going to be provided to lot 2. **Mr. Knott** said that he noticed that the fire hydrant is about 10' within the proposed road. Which to him, is not a clear right-of-way for the road, and that the fire hydrant that will have to be removed. **Ms. Miller** asked who will move the fire hydrant her or the City. **Mr. Knott** said you will need to have a utility easement to provide electric. **Ms. Miller** said she could move the carport to the other side of the house. (Looking at the map pg. 78) If you see my neighbors, they have septic tanks and if you look, that is not 28' and not wide enough for a fire truck to fit in there. I just want to be legal. She'll be in lot #1 and her sister will be in lot #2 and sell off the back half.

**Mr. Patterson** said Planning Department recommended approval on the condition the access of 28' remains open, moving forward, that it is never obstructed by building or anything. It was recommended by the Fire Department that they asked for 24' minimum but Ms. Miller is proposing 28'. **Mr. Knott** mentions moving the fire hydrant. **Mr. Patterson** said unless she moves the carport on the west side she may have about 20' then she wouldn't have to move the fire hydrant. **Mr. Knott** asked, Ms. Miller about the city utilities. **Mr. Patterson** said that she would need to do some research. **Ms. Miller** asked because it is Rural can you put a septic tank? **Mr. Knott** said if city sewer is available on a city lot, they are not supposed to allow you to put a septic tank. If you cannot tie into the city sewer then they may tell you to put a lift station. **Mr. Patterson** said the Utilities Department will have to look at the drawings. **Mr. Knott** asked Ms. Goad what is her recommendation for the flag lots. **Ms. Goad** said she can see the draw backs to them. For the emergency vehicles in this situation like the applicant stated; those lots are really deep, long and skinny. If you want to use the term infill, sometimes they are necessary if you give them the proper access.



Motion was made by **Ms. Durham** to recommend approval of the Variance with conditions that the 28 ft. of the access remain unobstructed and available at all times and provide a sewer tap plan that has to be approved by utilities. Run sewer lines to the lot and hook up to the existing sewer and either move the fire hydrant or shift the access over 10'ft to the east. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:26:08      **8. Consider a recommendation regarding a zoning change from "I" Industrial District to "C-2" Commercial District for an 8 acre parcel located at 2009 E. Orchard Ln., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. Legal description is Gregory Enterprises Land division, Tract 1.**

**Mr. Comer** was present for the request. **Mr. Patterson** the applicant is requesting a Zone Change from "I" Industrial District to "C-2" Commercial District at the subject site. The surrounding property is industrial to the west, north, and south, with Rural Residential properties further to the west. As such, this change will technically create a spot zone. The applicant wants to put in a temporary RV Park at this location. There are some Commercial uses in place around the subject site, mostly oilfield related. The Council has stated that property similar to this subject site is preferred for temporary RV Parks and we recommend approval. The only comment the Fire Department had was the property was in need of a fire hydrant. **Mr. Comer** said this property he purchased has his business on the southeast side on the property. He's going to use the remaining property is for the temporary housing. It was difficult to find a place for his employees to stay because he could not afford for his employees to stay in a motel and he's having to pay for them to stay in town.

Motion was made by **Mr. Rodriguez** to recommend approval of the Zone Change. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:36:59      **9. Consider Approval of Preliminary and Final Plat for Atwood Subdivision, pursuant to Code of Ordinances - Chapter 47, zoned "R-1" Residential District, creating 6 new lots for residential use.**

**Ms. Atwood and Mr. Atwood** are present for the request. **Mr. Patterson** stated that the applicants are seeking approval of a preliminary plat concurring with the final plat for 6 new lots along on the east side of Hamilton Place. (Looking on the map pg. 107) Each lot will have the required 50' street frontage and direct access to a platted street, as well as meeting the lot size requirements. An 8" sewer line already exists, and the road is paved. A water line is needed, and the applicants and surveyor will provide plans for the water line. That was the condition of approval for the final plat. **Ms. Atwood** said they bought the property because of the pecan orchard and since her husband passed away six years ago, it's getting harder and harder to maintain every year. She just wants to keep her house facing Farris Street and subdivide the rest of the property for affordable housing. **Mr. Atwood** said that Desert Sky Construction has built houses across from there and they want to match the same exact housing. **Mr. Knott** asked about the zoning. **Mr. Atwood** said it's R-1. **Mr. Knott** asked about the small lot that says Future Hamilton Street. **Mr. Atwood** said they were going to give it to the City. **Ms. Atwood** said it's an access, an easement to the Walterscheid's Farm. They also want access so that people can get to their alley. **Mr. Atwood** said they want to leave 20' easement so people can build a shop if they wanted to. **Ms. Shumsky** said if you look at the original plat they have it as a road easement, like Ms. Atwood said, to access the property to the east, she recommended they the Atwood's dedicated it to the City though it's not a full 60'ft. It's what they can dedicate to contribute to the extension to Hamilton Street. If the Walterscheid's ever wanted to develop their property, it would be then that they can dedicate another 30'



and it would become a full 60'ft. They can use it as an alley. **Mr. Atwood** said he's waiting on Luis Camero to get back with him with the requirements on the water line. **Mr. Knott** asked about the fire hydrant. **Mr. Atwood** said the fire hydrant has been there for a very long time. **Ms. Shumsky** said it already exists.

Motion was made by **Ms. Durham** to recommend approval of the Preliminary and Final Plat for Atwood Subdivision based on the applicant's need to provide construction drawings for the planned water line. The installed water line needs to have a diameter of at least 6", and the construction will need to be inspected by the City Infrastructure and Construction Inspector. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:48:33      **10. Consider Approval of Replat for Cascades Subdivision, pursuant to Code of Ordinances - Chapter 47, creating 7 new lots, zoned C-2 Commercial District.**

**Mr. Waters, Mr. Kneeland and Mr. Jenkins** were present for the request. **Mr. Patterson** explained the subject site is located on the west side of Park Dr., commonly known as the Cascades Development. The applicant proposes to increase the number of lots from 6 to 13. This replat changes the layout in order to better accommodate future uses. There is no new infrastructure proposed in this replat. The Planning Staff recommended approval. **Mr. Waters** asked for the board to approve the replat with the new Allen Theatre coming and moving forward with new development. They have great plans for the Cascades. **Mr. Knott** said he wanted to know if there were any walking paths or street access. **Mr. Waters** said in the internal area is an access for road emergency vehicles and deliveries. Within the center of the cul-de-sac we discourage walking. Along the front on the edge of the canal area are pedestrian facilities. **Mr. Patterson** said the plan is for the people to park in the designated parking areas and walk to the theatre. **Mr. Kneeland** said it was made for a full size vehicle. **Mr. Jenkins** said the turn had to meet the emergency turn around and the back is strictly for deliveries.

Motion was made by **Mr. Barney** to recommend approval of Replat for Cascades Subdivision. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:54:16      **11. Consider Approval of a Final Plat for Quail Hollow Subdivision, Unit 5, pursuant to the Code of Ordinances, Chapter 47, zoned R-1, creating 20 new lots. The final plat generally conforms to the approved preliminary plat.**

**Mr. Dunagan** was present for the request. **Mr. Patterson** said a preliminary plat for Unit 5 was approved by the Planning and Zoning Commission, in 2007. Since then, Units 1-4 have been completed. The applicant has now completed the infrastructure construction of Unit 5. The final plat conforms generally to the preliminary plat. Our Infrastructure Inspector went out there today. He had a couple of issues, one was the installation of the lids. **Mr. Dunagan** said that they have been ordered by the contractor and they have not been delivered yet. **Mr. Patterson** said the inspector also mentioned one of the transformers. **Mr. Dunagan** said they are not sure where they put the transformers. **Mr. Patterson** said as soon as the two issues get taken care of we recommend approval.

**Mr. Rodriguez** said he had a concern with the comment CID made. **Mr. Dunagan** said when they initially developed this they made improvements to their weir which is on the south side of Callaway Drive and the east canal. It has a drainage ditch on it and the City, in conjunction with Spring Hollow Subdivision, also improved the drainage ditch. It was enlarged to about 50% drainage where Quail Hollow Run goes into Quail Hollow Subdivision. They installed 5 more drainages from the drainage ditch



down into the weir area. **Mr. Knott** said this has already been approved by everyone. **Mr. Dunagan** said it will be a constant issue every time.

Motion was made by **Mr. Rodriguez** to recommend approval Final Plat for Quail Hollow Subdivision, Unit 5. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

2:00:00        **12.     Report regarding plats approved through Summary Review Process.**

There were quite a few plats signed in November, but there were none out of the ordinary.

2:02:59        **13.     Adjourn.**

There being no further business, the meeting was adjourned.

2:03:05        Stop Recording [7:05:41 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date



ORDINANCE NO. 2015- 01

AN ORDINANCE REZONING PART OF "I" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 8 ACRE LOT, LOCATED AT 2900 EAST ORCHARD LANE, LEGALLY DESCRIBED AS GREGORY ENTERPRISES LAND DIVISION, TRACT 1, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

The official zoning map of the City is hereby amended to rezone part of "I" Industrial District to "C-2" Commercial District, an approximately 8 acre lot, located at 2900 E. Orchard Ln., Carlsbad, NM, legally described as:

GREGORY ENTERPRISES LAND DIVISION, TRACT 1,

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13th day of January, 2015.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK



**CITY OF CARLSBAD***Planning, Engineering, and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

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**ZONING CHANGE APPLICATION****Sec. 56-150(b)**

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**PROCESS FOR ACCEPTANCE AND REVIEW  
OF PLANNING AND ZONING COMMISSION MATTERS**

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.



## **ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:**

- 1) **PRESENCE AT MEETING:** The Planning and Zoning Commission will vote to recommend to the City Council approval or denial of request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have.
- 2) **CITY COUNCIL SETS A HEARING DATE:** After the Planning and Zoning Commission has made a recommendation on the request, the City Council (at their next regular meeting) will set a date for a public hearing. The date will be set for a regularly scheduled City Council meeting a minimum of 30 days from that date. A "notice of public hearing" is published in the Current Argus at least 30 days prior to the hearing.
- 3) **NOTIFICATION:** The applicant shall mail notice of the Planning and Zoning Commission meeting, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing. At least fifteen (15) days prior to the City Council hearing, the City will notify adjacent property owners within 100' of the subject property via first-class mail for properties greater than one (1) block in size, or via certified mail for properties one (1) block or less in size. The notification will include a description of the request, applicant's information, legal description of subject property, and the date of the hearing.
- 4) **PUBLIC HEARING:** The Public Hearing will be held during a regularly scheduled City Council meeting, and the applicant or his/her representative **MUST BE PRESENT** to address any questions that the Mayor or Council members may have.
- 5) **ZONING CHANGE IS FINAL:** If the City Council approves the zone change, the ordinance is published in the Current Argus. The change is considered final five (5) days after publication.



**CITY OF CARLSBAD***Planning, Engineering, and  
Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

**ZONING CHANGE APPLICATION****Sec. 56-150(b)**Application Date: 9/12/14  
Existing Zoning: TFee Paid (\$100.00): ✓ PYP  
Proposed Zoning: C2**APPLICANT INFORMATION:**

MEC Services LLC 6613 Ruby St. NE  
NAME ADDRESS

Albuquerque NM 87109 5052419241  
CITY STATE ZIP PHONE EMAIL

MARK@MECFIELDSERVICES.COM**PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):**

MEC Services LLC 6613 Ruby St NE  
NAME ADDRESS

Albuquerque NM 87109 5052419241  
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 (INCLUDE A MEETS AND BOUNDS DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):**

2009 E Orchard LN  
ADDRESS LOT BLOCK SUBDIVISION



**REASON FOR THE REQUEST**

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- ☒ The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- ☒ The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- ☐ The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- ☒ The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- ☒ The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- ☐ The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- ☒ The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**FOR OFFICIAL USE ONLY:****Required prior to P & Z:**

Complete Application Including: ☒ Map ☒ Fee ☒ Letter ☒ Notification ☒ Sign Agreement

**Required prior to City Council:**

Council Hearing Date: \_\_\_\_\_ Publication Date: \_\_\_\_\_

Property Owner Notification Sent (within 100' minimum.): \_\_\_\_\_

☐ ABM ☐ Staff Comments ☐ Application Packet ☐ Draft Ordinance ☐ P&Z Minutes

Council Action: ☐ Approved ☐ Denied ☐ Other Ordinance No.: \_\_\_\_\_



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**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**

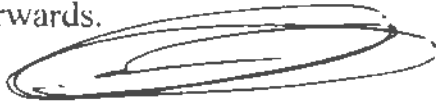


## NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.



APPLICANT SIGNATURE

9/12/14  
DATE

Sign issued by:

  
Staff Member



Date: 9/12/14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: MEC SERVICES LLC 572 W. Marmad St. #721 505 241 9241  
Name Address Phone  
Subject Site Location: 2009 E. Orchard Lane

The proposed action is a:

☒ Zoning Change from I to C-2 in accordance with Sec. 56-150(b).☐ Variance/Appeal from Sec. \_\_\_\_\_ in accordance with Sec. 56-150(c).The purpose of the variance/appeal is:  
\_\_\_\_\_  
\_\_\_\_\_☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:☐ Home Occupation: \_\_\_\_\_☐ Other Use: \_\_\_\_\_

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: Nov 3, 2014

Time: 5:00pm

Place: City Hall Planning Room, 2<sup>nd</sup> Floor

101 N. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com).  
For details about this request contact the applicant OR contact the City Planner at  
575-885-1185 or via email at [seshumsky@cityofcarlsbadnm.com](mailto:seshumsky@cityofcarlsbadnm.com).

Sincerely,



Applicant/Agent



9529 9029 0000 0090 E702

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

CARLSBAD NM 88220

Postage \$ \$0.49

Certified Fee \$3.30

Return Receipt Fee (Endorsement Required) \$2.70

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ \$6.49



09/12/2014

Sent To

 Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

 Grayson Antennas  
1108 W. Pierce St  
Carlsbad NM 88220

PS Form 3800, August 2006

See Reverse for Instructions

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

CARLSBAD NM 88221

Postage \$ \$0.49

Certified Fee \$3.30

Return Receipt Fee (Endorsement Required) \$2.70

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ \$6.49

0615

SEP 12 2014

Postmark Here

09/12/2014

Sent To

 Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

 Robert Springer  
PO Box 266  
Carlsbad NM 88220

PS Form 3800, August 2006

See Reverse for Instructions

2529 9029 0000 0090 E702

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

SPICEWOOD TX 78669

Postage \$ \$0.49

Certified Fee \$3.30

Return Receipt Fee (Endorsement Required) \$2.70

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ \$6.49



09/12/2014

Sent To

 Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

 Ruken Eddy  
624 Vista View Trail  
Spice Wood TX 78669

PS Form 3800, August 2006

See Reverse for Instructions

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ARTESIA NM 88210

Postage \$ \$0.49

Certified Fee \$3.30

Return Receipt Fee (Endorsement Required) \$2.70

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ \$6.49

0615

SEP 12 2014

Postmark Here

09/12/2014

Sent To

 Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

 R&D, LLC  
24 W. Commerce Rd.  
Artesia NM 88210

PS Form 3800, August 2006

See Reverse for Instructions

9529 9029 0000 0090 E702

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

CARLSBAD NM 88220

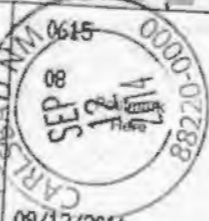
Postage \$ \$0.49

Certified Fee \$3.30

Return Receipt Fee (Endorsement Required) \$2.70

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ \$6.49



09/12/2014

Sent To

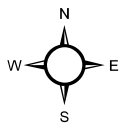
 Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

 Doug Terry Chandler  
305 W. Orchard Ln  
Carlsbad NM 88220

PS Form 3800, August 2006

See Reverse for Instructions





## Zone Change - 2009 E. Orchard Ln. - I to C-2



0 250 500 1,000 Feet

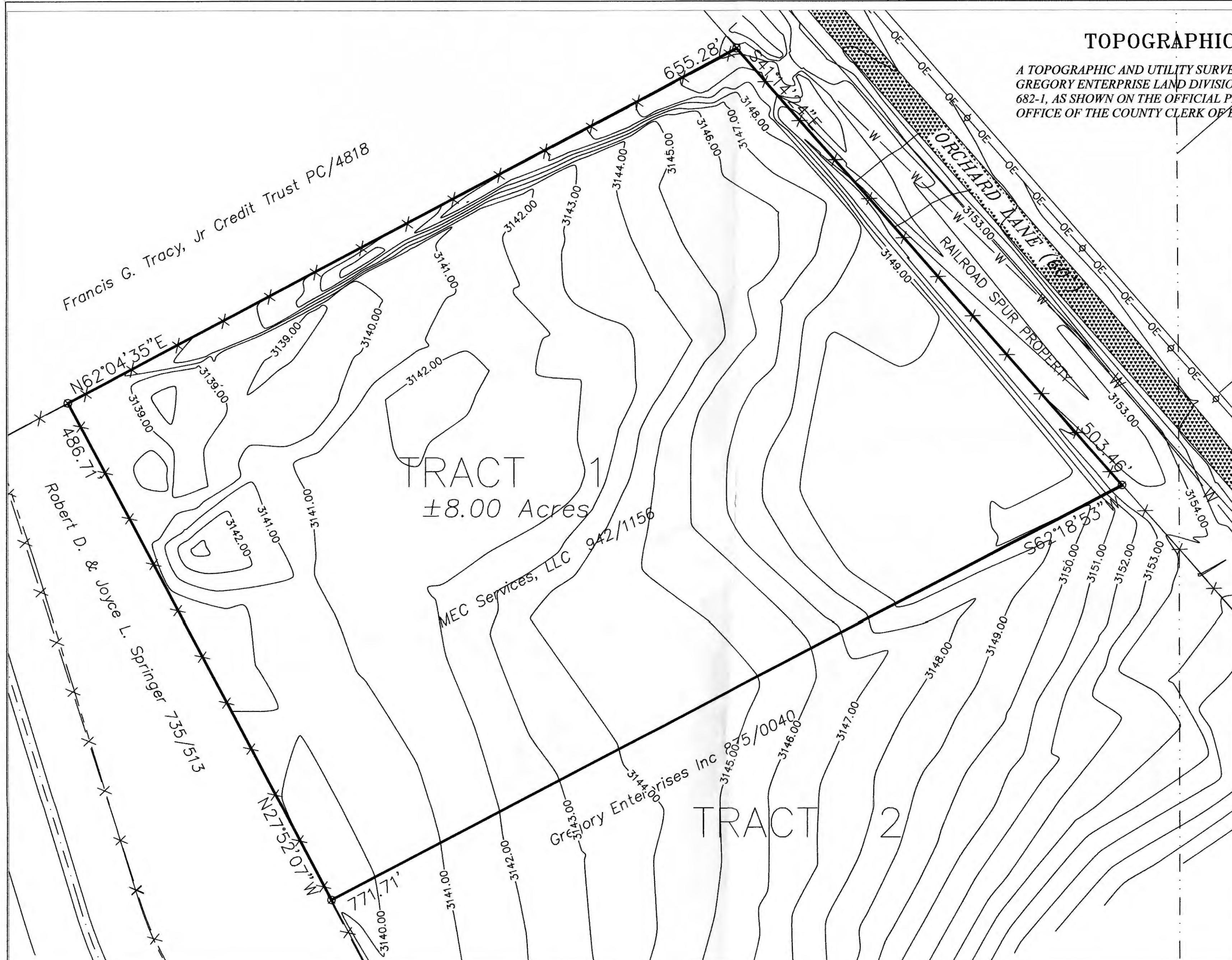


CITY OF CARLSBAD  
PLANNING, ENGINEERING AND  
REGULATION DEPARTMENT  
10/6/2014



# TOPOGRAPHIC SURVEY

A TOPOGRAPHIC AND UTILITY SURVEY FOR TRACT 1, OF THE GREGORY ENTERPRISE LAND DIVISION, FILED IN CABINET 5, SLIDE 682-1, AS SHOWN ON THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF EDDY COUNTY, NEW MEXICO.



**LEGEND**

CORNER FOUND	OVERHEAD ELECTRIC LINE
⊗	WATER LINE
—	FENCE LINE
⊠	LAND LINE



## NOTES AND OBSERVATIONS:

1. ELEVATIONS ARE NAVD 1988.
2. UTILITIES ARE BASED ON PHYSICAL EVIDENCE, MARKERS, OR POLES.
3. MEASUREMENTS WERE GATHERED THROUGH THE USE OF GPS OBSERVATIONS, ON AUGUST 1, 2014. THE BEARINGS AND DISTANCES ARE BASED ON THE REFERENCED PLAT.



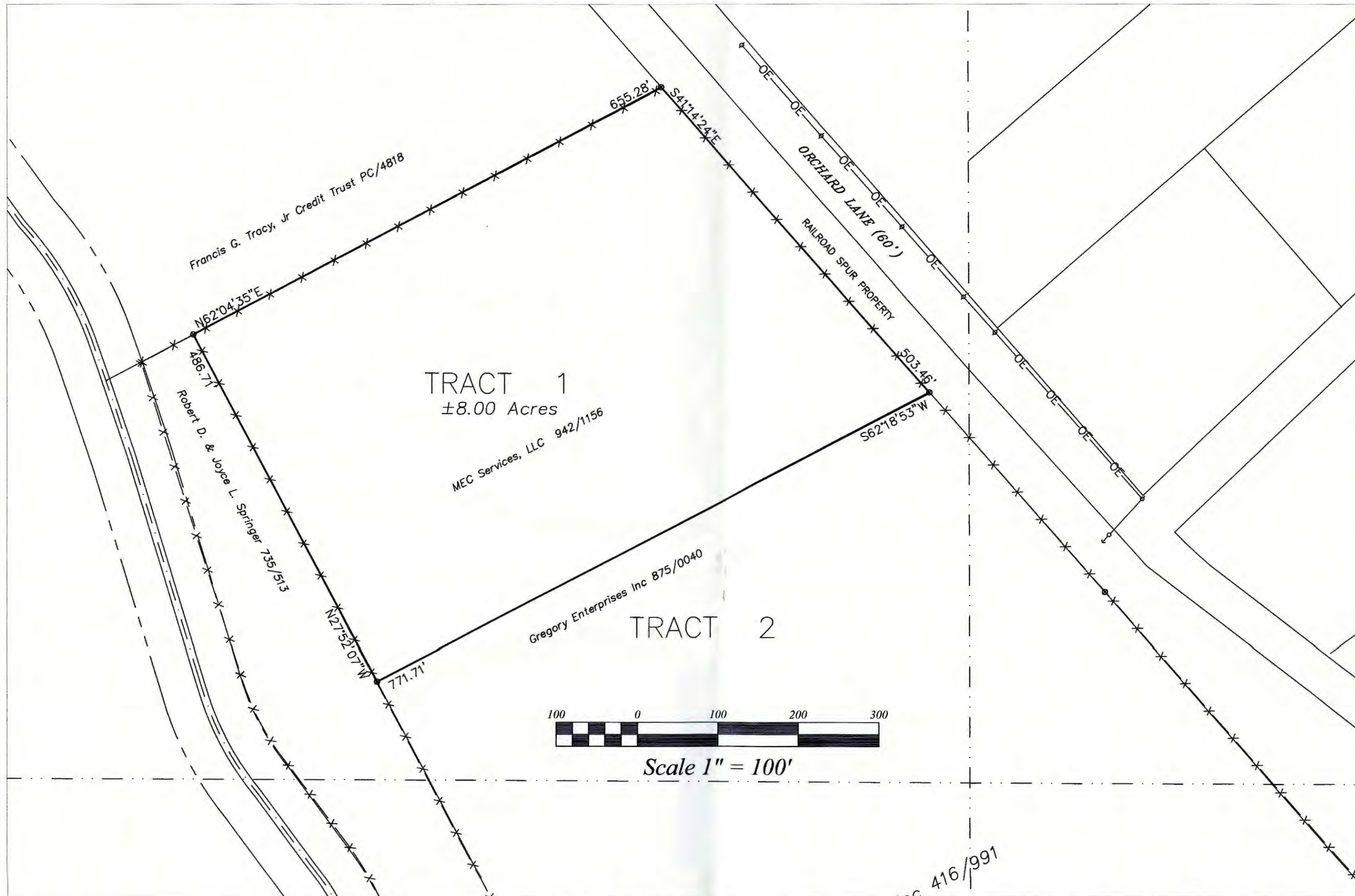
Scale 1" = 60'

R&R SURVEYING LLC			
A LAND SURVEYING COMPANY			
INDEXING INFO. FOR CO. CLERK			
SEC. 33	T21S	R27E	N.M.P.M.
SUBDIVISION: GREGORY ENTERPRISES LAND DIVISION			
OWNER: MEC Services, LLC			
DATE: AUGUST 11, 2014			



# ZONING CHANGE REQUEST

A ZONING CHANGE REQUEST FOR TRACT 1, OF THE GREGORY ENTERPRISES LAND DIVISION, FILED IN CABINET 5, SLIDE 682-1, OF THE MAPPING RECORDS FOR 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.



MER SERVICES, LLC  
MARK COMER, SIGNED FOR MEC  
SERVICES, LLC

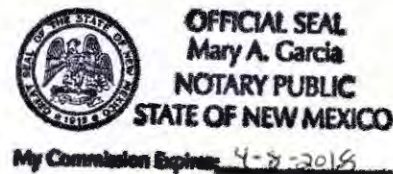
## OWNERS STATEMENT AND AFFIDAVIT

STATE OF New Mexico  
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 ZONING CHANGE 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 2 DAY OF September, 2014

BY [Signature]  
NOTARY PUBLIC



CURRENT ZONING FOR AREA IS INDUSTRIAL ZONING  
REQUESTING A CHANGE TO COMMERCIAL 2 ZONING  
ORDINANCE NUMBER \_\_\_\_\_

ADOPTED BY ACTION OF THE CITY COUNCIL  
THIS DAY \_\_\_\_\_ OF \_\_\_\_\_, 20\_\_\_\_.

## APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS REPLAT 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 \_\_\_\_\_

## LEGEND

CORNER  
FOUND  
FENCE LINE  
LAND LINE

I, MELVIN R. PYEATT, 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. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M.,  
88220, CERTIFICATE NO. 20251, TELE. 885-6867, FAX 885-6867



## R&R SURVEYING LLC A LAND SURVEYING COMPANY INDEXING INFO. FOR CO. CLERK

SEC. 33	T21S	R27E	N.M.P.M.
SUBDIVISION:	GREGORY ENTERPRISE LAND DIVISION		
OWNER:	GREGORY ENTERPRISE, INC.		
CITY:	CARLSBAD		
COUNTY:	EDDY		
STATE:	NEW MEXICO		
DATE:	AUGUST 13, 2014		
ACCESS:	YES		
AREA:	±8.00 ACRES		

STATE OF NEW MEXICO, COUNTY OF EDDY, I HERE  
BY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
CABINET \_\_\_\_\_ SLIDE \_\_\_\_\_  
DARLENE ROSPRIM-COUNTY CLERK  
BY \_\_\_\_\_ DEPUTY



## CITY OF CARLSBAD

### AGENDA BRIEFING MEMORANDUM

**COUNCIL MEETING DATE: 1/13/15**

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 12/10/14
<p><b>SUBJECT:</b> Consider allowing Temporary Housing as a Temporary Use at 200J E. Orchard Ln., legally described as Gregory Enterprise Land Division, Tract 1, 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: M. B. C. Construction, LLC 6613 Ruby St. NE Albuquerque, NM 87109</p> <p>Property Owner: MEC Services, LLC 522 W. Mermod St. 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>“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>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 meets this requirement, being approximately 7.9 acres in total size.</p>		



The proposed property is currently zoned "I" Industrial Zoning District. The property owner is currently petitioning for a zoning change to "C-2" Commercial District. This change would enable the property to be utilized as site for Temporary Housing. According to Sec. 56-80 of the Zoning Ordinance, the following is stated:

"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 by the Code of Ordinances."

The applicant included site plans that detail out the plan for water and sewer hookups. The site plans also indicates the required setbacks. The applicant needs to provide an NMED approved sanitation plan indicating how often the contents of the underground holding tanks will be extracted and by which service provider. The applicant has stated that this plan will be provided upon approval of the Temporary Use Permit by the City Council.

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 that have relocated to Carlsbad.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** Approval based on the following conditions:

1. The Applicant is granted a zone change from "I" Industrial Zone to "C-2" Commercial Zone. For the subject site.
2. The applicant shall produce a copy of the NMED approved sanitation plan indicating the method of trash pickup/removal and how often the contents of the underground holding tanks will be extracted and by which service provider.
3. The applicant shall have all electrical work and installation performed by a licensed electrician and inspected by the City's Electrical Inspector.

**PLANNING STAFF RECOMMENDATION:** Based on staff comments, planning staff recommends approval based on the following conditions:

1. The Applicant is granted a zone change from "I" Industrial Zone to "C-2" Commercial Zone. For the subject site.
2. The applicant shall produce a copy of the NMED approved sanitation plan indicating the method of trash pickup/removal and how often the contents of the underground holding tanks will be extracted and by which service provider.
3. The applicant shall have all electrical work and installation performed by a licensed electrician and inspected by the City's Electrical Inspector.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department			X	Code Enforcement Division			X
Legal Department			X	Engineering Division			X
Police Department			X	Planning Division	x/cond		
Utilities Department			X	Building & Regulation Division			X
Culture & Rec. Dept.			X				



**DEPARTMENT COMMENTS:**

Public Works: no comments

Utilities Department: no comments

Building Department: no comments

Fire Department: no comments

Code Enforcement: no comments

Legal Department: no comments

Planning Department: see comments above.

Police Department: no comments

Culture & Rec. Department: no comments

City Engineer: no comments

**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:** Jan. 8, 2015

ATTACHMENTS: application, and p&z draft minutes



**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**December 1, 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, December 1, 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 Meeting held November 3, 2014.
4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.
5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.
6. Consider a recommendation regarding a Zoning Change from “R-1” Industrial District to “C-2” Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.
8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.
9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned “R-R” Residential District, creating 5 new lots for residential use.
10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned “C-2” Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.
12. Consider Approval of a Dedication of new segment of University Dr.
13. Report regarding plats approved through Summary Review Process.
14. Adjourn

<p>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.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, DECEMBER 1, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
WANDA DURHAM  
EDDIE RODRIGUEZ  
LASON BARNEY**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES MCCORMICK**

**COMMISSION SECRETARY**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**HENRY SOSA  
JANET COX  
KEN THURSTON  
SHANNON SUMMERS  
FRANK ROMERO  
GEORGE SIMPSON  
JOANNE PAYNE  
STEVE SCHUMAN  
DOUG TINDALL  
MARK COMER**

**2111 HILLCREST  
130 COUGAR ROAD  
LAS CRUCES  
CDOD  
601 W. RIVERSIDE  
1210 HIDALGO  
1625 N. MESA  
ALBUQUERQUE  
609 N. MESQUITE  
606 WELEKA LANE**

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 [4:59:49 PM]

0:00:04      **1.      Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; Absent – **Mr. McCormick**.

0:01:25      **2.      Approval of Agenda.**

**Mr. Patterson** asked that Item #3 be considered at the next meeting, to allow further review by Staff. Motion was made by **Mr. Rodriguez** for approval of an amended Agenda, tabling Item #3 until the next meeting. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott,**



**Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:02:27      **4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.**

**Mr. Thurston** came forward to present the plat. **Mr. Patterson** explained that the plat had to be changed after the school expressed concern about where the entrance would be to the new school site to the west of the subject site. **Mr. Thurston** added that because the neighbors and school wanted the entrance to be relocated, and because an archeological site had been found in the new school's design, the entrance needed to be moved to the north. There was no public comment.

Motion made by **Mr. Rodriguez** and seconded by **Ms. Durham** for approval of the plat and PUD, pending plumbing corrections. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:13:37      **5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.**

**Mr. Thurston** was on hand to answer any questions about the plat. **Mr. Patterson** explained that the applicant wanted to combine Phase 4 and Phase 5 into one phase. A letter of credit would be necessary in the amount of the contractor's bid estimates for Billy the Kid Court and Cowboys Country Road additions. **Mr. Thurston** explained that they had intended to do one phase at a time, but the increase in the speed of sales had prompted them to do the last forty in the same phase. As in the past, they will put up a letter of credit to protect the interests of the City. There was no public comment. There was a question from **Mr. Knott** regarding the CID, but it was explained that the CID property is actually to the north of the property under consideration.

Motion made by **Mr. Rodriguez** for approval, providing all listed conditions are met. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:24:01      **6. Consider a recommendation regarding a Zoning Change from "R-1" Industrial District to "C-2" Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.**

**Mr. Romero** presented his request for a zone change. He wants to rezone a lot he owns to the north of his mobile home park, so that he can use it as a turn-around for the park. He also cannot combine his lots if they are different zones. Since mobile home parks are not allowed in the current zoning, he needs a zone change to do so. **Mr. Patterson** stressed that he needs to comply with the conditions of his Conditional Use granted last month in order to operate the park. **Mr. Romero** added that the zone change would match the remainder of the park. During public comment, **Mr. Sosa** spoke against the zone



change. He said the park is not very good looking and that several of the trailers have caught fire. He does not want it used for a mobile home park. Staff recommended approval.

Motion was made by **Ms. Durham** to recommend denial of the Zone Change. Motion died for lack of a second.

Motion was then made by **Mr. Knott** to recommend approval. He noted that it was legal for the mobile home park to be there when it started years ago, and the zone change will help improve the current and future use of the property. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Mr. Knott, Mr. Rodriguez, Mr. Barney; No – Ms. Durham; Abstained – None; Absent – Mr. McCormick.** The motion carried to recommend approval.

0:50:07      **7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.**

**Mr. Patterson** said that there are only 1 ½ acres (including the parcel considered for the zone change) available for the mobile home park. If you take into account the spacing and homes, then you can only place about eleven homes. **Mr. Romero** said the advantage would be less traffic and more room for people. It makes it more comfortable. He mentioned perhaps using it as an RV park in the future. **Mr. Patterson** stated that there had been no discussion of using the park for RV's, and that there is not enough acreage for that either. He added that the park is operating illegally at this time, without a Conditional Use, until all the requirements are met. Also, there should be a time frame to meet those requirements. There was no public comment.

**Mr. Rodriguez** made a motion to approve the Variance, provided plans are submitted within 60 days. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney; No – None; Abstained – None; Absent – Mr. McCormick.** The motion carried.

1:04:27      **8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.**

**Mr. Romero** said he thought a smaller park would be more comfortable. He has heavily invested in all new electric and a new fresh water supply. He thinks he has a good plan moving forward to sell off some of the trailers and have people bring in their own homes. **Mr. Patterson** reminded him that he cannot have any new residences until he meets the conditions for the Conditional Use permit. Existing residents may move out their old trailers and replace them, but no new residents or trailers can come in. **Mr. Rodriguez** asked about the condition of the sewer system. **Mr. Romero** said it was fine. There was no public comment.

**Mr. Barney** motioned to approve the Variance. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney; No – None; Abstained – None; Absent – Mr. McCormick.** The motion carried.

1:09:15      **9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned "R-R" Residential District, creating 5 new lots for residential use.**



**Mr. Patterson** explained that the applicant owns a large lot, which he wants to divide and deed (or will) to each of his children. The property is adjacent to Mescalero, a platted road which has not been completed. Regulations require plans for installing infrastructure (streets, sidewalks, sewers, etc.) for a subdivision of five lots. The applicant has not provided those plans, and does not think it should be necessary to install those items. Staff recommended denial, and Public Works recommended denial. **Mr. Simpson** said he just wants a subdivision plat, so that he can have a legal description for the deeds. He is not developing the area, just dividing his land. **Mr. Knott** told him that a plat for five lots is considered a subdivision. He would have to make the improvements. **Mr. Patterson** agreed, adding that if he were to divide the land into two parts this year and wait to divide it later into another two parts, he would not be required to put in the infrastructure. The plat could be signed by the Planning and Zoning Commission designee without having to be reviewed by anyone else. **Ms. Goad** explained that eventually the City would be burdened with the undeveloped property, requiring taxpayers to pay to develop areas that had not been improved. There was no public comment. **Mr. Simpson** withdrew his application after discussion regarding the issue, so the issue did not go to vote.

1:21:56      **10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Mr. Comer** was the applicant for the request. **Mr. Patterson** told the commissioners that there was a zone change going before City Council for final decision in January (which would be required in order to proceed with the temporary housing permit). **Mr. Comer's** property meets the space requirements. His subcontractor will not submit plans for water and sanitation until the temporary use is approved; NMED needs the subcontractor's plans for their own approval to move forward. The site will have underground holding tanks for the sewer. The electric work will be done by a licensed contractor and inspected by the City electric inspector. When asked about the width of the lots, **Mr. Comer** said that his architect drew the plans to the specs of the temporary housing requirements. **Mr. Knott** mentioned that would be a consideration if he later wanted to convert to an RV park. He also asked about the structure on the property, since permanent structures are not permitted for temporary housing projects. **Mr. Comer** explained that the building on the land is not included in the temporary housing application. It is pre-existing and will be fenced off. The water source will be City water.

Motion was made by **Mr. Rodriguez** to approve the Temporary Use Permit. **Mr. Barney** seconded his motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; **No – None**; **Abstained – None**; **Absent – Mr. McCormick**. The motion carried.

1:45:26      **11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.**

**Mr. Patterson** said the request is to relieve congestion from a tight turning radius on Eunice Street. It will straighten out the curve a bit. There was also a question about the actual plat. The information was not clear about the alley right-of-way.

**Ms. Durham** motioned to approve the request, with final signing contingent upon clarification of the discrepancies regarding the alley right-of-way. **Mr. Rodriguez** seconded that motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; **No – None**; **Abstained – None**; **Absent – Mr. McCormick**. The motion carried.

2:01:02      **12. Consider Approval of a Dedication of new segment of University Dr.**



**Ms. Cox** was there to represent C & M Developers.

**Mr. Patterson** explained that the road is already installed. Our inspector for infrastructure has reported that it appears to meet City standards. He would like to see the as-built drawings and the results of Constructor's testing of the surface, however, so that he can confirm that from hard data.

**Mr. Rodriguez** made a motion to approve the Dedication, contingent upon the City Engineering Department's approval of as-builts and sign-off on compliance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

2:09:41      **13. Report regarding plats approved through Summary Review process.**

**Mr. Patterson** presented the plats he had signed during November. He pointed out that one of the plats had the wrong signature block (requiring two commissioners to sign), so he marked out the incorrect information and signed as Commission designee.

2:11:21      **14. Adjourn.**

There being no further business, the meeting was adjourned.

2:11:27      Stop Recording [7:11:16 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date



**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

**TEMPORARY USE APPLICATION**

**Sec. 56-80 and Temporary Housing**

Application Date: 11/1/14

Fee Paid (\$10.00): X

**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:**

M.B.C. Construction, LLC 6613 Ruby St. NE  
 NAME ADDRESS  
ALBUQUERQUE NM 87109 (505) 241-9241 mcomer@PCA7.net  
 CITY STATE ZIP PHONE EMAIL

**PROPERTY OWNER INFORMATION\* (IF DIFFERENT FROM APPLICANT):**

MEC Services LLC 522 W. MERMOD ST #721  
 NAME ADDRESS  
Carlsbad, NM 88220 575-219-3134 MARKCOMER@MECFIELDSERVICES.CO  
 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):**

2009 E orchard LN  
 ADDRESS LOT BLOCK SUBDIVISION ZONING  
carlsbad NM 88220



**Description and Duration of Temporary Use:**

THIS AREA WILL SERVE AS TEMPORARY HOUSING TO ACCOMMODATE THE INFUX OF PEOPLE COMING TO CARLSBAD IN SEARCH OF WORK. DUE TO THE ECONOMIC BOOM IN THE SOUTHEAST PORTION OF NEW MEXICO AND THE HIGH COST AND LIMITED AVAILABILITY OF HOUSING : Hotels IN THIS AREA, WE FEEL WE WILL PROVIDE A NEEDED SERVICE. THE DURATION OF TEMPORARY USE WILL BE DETERMINED BY THE DEMAND OF THE MARKET. WE WOULD LIKE A 2-YR PERMIT WITH THE OPTION TO RENEW IF NEEDED.

**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 and amended on 8/12/14):**

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. All electrical work must be conducted by a licensed electrician and City electrical permits and inspections are required. 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 and parking area. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land. A building permit for the fence is required.
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. If not connecting to City sewer facilities, a copy of a NMED approved Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the type of service (storage tank, septic system, daily pick up, etc.) and 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. Permission to connect to City water and/or sewer facilities is dependent upon approval from the Utilities Department Director. The Director may require detailed plans regarding the size and location of the lines and connections. The developer is responsible for costs associated with the installation of, and connection to, the City facilities, both within the public right-of-way, if applicable, and within the private property used for the temporary housing. All construction work, including connections, will require the proper City permits and inspections will be conducted by the City in order to protect the health, safety and welfare of future temporary housing residents.
14. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
15. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
16. 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.
17. 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

Michael Montoya

575-6449-4107



**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

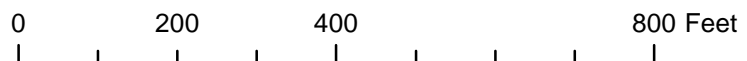
**OWNER 2: (IF APPLICABLE)**

BY: \_\_\_\_\_  
SIGNATURE  
BY: \_\_\_\_\_  
PRINTED NAME  
DATE: \_\_\_\_\_  
DATE SIGNED

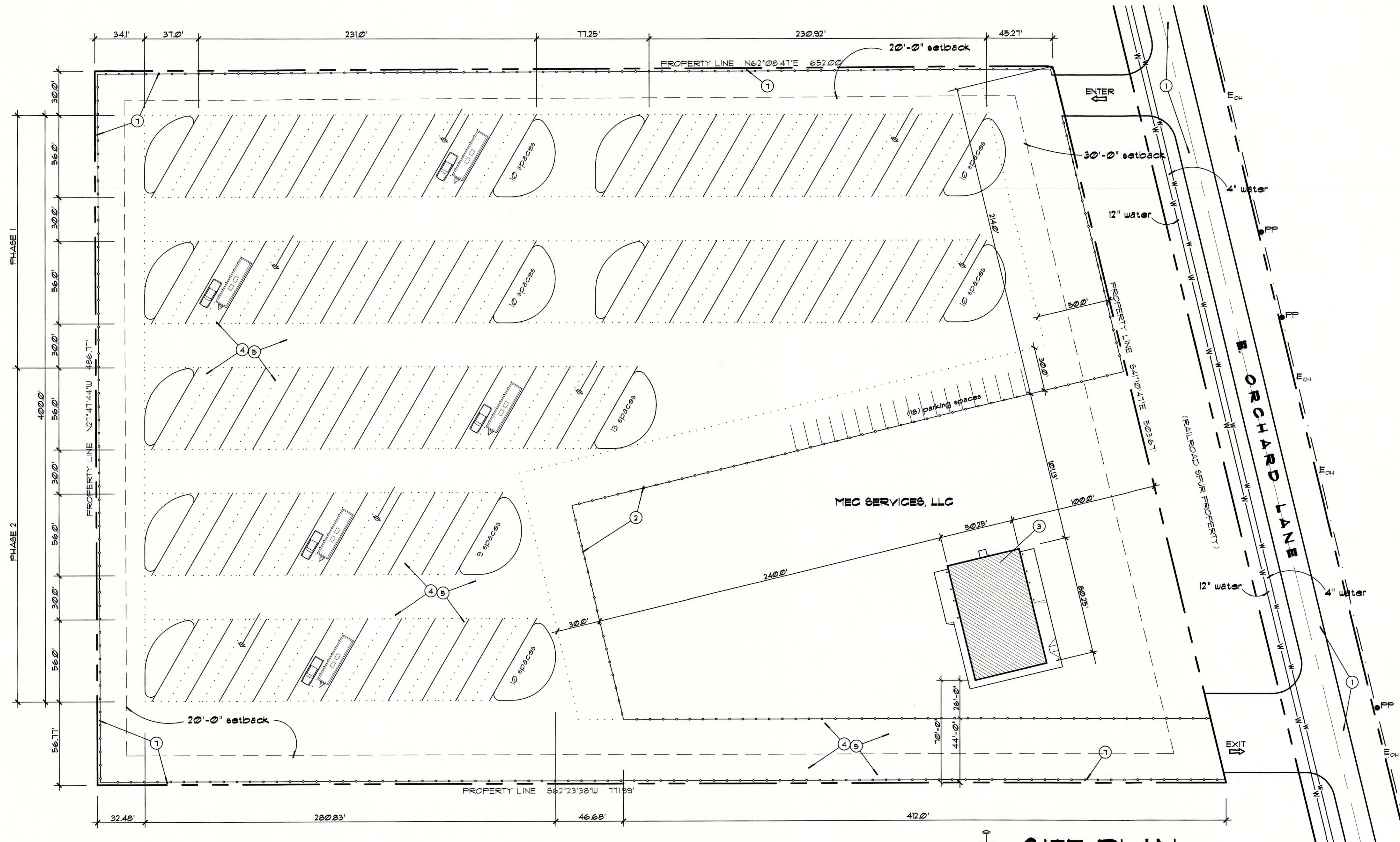
NOTARY SEAL

**ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY**





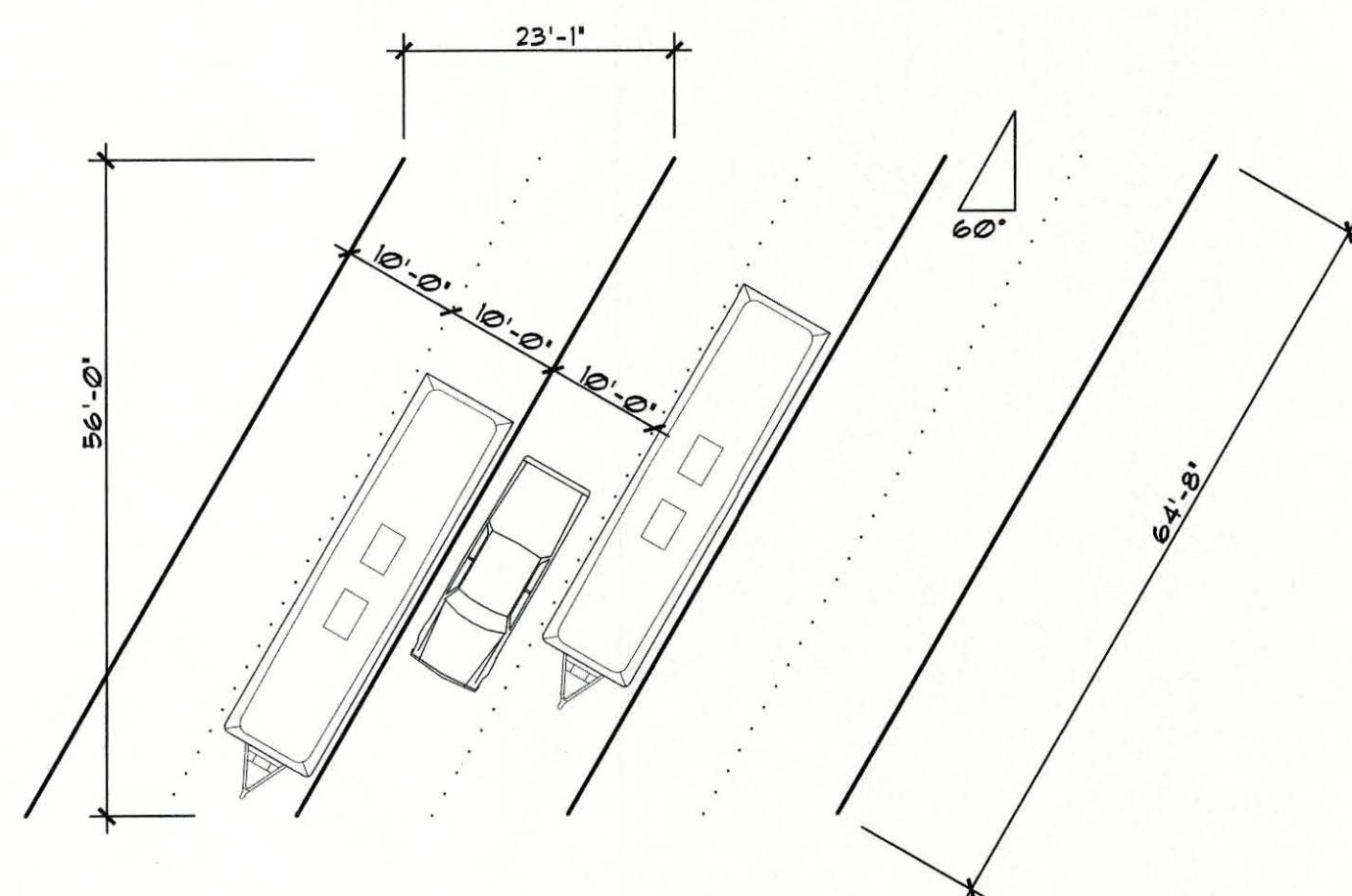




## SITE PLAN

SCALE: 1" = 40'-0" 12 SPACES (total)

40 SPACES (phase 1)  
32 SPACES (phase 2)



## ENLARGED SPACE PLAN

SCALE: 1/16" = 1'-0"

## LEGEND

	NEW BUILDING
	WATER LINE
	ELECTRIC LINE (UNDERGROUND)
	SANITARY SEWER LINE
	NEW FENCE
	POWER POLE
	LIGHT POLE
	WATER METER
	CLEAN OUT
	ELECTRICAL POWER PEDESTAL
	YARD HYDRANT
	SEWER HOOK-UP
	TRANSFORMER

## NOTES

- EXISTING ASPHALT ROAD TO REMAIN.
- NEW CHAIN LINK FENCE. OWNERS OPTION TO INSTALL FENCE AS SPECIFIED IN NOTE #1.
- NEW STRUCTURE IN SEPARATE CONTRACT.
- LOCATE & REMOVE ALL UNDERGROUND UTILITIES AS REQUIRED TO INSTALL NEW UTILITIES & SITE WORK.
- RV SITE: FINISH WITH 4" BASE COURSE ON 12" COMPACTED SUB-GRADE. ENSURE FINISHED GRADE IS WITHIN 1" TOLERANCE OF NOTED ELEVATION. (GRADE INDIVIDUAL RV SITES 2% SLOPE TOWARD ADJACENT ROAD).
- XCEL ENERGY POLE MOUNTED TRANSFORMER AND PRIMARY FEEDER PROVIDED BY XCEL ENERGY. PROVIDE PAD PER XCEL ENERGY REQUIREMENTS AND PROVIDED TRENCHING AND BACKFILL PER XCEL ENERGY REQUIREMENTS (RE: ELECTRICAL).
- NEW 6'-0" TALL FENCE: METAL 'R' PANELS ON 4" PIPE AND 2'x2' ANGLE STRUCTURE IN 18" x 36" DEEP CONCRETE FOOTING.

## SPECIFICATIONS

THE SPECIFICATIONS FOR THIS PROJECT ARE NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS IN ACCORDANCE WITH THE CITY OF CARLSBAD CODE OF REGULATIONS, CH. 56-ZONING, ARTICLE III-DISTRICT REGULATIONS, SECTION 56-80 (TEMPORARY HOUSING).

- THE CONTRACTOR WILL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS, INCLUDING, BUT NOT LIMITED TO HAZARDOUS WASTE AT DISPOSAL SITES APPROVED BY GOVERNMENTAL AGENCIES REGULATING THE DISPOSAL OF SUCH MATERIALS.
- ALL WATER VALVE BOXES AND MANHOLES IN THE STREET CONSTRUCTION ARE TO BE ADJUSTED TO FINISH GRADE AND WILL BE MEASURED AND PAID PER EACH.
- SUBGRADE PREPARATION UNDER SIDEWALKS AND DRIVE PADS, AND SUBGRADE AND SUBBASE PREPARATION UNDER CURB AND GUTTER IS CONSIDERED INCIDENTAL TO THE CONSTRUCTION OF SUCH AND NO DIRECT PAYMENT SHALL BE MADE FOR THOSE ITEMS OF WORK.
- ALL EXCAVATION WILL BE GOVERNED BY FEDERAL, STATE AND LOCAL LAWS, RULES, AND REGULATIONS CONCERNING CONSTRUCTION SAFETY AND HEALTH.
- THE CONTRACTOR IS TO EXERCISE CARE TO AVOID DISTURBING ANY EXISTING UNDERGROUND UTILITIES. IT WILL BE THEIR RESPONSIBILITY TO COORDINATE WITH THE UTILITY COMPANIES IN ORDER TO PREVENT ANY SERVICE DISRUPTION.
- WHEN ABRUPTING NEW PAVEMENT TO INTERSECTING STREETS SAW CUT EXISTING PAVEMENT TO A STRAIGHT LINE, TO RIGHT ANGLES, AND REMOVE ANY BROKEN OR CRACKED PAVEMENT. NO DIRECT PAYMENT WILL BE MADE FOR SAW CUTTING.
- CONTRACTOR WILL CONFINE HIS WORK WITHIN THE EASEMENT LIMITS AND/OR RIGHT-OF-WAY, OR PROVIDE COPIES OF AGREEMENTS WITH ADJACENT LANDOWNERS TO EDDY COUNTY, NM.
- MINIMUM BOTTOM WIDTH OF TRENCHES FOR RIGID PIPE SHALL BE EQUAL TO THE OUTSIDE DIAMETER PLUS 16". BEDDING MATERIAL SHALL BE CLASS II, III, OR IV UNLESS OTHERWISE SPECIFICALLY NOTED ON THE PLANS.
- MINIMUM BOTTOM WIDTH OF TRENCHES FOR NON-RIGID PIPE SHALL BE EQUAL TO THE OUTSIDE DIAMETER PLUS 12". BEDDING MATERIAL SHALL BE CLASS I, II, OR III.
- THE REPLACEMENT OF EXISTING UTILITIES AND THE INSTALLATION OF NEW UTILITY LINES WILL BE COMPLETED IN ADVANCE OF STARTING THE PAVEMENT/CONCRETE WORK.
- THE CONTRACTOR WILL ASSUME RESPONSIBILITY FOR ANY DAMAGE TO EXISTING EDDY COUNTY OR CITY OF CARLSBAD INFRASTRUCTURE (C & G, PAVING ETC.) DURING CONSTRUCTION, APART FROM THOSE SECTIONS INDICATED FOR REMOVAL ON THE PLANS, AND WILL REPAIR OR REPLACE SAME AT HIS OWN EXPENSE. HE WILL SUITABLY PROTECT THE CURB AND GUTTER FROM INCIDENTAL SPLASHING DURING THE TACK COAT APPLICATION AND WILL BE RESPONSIBLE FOR CLEANING SAME AT HIS OWN COST SHOULD SPLASHING OCCUR.



**Mitchell & Cruse Architecture**  
1092 N Canal, Suite A Carlsbad, NM 88220  
phone: (575) 889-8400 fax: (575) 689-8402  
e-mail: mca@mitchellcruse.com  
website: www.mitchellcruse.com

**R.V. PARK**  
FOR  
**MEC SERVICES, LLC**  
2003 E. ORCHARD LANE CARLSBAD, NEW MEXICO

JOB NUMBER:

1442

DATE:

11-2-14

DRAWN BY:

L.M.

FILE NAME:

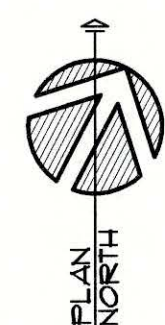
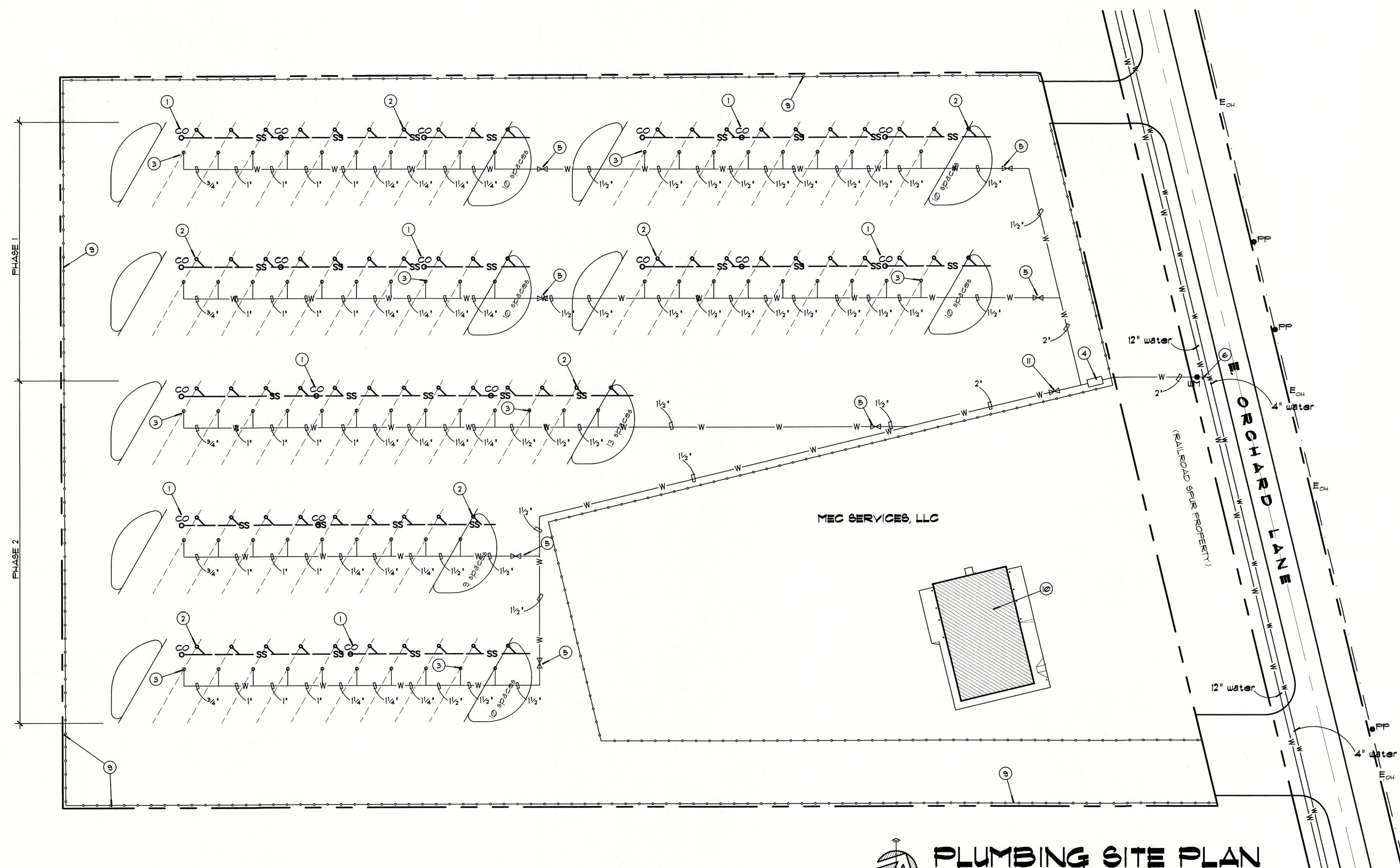
MEC-COMER RV

SHEET NUMBER:

1

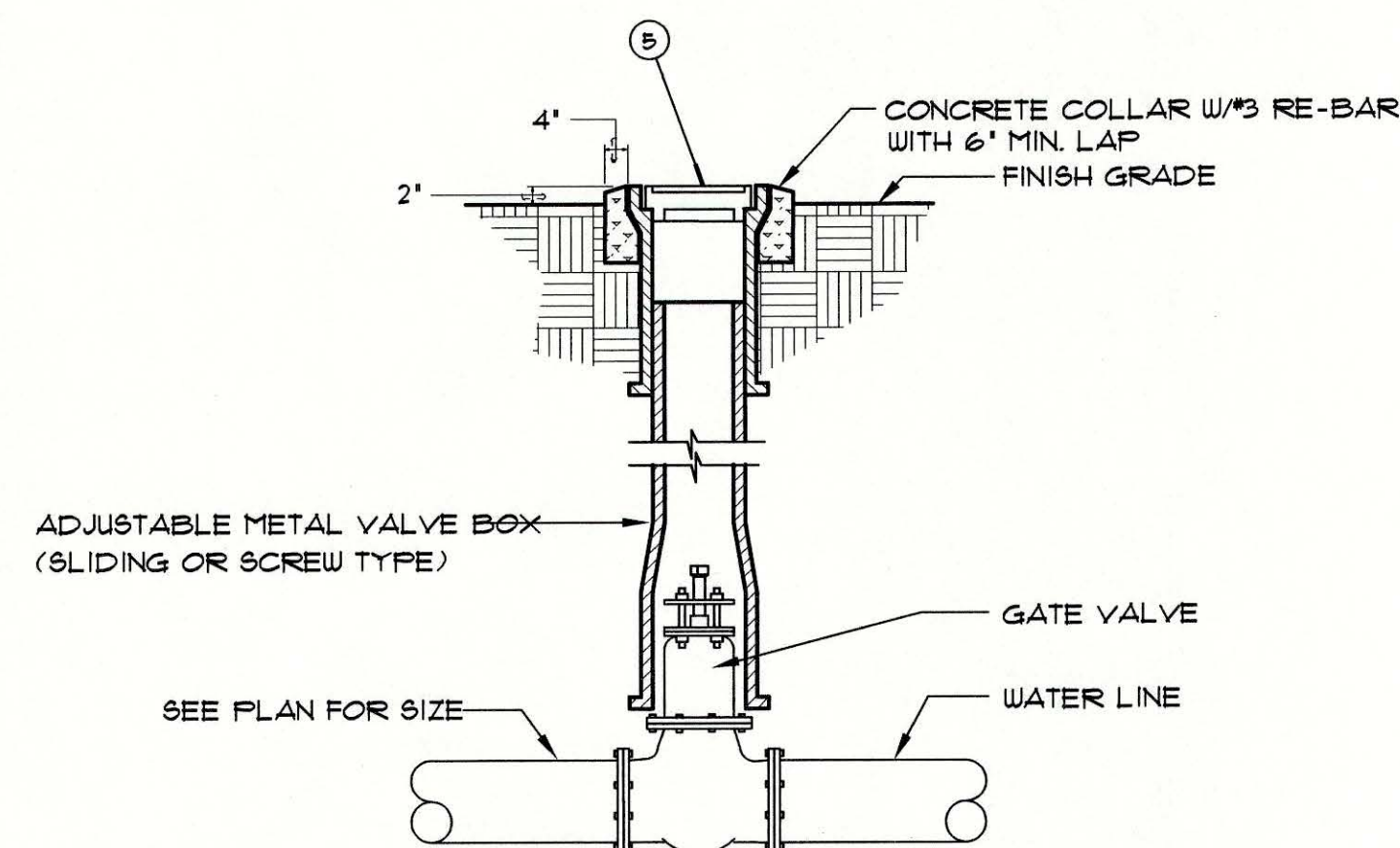
OF 2 SHEETS



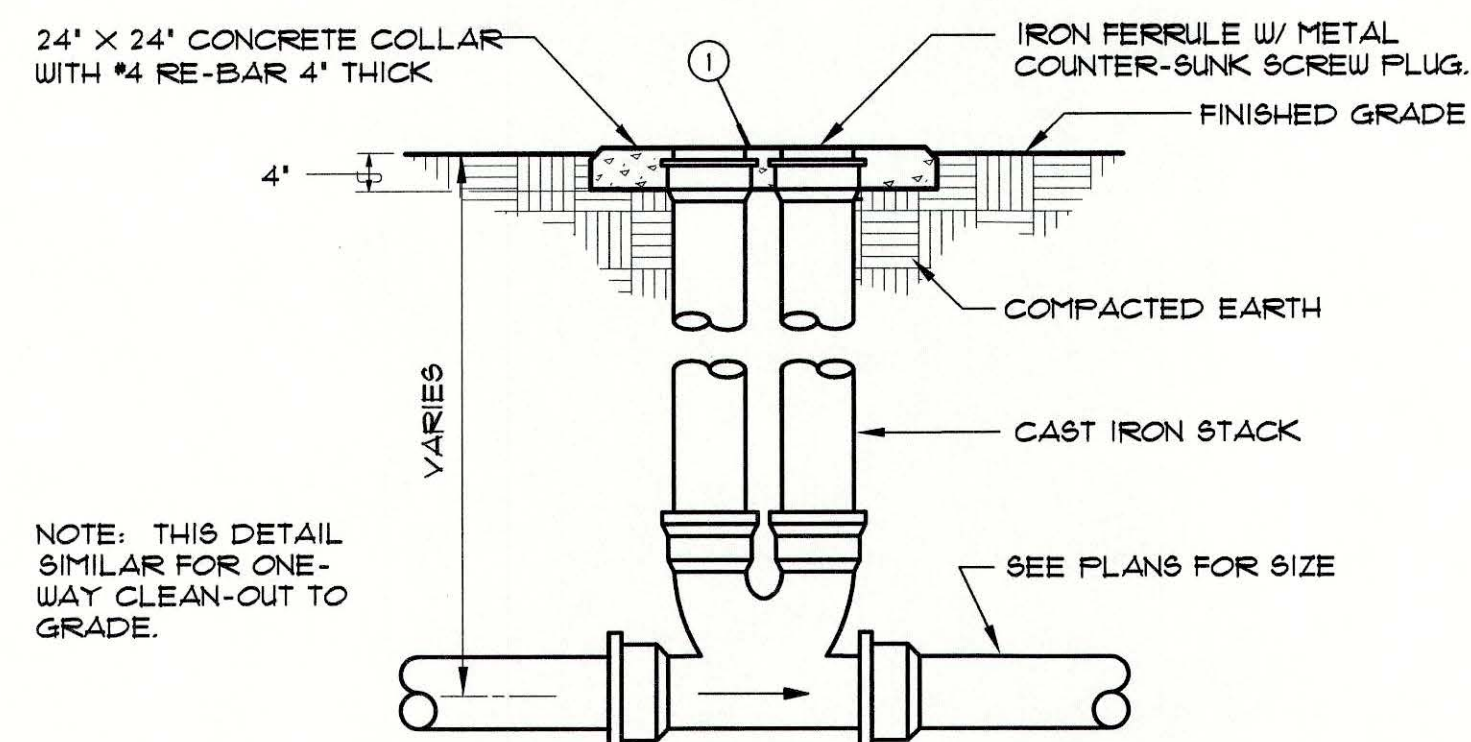


## PLUMBING SITE PLAN

SCALE: 1" = 40'-0"

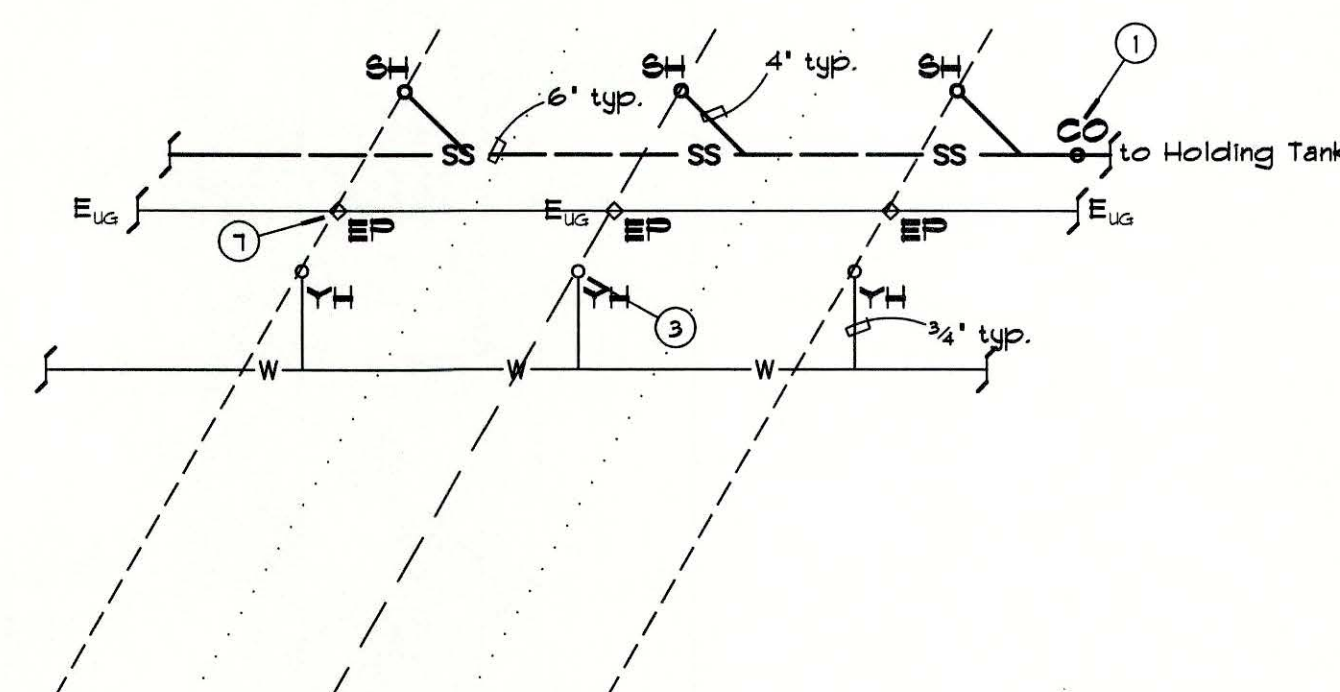


**VALVE BOX DETAIL**  
SCALE: NONE



NOTE: THIS DETAIL  
SIMILAR FOR ONE-  
WAY CLEAN-OUT TO  
GRADE.

**CLEAN OUT DETAIL**  
SCALE: NONE



## ENLARGED SPACE PLAN

SCALE: 1/16" = 1'-0"

## NOTES

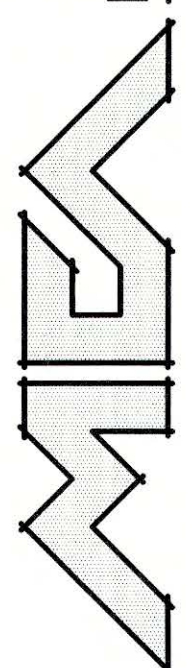
- CLEAN-OUT (CO): ZURN Z-1400-HD, CAST IRON WITH ROUND ADJUSTABLE CAST IRON TOP AND RECESSED SOCKET. INSTALL IN 12" x 12" x 4" REINFORCED CONCRETE PAD WITH BEVELED EDGES. RE: DTL. B/2
- SEWER HOOK-UP (SH): TOWER CO. 4" CAST METAL, LOCKABLE SEWER CAP. COORDINATE EXACT LOCATION IN FIELD. MAINTAIN 10 FEET SEPARATION TO WATER SUPPLY AND YARD HYDRANT.
- ISLAND WATER HOOK-UP YARD HYDRANT (YH): ZURN Z-1395-VB, EXPOSED, NON-FREEZE POST HYDRANT. (3/4" CONNECTION, 3/4" ADAPTER VACUUM BREAKER) MAINTAIN 10 FT. SEPARATION FROM SEWER AND SH.
- BACKFLOW PREVENTER & ENCLOSURE (BP): WILKINS 515 (BP) AND SAFE-T COVER.
- PROVIDE AND INSTALL BRANCH LINE ISOLATION VALVES ON MAINS IN TRAFFIC RATED VALVE BOX (A/2).
- CONNECT AND INSTALL NEW 2" WATER LINE TO EXISTING WATER MAIN. COORDINATE CONNECTION WITH THE CITY OF CARLSBAD. INSTALL WATER METER IN ACCORDANCE WITH THE UTILITY REQUIREMENTS.
- ELECTRICAL POWER PEDESTAL (EP): REFER TO ELECTRICAL SHEETS.
- XCEL ENERGY POLE MOUNTED TRANSFORMER AND PRIMARY FEEDER PROVIDED BY XCEL ENERGY. PROVIDE PAD PER XCEL ENERGY REQUIREMENTS AND PROVIDED TRENCHING AND BACKFILL PER XCEL ENERGY REQUIREMENTS (RE: ELECTRICAL SHEETS).
- NEW 6'-0" TALL FENCE: METAL 'R' PANELS ON 4" PIPE AND 2 1/2" ANGLE STRUCTURE IN 10' x 36" DEEP CONCRETE FOOTING.
- NEW STRUCTURE IN SEPARATE CONTRACT. ITS UTILITIES SHALL BE METERED SEPARATE FROM THAT OF RV PARK.
- STUBOUT AND CAP WATER LINE FOR FUTURE PHASE 2.
- UNDERGROUND SEPTIC HOLDING TANK (WASTE TO BE EXTRACTED AT REGULAR INTERVALS).

## LEGEND

	NEW BUILDING
	WATER LINE
	ELECTRIC LINE (UNDERGROUND)
	SANITARY SEWER LINE
	NEW FENCE
	POWER POLE
	LIGHT POLE
	WATER METER
	CLEAN OUT
	ELECTRICAL POWER PEDESTAL
	YARD HYDRANT
	SEWER HOOK-UP
	TRANSFORMER



**Mitchell & Cruse Architecture**



1092 N Canal, Suite A, Carlsbad, NM 88220  
phone: (575) 689-8400 fax: (575) 689-8402  
e-mail: mca@mitchellcruse.com website: www.mitchellcruse.com

**R.V. PARK**  
FOR  
**MEC SERVICES, LLC**  
2009 E. ORCHARD LANE CARLSBAD, NEW MEXICO

JOB NUMBER:

14.42

DATE:

11-2-14

DRAWN BY:

L.M.

FILE NAME:

MEC-COMER RV

SHEET NUMBER:

2

OF 2 SHEETS



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 1/13/2015

<b>DEPARTMENT:</b> Planning, Engineering and Regulation	<b>BY:</b> Jeff Patterson, Planning Director	<b>DATE:</b> 12/10/14
<p><b>SUBJECT:</b> Zoning Change from “R-1” Residential District to “C-2” Commercial District, located north of 2126 W. Texas St., legally described as Tract 60 of the Romero Line Adjustment, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant: Frank Romero 610 W. Riverside Dr. Carlsbad, NM 88220</p> <p><b><i>*The applicant provided the required notification to property owners within 100’ and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners’ 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></b></p>		
<p><b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The applicant is requesting a Zoning Change from “R-1” Industrial District to “C-2” Commercial District at the subject site. The zoning around this property is mixed with the properties to the south and west being C-2 and the properties to the north and east being R-1. Changing the zoning to “C-2” Commercial will fit with a majority of the surrounding uses at this site. The applicant wishes to combine this parcel with the parcel he owns to the south, where he operates a mobile home park. To combine the two properties, he needs to change the zoning of the subject site to C-2.</p> <p>According to Zoning Ordinance Sec. 56-4. Amendments, prior to approving a zoning change, the Planning and Zoning Commission must find “whether or not the proposal would improve or damage the comprehensive zoning plan herein established”.</p> <p><i>Comprehensive Plan: Strategy 2030</i> goals and policies that are applicable to this request are: <b>Chapter 3: Land Use</b> <u>Goal 1:</u> The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario. <u>Goal 2:</u> The City of Carlsbad will make efficient use of government resources through well-planned land use decisions. <u>Goal 4:</u> The City of Carlsbad will strive to create an aesthetically pleasing built environment. <b>Chapter 5: Economic Development</b> <u>Goal 4:</u> Improve the appearance of Carlsbad.</p> <p><b><i>An amendment to the Official Zoning Map or to the Text of this Zoning Ordinance must be justified by one or more of the following findings:</i></b> (a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and (b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance;</p>		



and

(c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and

(d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and

(e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and

(f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and

(g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and

(h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** Based on review of the application, staff comments, and public input, at their meeting on 12/1/2014, the Planning and Zoning Commission recommended approval of this request based on the following findings:

1. The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and
2. The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**PLANNING STAFF RECOMMENDATION:** Based on review of the application and staff comments, planning staff recommended approval of this request based on the following findings:

1. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Zoning Ordinance; and
2. The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this



- Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
  6. The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
  7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
  8. The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**DEPARTMENT RECOMMENDATION (please check):**

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works	x			Plng., Eng. & Reg. Dept:			
Fire Department			x	Code Enforcement Division			x
Legal Department			x	Engineering Division	x		
Police Department			x	Planning Division	x		
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x				

**DEPARTMENT COMMENTS:**

Public Works: No objection.

Utilities Department: no comments.

Building Department: no comments.

Fire Department: no comments.

Code Enforcement: no comments.

Legal Department: no comments.

Planning Department: see comments above.

Police Department: Reviewed.

Culture & Rec. Dept.: no comments.

City Engineer: A. Recommendation of Approval

1. No Comments

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |                                         |                                            |                                          |                                              |
|-----------------------------------------|--------------------------------------------|------------------------------------------|----------------------------------------------|
| <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:** Jan. 8, 2015

ATTACHMENTS: ordinance, application, maps, p&z minutes, notification letters



**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**December 1, 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, December 1, 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 Meeting held November 3, 2014.
4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.
5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.
6. Consider a recommendation regarding a Zoning Change from “R-1” Industrial District to “C-2” Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.
8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.
9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned “R-R” Residential District, creating 5 new lots for residential use.
10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned “C-2” Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.
12. Consider Approval of a Dedication of new segment of University Dr.
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, DECEMBER 1, 2014, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
WANDA DURHAM  
EDDIE RODRIGUEZ  
LASON BARNEY**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES MCCORMICK**

**COMMISSION SECRETARY**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**BOARD SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
SECRETARY**

**OTHERS PRESENT:**

**HENRY SOSA  
JANET COX  
KEN THURSTON  
SHANNON SUMMERS  
FRANK ROMERO  
GEORGE SIMPSON  
JOANNE PAYNE  
STEVE SCHUMAN  
DOUG TINDALL  
MARK COMER**

**2111 HILLCREST  
130 COUGAR ROAD  
LAS CRUCES  
CDOD  
601 W. RIVERSIDE  
1210 HIDALGO  
1625 N. MESA  
ALBUQUERQUE  
609 N. MESQUITE  
606 WELEKA LANE**

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 [4:59:49 PM]

0:00:04 **1. Roll call of voting members and determination of quorum.**

**Mr. Knott** called roll. There was a quorum. Present: **Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; Absent – **Mr. McCormick**.

0:01:25 **2. Approval of Agenda.**

**Mr. Patterson** asked that Item #3 be considered at the next meeting, to allow further review by Staff. Motion was made by **Mr. Rodriguez** for approval of an amended Agenda, tabling Item #3 until the next meeting. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott,**



**Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:02:27      **4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.**

**Mr. Thurston** came forward to present the plat. **Mr. Patterson** explained that the plat had to be changed after the school expressed concern about where the entrance would be to the new school site to the west of the subject site. **Mr. Thurston** added that because the neighbors and school wanted the entrance to be relocated, and because an archeological site had been found in the new school's design, the entrance needed to be moved to the north. There was no public comment.

Motion made by **Mr. Rodriguez** and seconded by **Ms. Durham** for approval of the plat and PUD, pending plumbing corrections. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:13:37      **5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.**

**Mr. Thurston** was on hand to answer any questions about the plat. **Mr. Patterson** explained that the applicant wanted to combine Phase 4 and Phase 5 into one phase. A letter of credit would be necessary in the amount of the contractor's bid estimates for Billy the Kid Court and Cowboys Country Road additions. **Mr. Thurston** explained that they had intended to do one phase at a time, but the increase in the speed of sales had prompted them to do the last forty in the same phase. As in the past, they will put up a letter of credit to protect the interests of the City. There was no public comment. There was a question from **Mr. Knott** regarding the CID, but it was explained that the CID property is actually to the north of the property under consideration.

Motion made by **Mr. Rodriguez** for approval, providing all listed conditions are met. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney;** No – None; Abstained – None; Absent – **Mr. McCormick.** The motion carried.

0:24:01      **6. Consider a recommendation regarding a Zoning Change from "R-1" Industrial District to "C-2" Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.**

**Mr. Romero** presented his request for a zone change. He wants to rezone a lot he owns to the north of his mobile home park, so that he can use it as a turn-around for the park. He also cannot combine his lots if they are different zones. Since mobile home parks are not allowed in the current zoning, he needs a zone change to do so. **Mr. Patterson** stressed that he needs to comply with the conditions of his Conditional Use granted last month in order to operate the park. **Mr. Romero** added that the zone change would match the remainder of the park. During public comment, **Mr. Sosa** spoke against the zone



change. He said the park is not very good looking and that several of the trailers have caught fire. He does not want it used for a mobile home park. Staff recommended approval.

Motion was made by **Ms. Durham** to recommend denial of the Zone Change. Motion died for lack of a second.

Motion was then made by **Mr. Knott** to recommend approval. He noted that it was legal for the mobile home park to be there when it started years ago, and the zone change will help improve the current and future use of the property. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Mr. Knott, Mr. Rodriguez, Mr. Barney; No – Ms. Durham; Abstained – None; Absent – Mr. McCormick.** The motion carried to recommend approval.

0:50:07      **7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.**

**Mr. Patterson** said that there are only 1 ½ acres (including the parcel considered for the zone change) available for the mobile home park. If you take into account the spacing and homes, then you can only place about eleven homes. **Mr. Romero** said the advantage would be less traffic and more room for people. It makes it more comfortable. He mentioned perhaps using it as an RV park in the future. **Mr. Patterson** stated that there had been no discussion of using the park for RV's, and that there is not enough acreage for that either. He added that the park is operating illegally at this time, without a Conditional Use, until all the requirements are met. Also, there should be a time frame to meet those requirements. There was no public comment.

**Mr. Rodriguez** made a motion to approve the Variance, provided plans are submitted within 60 days. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney; No – None; Abstained – None; Absent – Mr. McCormick.** The motion carried.

1:04:27      **8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.**

**Mr. Romero** said he thought a smaller park would be more comfortable. He has heavily invested in all new electric and a new fresh water supply. He thinks he has a good plan moving forward to sell off some of the trailers and have people bring in their own homes. **Mr. Patterson** reminded him that he cannot have any new residences until he meets the conditions for the Conditional Use permit. Existing residents may move out their old trailers and replace them, but no new residents or trailers can come in. **Mr. Rodriguez** asked about the condition of the sewer system. **Mr. Romero** said it was fine. There was no public comment.

**Mr. Barney** motioned to approve the Variance. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney; No – None; Abstained – None; Absent – Mr. McCormick.** The motion carried.

1:09:15      **9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned "R-R" Residential District, creating 5 new lots for residential use.**



**Mr. Patterson** explained that the applicant owns a large lot, which he wants to divide and deed (or will) to each of his children. The property is adjacent to Mescalero, a platted road which has not been completed. Regulations require plans for installing infrastructure (streets, sidewalks, sewers, etc.) for a subdivision of five lots. The applicant has not provided those plans, and does not think it should be necessary to install those items. Staff recommended denial, and Public Works recommended denial. **Mr. Simpson** said he just wants a subdivision plat, so that he can have a legal description for the deeds. He is not developing the area, just dividing his land. **Mr. Knott** told him that a plat for five lots is considered a subdivision. He would have to make the improvements. **Mr. Patterson** agreed, adding that if he were to divide the land into two parts this year and wait to divide it later into another two parts, he would not be required to put in the infrastructure. The plat could be signed by the Planning and Zoning Commission designee without having to be reviewed by anyone else. **Ms. Goad** explained that eventually the City would be burdened with the undeveloped property, requiring taxpayers to pay to develop areas that had not been improved. There was no public comment. **Mr. Simpson** withdrew his application after discussion regarding the issue, so the issue did not go to vote.

1:21:56      **10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

**Mr. Comer** was the applicant for the request. **Mr. Patterson** told the commissioners that there was a zone change going before City Council for final decision in January (which would be required in order to proceed with the temporary housing permit). **Mr. Comer's** property meets the space requirements. His subcontractor will not submit plans for water and sanitation until the temporary use is approved; NMED needs the subcontractor's plans for their own approval to move forward. The site will have underground holding tanks for the sewer. The electric work will be done by a licensed contractor and inspected by the City electric inspector. When asked about the width of the lots, **Mr. Comer** said that his architect drew the plans to the specs of the temporary housing requirements. **Mr. Knott** mentioned that would be a consideration if he later wanted to convert to an RV park. He also asked about the structure on the property, since permanent structures are not permitted for temporary housing projects. **Mr. Comer** explained that the building on the land is not included in the temporary housing application. It is pre-existing and will be fenced off. The water source will be City water.

Motion was made by **Mr. Rodriguez** to approve the Temporary Use Permit. **Mr. Barney** seconded his motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; **No – None**; **Abstained – None**; **Absent – Mr. McCormick**. The motion carried.

1:45:26      **11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.**

**Mr. Patterson** said the request is to relieve congestion from a tight turning radius on Eunice Street. It will straighten out the curve a bit. There was also a question about the actual plat. The information was not clear about the alley right-of-way.

**Ms. Durham** motioned to approve the request, with final signing contingent upon clarification of the discrepancies regarding the alley right-of-way. **Mr. Rodriguez** seconded that motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; **No – None**; **Abstained – None**; **Absent – Mr. McCormick**. The motion carried.

2:01:02      **12. Consider Approval of a Dedication of new segment of University Dr.**



**Ms. Cox** was there to represent C & M Developers.

**Mr. Patterson** explained that the road is already installed. Our inspector for infrastructure has reported that it appears to meet City standards. He would like to see the as-built drawings and the results of Constructor's testing of the surface, however, so that he can confirm that from hard data.

**Mr. Rodriguez** made a motion to approve the Dedication, contingent upon the City Engineering Department's approval of as-builts and sign-off on compliance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

2:09:41      **13. Report regarding plats approved through Summary Review process.**

**Mr. Patterson** presented the plats he had signed during November. He pointed out that one of the plats had the wrong signature block (requiring two commissioners to sign), so he marked out the incorrect information and signed as Commission designee.

2:11:21      **14. Adjourn.**

There being no further business, the meeting was adjourned.

2:11:27      Stop Recording [7:11:16 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date



ORDINANCE NO. 2015-02

AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT FOR AN APPROXIMATELY 0.27 ACRE LOT, LOCATED AT 2126 W. TEXAS ST, LEGALLY DESCRIBED AS ROMERO LINE ADJUSTMENT, TRACT 60, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

The official zoning map of the City is hereby amended to rezone part of "R-1" Residential District to "C-2" Commercial District, an approximately 0.27 acre lot, located at 2126 W. Texas St., Carlsbad, NM, legally described as:

ROMERO LINE ADJUSTMENT, TRACT 60,

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13<sup>th</sup> day of January, 2015.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK





## CITY OF CARLSBAD

*Planning, Engineering, and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

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# ZONING CHANGE APPLICATION

**Sec. 56-150(b)**

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## PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the FIRST MONDAY OF THE MONTH. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.  
  
The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.



## **ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:**

- 1) **PRESENCE AT MEETING:** The Planning and Zoning Commission will vote to recommend to the City Council approval or denial of request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have.
- 2) **CITY COUNCIL SETS A HEARING DATE:** After the Planning and Zoning Commission has made a recommendation on the request, the City Council (at their next regular meeting) will set a date for a public hearing. The date will be set for a regularly scheduled City Council meeting a minimum of 30 days from that date. A “notice of public hearing” is published in the Current Argus at least 30 days prior to the hearing.
- 3) **NOTIFICATION:** The applicant shall mail notice of the Planning and Zoning Commission meeting, via certified mail, to all property owners within one-hundred feet (100’) of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing. At least fifteen (15) days prior to the City Council hearing, the City will notify adjacent property owners within 100’ of the subject property via first-class mail for properties greater than one (1) block in size, or via certified mail for properties one (1) block or less in size. The notification will include a description of the request, applicant’s information, legal description of subject property, and the date of the hearing.
- 4) **PUBLIC HEARING:** The Public Hearing will be held during a regularly scheduled City Council meeting, and the applicant or his/her representative **MUST BE PRESENT** to address any questions that the Mayor or Council members may have.
- 5) **ZONING CHANGE IS FINAL:** If the City Council approves the zone change, the ordinance is published in the Current Argus. The change is considered final five (5) days after publication.



**CITY OF CARLSBAD**

*Planning, Engineering, and  
Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

**ZONING CHANGE APPLICATION**

Sec. 56-150(b)

Application Date: 11-6-14

Existing Zoning: R-1

Fee Paid (\$100.00): 100.00

Proposed Zoning: C-2

**APPLICANT INFORMATION:**

Frank Romero 601 W. Riverside

NAME

ADDRESS

Carlsbad NM 88220 626-497-8841 Sootytradermow@yahoo.com

CITY

STATE

ZIP

PHONE

EMAIL

**PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):**

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 (INCLUDE A MEETS AND BOUNDS DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):**

N/A Romero Line Adjustment, Tract 60

ADDRESS

LOT

BLOCK

SUBDIVISION



**REASON FOR THE REQUEST**

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- ☒ The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- ☒ The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- ☐ The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- ☒ The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- ☒ The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- ☐ The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- ☒ The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

**FOR OFFICIAL USE ONLY:****Required prior to P & Z:**

Complete Application Including: ☐ Map ☐ Fee ☐ Letter ☐ Notification ☐ Sign Agreement

**Required prior to City Council:**

Council Hearing Date: \_\_\_\_\_ Publication Date: \_\_\_\_\_

Property Owner Notification Sent (within 100' minimum.): \_\_\_\_\_

☐ ABM ☐ Staff Comments ☐ Application Packet ☐ Draft Ordinance ☐ P&Z Minutes

Council Action: ☐ Approved ☐ Denied ☐ Other Ordinance No.: \_\_\_\_\_



**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**



## NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.

  
APPLICANT SIGNATURE

10-6-15  
DATE

Sign issued by: \_\_\_\_\_  
Staff Member



Date: 11-6-14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Franco Romero 601 W. Riverside 626-897-8811  
Name Address PhoneSubject Site Location: 2126 W. Texas St Carlsbad NM

The proposed action is a:

☒ Zoning Change from R-1 to C-2 in accordance with Sec. 56-150(b).☐ Variance/Appeal from Sec. \_\_\_\_\_ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:☐ Home Occupation: \_\_\_\_\_☐ Other Use: \_\_\_\_\_**The Planning and Zoning Commission will consider this request at a Public Hearing on:**Date: 12-1-14

Time: 5:00pm

Place: City Hall Planning Room, 2<sup>nd</sup> Floor

101 N. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com).For details about this request contact the applicant OR contact the City Planner at 575-885-1185 or via email at [seshumsky@cityofcarlsbadnm.com](mailto:seshumsky@cityofcarlsbadnm.com).

Sincerely,



Applicant/Agent



Date: 11-6-14

Dear Property Owner,


This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

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Place: City Hall Planning Room, 2<sup>nd</sup> Floor  
101 N. Halagueno St.  
Carlsbad, NM 88220

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For details about this request contact the applicant OR contact the City Planner at  
575-885-1185 or via email at [seshumsky@cityofcarlsbadnm.com](mailto:seshumsky@cityofcarlsbadnm.com).

Sincerely,

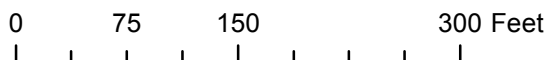
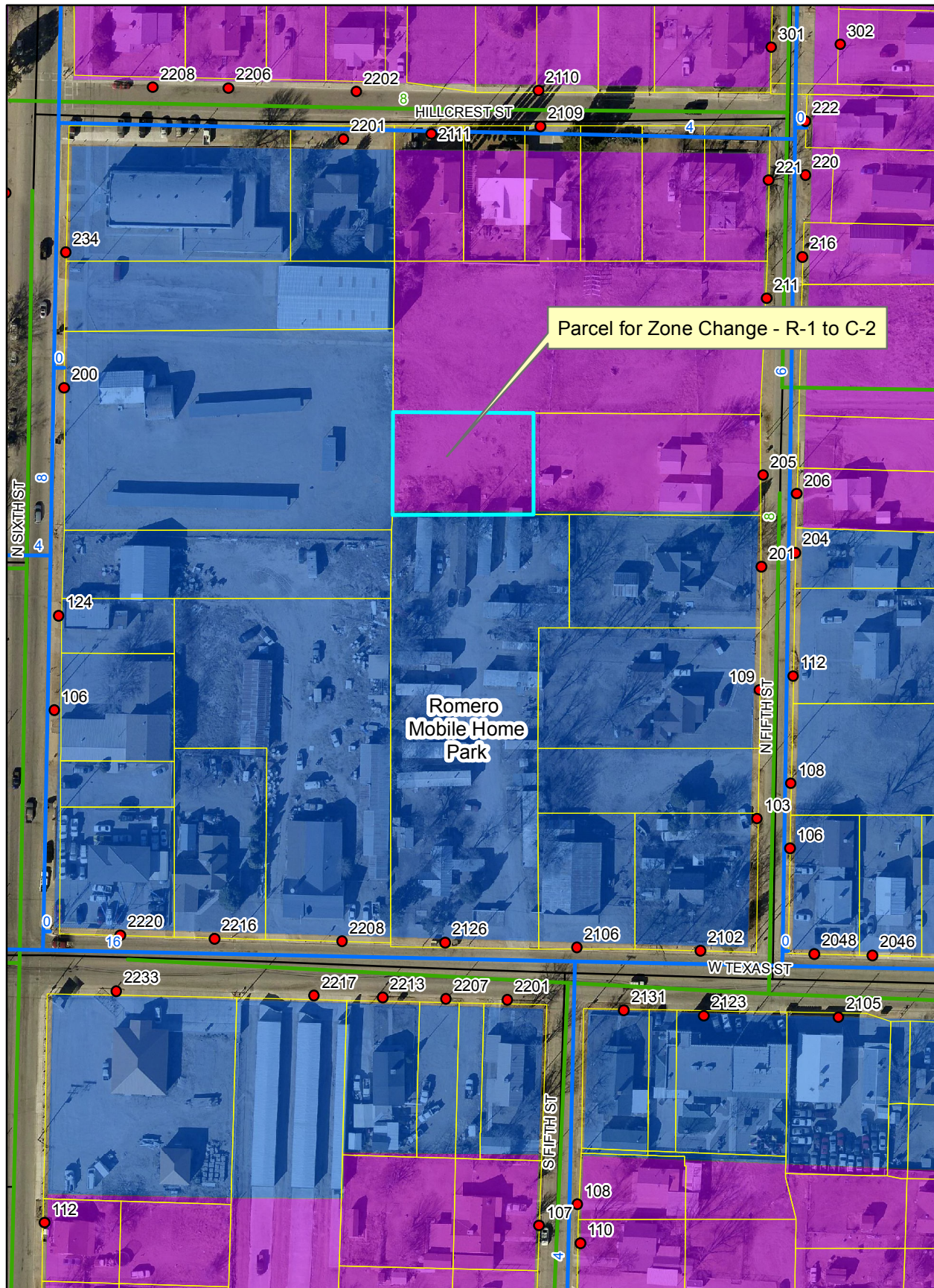


Applicant/Agent





## 2126 W. Texas St. - Zone Change - R-1 to C-2





**No document for this  
Agenda Item**



**No document for this  
Agenda Item**



**ECONOMIC INDICATORS**  
**Planning, Engineering, & Regulation Department**  
**NOVEMBER 2014**

NEW BUSINESS REGISTRATIONS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	33	30	-9%
August	46	33	-28%
September	25	23	-8%
October	31	36	+16%
November	26	21	-19%
December	17		
January	49		
February	39		
March	39		
April	33		
May	36		
June	46		
<b>Year to Date</b>	<b>420</b>	<b>143</b>	

NUMBER OF BUILDING PERMITS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	191	470	+146%
August	191	340	+78%
September	202	248	+23%
October	212	265	+25%
November	157	219	+39%
December	137		
January	204		
February	220		
March	198		
April	217		
May	247		
June	548		
<b>Year to Date</b>	<b>2724</b>	<b>1,542</b>	

VALUATION OF BUILDING PERMITS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	\$ 3,808,836	\$ 6,124,408	+61%
August	1,072,981	4,959,752	+362%
September	8,681,365	2,902,896	-67%
October	8,050,190	3,829,060	-52%
November	5,942,651	8,683,603	+46%
December	1,443,944		
January	1,887,858		
February	13,289,120		
March	9,646,191		
April	5,652,945		
May	13,402,901		
June	10,970,261		
<b>Year to Date</b>	<b>\$83,849,243</b>	<b>\$26,499,719</b>	



**ECONOMIC INDICATORS**  
**Planning, Engineering, & Regulation Department**  
**DECEMBER 2014**

NEW BUSINESS REGISTRATIONS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	33	30	-9%
August	46	33	-28%
September	25	23	-8%
October	31	36	+16%
November	26	21	-19%
December	17	25	+47%
January	49		
February	39		
March	39		
April	33		
May	36		
June	46		
<b>Year to Date</b>	<b>420</b>	<b>168</b>	

NUMBER OF BUILDING PERMITS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	191	470	+146%
August	191	340	+78%
September	202	248	+23%
October	212	265	+25%
November	157	219	+39%
December	137	272	+99%
January	204		
February	220		
March	198		
April	217		
May	247		
June	548		
<b>Year to Date</b>	<b>2724</b>	<b>1,814</b>	

VALUATION OF BUILDING PERMITS			
MONTH	13-14 FISCAL YEAR	14-15 FISCAL YEAR	% CHANGE
July	\$ 3,808,836	\$ 6,124,408	+61%
August	1,072,981	4,959,752	+362%
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October	8,050,190	3,829,060	-52%
November	5,942,651	8,683,603	+46%
December	1,443,944	4,576,302	+217%
January	1,887,858		
February	13,289,120		
March	9,646,191		
April	5,652,945		
May	13,402,901		
June	10,970,261		
<b>Year to Date</b>	<b>\$83,849,243</b>	<b>\$31,076,021</b>	



## Workers' Compensation Report for November 2014

Department	Supervisor	Full Time Emps.	Reports Filed		Loss Hours		Light Duty Hours		FYTD Reports		FYTD Loss Hours	
			2014	2013	2014	2013	2014	2013	14/15	13/14	14/15	13/14
Executive												
Executive	McCutcheon	11	0	0	0	0	0	0	0	0	0	0
Transportation & Facilities												
Community Service	Carlson	2	0	0	0	0	0	0	0	2	0	0
Construction	Cass	15	1	0	0	0	0	0	2	1	272	1,008
Electrical	Cass	6	0	0	0	0	0	0	0	0	0	0
Garage	Mathis	15	0	0	160	112	0	0	2	2	872	296
Parks	Renteria	14	0	0	0	0	0	0	0	0	0	0
Street	Tavarez	19	0	0	8	0	0	0	0	2	8	0
Utilities												
Waste Water	Harvey	9	0	0	0	0	0	0	1	0	0	0
Wastewater Collection System	Nichols	7	0	0	0	0	0	0	0	0	0	0
Environmental Services	Aguilar	3	0	0	0	0	0	0	0	0	0	0
Water	Schwiger	24	0	1	0	0	0	0	2	5	0	1,040
Double Eagle	Myers	13	0	0	0	0	0	0	1	2	32	0
Solid Waste	Ramirez	22	0	0	0	0	0	0	1	5	0	1,456
Arts & Culture												
Arts & Culture	Jackson	2	0	0	0	288	0	0	0	2	0	1,364
Airport	Chandler	4	0	0	0	0	0	0	0	0	0	0
Library	Arnold	9	0	0	0	0	0	0	0	0	0	0
Museum	Morgan	2	0	0	0	0	0	0	0	0	0	0
North Mesa Center	Beason	2	0	0	0	0	0	0	0	0	0	0
RSVP	Gonzales	1	0	0	0	0	0	0	0	0	0	0
San Jose	Vasquez	2	0	0	0	0	0	0	0	0	0	0
Transit	Moore	10	0	0	0	0	0	0	0	0	0	232
Sports & Recreation												
Beautification	Hendley	0	0	0	0	0	0	0	0	0	0	0
Cemetery	Ornelas	2	0	0	0	0	0	0	0	0	0	0
Facility Maintenance	Martinez	14	0	0	0	0	0	0	2	0	0	352
Golf Course	Hendley	4	0	0	0	144	0	0	0	2	0	1,080
Riverwalk	Madrid	5	0	0	0	0	0	0	0	2	0	864
Sports Complex	Lowe	5	0	0	0	0	0	0	0	0	0	0
Planning & Regulation												
Engineering	Patterson	3	0	0	0	0	0	0	0	0	0	0
Planning & Regulation	Patterson	12	0	0	0	0	0	0	0	3	0	0
Finance												
Finance	Harris	16	0	0	0	0	0	0	1	14	0	0
Information Technology												
Information Technology	Plumlee	6	0	0	0	0	0	0	0	0	0	0
Personnel												
Personnel	Bendixsen	2	0	0	0	0	0	0	0	0	0	0
Fire												
Fire	Lopez	58	0	1	240	96	0	0	6	25	1,224	312
Police												
Police	Waller	91	0	0	8	0	160	0	8	15	16	0
Municipal Court												
Municipal Court	Redford	6	0	0	0	0	0	0	0	0	16	0
Total		416	1	2	416	640	160	0	26	82	2,440	8,004
FYTD Loss Time as % of Total Work Hours		0.27%										



**Workers' Compensation Injury Frequency for November 2014**

<b>Injury Type</b>	<b>Occurrence This Month</b>	<b>Occurrence FYTD 14/15</b>	<b>Occurrence FYTD 13/14</b>
Back		1	3
Hand/Wrist		1	
Knee			3
Arm/Shoulder		3	2
Finger		2	1
Elbow		2	1
Neck	1	1	2
Body		2	1
Head			3
Legs/Feet		4	2
Ankle		5	1
Eye/Nose		8	3
Teeth			
Other (lungs, heart, BP))		1	

**Employees on Workers' Compensation Total Temporary Disability at End of Month**

**Employees Expected to Return to Work:**

<b>Employee</b>	<b>Expected Return</b>	<b>Loss Hours This Month</b>	<b>Loss Hours FYTD</b>
#527	Unknown	160	872

**Employees Not Expected to Return to Work:**

<b>Employee</b>	<b>Loss Hours This Month</b>	<b>Loss Hours FYTD</b>
#1389	264	1232

**Employees Working But on Light Duty:**

<b>Employee</b>	<b>Light Duty This Month</b>	<b>Light Duty FYTD</b>
#1066	160	160

**Workers' Compensation Paid Through July:**

	<b>This Month</b>	<b>FYTD 13/14</b>	<b>FYTD 12/13</b>
Medical	\$21,034.94	\$219,614.29	\$205,929.81
Expense	\$0.00	\$1,430.90	\$7,522.60
Weekly Benefits	\$35,555.99	\$161,392.33	\$118,570.57
<b>Total Paid</b>	<b>\$56,590.93</b>	<b>\$382,437.52</b>	<b>\$332,022.98</b>