LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX BUILDING ON JANUARY 13, 2026, AT 6:00 P.M.

Present:	Richard D. Lopez	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Karla Niemeier	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Jason O. Chavez	Councilor
	Jeff Forrest	Councilor
	Mary Garwood	Councilor
Absent:		
Also Present:	Wendy Austin	City Manager
	Ken Ahrens	Deputy City Manager
	K.C Cass	Chief of Operations
	Barbara Hodgson	City Attorney
	Nadine Mireles	City Clerk
	Jalynn Dominguez	Open Meetings Act Manager
	Stephan Brown	Compliance Clerk
	Dina Navarrette	Community Services Director
	Angie Barrios-Testa	Director of Grant Programs
	Mike Abell	Director of Utilities
	Melissa Salcido	Finance Director
	Tony Souza	Fire Chief
	Kyla Gonzales	Deputy HR Director
	Wayne Hatfield	IT Director
	Allan Henriksen	IT Technician
	Jeff Patterson	Planning Director
	Jessie Rodriguez	Police Chief
	Patrick Cass	Public Works Director
	Randy Galindo	Safety and Compliance Director
	Patrick Brownfield	Police Officer
	Collis Johnson	Municipal Court Judge
	Josiah Carrasco	Parks Department
	Jerzy Duarte	Parks Department
	Derrick Hohn	Parks Department
	Matthew Banks	Carlsbad Medical Center
	Dr. Amanda Ryan	Outstanding City Resident
	Diego Quintana	Carnitas El Mayo
	Larry Lunsford	Citizen

Ava Sprigs	Citizen
Muffy Gonzalez	Real Estate Broker
Clayton Bradley	Bradley Law Office
George Munoz	Citizen *(via phone)*

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**

0:00:45 **Mayor Lopez stated before we begin the following Councilors will need to be sworn in to begin their new term, Judge Johnson swore in Councilor Forrest, Niemeier, Walterscheid, and Rodriguez.**

0:02:53 Invocation – Pledge of Allegiance

0:03:34 **Mayor Lopez removed item number 12 from the agenda, all other agenda items would maintain their number.**

0:03:49 **1. PRESENTATION FROM CARLSBAD MEDICAL CENTER BY MATTHEW BANKS**

Matthew Banks, Carlsbad Medical Center, said he is joined by members of the Senior Leadership team and a Board Member from Carlsbad Medical Center to provide an update about the development at the hospital. He explained the advancements in robotic surgeries, the first four robotically trained surgeons, and how they completed their first twenty robotic surgeries. He stated that urology services were successfully established in Carlsbad, noting that Dr. Petty has already seen more than 400 patients in his clinic and completed his first 40 surgical procedures. **Mr. Banks** stated that they have been working on their regional transfer program into Carlsbad Medical Center. He said in the fourth quarter Carlsbad Medical Center accepted one hundred and fifty-six patients from other regional facilities, the number one facility receiving transfers from is Hobbs, then Artesia followed by Roswell. He stated that Carlsbad Medical Center has grown thirty five percent in inpatient transfers year over year across different specialties. **Mr. Banks** stated they want to improve their emergency department and enhance services in the south part of Eddy County off of National Parks Hwy. He added the facility will have full services with advance lab services to support the south end of Carlsbad. He stated that the twenty-million-dollar private investment will continue to generate revenue and create approximately forty full time jobs. **Mr. Banks** hopes by the end of the year that they can start construction after all necessary pre-construction has been completed. He stated they are happy to continue serving this community.

Mayor Lopez stated that he appreciates Mr. Banks update and continued investment into the community.

Councilor Rodriguez asked since this project will be a private investment, will it be privately run. **Mr. Banks** stated that it will be run as a hospital outpatient department of Carlsbad Medical Center with the exact same resources in the emergency room at Carlsbad Medical Center.

Councilor Walterscheid asked Mr. Banks if any updates are going to happen at Carlsbad Medical Center. **Mr. Banks** stated that they are rapidly renovating as quickly as they can without interrupting record high patient volumes. He stated that three and a half million dollars has already been committed to the hospital for signage, parking lot renovation, as well as advancement of their services including hematology, oncology, urology and orthopedics.

0:12:45 **2. RECOGNITION OF CITY EMPLOYEES: JOSIAH CARRASCO, JERZY DUARTE, DERRICK HOHN**

Chief Souza, stated that the three parks' employees standing before them, went above and beyond their duties in their normal activities. Josiah Carrasco, Jerzy Duarte, and Derrick Hohn would be receiving the accommodation award. He stated due to their bravery, on Friday November 14, 2025, they witnessed a vehicle accident, stopped to help when they noticed that the driver was having a seizure they proceeded to direct traffic, broke the window to extract the driver safely and began providing first aid until EMS arrived on scene.

Mayor Lopez Presented Josiah Carrasco, Jerzy Duarte, Derrick Hohn with an Accommodation Award.

0:15:44 **3. CONSIDER APPROVAL OF RESOLUTION 2026-05, A RESOLUTION RECOGNIZING DR. AMANDA RYAN AN OUTSTANDING CITY RESIDENT OF THE CITY OF CARLSBAD, NEW MEXICO**

Mr. Ahrens, stated both professionally and personally Dr. Amanda Ryan's presence in the City of Carlsbad has improved the well-being of our community. He stated that due to scarcity and cost, isolated communities face challenges in receiving quality healthcare. He added to address these deficiencies in rural areas, Dr. Ryan founded the Advanced Heart and Vascular Center of New Mexico, a cardiac care and surgery center. He stated Dr. Ryan recently received special recognition from the Con Alma Foundation's 2025 "Hero of Health" program.

Dr. Amanda Ryan thanked the council and stated she appreciates the community and her team, and will continue to build programs for this community such as pacemakers' and defibrillators.

0:18:54 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve Resolution 2026-05, a Resolution recognizing Dr. Amanda Ryan as an Outstanding City Resident of the City of Carlsbad, New Mexico

0:19:00 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:19:18 **4. CITY OF CARLSBAD FINANCIALS – NOVEMBER 2025**

Ms. Salcido reviewed the revenues and expenditures as of November 2025, the fifth accounting period of Fiscal Year 2026.

0:20:50 **5. CONSIDER APPROVAL OF RESOLUTION 2026-01, A RESOLUTION MAKING CERTAIN BUDGETARY ADJUSTMENTS TO THE 2025-26 FISCAL YEAR BUDGET**

Ms. Salcido reviewed the revenue and expenditures making certain Budgetary Adjustments to the 2025-2026 Fiscal Year Budget highlighting the General fund Golf Course, General fund Fire, Capital Projects Fund, Water & Sewer Fund Water, Beautification Fund, and the Lodger's Tax Discretionary Fund.

0:22:37 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve Resolution 2026-01, a Resolution making certain budgetary adjustments to the 2025-26 Fiscal Year Budget

0:22:41 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:22:56 **6. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the City Council Meeting held on December 9, 2025

B. City Personnel Report

C. Purchasing

1) Consider Approval to Award RFP 2025-12 to Souder Miller and Associates for Double Eagle Waterline Phase II Project for Engineering Services

2) Consider Approval to Award RFP 2025-13 to Souder Miller and Associates for Sheep's Draw Reservoir # 5 Project for Engineering Services

3) Consider Approval to Award RFP 2025-14 to Souder Miller and Associates for the Tatum Wellfield to Double Eagle Waterline Connection Project for Engineering Services

D. Monthly Reports

1) Building Department December 2025

2) Human Resources Department December 2025

3) Municipal Court November 2025

4) Public Works Department November 2025

5) Utilities Department November 2025

E. Board Appointments

1) Historic Preservation Board re-appoint Ken Britt, two-year term, re-appoint Larry Mitchell, one-year term, re-appoint Mannie Bemis, two-year term, reappoint David McIntosh, one-year term
2) Budget Committee re-appoint Edward T. Rodriguez, four-year term, reappoint Jeff Forrest, four-year term, re-appoint Mark Walterscheid, four-year term
3) Beautification Committee appoint Ashley Walterscheid four-year term, appoint Aaron Ruiz two-year term, appoint Jean Prominski four-year term, appoint Erika Palmer two-year term, appoint Charles Betts four-year term

F. Set the Date: February 10, 2026
1) Ordinance amending Chapter 3 - Aviation, Article II of the Carlsbad City Code, clarifying boundaries and zoning restrictions of the Airport Industrial Park
2) Ordinance amending and updating Chapter 4 - Alcoholic Beverages, of the Carlsbad City Code to align with changes to state law
3) Ordinance annexing a portion of land containing +/- 4.40 acres at the southeast corner of North Canal Street and East Peach Lane
4) Ordinance applying "R-2" Residential 2 District to +/- 4.40 acres located at the southeast corner of North Canal Street and East Peach Lane
5) Ordinance rezoning "C-2" Commercial 2 District to "R-1" Residential 1District for +/- 0.35 acres located at 3040 and 3042 Carver Street

0:23:14 **Mayor Lopez asked Mr. Abell to briefly discuss item C3, Consider Approval to Award RFP 2025-14 to Souder Miller and Associates for the Tatum Wellfield to Double Eagle Waterline Connection Project for Engineering Services**
Mr. Abell stated item C3, is a Request for Proposal (RFP) for the Tatum Wellfield to Double Eagle Waterline Connection Project. He said there were four submissions for the RFP. He said Souder Miller and Associates was the winning bidder with one hundred and sixteen out of one hundred and twenty-five points.

0:24:16 **MOTION**
The motion was made by Councilor Forrest and seconded by Councilor Foreman to approve Routine and Regular Business

0:24:22 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:24:49 **7. CONSIDER APPROVAL OF REQUEST FROM CARNITAS EL MAYO, LLC FOR A RESTAURANT "A" BEER AND WINE LIQUOR LICENSE WITH ON-PREMISES CONSUMPTION ONLY WITH PATIO SERVICE AND REQUEST FOR A WAIVER, AS THE NEAREST CHURCH IS WITHIN 300 FEET FROM THE PROPOSED PREMISE**
Mr. Ahrens stated Carnitas El Mayo is requesting approval for a restaurant "A" Beer and Wine liquor license. He said that the Director of the Alcoholic Beverage Control

Division has granted Carnitas El Mayo a conditional preliminarily approval of the license pending approval from the City Council. He stated that city zoning for 2704 San Jose Blvd, is "C-2" Commercial 2 and the selling or serving of alcohol is allowed in "C-2" Commercial 2 districts. He explained that the State of New Mexico requires establishments within three hundred feet of a church or school must obtain a waiver from the local governing body. **Mr. Ahrens** stated Carnitas El Mayo submitted a complete application to the State of New Mexico and the City of Carlsbad along with a variance request to waive the three hundred feet distance requirement due to Carnitas El Mayo being within the three hundred feet of Iglesia Del Dios Vivo a church located across the street from the restaurant.

Councilor Rodriguez asked if there has been any discussion with the church of Iglesia Del Dios Vivo. **Mr. Ahrens** stated he did not know.

Councilor Chavez asked if the church had received any documents making them aware of the restaurant trying to obtain a liquor license. **Mr. Ahrens** stated he did not know if anything documents were sent directly to the church, however public notices had been properly posted.

Councilor Forrest asked if Mr. Ahrens knew exactly how far the restaurant is from the church. **Mr. Ahrens** stated that it is about seventy feet the restaurants property line to the church's property line. **Councilor Forrest** asked if the other Mexican restaurants that have been located at that same location had served alcohol in the past. **Mr. Ahrens** stated to the knowledge of the Alcoholic Beverage Control Division there has not been.

0:27:53 **A. Public Hearing**

0:27:56 **Mayor Lopez asked if anyone would like to speak for the Ordinance.**

Diego Quintana, stated that he is a consultant for Ishmael Espinoza the owner of Carnitas El Mayo. He stated that in the past all of the former restaurants that have been located 2704 San Jose Blvd did not serve alcohol. He stated that he was the former owner of the building when it was known as La Juanita, at that time there was no reason to sell alcohol due to not having the right demographic.

Councilor Rodriguez asked Mr. Quintana if there had been any discussion with the congregation of the church. **Mr. Quintana** said yes when the application was submitted, they included a letter from the pastor of the church that stated they had no objections against the restaurant for pursuing the liquor license.

Councilor Forrest asked if is the restaurant will be open on Sundays. **Mr. Quintana** said yes.

Councilor Walterscheid asked if the restaurant is going to be operated seven days a week. **Mr. Quintana** stated that no, the restaurant would be closed on Mondays.

0:32:08 **Mayor Lopez 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 into regular session**

0:32:15 **B. Consider Approval of Carnitas El Mayo Liquor License**

0:32:22 **MOTION**
The motion was made by Councilor Niemeier and seconded by Councilor Walterscheid to approve of request from Carnitas El Mayo, LLC for a Restaurant "A" Beer and Wine Liquor License with on-premises consumption only with patio service and request for a waiver, as the nearest church is within 300 feet from the proposed premise

0:32:26 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - Anaya-Flores; Absent - None; the motion carried.

0:32:48 **8. CONSIDER APPROVAL TO ACCEPT A NEW MEXICO CAPITAL OUTLAY GRANT AGREEMENT FROM THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION FOR REGIONAL RECREATION CENTERS AND QUALITY OF LIFE GRANTS TO RENOVATE AND CONSTRUCT THE ALEJANDRO RUIZ SENIOR CENTER OUTDOOR EXERCISE AND WALKING PATH PROJECT**
Mrs. Barrios-Testa presented the Regional Recreation Centers and Quality of Life Grant from the New Mexico Department of Finance and Administration (NMDFA). She stated that on August 22, 2025 NMDFA announced funding availability for the legislative to support rural communities in developing regional recreation and quality of life projects to help benefit residents. She said the City was awarded $1,455,650 for this project now making the total project budget over $2,000,000 with the already allocated funds. She stated that the city has received two previous awards one being the Cavern Theater renovations at $3,000,000 and the other being the Riverwalk Recreation Center for $1,600,000. **Mrs. Barrios-Testa** stated overall $6,400,000 from this program has been awarded to the city. She stated all funding is strictly general obligation state funding and does not include any Federal funding unlike the other two awards.

Mayor Lopez asked if after the outdoor construction is completed at the Alejandro Ruiz Senior Recreation Center if it will be open to only members of the Senior center or to the general public. **Mrs. Barrios-Testa** stated since the additions will be made outside it will be available to the public.

Councilor Walterscheid thanked Mrs. Barrios-Testa on the great job of acquiring new funding for the benefit of the community.

0:36:05 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Niemeier to approve to accept a New Mexico Capital Outlay Grant Agreement from the New Mexico Department of Finance and Administration for Regional Recreation Centers and Quality of Life Grants to Renovate and Construct the Alejandro Ruiz Senior Center Outdoor Exercise and Walking Path Project

0:36:10 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:36:27 **9. CONSIDER APPROVAL OF RESOLUTION 2026-02, A RESOLUTION NAMING THE DONATED SENIOR CENTER LOCATED AT THE CASCADES TO CASCADES RECREATIONAL AND WELLNESS CENTER**

Mrs. Austin stated last year the city accepted a generous donation of a new senior center located at the Cascades from the charitable organization, God's Light in the Darkness. She stated that God's Light in the Darkness is recommending a name for the new senior center as Cascades Recreational and Wellness Center. She stated that the ribbon cutting is expected to happen at the end of February.

0:38:34 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Garwood to approve of Resolution 2026-02, a Resolution Naming the Donated Senior Center Located at the Cascades to Cascades Recreational and Wellness Center

0:38:37 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:38:52 **10. CONSIDER APPROVAL OF RESOLUTION 2026-03, A RESOLUTION ADOPTING A CITY VISION STATEMENT, MISSION STATEMENT, AND CORE VALUES**

Mr. Ahrens stated last year City leadership worked to develop a mission, vison and core value statement for the City of Carlsbad with the goal of outlining the City's beliefs and values.

0:40:09 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Foreman to approve Resolution 2026-03, a Resolution adopting a city vision statement, mission statement, and core values

0:40:11 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:40:26 **<u>11. CONSIDER APPROVAL OF RESOLUTION 2026-04, A RESOLUTION SETTING FORTH THE CONTINUATION OF CERTAIN ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS</u>**

Mr. Ahrens stated in October of 2025, City Council approved updates to Chapter 2 Administration of the City Code of Ordinances as part of that replacement most of the Advisory Boards, Committees and Commissions were removed. He stated Chapter 2 refined the capabilities of all boards and their size to make them more consistent. He said that all of the rules and regulations for the Boards, Committees, and Commissions will still follow Chapter 2 of the City Code of Ordinances.

0:42:40 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve

0:42:42 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:42:58 **<u>13. CONSIDER APPROVAL OF RESOLUTION 2026-07, A RESOLUTION REQUIRING THE REMOVAL OF THE JUNK, TRASH AND DEBRIS AT 1208 S. COUNTRY CLUB CIRCLE OWNERS: JONATHAN AND DANIELLE MENDOZA</u>**

Mrs. Hodgson stated this Resolution is requiring the removal of junk, trash and debris for the property located at 1208 S. Country Club Cir. She stated that the property located on the corner of South Country Club and North Country Club looks to have an abandoned motor home and accumulated junk and trash. She stated according to Eddy County records the current owner of the property are Jonathan and Danielle Mendoza. She stated that the City Code Enforcement Department has made several attempts to contact the owners to make them aware of their violations. **Mrs. Hodgson** stated that the property is still not compliant and is a safety and health code violation. She stated that a notice of this hearing was sent out to the owners via certified mail on January 2, 2026.

Councilor Chavez asked if there are three trailers parked on the property. **Mrs. Hodgson** confirmed saying it looks as if there are three trailers on the property.

Councilor Rodriguez stated that there appears to be seven vehicles on the property a motor home and a hitch trailer. He asked if the removal would include the vehicles. **Mr. Patterson** stated to remove the vehicles the contractor can process a salvage title with the State to gain salvage ownership of the vehicles they would track the last registered owner of the vehicle to get the vehicles removed legally. He stated that the trailer would have the same process.

Councilor Rodriguez asked if after the trailer is emptied of all trash if the trailer will be removed as well as the mobile home. **Mr. Patterson** stated that he would need to discuss that with the City Attorney's Office to see if it is legally allowed to be moved as long as it is still in violation.

Councilor Rodriguez asked if this removal will include the interior of the house itself. **Mr. Patterson** stated no it will only include everything in violation around the structure.

Councilor Anaya-Flores asked if the property is currently occupied. **Mr. Patterson** stated that it is unknown at this time, the Code Enforcement Department has not received a response from anyone at the property. He stated that it is possible someone is occupying the property, but it is unclear whether they are the actual owners.

Councilor Walterscheid asked Mr. Patterson if his department has contacted the current owner of the property. **Mr. Patterson** stated that the department has reached out but to no avail.

0:50:00 **Mayor Lopez asked if anyone with interest in this property would like speak to the Council. No one appeared.**

0:50:13 **MOTION**
The motion was made by Councilor Niemeier and seconded by Councilor Forrest to approve Resolution 2026-07, a Resolution requiring the removal of the junk, trash and debris at 1208 S. Country Club Circle Owners: Jonathan and Danielle Mendoza

0:50:18 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:50:31 **14. CONSIDER APPROVAL OF RESOLUTION 2026-08, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED OR DILAPIDATED STRUCTURE, JUNK, TRASH, AND DEBRIS AT 3900 W CHURCH STREET OWNER: MEHDY MIRIN BABAZADEGHAN**
Mrs. Hodgson presented to the Council this property 3900 W. Church St, is a large tract of vacant land. She said the portion of land where the dilapidated structure and trash is located is Tract 2, Maley Tracts. She stated the Code Enforcement Department has received a complaint regarding the abandoned RV camper, a notice of violation was sent via certified mail to the mailing address of the owner, on October 20, 2025. **Mrs. Hodgson** stated that it still remains in violation, if passed the Resolution will require the owner of the property to remove all ruins, junk, and trash within thirty days of

service of the Resolution. She stated that the recorded property owner was mailed a certified letter on January 2, 2026, notifying them about this hearing.

0:53:55 **Mayor Lopez asked if anyone with interest in this property would like speak to the Council. No one appeared.**

0:54:04 **MOTION**
The motion was made by Councilor Rodriguez and seconded by Councilor Chavez to approve Resolution 2026-08, a Resolution requiring the removal of the ruined or dilapidated structure, junk, trash, and debris at 3900 W Church Street Owner: Mehdy Mirin Babazadeghan

0:54:06 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:54:14 **15. CONSIDER APPROVAL OF ORDINANCE 2026-01, AN ORDINANCE REZONING PART OF "R-R" RURALRESIDENTIAL DISTRICT TO "R-1" RESIDENTIAL 1 DISTRICT FOR APPROXIMATELY 34.94 ACRES LOCATED WEST OF 1009 SENECA LANE APPLICANT/OWNER: GIDDY UP LLC**
Mr. Patterson stated that Ordinance 2026-01 is to rezone part of "R-R" Rural Residential District to "R-1" Residential 1 District for approximately 34.94 acres located West of 1009 Seneca Land. He stated that the applicant brought the request to the Planning and Zoning Department on December 1, 2025. He said the Planning and Zoning Commission considered this request with the staff comments and materials and recommends approval.

Councilor Forrest asked if the applicant is wanting to develop the land and what he wishes to do with the property pending the acceptance of this Ordinance. **Mr. Patterson** stated that the proposal he received stated that the applicant was planning on developing the land and placing single family homes on it. **Councilor Forrest** asked if the houses that are in the surrounding area are zoned Rural Residential as well. **Mr. Patterson** said yes.

Councilor Walterscheid asked if they will have to be connected to the city sewer. **Mr. Patterson** said yes.

0:58:30 **A. Public Hearing**

0:58:41 **Mayor Lopez 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.**

0:58:51 **B. Consider Approval of Ordinance 2026-01**

0:58:56 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Foreman to approve Ordinance 2026-01, an Ordinance rezoning part of "R-R" Rural Residential District to "R-1" Residential 1 District for approximately 34.94 acres located West of 1009 Seneca Lane Applicant/Owner: Giddy Up LLC

0:59:00 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

0:59:14 **16. CONSIDER APPROVAL OF ORDINANCE 2026-02, AN ORDINANCE REZONING PART OF "C-2"COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR A TOTAL OF APPROXIMATELY 19.879 ACRES LOCATED AT 813 KIRCHER STREET APPLICANT/OWNER: CITY OF CARLSBAD**

Mr. Patterson stated that part of this property was acquired from Carlsbad Municipal Schools. He stated that the long-term plan is for housing projects to take place at this location. He explained that this change would result in a spot zone, noting that there is still residential zoning in the surrounding area to the south and east of the property. He stated that at the December 1, 2025, Planning and Zoning Commission meeting the board recommended approval.

1:00:55 **A. Public Hearing**

1:01:07 **Mayor Lopez 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.**

1:01:13 **B. Consider Approval of Ordinance 2026-02**

1:01:19 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Foreman to approve Ordinance 2026-02, an Ordinance rezoning part of "C-2" Commercial 2 District to "R-2" Residential 2 District for a total of approximately 19.879 acres located at 813 Kircher Street Applicant/Owner: City of Carlsbad

1:01:23 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

1:01:38 **17. CONSIDER APPROVAL OF ORDINANCE 2026-03, AN ORDINANCE REZONING PART OF "R-R" RURALRESIDENTIAL DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR APPROXIMATELY 2.57 ACRESLOCATED AT 3501 HIDALGO ROAD APPLICANT/OWNER: DAVID GUERRERO**

Mr. Patterson presented Ordinance 2026-03, an Ordinance rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 2.57 acres located at 3501 Hidalgo Road. He stated that the surrounding properties are zoned "R-R" Rural Residential. He explained that the approval of this request would result in a spot zone. He stated that at the December 1, 2025, Planning and Zoning Commission meeting the board recommended denial.

Councilor Niemeier asked what the applicant was planning on doing with this property. **Mr. Patterson** stated the owner of the property was operating a concrete business at the property location. He stated that after the owner was made aware of the violation, he began the process to apply for a zone change.

Councilor Forrest asked how long the concrete company had been operational at the property location. **Mr. Paterson** stated that it had been operational for a few years.

Councilor Chavez asked how far away the property was from the loop, stating that to his knowledge most of the properties closer to the loop are zoned industrial. **Mr. Patterson** stated that he did not think it was too far off from the intersection.

1:04:57 **A. Public Hearing**

1:04:59 **Mayor Lopez asked if anyone would like to speak for the Ordinance. No one appeared.**

1:05:06 **Mayor Lopez asked if anyone would like to speak regarding the Ordinance.**
Larry Lunsford, stated he boarders Mr. Guerrero's property along the east. He stated that several of his family members reside in surrounding properties of Mr. Guerrero's property they oppose this ordinance along with Mr. Lunsford. He stated that all of the machinery, vehicle and trash that are produced from Mr. Guerrero's business are very disruptive.

Ava Sprigs, stated before purchasing her property she contacted Mr. Guerrero asking what he planned to do with his property. She stated that after speaking with Mr. Guerrero, he stated he planned to use the property for storage.

1:09:03 **B. Consider Approval of Ordinance 2026-03**

1:09:11 **MOTION**
The motion was made by Councilor Niemeier and seconded by Councilor Garwood to deny Ordinance 2026-03, rezoning part of "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 2.57 acres located at 3501 Hidalgo Road

1:09:13 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - Walterscheid; Absent - None; the motion carried.

1:09:35 **18. CONSIDER APPROVAL OF ORDINANCE 2026-04, AN ORDINANCE REZONING PART OF "I" INDUSTRIALDISTRICT TO "C-2" COMMERCIAL 2 DISTRICT FOR APPROXIMATELY 0.91 ACRES LOCATED AT 506 ACENTER AVE. APPLICANT/OWNER: RMI PROPERTIES LLC**
Mr. Patterson presented Ordinance 2026-04, an Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for approximately 0.91 acres located at 506 A Center Ave. He stated approval of this Ordinance would result in a spot zone however "C-2" Commercial 2 district would still be sufficient. He stated that at the December 1, 2025, Planning and Zoning Commission meeting the board recommended approval.

Councilor Walterscheid asked whether the property would be used as a doctor's office. **Mr. Patterson** responded affirmatively, stating that the applicant indicated a medical client intends to operate from the property.

1:11:25 **A. Public Hearing**

1:11:33 **Mayor Lopez 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.**

1:11:40 **B. Consider Approval of Ordinance 2026-05**

1:11:44 **MOTION**
The motion was made by Councilor Forrest and seconded by Councilor Anaya-Flores to approve Ordinance 2026-04, an Ordinance rezoning part of "I" Industrial District to "C-2" Commercial 2 District for approximately 0.91 acres located at 506 A Center Ave. Applicant/Owner: RMI Properties LLC

1:11:50 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

1:12:04 **19. CONSIDER APPROVAL OF ORDINANCE 2026-05, AN ORDINANCE REZONING PART OF "R-1"RESIDENTIAL 1 DISTRICT TO "C-1" COMMERCIAL 1 DISTRICT FOR APPROXIMATELY 0.18 ACRESLOCATED AT 411 E. CHURCH STREET APPLICANT/OWNER: JAMES PHILLIP BLENDEN**

Councilor Rodriguez Recused Himself, Councilor Rodriguez stated Mr. Blenden and himself share grandchildren.

Mr. Paterson presented Ordinance 2026-05, an Ordinance rezoning part of "R-1" Residential 1 District to "C-1" Commercial 1 District for approximately 0.18 acres located at 411 E. Church Street. He stated approval of this Ordinance would result in a spot zone. He explained that this property has been operating as a commercial property for many years. He stated that the property has been operating as a legal non-conforming use. **Mr. Patterson** stated that at the December 1, 2025, Planning and Zoning Commission meeting the board recommended approval.

Councilor Forrest asked what type of business will be operating out of this property. **Mr. Patterson** stated he was unsure about the exact type of business that planned to operate out of the property locations.

Councilor Niemeier asked if when the Ordinance was changed if it was overlooked since the property had been operating as a commercial property for many years. **Mr. Patterson** stated after the Ordinance change in 2011 certain zones were automatically converted to the appropriate zoning in the current Ordinance.

Councilor Chavez stated that he believed that a couple years ago the property across the street was denied for the same request. **Mr. Patterson** stated yes, the property owner making the request a couple years ago intended to place a restaurant at that location, because of pushback from the neighborhood the request was denied by both Planning and Zoning and the City Council.

Councilor Chavez asked if there had been any pushback for this zone change from the public. **Mr. Patterson** stated that the Planning and Zoning Department and the commission had not received any.

Mayor Lopez asked if it was possible for a variance in "R-1" Residential 1 District to operate at that property. **Mr. Patterson** stated that it was limited as to what could be operated with in "R-1" Residential 1 District. He stated a business office there is possible however it would be considered a conditional use and with conditional use if the property owner changes the conditional use will not allow for the property to be sold as a commercial property.

1:18:16 **A. Public Hearing**

1:18:16 **Mayor Lopez asked if anyone would like to speak for the Ordinance.**

Muffy Gonzalez, Real Estate Broker Dunagan Associates, stated if the property were under a conditional use permit the property if purchased with a loan the finance company will not provide the loan because if anything happens to the building it cannot be restored as a business. She stated a chiropractor's office would be operated out of the property if the zone change is approved. She stated that the applicant did mail out notices to the surrounding property owners and no pushback was received.

1:21:56 **Mayor Lopez 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.**

1:22:01 **B. Consider Approval of Ordinance 2026-05**

1:22:07 **MOTION**
The motion was made by Councilor Niemeier and seconded by Councilor Anaya-Flores to approve Ordinance 2026-05, an Ordinance rezoning part of "R-1" Residential 1 District to "C-1" Commercial 1 District for approximately 0.18 acres located at 411 E. Church Street Applicant/Owner: James Phillip Blenden

1:22:09 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman; No - None; Recused - Rodriguez; Absent - None; the motion carried.

1:22:27 **20. CONSIDER APPROVAL OF ORDINANCE 2026-06, AN ORDINANCE AUTHORIZING THE GRANTING OF ANOIL AND GAS LEASE FOR CERTAIN MINERAL INTERESTS OWNED BY THE CITY OF CARLSBAD, INCERTAIN PORTIONS OF SECTION 20, TOWNSHIP 22 SHOUT, RANGE 27 EAST, N.M.P.M., TO BLAZE INTERESTS, LLC FOR A $15,574.00 PER NET ACRE LEASE BONUS AND A ONE-FOURTH(1/4TH) ROYALTY**

Mrs. Austin presented Ordinance 2026-06, an Ordinance authorizing the granting of an Oil and Gas Lease for certain Mineral Interests owned by the City of Carlsbad, in certain portions of Section 20, Township 22 Shout, Range 27 East, N.M.P.M., to Blaze Interests, LLC for a $15,574.00 per net acre lease bonus and a one-fourth (1/4th) Royalty. She stated on October 14, 2025, council approved an agreement between Blaze Interest, LLC to confirm that two hundred and twenty-eight net mineral acres of oil and gas mineral rights owned by the City of Carlsbad were available for lease. She explained that Blaze had found that 9.25 mineral acres are available and located at Cass Park. She continued stating that the city would like to enter into an agreement with Blaze to lease the 9.25 mineral acres from the City of Carlsbad for a (1/4th) Royalty, and a net mineral lease bonus of $15,574. **Mrs. Austin** asked to have Clayton Bradley and the representative from Blaze Interests, LLC speak to the Council.

Clayton Bradley stated he had prepared a lease and explained that there are wells on this section that will soon be drilled. He stated that the City's interests could be subject to force pulling by the state if the lease is not in place in a timely manner. He stated that there is another section with open acreage and that it would be brought before the council in a future date.

Councilor Niemeier asked what force pulling is. **Mr. Bradley** explained that it is the State's way for surrounding property owners to collect revenue if not all other surrounding property owners sign the lease agreement. He stated that if one person does not sign the lease agreement then they will not be able to collect any revenue. He stated it is very similar to imminent domain but with mineral interest.

Councilor Rodriguez asked about the secondary tract that was mentioned and asked if it was a separate tract for the one at Cass Park and what the timeline was on that secondary tract. **Mr. Bradley** stated yes, the tract is separate from the one located at Cass Park and it is on a different timeline then the first tract.

1:29:02 **A. Public Hearing**

1:29:10 **Mayor Lopez 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.**

1:29:19 **B. Consider Approval of Ordinance 2026-06**

1:29:23 **MOTION**
The motion was made by Councilor Forrest and seconded by Councilor Rodriguez to approve Ordinance 2026-06, an Ordinance authorizing the granting of an Oil and Gas Lease for certain Mineral Interests owned by the City of Carlsbad, in certain portions of Section 20, Township 22 Shout, Range 27 East, N.M.P.M., to Blaze Interests, LLC for a $15,574.00 per net acre lease bonus and a one-fourth (1/4th) Royalty

1:29:25 **VOTE**
The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

1:29:39 **21. CONSIDER APPROVAL OF ORDINANCE 2026-07, AN ORDINANCE GRANTING THE RIGHT, PRIVILEGE AND FRANCHISE TO WINDSTREAM COMMUNICATIONS SOUTHWEST, GRANTEE, AND ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, ERECT, BUILD, EQUIP, OWN, MAINTAIN AND OPERATE IN, ALONG, UNDER, OVER AND ACROSS THE STREETS, AVENUES, ALLEYS, BRIDGES, VIA DUCTS AND PUBLIC GROUNDS OF THE CITY OF CARLSBAD. SUCH POSTS, POLES, WIRES, CABLES, CONDUITS AND OTHER APPLIANCES, STRUCTURES AND FIXTURES NECESSARY OR CONVENIENT FOR RENDITION OF TELEPHONE AND OTHER COMMUNICATION SERVICES AND FOR CONDUCTING SERVICE AND FOR CONDUCTING GENERAL LOCAL AND LONG-DISTANCE TELEPHONE BUSINESS; PROVIDING FOR CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF**

CONFLICTING ORDINANCES AND FOR PARTIAL INVALIDITY, AND REPEALING ORDINANCE NO837

Mrs. Hodgson presented Ordinance 2026-07, stated that this Ordinance is a renewal of the Windstream telephone services in the City of Carlsbad. She stated that Windstream would pay the city on a quarterly basis for percent of the quarterly gross receipts received. She stated the agreement would be for a period of 10 years. She stated that there is an increase from the past agreement from 2% quarterly to 4% quarterly.

Councilor Walterscheid stated that he has noticed when Windstream drills under City streets there always seems to be some subsidence. He stated that he has not seen them mend the damage. He asked if there is a way that we can hold Windstream responsible for the damages done. **Mrs. Hodgson** stated that included in the contract is that Windstream restore streets to good condition. **Mayor Lopez** stated that Pat Cass and his department would enforce this part of the contract.

Councilor Chavez asked if there is any time frame in the contract to have Windstream move any wires or poles so that new buildings may be built without delay. **Mrs. Hodgson** stated that she believes in the contract that Windstream would be required to lower wires and lines as needed for construction, but she is unaware of any time line for this.

K.C. Cass stated that although the City has experienced issues with Windstream in the past, he believes entering into this franchise agreement would be beneficial for the City.

1:38:25 **A. Public Hearing**

1:38:35 **Mayor Lopez 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.**

1:38:41 **B. Consider Approval of Ordinance 2026-07**

1:38:46 **MOTION**

The motion was made by Councilor Foreman and seconded by Councilor Rodriguez to approve Ordinance 2026-07, an Ordinance granting the right, privilege and franchise to Windstream Communications Southwest, grantee, and its successors and assigns, to construct, erect, build, equip, own, maintain and operate in, along, under, over and across the Streets, Avenues, Alleys, Bridges, Viaducts and Public grounds of the City of Carlsbad. Such posts, poles, wires, cables, conduits and other appliances, structures and fixtures necessary or convenient for rendition of telephone and other communication services and for conducting service and for conducting general local and long-distance telephone business; providing for consideration; for period of grant; for assignment; for method of acceptance; for repeal of conflicting Ordinances and for partial invalidity, and repealing Ordinance No 837

1:38:50 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - None; the motion carried.

1:39:07 **22. PUBLIC COMMENTS AND ANNOUNCEMENTS. ALL COMMENTS MUST BE RESPECTFUL AND COURTEOUS (THREE-MINUTE TIME LIMIT PER PERSON)**

No one appeared.

1:39:27 **23. COUNCIL COMMITTEE REPORTS**

Mayor Lopez stated that himself, Mrs. Austin, and Mr. Abell attended the County Commission meeting, and approached the County to partner with the city for affordable housing projects and the County agreed. He stated that the County will partner with the city with four million dollars on the Kircher street project. He stated that once a contract has been received it will be brought to the Council to consider approval.

1:40:42 **Adjourned**

With no Further business to discuss, the mayor declared the meeting adjourned at 7:40 PM.

CITY OF CARLSBAD SEAL NEW MEXICO

Richard D. Lopez, Mayor

ATTEST:

Nadine Mireles

Nadine Mireles, City Clerk