

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON AUGUST 28, 2018 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	Jason O. Chavez	Councilor
	Jason Shirley	Councilor
	Judith E. Waters	Councilor
	Wesley A. Carter	Councilor
	Mark C. Walterscheid	Councilor

Absent:

Also Present:	Michael Hernandez	City Administrator
	John Lowe	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Nadine Mireles	City Clerk
	Coby Crouch	Director of Projects
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Manager
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director

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

0:00:00 **Call Meeting to Order**

0:00:02 Invocation - Pledge of Allegiance

0:00:30 **1. APPROVAL OF AGENDA**

Mayor Janway requested that Item No. 11 Consider Approval of Ordinance No. 2018-, an Ordinance Rezoning part of "I" Industrial District to "C-2" Commercial 2 District for an approximately 81.14 acre Property, located at 812 George Shoup Relief Route, legally described as Quarter: NE S: 34 T: 21S R: 27E Quarter: NW S: 34 T: 21S R: 27E NENW, N/2N/2SEnw, N/2NWNE, N/2S/2NWNE Map#190-32.7 Alta/ACSM B?S Cab# 5-388-1 Loc 812 George Shoup Relief Route, Pursuant to Section 3-21-1 et. seq. NMSA

1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances be removed from the Agenda.

0:00:41 **Mr. Hernandez** explained that the Ordinance in Item No. 11 was set to be heard today but due to an error the item was not presented to the Planning and Zoning Commission. He said the item will be brought before Council once it is heard by the Planning and Zoning Commission.

0:01:00 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve the Agenda as amended

0:01:05 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:01:23 **2. CITY OF CARLSBAD FINAL BUDGET FOR FY18-19 AS APPROVED BY THE NM DEPARTMENT OF FINANCE ADMINISTRATION**

Mr. Hernandez announced that DFA recently accepted and approved the City's FY 2018-2019 final budget on August 13, 2018.

0:02:05 **3. CITY OF CARLSBAD FINANCIAL REPORT - JULY 2018**

Ms. Hammett reviewed the revenues and expenditures as of July 2018 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:05:03 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on August 14, 2018
- B. City Personnel Report
- C. Contracts and Agreements
 - 1. Consider Approval of Renewal Lease Agreement between the City of Carlsbad and Danforth Travel Agency for a portion of the Cavern City Air Terminal
 - 2. Consider Approval of Agreement between the City of Carlsbad and New Mexico Department of Transportation for Aviation Grant CNM 19-01 for Airport Maintenance at the Cavern City Air Terminal
- D. Monthly Reports
 - 1. Community Development Monthly Report July 2018
 - 2. Transportation & Facilities Monthly Report May & June 2018
 - 3. Utilities Department Monthly Report July 2018
- E. Board Appointments
 - 1. Walter Gerrells Performing Arts & Exhibition Center, Appoint: Parker Hamel four year term
- F. Set Date: October 9, 2018
 - 1. Consider an Ordinance Rezoning Part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 0.40 acre property, located at 41

2 E Church St., legally described as Lots 21 & 23, Block 113, Kerr Park Amended Subdivision, Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances. 2. Consider an Ordinance Rezoning Part of "C-2" Commercial 2 District to "R-R" Rural Residential District for an approximately 0.49 acre property, located at 1000 Malaga Ave, legally described as Lot 23, Block D, Joel Subdivision, Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56 140(I), Carlsbad Code of Ordinances.

0:05:27 **Mayor Janway asked Mr. Hernandez to discuss Item C.2 Consider Approval of Agreement between the City of Carlsbad and New Mexico Department of Transportation for Aviation Grant CNM 19-01 for Airport Maintenance at the Cavern City Air Terminal**

Mr. Hernandez explained this is an Aviation Grant for Airport Maintenance. He said the grant is for approximately \$20,000 and is a grant that the city receives yearly.

0:05:54 **Motion**

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

0:06:01 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:06:19 **5. CONSIDER APPROVAL OF RESOLUTION NO 2018-46, A RESOLUTION SUPPORTING HOLTEC INTERNATIONAL'S EFFORT TO BUILD AN INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL IN SOUTHEASTERN NEW MEXICO AND IN SUPPORT OF BECOMING A PARTY TO THE NRC ADJUDICATORY HEARING AND AUTHORIZING COUNCILOR JASON SHIRLEY TO REPRESENT THE CITY OF CARLSBAD**

Mayor Janway explained Mr. Heaton has been the driving force in the partnership with Holtec and will remain involved. He added Councilor Shirley serves as the Council representative with the Eddy Lea Energy Alliance.

Councilor Shirley explained that this Resolution would allow the City to be a part of the Atomic Safety Licensing Board through the Nuclear Regulatory Commission. He explained the Safety Licensing Board is made up of three judges, who will review all contentions. He said as a municipality this is an opportunity to be a part of the process.

Councilor Rodriguez asked what the timeline is for the licensing process. **Councilor Shirley** said he believes the licensing process from this point is about 18 months.

0:10:28 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Chavez to approve Resolution No. 2018-46, a Resolution Supporting Holtec International's Effort

to Build an Interim Storage Facility for Spent Nuclear Fuel in Southeastern New Mexico and in Support of becoming a Party to the NRC Adjudicatory Hearing and authorizing Councilor Jason Shirley to represent the City of Carlsbad

0:10:35 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:10:51 **6. CONSIDER APPROVAL OF RESOLUTION NO 2018-47, A RESOLUTION ADOPTING THE 2020-2024 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)**

Mr. Patterson explained this is the yearly submittal for the City of Carlsbad for the ICIP. He explained this report is a planning document that is submitted by counties and municipalities yearly to identify projects they would like to be funded through Capital Outlay or various grant monies. He explained the top 10 ranked projects are ranked based on perceived importance and priority.

Councilor Walterscheid said he believes Item No. 10 should be moved down in rank and No. 15 should be moved up to No. 10. **Mr. Patterson** said if that is the recommendation of the Council he will make the recommended change.

Councilor Shirley said that Council used to rank the projects and asked if there was a reason that the procedure has changed. **Mr. Hernandez** said last year the items were ranked by staff and this year it was continued. He said in the future the projects can be sent to Council to be ranked.

0:16:09 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Resolution No 2018-47, a Resolution Adopting the 2020-2024 Infrastructure Capital Improvements Plan (ICIP)

0:16:16 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:16:32 **7. CONSIDER APPROVAL OF RESOLUTION NO 2018-48, A RESOLUTION AUTHORIZING FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION U.S.C. 5311 PROGRAM FOR FUNDING ASSISTANCE FOR FY 2020-2021 FOR THE MUNICIPAL TRANSIT SYSTEM**

Mr. Moore explained this grant is for operating and administrative assistance for the City's Transit System. He said the City requests this funding annually and normally receives a fairly healthy reward. He explained this year staff is requesting \$1.3 million,

with the city's contribution being approximately \$534,000. He explained this grant covers 80% of operating costs, 50% of admin costs, and 80% of the capital requests.

Councilor Shirley asked if the city only receives a portion of what is requested. **Mr. Moore** answered yes. He explained the last 2 years the city received a flat line request and this year staff is requesting a bit more.

0:18:52 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Resolution No. 2018-48, a Resolution Authorizing filing of an Application to the New Mexico Department of Transportation U.S.C. 5311 Program for Funding Assistance for FY 2020-2021 for the Municipal Transit System

0:18:57 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:19:14 **8. CONSIDER APPROVAL OF RESOLUTION NO 2018-49, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 1202 W MERMOD OWNER: TOM R. BENAVIDES**

Mr. Patterson explained that reports on the property have been submitted by Code Enforcement, the Building Department, and the Fire Department. He said the property is not being maintained and has become a fire hazard. He explained the property has been identified by numerous complaints into the 311 system.

Ms. Riordan added the owner of the property has passed away and after a review of taxes, it appears the taxes have not been paid for several years. She explained the property was previously a gas station. She said Mr. Aguilar, Environmental Services, has reviewed the state file and tanks have not been pulled from this location. She added the resolution would not include the removal of the underground tanks.

Ms. Riordan asked if anyone is present on behalf of the property, no one appeared.

Councilor Rodriguez asked if the Resolution covers both of the lots. **Ms. Riordan** answered yes.

0:28:42 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya Flores to approve Resolution No. 2018-49, a Resolution requiring the Removal of the Weeds and Debris at 1202 W. Mermod, Owner: Tom R. Benavides

0:28:47 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:29:04 **9. CONSIDER APPROVAL OF ORDINANCE NO 2018-24, AN ORDINANCE REZONING PART OF "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.27 ACRE PROPERTY, LOCATED AT 111 SOUTH MESA STREET, LEGALLY DESCRIBED AS LOT 2, BLOCK 98, STEVENS SECOND ADDITION, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150 (B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES APPLICANT: CELIA PARSLEY**

0:29:52 **A. Public Hearing**

Mr. Patterson explained this request is to change zoning from "R-2" to "C-2". He said the zoning surrounding the property to the north and east is "C-2" zoning so this change will not create a spot zone. He added the Planning and Zoning Commission recommend approval.

0:31:09 **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.**

0:31:24 **B. Consider Approval of Ordinance No 2018-24**

0:31:30 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve Ordinance No 2018-24, an Ordinance rezoning part of "R-2" Residential 2 District to "C-2" Commercial 2 District for an approximately 0.27 acre property, located at 111 South Mesa Street, legally described as Lot 2, Block 98, Stevens second addition, Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150 (B) and 56-140(I), Carlsbad Code of Ordinances Applicant: Celia Parsley

0:31:38 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:31:55 **10. CONSIDER APPROVAL OF ORDINANCE NO 2018-25, AN ORDINANCE REZONING PART OF "R-R" RURAL RESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 2.35 ACRE PROPERTY, LOCATED AT 3621 SAN JOSE BOULEVARD, LEGALLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF MERLAND LAND DIVISION 5 PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES. APPLICANT: LEE ADAMS**

0:32:46 **A. Public Hearing**

Mr. Patterson explained this request is to change zoning at 3621 San Jose Boulevard from "R-R" to "C-2". He said the zone change will not create a spot zone and added the Planning and Zoning Commission recommend approval.

0:33:55 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

Mr. Bruce Hailey, Property Owner, explained he is requesting the zone change to build a hotel on the property.

0:34:39 **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.**

0:34:51 **B. Consider Approval of Ordinance No 2018-25**

0:34:57 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya Flores to approve Ordinance No 2018-25, an Ordinance Rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for an approximately 2.35 acre property, located at 3621 San Jose Boulevard, legally described as beginning at the Northeast Corner of Merland Land Division 5 Pursuant to Section 3-21-1 et. seq. NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances. Applicant: Lee Adams

0:35:11 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:35:31 **12. COUNCIL COMMITTEE REPORTS**

Mayor Janway asked Mr. Crouch to give an update on the Standpipe and Lea Street intersection and on San Jose Boulevard. **Mr. Crouch** said the Standpipe and Lea intersection will be open east and west bound later this week. San Jose should be open within the next 2 to 3 weeks.

Mr. Hernandez announced that Mr. Coby Crouch has been promoted to the Director of Projects Position. He added the city is fortunate to have Mr. Crouch and appreciate his hard work. **Mr. Crouch** said he appreciates the opportunity and is looking forward to helping the city out in any way that he can.

Mayor Janway mentioned the Sonny Throckmorton induction into the Carlsbad Hall of Fame will be at 10:00 a.m. on Wednesday, September 5, 2018. He also invited everyone to the Energy Summit on September 6, 2018 from 8:00 a.m. to 1:00 p.m. at the Walters Gerrells Performing Arts Center. **Mayor Janway** also mentioned a job fair on September 6th at the Eddy County Fire Training Center from 12:00 - 6:00 p.m.

Councilor Chavez asked if Chief Skinner could give an update on the school incident today. **Chief Skinner** explained that an issue was brought forward by students at the High School. He said the students notified school administration officials that a 15 year

old juvenile had been bringing a loaded 380 semi-automatic handgun to school. He explained school administration worked with school resource officers to confront the student and after investigation there are no results that lead the department to believe that there was some type of planned attack on the school. **Chief Skinner** explained the school went into lockdown shelter in place and the juvenile was taken into custody and parents were notified.

Chief Skinner said the Police Department has received 3 patrol bikes from Montana. He said it will be some time before the bikes are seen out in traffic enforcement. He explained the officers will go through motor enforcement school in Las Cruces and some behind the scenes training before they begin patrol.

Councilor Shirley commended Chief Skinner and the entire Police Department for their outreach efforts to recruit new officers. He said he has heard a lot of positive comments from the community. He said it's good to see the department making strides to have a fully staffed police force. **Chief Skinner** thanked Councilor Shirley and added the department is going outside the box for recruiting efforts which are showing very good results.

0:46:05 **13. ADJOURN**

0:46:09 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Estrada to Adjourn

0:46:20 **Vote**

The vote was as follows: Yes - Walterscheid, Anaya Flores, Chavez, Carter, Estrada, Rodriguez, Shirley, Waters; No - None; Absent- None; the motion carried.

0:46:47 **Adjourn**

There being no further business, the meeting was adjourned at 6:46 p.m.

Dale Janway, Mayor

ATTEST:

Nadine Mireles, City Clerk