

**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 29, 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
	Barbara Hodgson	City Attorney
	Nadine Mireles	City Clerk
	Jalynn Dominguez	Open Meetings Act Manager
	Stephan Brown	Compliance Clerk
	Dina Navarrette	Community Services Director
	Sarah Jones	Library Director
	Angie Barrios-Testa	Director of Grant Programs
	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
	Denise Green	Carlsbad MainStreet
	Faith Quintella	Citizen
	Armando Quintella	Citizen
	Billie Moore	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**

0:00:04 Invocation – Pledge of Allegiance

0:02:29 **1. PRESENTATION FROM MAINSTREET BY DENISE GREEN**

Councilor Garwood introduced Denise Green, Executive Director of Carlsbad MainStreet.

Denise Green provided an update on current and upcoming MainStreet projects. She highlighted the Neon Alley project, the reinstatement of the Pearl of the Pecos Committee, and the planning phases of Cavern Fest. She said due to ongoing renovations at the downtown courthouse, Cavern Fest will be held at Carlsbad Beach Park. She also reported that the Cavern Theatre has welcomed over 5,000 moviegoers and has sold 7,276 concession items. **Ms. Green** shared that the New Mexico Creative Industries is hosting a series of creative conventions throughout the state, with Carlsbad selected as the first stop.

0:06:33 **2. CITY OF CARLSBAD FINANCIALS – DECEMBER 2025**

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

0:08:04 **3. ROUTINE AND REGULAR BUSINESS**

A. Minutes of the City Council Meeting held on January 13, 2026

B. City Personnel Report

C. Purchasing

1) Consider approval to Advertise Invitation for Request for Proposal - Firefighter Fitness-for-duty Assessments

2) Consider approval to Advertise Invitation for Request for Proposals for On-Call Residential Construction Services

3) Consider approval to Award RFP 2025-21 to Safe Slide Restorations for Water Slide Maintenance Services for Carlsbad Water Park

D. Agreements and Contracts

1) Consider approval of Agreement between the City of Carlsbad and Eddy County for funding of Kircher Street Affordable and Attainable Housing Development Project

2) Consider approval of First Renewal of On-Call Engineering, Architecture and Surveying services for City projects

E. Monthly Reports

1) City Clerk Monthly Report - December 2025

2) Community Development Department Monthly Report - November and December 2025

3) Municipal Court Monthly Report - December 2025

4) Planning and Regulation Department Monthly Report November and December 2025

5) Public Works Monthly Report - December 2025

6) Utilities Department Monthly Report - December 2025

F. Board Appointments

1) Disabilities Advisory Board appoint Ryan Nelson, four-year term

0:08:22 **Mayor Lopez asked Chief Souza to briefly discuss item C1, Consider approval to Advertise Invitation for Request for Proposal - Firefighter Fitness-for-duty Assessments**

Chief Souza explained that this item is a request for proposal (RFP) for firefighter fitness-for-duty assessments. He stated that firefighters are routinely assigned to high-risk activities during firefighting and rescue operations, which require a high level of physical fitness. He said to ensure responder safety and operational readiness, the National Fire Protection Association (NFPA) requires annual fitness-for-duty assessments. **Chief Souza** outlined that NFPA standards require the following components for firefighter fitness-for-duty evaluation a general physical examination, aerobic capacity testing, body composition analysis, muscular strength assessments, vision and hearing tests, pulmonary function testing, cardiovascular assessments (including electrocardiograms and stress tests), laboratory testing, cancer screenings, and radiological examinations. He noted that the City's current annual physical assessment does not meet these NFPA standards. **Chief Souza** stated that the firefighters' union is supportive of this request and has provided Mrs. Austin with a Memorandum of Understanding (MOU) that allows union members to participate in the program.

Mayor Lopez asked how long negotiations with the union had taken to reach this point. **Chief Souza** responded that discussions began when Mayor Lopez was Fire Chief and have been ongoing since the summer of 2025. He explained that a major concern was determining the next steps when a firefighter does not meet minimum standards. He emphasized that the intent is not punitive, but rather to create an efficient process to identify individuals who may need healthcare guidance and to support them in returning to a fit-for-duty status.

Councilor Walterscheid asked what would happen if a firefighter could not meet the requirements. **Chief Souza** explained that due to healthcare privacy laws, the department is limited in what medical information an employee must disclose unless it is work-related. He said if the issue is not directly related to employment, the firefighter would work with their personal physician, who could then provide documentation regarding whether the individual is fit for duty and outline an anticipated recovery timeline. **Councilor Walterscheid** clarified that the condition would need to be recoverable. **Chief Souza** confirmed that it could involve recovery periods ranging from several weeks to months or even years.

Councilor Rodriguez said the process sounded like an improvement or progressive plan that aligns with the parameters of the negotiated contract. **Chief Souza** said yes.

Mayor Lopez asked if this would be similar to an off-the-job injury with medical restrictions. **Chief Souza** responded that the collective bargaining agreement allows

firefighters to be placed on light duty, and this program would provide that option while the firefighter works toward recovery and regaining fitness-for-duty status. **Councilor Walterscheid** asked how non-recoverable vision issues would be handled. **Chief Souza** stated that vision must be correctable to 20/20, and if it cannot be corrected, the process could lead to a medical disability situation, potentially resulting in retirement.

Mayor Lopez stated that this proposal is a step in the right direction.

0:14:52 **Mayor Lopez** asked **Mrs. Austin** to briefly discuss item D1, Consider approval of Agreement between the City of Carlsbad and Eddy County for funding of Kircher Street Affordable and Attainable Housing Development Project. **Mrs. Austin** stated that this item is an agreement for funding the Kircher Street affordable and attainable housing development project. She explained that on October 29, 2025, the City of Carlsbad purchased 20 acres of land from the Carlsbad Municipal Schools for \$1.3 million. She said the property is located at the corner of Kircher Street and Boyd Drive. **Mrs. Austin** explained that the land was acquired to support the development of affordable multifamily housing on 10 acres and attainable single-family housing on the adjacent 10 acres. She noted that the City will provide water and sewer connections to both ten-acre parcels. She stated the request for proposals (RFP) for the affordable multifamily housing units was issued on December 22, 2025, and closed on January 30, 2026. She also stated that the City is currently in the final design phase for the attainable single-family housing units on the adjacent ten acres. **Mrs. Austin** further reported that at the Eddy County Commission meeting on January 13, 2026, the Eddy County Commissioners voted to support the City of Carlsbad with a \$4 million funding contribution toward the development of infrastructure associated with the attainable single-family housing portion of the project. She explained that the County agreed to release the first \$2 million once the City finalizes engineering and commences construction. She added that construction must begin within 120 days of the January 13, 2026, deadline. She said the remaining \$2 million will be provided once 50 percent of the subdivision infrastructure is complete. **Mrs. Austin** stated that the Eddy County Commissioners expect the full subdivision infrastructure, including utilities and buildable pads, to be completed within one year of the January 13, 2026, deadline.

Councilor Garwood asked whether the City would be able to meet the required deadlines. **Mrs. Austin** stated yes.

0:17:49 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Anaya-Flores to approve Routine and Regular Business.

0:18:19 **VOTE**

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

0:18:34 **4. CONSIDER APPROVAL TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE AMERICAN LIBRARY ASSOCIATION FOR A PULITZER ON THE ROAD TRAVELING EXHIBIT FOR THE CARLSBAD PUBLIC LIBRARY**

Ms. Jones stated that this item is a request to approve an application for an American Library Association (ALA) traveling exhibition grant. She explained that the grant opportunity is open to public libraries nationwide. She said twenty libraries will be selected to host the exhibition for six weeks. **Ms. Jones** stated that the exhibition will feature Pulitzer Prize-winning works, including books, films, and music. She noted that the exhibit would be housed within the library, similar to the American Holocaust exhibition that was hosted this past summer. **Ms. Jones** explained that if selected, the City would receive \$3,000 to support programming associated with the exhibit. She said the grant requires the library to offer at least four programs in partnership with the exhibition that highlight the featured works, and no matching funds are required.

Councilor Rodriguez asked whether the programs to be presented had already been identified. **Ms. Jones** responded that they had not, as the programming must meet specific grant requirements. **Councilor Rodriguez** asked whether the required training would take place in Carlsbad or require travel. **Ms. Jones** responded that the training would be conducted virtually.

0:20:37 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Garwood to approve to authorize the submission of an application to the American Library Association for a Pulitzer on the Road traveling exhibit for the Carlsbad Public Library

0:20:48 **VOTE**

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

0:21:10 **5. CONSIDER APPROVAL OF REQUEST BY MILTON'S BREWING TO SERVE ALCOHOL (BEER & WINE) ON CITY STREETS DURING MILTON'S "MARDI GRAS BLOCK PARTY"**

Mr. Ahrens stated that this item is a request from Milton's Brewing to host a "Mardi Gras Block Party" on Friday, February 13, 2026. He explained that the event is scheduled to take place from 4:00 p.m. to 11:00 p.m. along the 200 block of Mermod Street, directly in front of Milton's Brewing storefront. **Mr. Ahrens** stated that Milton's Brewing plans to expand its alcohol-serving area into Mermod Street for the duration of the event. He explained that the serving area will be set up and operated by a licensed alcohol server and will be fully fenced off from the remainder of the event area. He said alcohol service will occur from 4:00 p.m. to 10:00 p.m. **Mr. Ahrens** further stated that the serving area will have one controlled entrance, with security provided at the entrance and throughout the event. He said all attendees entering the alcohol-serving

area who are 21 years of age or older will be issued a wristband, which will be required to purchase alcohol during the event. He noted that designated drivers entering the area will receive a separate wristband for identification purposes.

Councilor Rodriguez asked whether the north fence of the alcohol-serving area would be separate from the existing courthouse construction fencing. **Mr. Ahrens** responded that Milton's Brewing will install its own fencing for the event.

0:23:32 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Foreman to approve of request by Milton's Brewing to serve alcohol (beer & wine) on City streets during Milton's "Mardi Gras Block Party"

0:23:42 **VOTE**

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

0:23:56 **6. CONSIDER APPROVAL OF RESOLUTION 2026-09, A RESOLUTION STATING THE REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AUTHORITIES, OR OTHER POLICYMAKING BODIES OF THE CITY OF CARLSBAD**

Mrs. Mireles explained the Clerk's Office is required by State Statute, which governs Open Meetings, to annually adopt a Resolution stating the requirements for Notice of Public Meetings. She said this statute ensures transparency and accountability by informing the public about meeting schedules and agendas. She explained that there have been no changes to the Open Meetings Act in several years; therefore, there have been no changes to the Resolution. She said the established procedures for notice remain consistent and unchanged for over the past decade.

0:25:21 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of Resolution 2026-09, a Resolution stating the requirements for Notice of Public Meetings of the Governing Body, Boards, Commissions, Committees, Agencies, Authorities, or other policymaking bodies of the City of Carlsbad

0:25:31 **VOTE**

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

0:25:43 **7. CONSIDER APPROVAL OF RESOLUTION 2026-10, A RESOLUTION REQUIRING THE REMOVAL OF THE JUNK, TRASH, AND DEBRIS AT 3508 OLD CAVERN HIGHWAY, OWNER: GREG A. MARKHAM**

Mr. Patterson stated that this Resolution requires the removal of junk, trash, and debris from the property located at 3508 Old Cavern Highway. He explained that the property is situated in a residential neighborhood near the intersection of Old Cavern Highway and Hamilton Street and currently has no utilities connected.

Mr. Patterson stated that the Eddy County Assessor's Office lists Greg A. Markham as the owner or as having an interest in the property. He explained that Code Enforcement mailed a Notice of Violation via certified mail to the address of record on March 20, 2025. He stated that the property has been the subject of numerous police calls and has been inspected by both Code Enforcement and the Fire Marshal. He said the structure on the property remains ruined or dilapidated and is not in compliance with applicable codes. **Mr. Patterson** stated that a Resolution has been prepared for Council consideration and if adopted, the Resolution would require the property owner to remove all ruined and dilapidated structures, rubbish, and wreckage from the property within thirty (30) days of service of the Resolution. He noted that an additional certified letter was sent to the owner at the address of record on January 22, 2026.

Councilor Walterscheid asked whether the structure would be condemned. **Mr. Patterson** responded that condemnation would not occur under this action because Mr. Markham currently resides at the property and has not allowed Code Enforcement or the Building Department access to conduct the inspections required to condemn the structure. He explained that a separate legal process would be required to pursue condemnation. He stated that the proposed action would clean up the property and require the structure to be secured. **Councilor Walterscheid** stated that the property has been a long-standing issue and asked whether all possible steps were being taken to address the situation. **Mr. Patterson** explained that because Mr. Markham owns and resides on the property, he has the legal right to refuse entry. He noted that additional legal action would be required to compel compliance and stated that staff is actively pursuing alternative legal options in an effort to reach a satisfactory resolution.

Councilor Chavez asked whether any utilities were connected to the property. **Mr. Patterson** responded that the City of Carlsbad does not provide utilities to the property and that Xcel Energy has discontinued service, including disconnecting the line from the utility pole to the structure. He stated that electricity is currently being supplied by a generator on the property. **Councilor Chavez** asked whether the condition constitutes a health hazard for the surrounding neighborhood. **Mr. Patterson** responded that it does present a health and safety hazard.

Councilor Garwood asked whether the lack of utilities expedites the process. **Mr. Patterson** responded that it allows staff to pursue certain enforcement options under the City's property maintenance codes, which include provisions regarding the requirement of utilities for a structure to be considered habitable.

Councilor Anaya-Flores asked which court would have jurisdiction over the matter. **Mr. Patterson** responded that the case would begin in Municipal Court and could proceed to a higher court if an appeal is filed.

0:33:39 **Mayor Lopez** asked if there is anyone of interest of this property who would like to speak. No one appeared.

0:33:49 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Anaya-Flores to approve of Resolution 2026-10, a Resolution requiring the removal of the junk, trash, and debris at 3508 Old Cavern Highway, Owner: Greg A. Markham

0:33:59 **VOTE**

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

0:34:13 **8. PUBLIC COMMENTS AND ANNOUNCEMENTS. ALL COMMENTS MUST BE RESPECTFUL AND COURTEOUS (THREE-MINUTE TIME LIMIT PER PERSON)**

Faith Quintela and **Armando Quintela** addressed the Council regarding a trucking company operating at 402 E. Farris within a residential neighborhood. **Ms. Quintela** stated that semi-trucks travel to and from the property daily, creating safety concerns on a residential street where children regularly walk and board school buses. She stated that there is no legitimate reason for semi-truck traffic on the street. **Ms. Quintela** further stated that the property owner is seeking a zoning change to commercial and that the request is scheduled to go before the Planning and Zoning Commission.

Councilor Rodriguez asked for confirmation of the property address. **Ms. Quintela** confirmed the address as 402 E. Farris.

Councilor Niemeier asked for clarification regarding the Planning and Zoning item and inquired whether nearby property owners had received notification letters. **Ms. Quintela** stated that they contacted the City to verify and confirmed that they did not receive a letter.

Mr. Patterson explained that notification requirements apply to property owners within 100 feet of the subject property, not 500 feet. He stated that the item had been scheduled for the Planning and Zoning Commission meeting on Monday, February 2, 2026; however, the applicant failed to post the required yard sign on time. **Mr. Patterson** noted that posting the sign is a clear requirement and that the failure to comply prevented the item from being heard. **Mr. Patterson** stated that Code Enforcement is aware of the situation and that he will attempt to contact the applicant to inform him that the item will not be heard at the scheduled meeting and that the trucking operation must cease.

Mayor Lopez stated that when the item is rescheduled, the yard sign must reflect the correct meeting date. **Mr. Patterson** confirmed and stated that a new sign will be prepared for the applicant to post if he chooses to move forward with the request.

Councilor Chavez asked whether notification within 500 feet requires certified mail. **Mr. Patterson** responded that certified letters were sent and receipts were provided by the applicant, but clarified again that the notification requirement applies to property owners within 100 feet.

Mr. Patterson stated that the item will now be scheduled for the March Planning and Zoning Commission meeting. He explained that the applicant will be required to meet all notification requirements including resending public notification letters to property owners within 100 feet and posting a new yard sign.

Billie Moore asked whether the trucking operation could continue while waiting for the hearing. **Mayor Lopez** responded that Code Enforcement will attempt to cease the operation until the zoning request is resolved.

0:43:30 **9. COUNCIL COMMITTEE REPORTS**

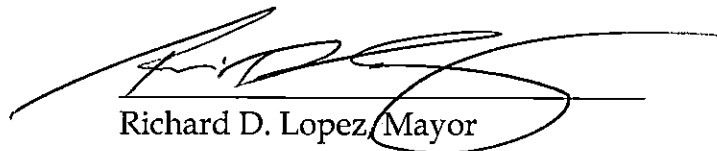
Councilor Niemeier stated the Legislative Reception was great and the WIPP breakfast was well attended by councilors and city officials. **Councilor Garwood** said River Blitz will be on Saturday, March 7, 2026, and more details will be provided at the next meeting.

0:44:36 **Adjourned**

With no further business to discuss, the Mayor declared the meeting adjourned at 6:43 PM.



Nadine Mireles, City Clerk



Richard D. Lopez, Mayor