

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON APRIL 13, 2021 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:	Wendy Austin	Deputy City Administrator
	KC Cass	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	JoAnne Jaure	Deputy City Clerk
	Ted Cordova	Community Dev. Director
	Angie Barrios-Testa	Director of Municipal Services
	Ron Myers	Director of Utilities
	Wayne Hatfield	IT Director
	Melissa Salcido	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Charlie Garcia	Police Officer
	Dr. Gary Washburn	Carlsbad Municipal Schools
	Jerry Fanning	Eddy County Public & Governmental Affairs Director
	Farley Vener	Hinkle & Landers, PC <i>via telephone</i>
	Edith Florez Duran	Citizen

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

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

0:00:02 Invocation – Pledge of Allegiance

0:00:29 **Dr. Washburn, Superintendent** said there are 6,411 students enrolled in the Carlsbad Municipal School system. He said pre-Covid-19 the enrollment was at 7,000. He said he feels some students are being home schooled, some moved to Texas to follow the oil jobs and some moved to Texas to attend in person schooling. He explained he feels COVID-19 isn't over and there are over 300 students in quarantine as of today. He said there are 5 confirmed cases that have caused a ripple effect. He said protocols need to be followed to be able to keep schools open. He said because we are in turquoise there can be an in person graduation, with normal capacity attending. He said the number of people allowed in the stadium will depend on what our county color is 2 weeks prior to graduation. He said prom is being allowed and will be held outside. He said we are getting back to a sense of normalcy. He said administration is looking into putting policies together, to require students to maintain a C average to continue online learning. He said it is the schools responsibility to make sure students graduate and he anticipates fully opening in person learning in the fall. He said there are discussions of possible testing of students and staff. He said there will most likely be mask wearing when school starts and a lot of protocols will still be in place. He said if he has to wear a pink tutu for children to be in school that is what he will do. He said the biggest issue is going to be the social and emotional impact on the students. He said the school year will not be extended, the last day of school will be June 10, 2021. He thanked the City for all their support.

Councilor Rodriguez said a few years ago when we were trying to get people to move to Carlsbad, to get oil companies to move here, the big quality of life was the school system. He thanked Dr. Washburn for all his work in getting the schools open, he feels that is the first step in getting back to normal. **Dr. Washburn** said the school staff are a great team and are committed to doing it.

Councilor Shirley said they have done an amazing job in an impossible situation. He asked if there was a school start date for the fall. **Dr. Washburn** answered the calendar committee is working on it and his recommendation is for August 2, 2021. He said he realizes there is summer learning loss and would not like to exacerbate it with a longer break than normal. He said Carlsbad has always done a tremendous job with high achieving students, there are 3 national merit scholars right now. He said he feels we will once again be a flagship school district and agreed with Councilor Rodriguez that is the way to get people to move to Carlsbad. He added that was his commitment when he took this job and that continues to be his commitment.

Councilor Chavez thanked Dr. Washburn for everything he has done to get schools open again. He asked if there will be any tutoring programs when school ends. **Dr. Washburn** answered there will be credit recovery for high school students and administration is trying to determine what to do for the elementary students.

0:14:43 **Jerry Fanning, Eddy County Public & Governmental Affairs Director,** gave an update on the Legislative Session. He said there were about 900 pieces of

legislation that were introduced during the regular session. He said 158 made it to the Governor's desk and 140 were signed into law. He said 12 were vetoed with a message and 6 were pocket vetoes. He said there were important things that happened that pertain to our part of the state. He said this was a controversial year, the Capitol was fenced off and closed to the public, all meetings and floor sessions were conducted virtually, interaction was challenging. He said if you were lucky enough to get to speak you were limited to 1 to 2 minutes. **Mr. Fanning** spoke about the following bills: HB 4 (New Mexico Civil Rights) was introduced and declared the worst bill ever introduced in the Legislature. He said HB 4 removes qualified immunity for all state government entities and basically gives a blank check for attorney fees when suing a public entity. He said HB 47 passed. He said SB 10 also passed. He said several cannabis bills were introduced, the Governor called a special session for these bills as there was not enough time in the regular session. He said as of June 29, 2021 all New Mexicans will be able to possess and use marijuana in small quantities and legalized sales of marijuana will begin no later than April 2022. He said the Governor has done a great job of successfully getting her campaign promises filled this year. He said the biggest issue for Carlsbad was HB 212, establishing the Southeast New Mexico College. He thanked Wendy Austin for her work in getting this accomplished. He said SB 256, Fire Protection Grant Fund, passed. He said there were several anti-oil and gas bills, most of those would have hurt the industry, however those bills died and he feels the Legislature understands where the money comes from. He said HB 2 the General Appropriations Act passed with no problem, thanks to oil and gas helping with approximately 30% of \$7.4 billion budget that was passed. He said there is \$5 million allocated to the Energy Mineral and Natural Resources Division for work on the brine well. He said there is still work being done and there is more money and discussions about how it will be allocated for that work. He said HB 285 was Capital Outlay Funded projects, that bill gave the City of Carlsbad \$3,963,401.00 in requested money. He said it provided Eddy County with \$1,529,000.00 for the southeast bypass road. He said SB 377, provided \$230,000.00 to REDA for 911 call center upgrades. He said it will also provide \$72,600.00 for improvements at the Living Desert State Park. He said \$172,600.00 for traffic safety lights at the bypass east of town at the intersection of highway 200 and US 62-180. He said he was proud to see that money come back. He added if you see the legislators, thank them for all their hard work for this part of the state, they work long hours and did a great job. He said redistricting will be taking place this fall and hopes to see more representation for Carlsbad. He said a LEDA bill was passed, which will allow tax money for industry that comes back in that will be investing \$350 million or more.

0:23:54 **1. APPROVAL OF AGENDA**

0:23:57 **Motion**

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

0:24:01 **Vote**

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

0:24:18 **2. CONSIDER APPROVAL OF RESOLUTION 2021-16, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2020-21 FISCAL YEAR BUDGET OF THE INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2020**

Mrs. Salcido explained in the Lodgers' Tax Promotional Fund there is a request for an increase of operating costs of \$25,673.00, for Carlsbad MainStreet for a digital kiosk shade cover and installation of fiber bandwidth.

0:25:16 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Waters to approve of Resolution 2021-16, a Resolution making certain budgetary adjustments to the 2020-21 Fiscal Year budget

0:25:21 **Vote**

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

0:25:42 **3. CONSIDER APPROVAL OF RESOLUTION 2021-17, A RESOLUTION FOR THE ACCEPTANCE AND APPROVAL OF THE INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2020**

Mrs. Austin said she is very pleased to report the City received an unmodified report which means there were no findings for the Fiscal Year 2020. She added the report was submitted timely, which allows the City to apply for more grants.

Mrs. Salcido explained the financial statements for FY ending June 30, 2020 were audited by Hinkle & Landers and an unmodified report was issued, there were no material weaknesses or deficiencies. She thanked all the Director's for their hard work making sure the audit was submitted on time.

Mrs. Salcido introduced Farley Vener who is the President of Hinkle & Landers, who was joining via telephone. **Mr. Vener** said it was a clean audit with no findings in the report. He said there were no issues.

Mayor Janway said that it was a great report.

0:27:39 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2021-17, a Resolution for the Acceptance and Approval of the Independent Auditor's Report for the year ended June 30, 2020

0:27:46 **Vote**

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

0:28:15 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 23, 2021
- B. Minutes of the Special City Council Meeting held on March 29, 2021
- C. City Personnel Report
- D. Purchasing
 - 1) Consider Approval to Advertise Request for Proposals for Janitorial Services for City Park Restrooms and Bob Forrest Youth Sports Complex
- E. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and the National Little Girls Softball for League Services at the Bob Forrest Sports Complex
 - 2) Consider Approval of Agreement between the City of Carlsbad and the National Little League for League Services at the Bob Forrest Sports Complex
 - 3) Consider Approval of Agreement between the City of Carlsbad and the Shorthorn Little League for League Services at the Bob Forrest Sports Complex
- F. Monthly Reports
 - 1) Human Resources Department March 2021
 - 2) Municipal Court Department March 2021
- G. Board Appointments
 - 1) City of Carlsbad Budget Committee Appoint: Jason Chavez
- H. Set the Date: May 11, 2021
 - 1) Ordinance rezoning part of "C-2" Commercial 2 District to "R-1" Residential 1 District for an approximately 0.285 acre property located at 2209 San Jose Blvd
 - 2) Ordinance rezoning part of "R-1" Residential 1 District to "R-R" Rural Residential District for an approximately 0.955 acre property located at 3204 W Lea Street

0:28:40 **Motion**

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

0:28:47 **Vote**

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

0:29:08 **5. CONSIDER APPROVAL OF SUBMISSION OF APPLICATION FOR AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM FOR THE CARLSBAD MUNICIPAL AIRPORT FOR \$23,000**

Mr. Cordova explained we had this same type of grant in 2020, the application deadline is June 30, 2021. He said we have 4 years to encumber the funds and it will be used for maintenance of the airport, for sanitation, possibly for personnel and right now the \$69,000.00 from 2020 is being used for utilities and expects to continue using these funds for utilities.

0:30:33 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve submission of application for Airport Coronavirus Response Grant Program for the Carlsbad Municipal Airport for \$23,000

0:30:39 **Vote**

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

0:30:57 **6. CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN APPLICANT: COURTESY SPORTING AND PAWN**

Mr. Patterson explained the applicant has provided the bonding required by City Ordinance, the background check has been received and it was a favorable response. He said the Planning Department recommends approval of this request.

0:31:57 **Motion**

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

0:32:03 **Vote**

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

0:32:20 **7. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY BESIDE THE CARLSBAD WATERPARK & THE RAY ANAYA SAN JOSE PLAZA APPLICANT: THE COLD SHOULDER, VANESSA RAMIREZ, OWNER**

Mr. Patterson explained the Cold Shoulder would like to vend shaved ice on City property at the Water Park and Ray Anaya San Jose Plaza. He said this requires city approval since it is located on city property. The Planning staff recommend approval with the following requirements: shall not disturb the peace with loud speaker, megaphone, bell, music or other disruptive noise, the applicant shall provide hours of operation. He said approval of this request grants permission to the applicant to vend shaved ice, food and drinks (non-alcoholic) on City owned property in the area near the Water Park from opening date to closing date for the water park in 2021. He said they

will primarily vend on Friday, Saturday and Sunday, however they may set up occasionally on other days as needed. He said all these requirements are also in effect for the Ray Anaya San Jose Plaza. He said the applicant should provide a surety bond to the City Planning Department. He said the Planning Department recommends approval of this request.

Councilor Walterscheid asked if any food truck is allowed to vend on City property. **Mr. Patterson** answered they can vend on City owned properties or the public ROW with permission of Council.

Councilor Shirley asked if there is a cap on the location as to how many food establishments are allowed to vend there, as that is a popular location. **Mr. Partterson** answered he doesn't recall that ever being discussed, it has been left up to the discretion of Council as to what is approved. **Mr. Patterson** added most food trucks don't want to relocate.

0:35:35 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve Temporary Use Application to allow for mobile sales (vending) of shaved ice on City property beside the Carlsbad Waterpark & the Ray Anaya San Jose Plaza Applicant: The Cold Shoulder, Vanessa Ramirez, Owner

0:35:39 **Vote**

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

0:35:56 **8. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW THE PARKING OF A TEMPORARY FOOD TRUCK AND FOOD SALES IN THE DOWNTOWN AREA ALONG N CANYON STREET WITHIN THE PUBLIC STREET RIGHT OF WAY APPLICANT: CARLSBAD MAINSTREET**

Mr. Patterson explained this is being submitted by Carlsbad MainStreet for a food truck on N. Canyon Street at the corner of Mermod and N Canyon. He said Carlsbad MainStreet would vet the vendors. He said this is to increase visitors to the downtown area. He said approval of this temporary use permit would give blanket permission to Carlsbad MainStreet to bring in any food truck. He said each applicant would need to provide a surety bond to the City. He said the Planning staff recommends approval with the following conditions: shall not disturb the peace with loud speaker, megaphone, bell, music or other disruptive noise. He said approval of this request would allow the applicant to host food trucks any day of the week and during Carlsbad MainStreet events.

0:38:01 **Motion**

The motion was made by Councilor Shirley and seconded by Councilor Rodriguez to approve Temporary Use Application to allow the parking of a temporary Food Truck

and Food Sales in the downtown area along N Canyon Street within the public street Right of Way Applicant: Carlsbad MainStreet

0:38:06 **Vote**

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

0:38:22 **9. CONSIDER APPROVAL OF APPLICATION FOR A VACATION OF THE STREET RIGHT OF WAY TO THE SOUTH OF THE 2500 BLOCK OF W JACKSON STREET APPLICANT: CITY OF CARLSBAD**

Mr. Patterson explained it was discovered that the property lines were incorrectly platted on a previous action plat. He said a survey from R & R Surveying found the discrepancy of approximately 7 feet. He said the new property line would run in resident's yards and in 1 case a portion of a building would be in the right-of-way. He said he is asking that Council approve the vacation of this property line and move it north, back to the original property line.

0:40:13 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Application for a Vacation of the Street Right of Way to the south of the 2500 Block of W Jackson Street Applicant: City of Carlsbad

0:40:18 **Vote**

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

0:40:35 **10. CONSIDER APPROVAL OF RESOLUTION 2021-18, A RESOLUTION DECLARING CERTAIN CITY PROPERTY UNUSABLE OR OBSOLETE**

Mrs. Austin explained most of the vehicles on the list are 10 - 20 years old and will be disposed of by auction.

0:41:19 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Estrada to approve Resolution 2021-18, a Resolution declaring certain city property unusable or obsolete

0:41:23 **Vote**

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

0:41:42 **11. CONSIDER APPROVAL OF RESOLUTION 2021-19, A RESOLUTION AUTHORIZING THE CITY OF CARLSBAD'S PARTICIPATION IN THE CAPITAL OUTLAY PROGRAM ADMINSTRATED BY THE NEW MEXICO**

DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO RADIO BOULEVARD

Mr. Cass explained this is to formally accept the \$500,000.00 of capital outlay provided by the State for the capital outlay program. He said this will allow us to improve Radio Blvd. from the intersection of Standpipe to the city limits which is approximately 500 feet east of Quay. He said outside the capital outlay program the rest of Radio Blvd. would get be improved through a joint venture with Eddy County.

0:43:06 **Motion**

The motion was made by Councilor Carter and seconded by Councilor Anaya-Flores to approve Resolution 2021-19, a Resolution authorizing the City of Carlsbad's participation in the Capital Outlay Program administrated by the New Mexico Department of Transportation for improvements to Radio Boulevard

0:43:09 **Vote**

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

0:43:27 **12. CONSIDER APPROVAL OF RESOLUTION 2021-20, A RESOLUTION REQUIRING THE REMOVAL OF THE WEEDS AND DEBRIS AT 322 PEACHTREE OWNER: JUANA FLOREZ AND EDITH DURAN**

Mrs. Madrid-Boyea explained this property is abandoned, however there are people coming on and off the property. She said she believes there may be squatters at this address and the owner is listed in Wisconsin. She said there has been no response to correspondence or any action taken to improve the property. She said the property has had numerous problems, Code Enforcement has been to the property multiple times, there is a lot of trash and junk on the property and the solid waste department has been out numerous times to clean up the area. She said the neighbors have complained about the condition of the property. She said the water has been left on during the COVID-19 pandemic. She said law enforcement has been called to this property over 40 times since 2015. She said Code Enforcement and the Fire Marshal have inspected this property and found it is out of compliance with applicable codes and is an extreme fire hazard to first responders.

Councilor Walterscheid asked about the number of calls to this property and if this has ever been brought before council before. **Mrs. Madrid-Boyea** answered there have been over 40 calls to this property since 2015 and this is her first time dealing with this property. She asked **Mr. Patterson** if he was aware of this property ever going before council. **Mr. Patterson** answered he knows Code Enforcement has been in contact with this property and is happy to see it before council.

Councilor Rodriguez said the 40+ call outs have been for fire, police and ambulance.

Councilor Estrada asked what would happen to this property. **Mr. Patterson** said at this time the Resolution calls for the property owner to clean up the property within 30 days, if that doesn't happen, then our contractor will go in and clean it up. **Councilor Estrada** asked if that also included boarding up the house. **Mr. Patterson** answered that is not in the resolution, and boarding up the house would be a separate action.

Councilor Rodriguez asked if this house is inhabitable. **Mr. Patterson** answered that the building department has not been able to go in and assess the house and therefore he cannot answer about the building standard.

Mr. Patterson said after the property is cleaned up the building department should go in and inspect the condition of the house.

Ms. Edith Florez Duran approached the podium and explained she flew in from Wisconsin after her daughter had shown her the letter and pictures of the house. She said she is under doctor's care and will be having surgery in Wisconsin. She said she has been gone for over a year, she had her daughter check on the property and it was already in bad condition. She said she kept her yard nice when she lived there

Councilor Rodriguez said he understands Ms. Duran is under medical care, however the calls have been going on since 2015 and the neighborhood deserves better.

0:51:44 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Carter to approve Resolution 2021-20, a Resolution requiring the removal of the weeds and debris at 322 Peachtree Owner: Juana Florez and Edith Duran With the stipulation Code Enforcement to enter the house to determine if it is inhabitable.

0:52:02 **Vote**

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

0:54:02 **13. CONSIDER APPROVAL OF ORDINANCE 2021-07, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT ZONING TO AN APPROXIMATELY 0.99 ACRE PROPERTY LOCATED ON HARPER STREET APPLICANT SALLY FERNANDEZ**

0:54:28 **A. Public Hearing**

Mr. Patterson explained the surrounding properties are zoned C-2 Commercial 2 district, this is a commercial area. He said the applicant does own a home at 404 Harper and this property is adjoining, the applicant wishes to place a residence at the property. He said a zone change would need to take effect to make this possible. He said changing to a C-1 Commercial District would allow a residence to be placed on the

property while keeping a commercial aspect to the property. He said the Planning & Zoning Commission recommend approval.

0:55:45 **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 into regular session**

0:56:15 **B. Approval of Ordinance 2021-07**

0:56:17 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve Ordinance 2021-07, an Ordinance rezoning part of "C-2" Commercial 2 district to "C-1" Commercial 1 District zoning to an approximately 0.99 acre property located on Harper Street Applicant Sally Fernandez

0:56:21 **Vote**

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

0:56:36 **14. CONSIDER APPROVAL OF ORDINANCE 2021-08, AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.51 ACRE PROPERTY LOCATED AT 2510 SAN JOSE BOULEVARD APPLICANT: YAMILETH DORADO**
A. PUBLIC

0:57:03 **A. Public Hearing**

Mr. Patterson explained the applicant would like to place an additional residence on this property to do this the zoning would need to be changed from C-2 Commercial 2 District to a R-2 Residential District. He said the Planning and Zoning Commission recommend approval.

Councilor Walterscheid asked why the zoning for this property hadn't been changed previously. **Mr. Patterson** said he wasn't employed with the City when the zoning ordinance passed in 2011, therefore he couldn't answer the question. He said in the past residential districts were allowed in commercial districts. He said there are a few places around town where there is commercial zoning on residential properties and the Planning Department is trying to correct them when residents ask for it to be corrected.

Councilor Walterscheid asked if it was commercial all the way around this property. **Mr. Patterson** said there is some residential to the east of the property.

Councilor Walterscheid asked if it would create a spot zone, **Mr. Patterson** answered yes it would create a spot zone.

0:59:25 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 into regular session

0:59:38 B. Approval of Ordinance 2021-08

0:59:44 Motion

The motion was made by Councilor Rodriguez and seconded by Councilor Waters to approve Ordinance 2021-08, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for an approximately 0.51 acre property located at 2510 San Jose Boulevard Applicant: Yamileth Dorado

0:59:48 Vote

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

1:00:08 15. CONSIDER APPROVAL OF ORDINANCE 2021-09, AN ORDINANCE TO APPLY ZONING DISTRICT "R-1" RESIDENTIAL 1 DISTRICT FOR AN APPROXIMATELY 0.23 ACRE PROPERTY LOCATED AT 400 KIRCHER STREET APPLICANT: BOBBY & MICHELLE SMITH

1:00:27 A. Public Hearing

Mr. Patterson explained this is a correction of a survey mistake in the past. He said the property lines were moved and the City obtained Right of Way along Kircher St. He said 400 Kircher was never applied any zoning and this action, is a legal way of applying R-1 Residential District zoning to the residents. He said Planning and Zoning Commission recommend approval.

Councilor Walterscheid asked about 324 and 318 are zoned for commercial use. Mr. Patterson answered that those addresses are residential zones.

1:01:56 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 into regular session

1:02:06 B. Approval of Ordinance 2021-09

1:02:10 Motion

The motion was made by Councilor Carter and seconded by Councilor Rodriguez to approve of Ordinance 2021-09, an Ordinance to apply zoning District "R-1" Residential 1 District for an approximately 0.23 acre property located at 400 Kircher Street Applicant: Bobby & Michelle Smith

1:02:15 Vote

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

1:02:31 **16. CONSIDER APPROVAL OF ORDINANCE 2021-10, AN ORDINANCE REZONING PART OF "R-1" RESIDENTIAL 1 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 0.809 ACRE PROPERTY LOCATED AT 109 OLD CAVERN HIGHWAY APPLICANT: BES PROPERTIES/TANNER HOLT**

1:02:56 **A. Public Hearing**

Mr. Patterson explained BES owns this property and this property abuts to a property with fronts on National Parks Highway that BES also owns. He said BES would like to combine the 2 properties and the zoning needs to be homogeneous. He said the Planning and Zoning Commission recommend approval.

Councilor Walterscheid would like to thank whoever is responsible for doing this as it has really cleaned up that property.

1:04:33 **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 into regular session

1:04:45 **B. Approval of Ordinance 2021-10**

1:04:54 **Motion**

The motion was made by Councilor Waters and seconded by Councilor Rodriguez to approve Ordinance 2021-10, an Ordinance rezoning part of "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 0.809 acre property located at 109 Old Cavern Highway Applicant: BES Properties/Tanner Holt

1:04:58 **Vote**

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

1:05:16 **17. COUNCIL COMMITTEE REPORTS**
No reports

1:05:30 **18. ADJOURN**

1:05:36 **Motion**

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

1:05:49 **Vote**

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

1:06:08 **Adjourn**

There being no further business, the meeting was adjourned at 7:06 p.m.




Dale Janway, Mayor


Nadine Mireles, City Clerk