

**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 8, 2017 AT 6:00 P.M.**

Present:	Dale Janway	Mayor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	J. R. Doporto	Councilor
	Wesley A. Carter	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Wanda Durham	Councilor
Absent:	Lisa A. Anaya Flores	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Patsy Jackson-Christopher	Director of Arts & Culture
	Luis Camero	Director of Engineering Services
	Steve Hendley	Director of Parks & Recreation
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Kent D. Waller	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**

0:00:08      Invocation - Pledge of Allegiance

0:00:32      **Mayor Janway announced a very special guest present tonight, Brendon Utter.**

He explained Brendon is working towards his Eagle Scout and welcomed him.

0:00:55      **1. APPROVAL OF AGENDA**

**Mayor Janway** requested to pull Item C.3 Consider approval to Award Bid No. 2017-14, to Greer Construction for the Carlsbad Municipal Transit Mechanic Shop Construction Project.

0:01:04      **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Durham to approve the Agenda as amended

0:01:11      **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doporto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:01:27      **2. CITY OF CARLSBAD FINANCIAL REPORT FOR JUNE, 2017**

**Ms. Hammett** reviewed the revenues and expenditures as of June 2017 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

**Councilor Doss** asked how Gross Receipts Taxes are doing. **Ms. Hammett** said GRT was up last month and there have been improvements over the last four months. She added there have also been improvements in Lodger's Tax.

0:03:20      **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on July 25, 2017
- B. City Personnel Report
- C. Purchasing:
  - 1) Consider approval to solicit Requests for Proposals for an Adult Patient Simulator Mannequin for the Carlsbad Fire Department
  - 2) Consider approval to solicit Requests for Proposals for Management and Maintenance Services for the Ira Stockwell Park, Softball Complex
  - 3) Consider approval to Award Bid No. 2017-14, to Greer Construction for the Carlsbad Municipal Transit Mechanic Shop Construction Project
- D. Contracts and Agreements:
  - 1) Consider approval of Agreement between the City of Carlsbad and Howard R. Danforth dba: Danforth Travel for a portion of the Cavern City Air Terminal
- E. Set Date: September 12, 2017
  - 1) Naming Baseball Field #4 at the Bob Forrest Youth Sports Complex in honor of Shane Andrews
  - 2) Naming Baseball Field #3 at the Bob Forrest Youth Sports Complex in honor of Steve Pomroy
- F. Monthly Reports:
  - 1) Monthly Report, Arts & Culture Department, June 2017
  - 2) Monthly Report, Personnel Department, July 2017
  - 3) Monthly Report, Sports & Recreation Department, June 2017
  - 4) Monthly Report, Transportation & Facilities Department, June 2017

G. Board Appointment:

1) Carlsbad Community Volunteer Network: Reappoint: Fred and Dora Cota, 4-year terms

0:03:43 **Mayor Janway asked Mr. McCutcheon to discuss the pulled Item, Item C.3 Consider approval to Award Bid No. 2017-14, to Greer Construction for the Carlsbad Municipal Transit Mechanic Shop Construction Project.**

**Mr. McCutcheon** explained that Item C.3 was pulled because it is a federal project and the Regulatory Authority has informed staff that some of the items in the bid are not in compliance with requirements. He explained staff will come back before Council and ask Council to reject and allow staff to rebid with proper language for a federal grant.

0:04:30 **Mayor Janway asked Councilor Carter and John Lowe to discuss Item E.1 Set Date: September 12, 2017 Naming Baseball Field #4 at the Bob Forrest Youth Sports Complex in honor of Shane Andrews; and E.2 Set Date: September 12, 2017 Naming Baseball Field #3 at the Bob Forrest Youth Sports Complex in honor of Steve Pomroy.**

**Councilor Carter** explained the Sports Complex Advisory Board met and discussed naming fields at the Complex. He said they nominated Shane Andrews. He said Shane is a nice guy and a great baseball player. He said Shane put Carlsbad on the map by being drafted in the first round and playing professional baseball for many years. He said they also nominated Mr. Steve Pomroy. He said Mr. Pomroy served as a coach for over 15 years. **Mr. Lowe** added that Mr. Pomroy was a founder of American Little League in the early 1950s. He said Mr. Pomroy still has family living in Carlsbad and some of his grandkids participate in baseball at the Sports Complex. **Mr. Lowe** said he cannot think of two more deserving people to have fields named in honor of at the Sports Complex

0:06:49 **Motion**

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

0:06:53 **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doportto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:07:11 **4. CONSIDER APPROVAL OF A SMALL BREWER LIQUOR LICENSE WITH ON-PREMISES CONSUMPTION AND PACKAGE SALES WITH A WAIVER FROM THE 300' FROM A CHURCH; PROPOSED LOCATION - 3404 NATIONAL PARKS HIGHWAY, CARLSBAD, NM, OWNER: GUADALUPE MOUNTAIN BREWING CO., LLC, MANAGING MEMBER: CHRIS PETTUS**

**Mr. McCutcheon** explained this request for a Small Brewer License has been approved by the State Liquor Board. He added the proper notices have been completed. He said staff received letters of opposition, although since that time Mr. Dick Means, minister of

the church adjacent to the property withdrew his concerns. He said the next step is Council granting the approval.

**Councilor Doss** said he has been privileged to know the Pettus family for a number of years and finds the family to be very responsible. He said it is great that someone is willing to invest a lot of time and money into Carlsbad.

0:09:33      **Motion**

The motion was made by Councilor Doss and seconded by Councilor Carter to approve a Small Brewer Liquor License with On-Premises Consumption and Package Sales with a waiver from the 300' from a Church; Proposed Location -3404 National Parks Highway, Carlsbad, NM, Owner: Guadalupe Mountain Brewing Co., LLC, Managing Member: Chris Pettus

0:09:40      **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doporto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:10:09      **5. CONSIDER APPROVAL OF RESOLUTION NO. 2017-31, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FUNDING ASSISTANCE FOR FY 2017-2018, FOR THE U.S.C. SECTION 5339(B) PROGRAM FOR BUSES AND BUS FACILITIES**

**Mr. McCutcheon** explained this application would allow the city in over a 5 year period of time to refurbish and replace some of the bus stops and allow the purchase of additional equipment for Municipal Transit. He said the city match over 5 years would be \$91,540.00 and would be a progressive match.

0:11:30      **Motion**

The motion was made by Councilor Durham and seconded by Councilor Shirley to approve Resolution No. 2017-31, a Resolution Authorizing the Filing of an Application to the New Mexico Department of Transportation for Funding Assistance for FY 2017-2018, for the U.S.C. Section 5339(b) Program for Buses and Bus Facilities

0:11:39      **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doporto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:11:52      **6. CONSIDER APPROVAL OF ORDINANCE NO. 2017-19, AN ORDINANCE ADOPTING AMENDMENTS TO THE CARLSBAD CODE OF ORDINANCES, CHAPTER 56, ZONING ORDINANCE PURSUANT TO CODE OF ORDINANCES SECTION 56-150 AND SECTION 3-17-1 AND 3-18-1 NMSA 1978**

0:12:25      **A.      Public Hearing**

**Mr. Patterson** explained Council tasked him with reviewing and reassessing the zoning ordinance as it concerns the placement of carports and the prohibition as such. He said the Planning Department reviewed the regulations and have come up with amendments that would allow the citizens of Carlsbad to place carports in the front set back without a variance from the Planning and Zoning Commission. He added although a variance is not required a building permit is required before the carport is placed. He said the amendments cover most of the concerns and he is submitting the amendments for Councils consideration.

**Councilor Shirley** asked about the procedure for the carport not interfering with emergency services. **Mr. Patterson** explained when a site plan is submitted the Building Inspector will review before granting the permit. He said if the applicant is proposing to place the carport anywhere the Building Inspector thinks it could interfere with Emergency Services, the plan would be discussed with Emergency Services before being approved.

**Councilor Rodriguez** thanked Mr. Patterson for all of the effort he has put into these amendments.

0:15:42      **Mayor 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.**

0:16:04      **B.      Consider Ordinance No. 2017-19**

0:16:08      **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Durham to approve Ordinance No. 2017-19, an Ordinance Adopting Amendments to the Carlsbad Code of Ordinances, Chapter 56, Zoning Ordinance pursuant to Code of Ordinances Section 56-150 and Section 3-17-1 and 3-18-1 NMSA 1978

0:16:17      **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doporto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:16:30      **7.      COUNCIL COMMITTEE REPORTS**

**Councilor Doss** explained that Boutique Air has added an additional flight to Albuquerque, NM departing at 7:30 a.m. with a returning flight at 4:10 p.m. He said this is an indicator of the growth in the area. He thanked Boutique Air for working with the city and improving services.

**Mayor Janway** thanked Councilor Doss, Jay Jenkins, Councilor Carter, Judge Whitlock, Steve McCutcheon, and Don George for all of their help.

0:18:34      **Mayor Janway asked if anyone present would like to address the Council.**

**Ms. Rosie Gonzalez** said the San Jose Senior Citizens sent the city a petition regarding their administrator being transferred. She asked if Council was aware of the petition and added that the Center is very unhappy about the transfer of the Senior Center Director. **Mr. McCutcheon** said the decision was administrative and did not involve the Council. He said the move was made on a non-permanent basis to utilize both of the leaders in different settings. He explained both directors have certain strengths and the change was made with the idea to get a better look at the Senior Centers for improvements. He said the transfer will be reevaluated in 30 and 90 days. He said at the Mayors request, Mr. Hernandez has spent a fair amount of time at both of the centers this week to ensure a smooth transition.

**Ms. Gonzalez** asked if this transfer could be explained to the seniors because they are upset. **Mr. McCutcheon** explained that Ms. Jackson-Christopher attended the Board Meetings and spoke to a few groups about the transfer.

**Mr. Hernandez** explained that he has been visiting the Centers and plans to keep evaluating both Centers. He said there is good management and staff at both Centers. He explained after the evaluations, staff will learn a lot of valuable information to help staff make the right decisions for the future. He added he will continue to speak to citizens at both centers.

**Ms. Delilah Henderson** said she is member of the San Jose Senior Center. She explained she and other members of the Center are unhappy because they thought signing the petition would help with the decision. She said staff did not take into consideration that the director transferred may have medical issues. She said Amparo is a cancer survivor and this stress is really getting to her. She said Amparo is a wonderful manager and members don't feel like the transfer was fair.

0:26:09      **8. ADJOURN**

0:26:10      **Motion**

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

0:26:16      **Vote**

The vote was as follows: Yes - Estrada, Rodriguez, Shirley, Carter, Durham, Doporto, Doss; No - None; Absent- Anaya Flores; The motion carried.

0:26:34      **Adjourn**

There being no further business, the meeting was adjourned at 6:26 p.m.

ATTEST:

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

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Mayor

DRAFT