



# Clovis City Commission

321 North Connelly St  
Clovis, NM 88101  
[www.cityofclovis.org](http://www.cityofclovis.org)

Regular Meeting

~ Minutes ~

Vicki Reyes

Thursday, February 2, 2017

5:15 PM

North Annex, Clovis-Carver Library

## **I – PLEDGE OF ALLEGIANCE**

Mayor Lansford offered the prayer, which was followed by the Pledge of Allegiance and the Salute to the New Mexico Flag.

## **II – OFFICIAL SALUTE TO THE NEW MEXICO FLAG: "I salute the flag of the State of New Mexico, the Zia symbol of perfect friendship among united cultures."**

## **III – ROLL CALL**

Attendee Name	Title	Status	Arrived
Chris Bryant	Commissioner - District 4	Present	5:04 PM
Juan Garza	Mayor Pro Tempore	Present	4:52 PM
Fidel Madrid	Commissioner - District 3	Present	5:13 PM
David Lansford	Mayor	Present	4:59 PM
Sandra Taylor-Sawyer	Commissioner - District 2	Present	5:13 PM
Gary Elliott	Commissioner - District 2	Present	5:07 PM
Tom Martin	Commissioner - District 4	Present	5:06 PM
Ladona Clayton	City Commissioner	Present	5:05 PM
Helen Casaus	Commissioner, District 3	Present	4:58 PM

## **IV. APPROVAL OF AGENDA**

Mr. Fry advised Item Number 1 under Reports of Boards, Officers and Committees needed to be removed from the agenda and will be heard at the February 16th Commission meeting.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Juan Garza, Mayor Pro Tempore

**SECONDER:** Sandra Taylor-Sawyer, Commissioner - District 2

**AYES:** Bryant, Garza, Madrid, Taylor-Sawyer, Elliott, Martin, Clayton, Casaus

## **V – APPROVAL OF MINUTES**

1. Thursday, January 19, 2017

**RESULT: ACCEPTED [UNANIMOUS]**

**MOVER:** Ladona Clayton, City Commissioner

**SECONDER:** Gary Elliott, Commissioner - District 2

**AYES:** Bryant, Garza, Madrid, Taylor-Sawyer, Elliott, Martin, Clayton, Casaus

## **VI – RECOGNITION OF VISITORS**

Mayor Lansford welcomed everyone to the meeting.

## **VII – PROCLAMATIONS, AWARDS AND PRESENTATIONS**

1. Presentation of Proclamation Proclaiming February 11, 2017 as "2-1-1 Ten Year Anniversary", Kathy Spears, 2017 United Way President

Ms. Erinn Burch, Executive Director with United Way of Eastern New Mexico, stated 2-1-1 is a national telephone service that is available in about 80% of the country. The 2-1-1 service was unveiled

to the public in 2007. To date, United Way of Eastern New Mexico has helped over 14,000 callers with various services. To celebrate their ten year anniversary United Way has scheduled the following events throughout the year: a 10K in March, Veterans' Resource Day in April, Diaper Drive in June, Laundry Event in July, Stuff the Bus in August, Storytellers Luncheon in November and the Clovis and Portales Christmas Light Parade in December. She introduced Virginia McReynolds, Alan Dropps and Mindy Watson who work for United Way. Mayor Lansford stated the commission would like to dedicate the proclamation to Patricia Bazar, who worked for United Way until recently. Commissioner Martin read the proclamation, which he presented to Ms. Burch.

## **VIII – RECEIPTS OF PETITIONS AND COMMUNICATIONS**

Mr. Jack Muse, 2816 N. Prince, stated he forgot to thank Ms. Melancon for all of her help with his questions at the previous meeting. He stated there was a glitch on the paving project on Prince and Mr. Bunch addressed the issue. He thanked Mr. Bunch for his work.

## **IX. CONSENT AGENDA**

This item is placed on the agenda so that the Commission, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any proposal does not meet with the approval of all Commission members, or if a citizen so requests, that item will be heard when reached under the regular agenda.

### 1. Motion to place indicated items on the consent agenda by unanimous vote

Mr. Mel Eperthener, 1020 E. 12<sup>th</sup>, apologized for missing the Lodger's Tax meeting. Mayor Pro Tem Garza thanked the Lions Club for all of the work that they do.

Commissioner Madrid made a motion to place indicated items on the consent agenda by unanimous vote; Mayor Pro Tem Garza seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

### 2. Request for Approval of 2012 Ambulance Billing Write-Off

The Clovis Fire Department can actively pursue collection of medical accounts for a period of four years. During 2012, the Clovis Fire Department processed 5,295 claims for ambulance service totaling \$3,808,545.26. After all efforts to collect these accounts had been exhausted, there remain outstanding balances of \$644,107.66 (1065 accounts). The Fire Department requested to write off 16.91% of the total amount billed during 2012. This amount may change slightly if the Fire Department receives any additional payments. This item was approved under the consent agenda.

### 3. Request for Approval of \$3,000 in Lodger's Tax to the Clovis Evening Lions Club for Gun Knife and Coin Show, Mel Eperthener, Joe Whitehurst

The Clovis Evening Lions Club are seeking lodging tax promotional funds of \$3,000 to promote Gun, Knife and Coin Show which will be coming to Clovis on March 10<sup>th</sup>- 12<sup>th</sup>, 2017 at the Clovis Civic Center.

They requested and received \$3,000 from the Lodger's Tax Advisory Board at their July 5th, 2016 meeting for the Gun, Knife and Coin Show that was held in October. This item was approved under the consent agenda.

### 4. Request for Approval of Emergency Budget Transfer to Replace a Clovis Police Department Patrol Vehicle

Police Department patrol unit #156 was involved in an accident December 3, 2016. The insurance company totaled the unit and gave the city \$12,598.00 for the vehicle. The police department has removed all the equipment from the unit and will be able to place it in another Ford Interceptor unit. Unit #156 was a 2015 Ford Interceptor, which placed it as only being in the fleet for two years and was one of the newer units in the police department fleet. This unit needs to be replaced to help keep the fleet operational, and not put them down another newer patrol unit in the Field Services Division. The Police Department requested to transfer funds from: 01-0301-62310, Vehicle Insurance to 01-0301-67410, Automobile in the amount of \$19,326.00. This amount will also cover the \$2,000.00 to place all the equipment back into this unit, so it will be complete and functional as a patrol vehicle. This item was approved under the consent agenda.

5. Request for Approval of Street Closure on Main Street Between 7 and 8 Streets from 11:30 A.M. to 1:00 P.M., Monday, May 4, 2017 and Waiver of Fees for National Day of Prayer

Dr. Sista Yancy has approached the City of Clovis requesting a street closure for the National Day of Prayer to be held between noon and 1:00 p.m., Thursday, May 4<sup>th</sup>, 2017 in front of the Curry County Courthouse. Dr. Yancy is also requesting a waiver of the fees for the rental of the stage (\$250.00). This item was approved under the consent agenda.

6. Request for Approval of Adoption of Ordinance Number 2803-2017 Relating to City Landfill Fees and Garbage Collection Fees; and Amending Existing Code Sections, David F. Richards

This item was introduced at the January 5, 2017 commission meeting. It has been published in the Eastern New Mexico News and is before the commission for final action. This item was approved under the consent agenda.

7. Motion to approve or acknowledge all items on the consent agenda

Mayor Pro Tem Garza made a motion to approve or acknowledge all items on the consent agenda; Commissioner Bryant seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**X – INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES**

1. Request for Approval of Introduction of an Ordinance Amending the Dedication of a Municipal Local Option Gross Receipts Tax

In 1997, the City adopted a gross receipts tax ordinance imposing one-eighth of one percent (1/8%) tax. One-sixteenth of one percent (1/16%) was dedicated for the acquisition, construction, operation, maintenance, collection, transportation, disposal, and closure of solid waste facilities and related facilities, including payment on interest and bonds, and one-sixteenth of one percent (1/16%) was dedicated to the General Fund. The 2016 Revenue Review Committee recommended that the full one-eighth of one percent (1/8%) be dedicated to the General Fund. State law requires that any rededication of an existing gross receipts tax must be approved by ordinance and submitted to the Taxation and Revenue Department at least ninety (90) days before the effective date, which can only occur on either January 1 or July 1. By being introduced on February 2, 2017 the ordinance will be adopted on March 2 and the ordinance can be submitted to Taxation and Revenue in a timely manner.

Mr. Richards stated since 1997 the city has in existence a gross receipts tax ordinance of 1/8th of 1%. 1/16<sup>th</sup> was dedicated to solid waste and 1/16<sup>th</sup> was dedicated to the general fund. The Revenue Review Committee that met last fall recommended that the full 1/8<sup>th</sup> be dedicated to the general fund. The procedure for changing the dedication of gross receipts tax ordinances require that the ordinance be amended, that the amendment be completed more than 90 days prior to either January 1 or July 1 and once completed by transmitted to Taxation and Revenue. It was not able to make the implementation process completed by the January 1 time frame so in preparation to make this effective July 1 it is time to introduce and adopt the ordinance.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Fidel Madrid, Commissioner - District 3

**SECONDER:** Helen Casaus, Commissioner, District 3

**AYES:** Bryant, Garza, Madrid, Taylor-Sawyer, Elliott, Martin, Clayton, Casaus

2. Request for Approval of Adoption of Ordinance Number 2082-2017 Prohibiting Consumption of Alcohol at Clovis Municipal Airport; and Amending Existing Code Sections, David F. Richards

This item was introduced at the January 5, 2017 commission meeting. It has been published in the Eastern New Mexico News and is before the commission for final action.

Mr. Richards stated this is for final action for adoption. Commissioner Madrid stated he did not think this could be enforced and he did not think they should be telling people what to do. Mr. Richards stated this is city property and there is no alcohol allowed at any other city property except where the city is in control of the sale and distribution of alcohol. Mayor Lansford asked if someone is cited for consuming alcohol on the airport what are the ramifications for that violation. Mr. Richards stated there is a specific state statute that authorizes the city to adopt and enforce ordinances relating to airports that are located

outside the city limits, so a violation would be cited into the Municipal Court. Upon a roll call vote, with all voting in the affirmative with the exception of Commissioner Madrid who voted in the negative, the motion carried 7-1.

**RESULT: ADOPTED [7 TO 1]**

**MOVER:** Chris Bryant, Commissioner - District 4

**SECONDER:** Gary Elliott, Commissioner - District 2

**AYES:** Bryant, Garza, Taylor-Sawyer, Elliott, Martin, Clayton, Casaus

**NAYS:** Fidel Madrid

#### **XI – UNFINISHED BUSINESS**

None.

#### **XII – NEW BUSINESS**

None.

#### **XIII – REPORTS OF BOARDS, OFFICERS AND COMMITTEES**

##### 1. Civic Center Report, Misty Bertrand

At the request of the Civic Center manager, this item was removed from the agenda until the February 16th commission meeting.

##### 2. Report Regarding City of Clovis Lodger's Tax, David F. Richards

Mr. Richards stated he had a request from Commissioner Taylor-Sawyer regarding the procedures of the Lodger's Tax Advisory Board. He sent the commission a memo regarding this matter. The Lodger's Tax Board makes recommendations to the city commission on that portion of lodging tax that is designated for advertising and publicizing tourist related events. There isn't a specific state mandated procedure or guideline, but the Lodger's Tax board has developed their own guidelines.

Commissioner Taylor-Sawyer stated she did not know how many other commissioners have received feedback from the public, but it is important since they have a system in place that they hold the public to follow the procedures. If they don't go through this process and go to the commission directly there should be some determent to not do that again. They are setting a precedent that they don't want to set. It is time for the commission to put a little more stringent rules for groups that come straight to the commission instead of going before the Lodger's Tax Advisory Board.

Mayor Pro Tem Garza stated they can ask the Lodger's Tax board to look at these restrictions that Commissioner Taylor-Sawyer mentioned. They don't want to penalize the groups that are requesting the funds, but he understood what she is saying. It will be up to the board to discuss this and come up with something.

Commissioner Casaus stated she felt the same way as Commissioner Taylor-Sawyer. She stated the Lodger's Tax Advisory Board considers the matter more when the groups go before them where the commission automatically gives them the amount they requested.

Commissioner Martin stated in his recollection there are only a few times that an exception has happened. There is always room for exception as long as the exception doesn't become the rule.

Commissioner Madrid asked Mr. David what he thought about this issue. Mr. David stated he agreed with Commissioner Martin. This has not been an issue that has been very frequent. He agreed with the other commissioners that there should be a stricter guideline. They do discuss the applicants thoroughly in the Lodger's Tax Board meetings. There are arguments on both sides, but he would like to see everyone go before the board before it goes to the commission.

Mayor Lansford stated when it goes before the Lodger's Tax Advisory Board it gets relative consideration and that is valuable. When it goes before the commission they don't necessarily get that relative consideration. Each commissioner has the authority to put something like this on the agenda if they so choose. He did not know that they want to restrict the privileges of commissioners that may want to place something on the agenda. He stated this does not need to become a habit. He stated he would lean on management to encourage groups to go before the Lodger's Tax Board before coming to the commission.

Commissioner Taylor-Sawyer asked if it was up to the city for this board to meet quarterly. Mr. Richards stated he did not recall that the state statute specifies the frequency. Mr. Fry stated when he was in Roswell the Lodger's Tax Board met on a monthly basis. Ms. Burroughes stated the commission changed the ordinance to meet quarterly at a certain date and time to keep something like this from happening. Everyone knows it is on the first Tuesday of the month, every quarter, at 5:30 p.m. Mr. David, Chairman of the Lodger's Tax Advisory Board, stated ideally it would be better to meet more often but the 5 members of the board are volunteers. It is usually a 2-3 hour meeting when they do meet and is not always easy to get a quorum together. Commissioner Taylor-Sawyer stated they have other committees and boards that meet on a monthly basis. If someone is going to commit to something then they need to be there. Mayor Pro Tem Garza stated it may be problem when they have estimated revenue from the lodging industry. If they have 4 months of income that they know they will get it will help make a better judgment of how much money they can disburse. It will create more problems than a solution if they were to meet monthly. Ms. Melancon stated it would be an issue that they have a quarter to build the revenue. Commissioner Taylor-Sawyer asked if the money that was distributed was money that they don't have up front. Ms. Melancon stated they have it but it makes it easier to budget because they have a better idea of what the revenue source is. Mayor Lansford stated a quarterly financial statement gives a better estimate of annual revenues than a monthly statement would.

Mayor Lansford stated all in all the Lodger's Tax Advisory Board is doing a wonderful job. Commissioner Taylor-Sawyer stated as a commissioner she has heard feedback from the public. Mayor Lansford stated this can put the commission in an awkward position when they are not filtered through the Lodger's Tax Board.

### 3. Report Regarding City Zoning Codes, Pete Wilt

Mr. Wilt stated in April 2016 Duncan and Associates were awarded the zoning rewrite for the City. It is an eighteen month process and they are in the ninth month. They are still in the process and will have other Planning & Zoning meetings, special sessions and public meetings. Mayor Lansford stated it is a lengthy process and there will be time for public comment. Mayor Pro Tem Garza thanked staff for trying to keep up with the changes.

Carolyn Spence, 122 Colonial Estates, asked if the document would be available to the public in stages or only when certain sections are done. Mayor Lansford stated if it is a public document that has been presented to Planning & Zoning, then the public has every right to access that document. Mr. Richards stated the reason this was on the agenda originated more from the request from Mr. Griego at the last commission meeting. As far as the work in progress, the consultants have delivered their drafts and they are public documents. There will be public meetings where there will be time for the public to participate in the progress. Ms. Spence asked if it would be posted on the city website. Mr. Richards stated not as a draft but someone could request a copy.

### 4. Discussion Regarding Commission Boards & Committees, Commissioner Taylor-Sawyer

Commissioner Taylor-Sawyer stated she had an individual that serves on one of the boards that didn't know what their place was. She stated she wanted to have a discussion on how to educate new members and existing members that serve on boards and committees.

Ms. Spence stated the Planning & Zoning Commission is more regulatory and it has taken her a while to get used to that. She stated it would be a good thing to have them a little more aware. Mayor Lansford stated the Planning & Zoning Commission is different than any other committee that the commission appoints. The other committees are primarily advisory and they may have to do a better job of making that clear. Mr. Richards stated the first question is are they satisfied with the input they are receiving then there may not need to be more effort on training. It is up to the city commission to decide what kind of input they want. Is there a deficiency in the product they are getting and if there is then administration needs to look into that.

Ms. Burroughes stated the packet that she has provided to the commission every board and committee has duties and responsibilities. They could post the duties and responsibilities when they notice vacancies. Mr. David stated something a little more compact and to the point would be very helpful.

Ms. Burroughes stated this would be placed on the city website along with agendas and minutes. Commissioner Clayton stated she has reviewed the Cultural and Ethnic Affairs Committee and it states they meet the first Monday of each month. She stated they do not meet on Mondays. She asked what process they take to change the layout of the Cultural Ethnic Affairs Committee. Ms.

Burroughes advised she would just need to state that it needs to be looked at. Commissioner Clayton stated she would like to do that and would like to visit with Mayor Pro Tem Garza because he also had some suggestions for this committee.

Commissioner Taylor-Sawyer asked about the Housing Authority Commission. Mr. Richards stated there is a statute that governs housing authorities and it provides that the board members are appointed by the mayor with the consent of the commission and it prohibits a commissioner from serving. There was an effort through the city commission to change the statute but was vetoed by the Governor. There is an issue right now as to whether or not the city should appoint the members to the Housing Authority.

Commissioner Martin asked if Commissioner Taylor-Sawyer is asking for training for each of the members of the boards. Commissioner Taylor-Sawyer stated she is not asking for a four-hour training. She stated they have qualified people in Clovis that can give the training. It is a matter of walking through what their duties and responsibilities are. Commissioner Martin stated he agreed with this. He suggested that formal training for the commission is also in order and it would behoove them to attend MOLI.

#### Water Policy Ad Hoc Committee

Commissioner Clayton stated they have had two meetings of the Water Policy Ad Hoc Committee. They will start having longer sessions and need a more concentrated effort. She stated they will have specific action items with policies that will go before the Water Policy Advisory Board and then ultimately to the commission. Mayor Lansford stated the City of Clovis' 40-year water plan is five years old. The City of Clovis should be establishing their policies and taking them to the Utility Authority.

#### Ned Houk Park Shooting Range

Ms. Burroughes stated they gave Game & Fish the draft plan that they have put together. Bill Adams, who is sitting on the ad hoc committee for Parks & Recreation, has put a plan together with various other groups that are interested in participating in this. They would be the management company and would be non-profit. When the plan is done they will send it to Game & Fish. Bohannon Huston did the original drawings and they will amend them to reflect the recommended changes. There will have to be an environmental impact study done as well. Game and Fish are suggesting that the City determine what the value of the area is and then can use that as in-kind match money. Commissioner Madrid stated they main thing they wanted was archery and education. Commissioner Taylor-Sawyer asked if it would be called a shooting range. Commissioner Elliott stated it will have a trap skeet, air rifles, archery, etc, but no shotguns. Ms. Burroughes stated the name they submitted was Clovis Archery and Wing Shooting Training Center.

#### Reuse Project

Mayor Lansford stated they met with the Bureau of Reclamation on the Effluent Reuse Project and federal dollars may be accessible for the City of Clovis without federal authorization. It does require a feasibility report and they hope they can convert the Preliminary Engineering Report. Mr. Fry stated he was very pleased with Bohannon Huston and this is a very encouraging avenue to pursue. Mayor Lansford thanked Mr. John Ryan for his work.

### **XIV – FUTURE AGENDA ITEMS**

Ms. Burroughes stated there will be a report from MainStreet on their recommendations for the Levine's Building and there will be a report from the Civic Center.

**XV – ANNOUNCEMENT OF DATE, TIME AND PLACE OF CITY BOARD AND COMMISSION MEETINGS**

A – Civil Aviation Board, 5:30 p.m., Tuesday, February 7, 2017, Airport

B – Planning & Zoning Commission, 3:00 p.m., Wednesday, February 8, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

C – Ad Hoc Shooting Range, 5:30 p.m., Monday, February 13, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

D – Water Policy Advisory Board, 8:30 a.m., Tuesday, February 14, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

E – ENMWUA, 10:00 a.m., Thursday, February 16, 2017, North Annex, Clovis-Carver Library, 701 N. Main

F – City Commission meeting, 5:15 p.m., Thursday, February 16, 2017, North Annex, Clovis-Carver Library, 701 N. Main

**XVI – ADJOURNMENT**

There being no further business to come before the commission the meeting adjourned at 6:59 p.m.