



Clovis City Commission

321 North Connelly St
Clovis, NM 88101
www.cityofclovis.org

Regular Meeting

~ Minutes ~

Vicki Reyes

Thursday, July 20, 2017

5:15 PM

North Annex, Clovis-Carver Library

I – There was an Executive Session at 4:45 p.m., Thursday, July 20th, 2017. The only topic of discussion were Limited Personnel Matters pursuant to NMSA 10-15-1 H(2).

Mayor Pro Tem Garza called the meeting to order. Mr. Louis Gordon offered the prayer, which was followed by the Pledge of Allegiance.

II – PLEDGE OF ALLEGIANCE

III – 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."

IV – ROLL CALL

Attendee Name	Title	Status	Arrived
Chris Bryant	Commissioner - District 4	Present	4:49 PM
Juan Garza	Mayor Pro Tempore	Present	4:46 PM
Fidel Madrid	Commissioner - District 3	Present	4:47 PM
David Lansford	Mayor	Absent	
Sandra Taylor-Sawyer	Commissioner - District 2	Present	5:12 PM
Gary Elliott	Commissioner - District 2	Present	4:46 PM
Tom Martin	Commissioner - District 4	Present	5:15 PM
Ladona Clayton	Commissioner - District 1	Present	5:13 PM
Helen Casaus	Commissioner, District 3	Present	4:48 PM

V. APPROVAL OF AGENDA

RESULT: ADOPTED [UNANIMOUS]

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

VI – APPROVAL OF MINUTES

1. Thursday, July 06, 2017

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Ladona Clayton, Commissioner - District 1

SECONDER: Juan Garza, Mayor Pro Tempore

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

2. Thursday, July 13, 2017

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Helen Casaus, Commissioner, District 3

SECONDER: Gary Elliott, Commissioner - District 2

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

VII – RECOGNITION OF VISITORS

Mayor Pro Tem Garza welcomed everyone to the meeting.

VIII – PROCLAMATIONS, AWARDS AND PRESENTATIONS

1. Presentation of Proclamation Proclaiming July 22, 2017 as the "Twenty-Sixth Annual Ethnic Fair Celebration" Selmus Price

Commissioner Clayton read the proclamation. She encouraged everyone to attend the Ethnic Fair and there is a Fun Run at 8:30 a.m. Saturday as well.

2. Presentation of June 2017 Yard of the Month

Ms. Burroughes stated they started the yard of the month program. Burns Do It All, Lowes and Hamilton's are sponsors this year as well as Keep America Beautiful and NM True.

YARD OF THE MONTH JUNE 2017

District 1

1117 Rosewood - Herbert & Doris Watson

316 Chanticleer - William Casillas

Commercial - Chili's - 3805 N. Prince

District 2

312 Maple - Debra & Christine Sierra

1333 Huntington - Richard E. Pershall

Commercial - Gauna - 820 N. Prince

District 3

133 LaSalle - Fred Roberts III

1921 Echols - Don Beard

Commercial - Presbyterian Pharmacy 2401 W 21st

District 4

2225 Echols Ave - Mary Swanson

508 Tucker - Carl Patton

Commercial - US Bank - 2501 N. Prince

IX – RECEIPTS OF PETITIONS AND COMMUNICATIONS

None.

X. 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

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

2. Request for Approval of Adoption of Resolution Number 2887-2017 DFA Budget Changes

These are the final budget changes for the 2017 fiscal year from various departments that require City Commission approval and DFA (Department of Finance and Administration) approval.

Fiscal Impact: This lowers the cash reserve in the following funds:

General (1) \$19,591; Sanitation (2) \$246,610; Wastewater (10) \$200,780; Airport (12) \$55,331; Park Improvement GRT (61) \$26,713; Civic Center (62) \$49,144; Designated Cash (63) \$7,550; Economic Development (64) \$9,000; Lodger's Tax (77) \$8,750 and Lodger's Tax Promotional (78) \$58,588. This item was approved under the consent agenda.

3. Request for Approval of Adoption of Resolution Number 2888-2017 Non DFA Budget

These are the final budgets for the 2017 fiscal year from various departments that require City Commission approval. There are no changes to cash reserve. Any increase in an expense category is offset by a decrease in an expense category in the same department. This item was approved under the consent agenda.

4. Request for Approval of Adoption of Resolution 2889-2017 Final Budget Fiscal Year Ending June 30, 2018

The budget for the period July 1, 2017 to June 30, 2018 must be approved by the City Commission and sent to DFA (Department of Finance & Administration) by the end of July 2017.

Additions from the preliminary budget include grant revenue and expenditures, carryovers of 2017 unspent budget requests, Civic Center Fund 62, Economic Development Fund 64, and Drainage Fund 88.

General Fund Cash is estimated at \$4,759,095. DFA requires a minimum reserve of 1/12th of General Fund expenditures which is \$2,155,949. Unbudgeted non-recurring funds are designated at \$1,190,258. This item was approved under the consent agenda.

5. Request for Approval of Adoption of Ordinance Number 2091-2017 Changing an "I" Industrial District Zone to a "MD" Mixed Development District Zone (Address of Zone Change 2216 & 2218 W. 7Th Street)

A public hearing was conducted before the City of Clovis Planning/Zoning Commission on July 13, 2017 at 3:00 p.m. All required notices and publications were accomplished. The applicant and owner is Irene Bachicha of P.O. Box 72, Las Vegas, NM 87701. The applicant and all witnesses that testified at the hearing were properly sworn. All witnesses who testified at the hearing were subject to cross-examination. The proposed rezoning is consistent with the Comprehensive Plan and will not be substantially different from other areas so designated in the Comprehensive Plan but clearly facilitate implementation of the Comprehensive Plan in accordance with Section 17.100.211(E) of the Zoning Regulation. The proposed rezoning is contiguous with an existing Mixed Development District directly to the west and east on W 7th Street. There is no compelling evidence that there would be a threat to the public health, safety and welfare, which is unique to the proposed request. All adjoining property owners within one hundred feet of the area to be rezoned were notified and there is zero percent (0%) protest filed. The Planning and Zoning Commission recommends approval of the rezoning of 2216 and 2218 W 7th Street based on City staff recommendation. The vote was 7 to 0 in the affirmative. This item was approved under the consent agenda.

6. Request for Approval for Two Representatives from a Rescue Group and One Representative from District 1 to Serve on the Animal Control Task Force

Wendy Turner and Cindy Clayton have applied to serve on the Animal Control Task Force in the position of representative of a rescue group. Lindsay Dunahee has applied to serve for District 1. This item was approved under the consent agenda.

7. Request for Approval of \$30,000 from Parks Improvement Fund to Pay for Lighting at the High Plains Motor Speedway

At the June 26th, 2017 Parks, Recreation & Beautification Committee, the committee approved \$30,000 for the purchase of lighting for the High Plains Motor Speedway. Please see draft minutes below:

Agenda Item No. 6 - Continuation of discussion and possible action regarding the purchase of additional lighting at Ned Houk Motorsports

Mr. Dayhoff stated Mr. Steve Aikens was sitting in for Mr. Brad Harris. Mr. Phelps and Mr. Harris came up with race fees and expense, revenue and possible user fees along with the payback period. He stated the payout for the last race was \$8,400. He would prefer the \$200 per race user fee which would take over 13 years to pay back.

Mr. Aikens stated the difference in the race track now compared to last year is incredible. They have gotten half of the new bleachers installed and the rest will be installed in the next week. They have also redone the new track. They are attracting cars from Ft. Worth, Amarillo, Lubbock, etc. They had 46 cars at their last race. The revenues that the track receives from word of mouth racers is significant. He spoke with a number of racers that came from out of town and prefer this track to Amarillo. The concession stand is now a money making concession as well.

Mr. Aikens stated the problem they have now is that they don't have any lights. Mr. Harris readjusted the lights that they have, but they are not bright enough and they are expensive to run. They could cover a larger area with the new LED lights.

Commissioner Martin asked what the length of the track was. Mr. Aikens stated he was not sure since they increased it. Commissioner Martin stated he had never been out there until the last race. He stated when the races started at 7:45 p.m. there wasn't an open seat. He stated he was very impressed.

Commissioner Elliott asked if they are looking at 13 years and \$200 a race. Mr. Dayhoff stated that was based off of \$30,000. Commissioner Elliott stated if they had some way to come up with the money it looks like a win win situation for the racers and the city.

Mayor Pro Tem Garza stated they collect user fees from the soccer fields so he did not see why they couldn't do this for them. Ms. Burroughes asked if the city would own the lights. Mr. Aikens stated he did not know. Ms. Burroughes asked who would maintain the lighting. Mr. Aikens stated the track could take care of them. Mr. Dayhoff stated they could outline all of that in the agreement.

Commissioner Martin stated he was not pleased about going out 13 years, but if the city maintains the ownership. Ms. Burroughes stated they could have an annual inspection done by parks.

Ms. Wheeler-Sagio stated when Mr. Harris presented this there was an idea that it would reduce the electricity cost. She asked if they could put that towards the refund to make it faster than the 13 years. Mr. Dayhoff stated if they have a good year he did not see why they couldn't pay more to get this paid off sooner. Mr. Aikens stated he did not see why Mr. Harris wouldn't want to do that.

Commissioner Martin stated he thought they were going to buy the lights back, but if the city is maintaining the ownership then it is more of them paying the city to "rent" them. In that case then there is no payoff period. If something were to happen to the track in that 13.64 years then the city could use them for something else. Mayor Pro Tem Garza stated whoever runs the facility in the future will have to go through the same user fee. Ms. Burroughes stated it would be a lighting user fee.

Commissioner Martin made a motion to enter into an agreement with High Plains Motor Speedway for a user fee of \$200 per race for 150 consecutive races; Ms. Delk seconded the motion, which passed by acclamation. Ms. Burroughes asked Mr. Dayhoff if the lights would be under the city's insurance. Mr. Dayhoff stated it would be.

The City of Clovis will own and inspect the lighting annually and the lighting will be insured by the City of Clovis. High Plains Motor Speedway will pay a \$200.00 per race user fee for 150 consecutive races. High Plains Motor Speedway will maintain the lighting and pay for the electricity.

The Fiscal Impact for this request is \$30,000 from the Parks Improvement Fund. This item was approved under the consent agenda.

8. Request for Approval of Quarterly Lodger's Tax Disbursements, Don David

The Lodger's Tax Advisory Board met on July 18th, 2017.

Chamber of Commerce

2018 Community Profile	\$8,000	\$4,000
Rock*Shop*Play*Stay Print Promotion	\$3,000	\$0

Promotional Items and Goodie Bags	\$4,000	\$0	
Postage for Tourism Packets	\$4,000	\$0	
2018 NM True Advertising Campaign	\$6,303	\$6,303	
	\$25,303	\$10,303	
Clovis Community College Cultural Art Series	\$7,500	\$7,500	
City of Clovis	\$3,360	\$3,360	
Westbrook Baptist Church	\$11,000	\$5,000	
Desert Cruzers Run to Hillcrest	\$11,000	\$7,500	
MainStreet Light Parade & Taste This Parade)	\$11,500	\$6,500	(Christmas Parade)
		\$1,000	(Taste This)
Randy Rogers Concert	\$8,000	\$4,000	
Ned Houk Motorsports	\$25,000	\$10,000	
Hillcrest Zoo Map	\$1,679	\$1,679	
Double Dash Barrel	\$2,500	\$2,500	
Bikers Against Bullying	\$8,000	\$8,000	
	\$114,842	\$67,342	

Ms. Weaver moved for approval; Mr. Pandya seconded the motion, which passed by acclamation. This item was approved under the consent agenda.

9. Request for Approval of \$1.00 Entry Fee for the Zoo from 10:00 A.M.-4:00 P.M., August 5, 2017 for Community Unity Day Being Organized by Bethlehem Baptist Church, Pastor Gillis

Bethlehem Baptist Church has reserved the area opposite the splash pad for August 5th, 2017 from 10:00 a.m. to 4:00 p.m. The event is for unity in the community, to hear inspirational speakers and music. Two vendors have been secured (food trucks) for the event. Delmus Gillis, event organizer, is securing insurance for the event.

Pastor Gillis is asking for a reduction of fees at the zoo to \$1.00 as part of the community outreach. They are not seeking a waiver of fees for the park rental. This item was approved under the consent agenda.

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

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

XI – INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES

None.

XII – UNFINISHED BUSINESS

None.

XIII – NEW BUSINESS

1. Request for Appointment of One Representative to Serve on the Public Works Committee for District 3

Ms. Burroughes stated Mr. Rudy Garcia has stepped down from the committee and three people have come forward to be considered. Mr. Gomez, 509 El Casillas Blvd, stated he is a life long

resident of Clovis and is very concerned with District 3. Mr. Martin stated he has been in Clovis for 33 years and retired from the Clovis Municipal Schools. Mr. Heller, 417 John Doe, stated he has been in Clovis for 37 years.

Commissioner Elliott	Clifford Martin
Commissioner Martin	Clifford Martin
Commissioner Madrid	Clifford Martin
Commissioner Casaus	Clifford Martin
Mayor Pro Tem Garza	Richard Gomez
Commissioner Taylor-Sawyer	Richard Gomez
Commissioner Clayton	Richard Gomez
Commissioner Bryant	Richard Gomez

Ms. Burroughes stated there is a tie for the position. This will have come back to the commission when the Mayor is present. Mr. Richards stated it is a 4 to 4 tie so revoting would not break the tie. The only alternative is to wait until the next meeting and have Mayor Lansford break the tie.

2. Request for Approval of Variance of Section 10.12.010 Regarding Location of Heavy Vehicles for Semi Tractor Located at 3708 Autumnwood, Tom Phelps

Mr. Phelps stated this is a request from Mr. Frank Lopez of 3708 Autumnwood. The commission has a letter from Mr. Lopez requesting the variance. Letters were sent to 14 homes that are within 100 feet of the property and those responses were also given to the commission.

Mr. Lopez stated he has been in at this residence for 17 years and the vehicle is parked in the driveway. Mayor Pro Tem Garza asked if he has been driving the vehicle (tractor) for 17 years. Mr. Lopez stated he had not. He has been driving since 2005. Commissioner Bryant asked what brought this up now. Mr. Lopez stated he didn't receive a notice until recently. Commissioner Bryant asked how often the truck is parked there. Mr. Lopez stated it varies. He is normally gone 3 weeks every month. Commissioner Bryant asked where the truck would be parked if this was denied. Mr. Lopez stated the truck is paid and owned by him. He stated his insurance is covered at this location.

Commissioner Taylor-Sawyer asked if she could see the pictures he had of the tractor parked at his property. Mr. Lopez showed these to the Commission.

Ms. Carolyn Spence, 122 Colonial Estates, stated she has a concern because of the way this is presented as a vehicle parking code matter. Mr. Lopez has had to do a business at home and has to have a location listed. She asked if this should have gone before Planning & Zoning Commission.

Jordan Wright, 3709 Autumn Wood Court, stated he rents the property across the street and is for the variance. The truck is parked in the driveway and he is gone a majority of the time. He stated he is not a landowner so he did not receive a letter. He has lived at this residence for 3 years.

The Commission noted there were two responses opposing the variance and one for.

Commissioner Bryant asked if they have ever granted a variance like this. Mr. Richards stated there was one a few years back and it was denied by the Commission.

Mayor Pro Tem Garza stated the city is flooded with these types of trucks parked on the city's right of ways. There are campers not in compliance and a lot of others they need to be proactive with. The cheeseplant is utilizing a lot of trucks and they don't have a place to park them. Mr. Lopez is trying to do something right by asking for the variance. They need to give Mr. Lopez some guidelines if this is approved. Mr. Richards read the prohibition in the parking restrictions "It is unlawful for any person to park any truck, tractor, trailer, semi trailer or other vehicle having a net weight of 4 tons or more within any area which is zoned an RS, R, RA or NC district." The variance criteria says "the City Commission shall allow a variance where the literal application or enforcement of the applicable code regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice in granting any variance under this chapter. The City Commission may impose any reasonable conditions upon the exercise of the variance and shall place a time limit upon the variance. In appropriate cases the time limit may be indefinite or until revoked by proper authority." There is a procedure for cancellation or repeal of the variance if the individual does not comply with the terms and conditions set forth by the commission.

Commissioner Casaus asked if they approve Mr. Lopez, and someone else comes to them a month from now, can they review it again. Mayor Pro Tem Garza stated they would have to look at every case differently. Commissioner Martin moved for approval of the variance; Commissioner Casaus seconded the motion. Commissioner Taylor-Sawyer asked if this was specifically for Mr. Lopez at this address. Mr. Richards stated there was no timeframe listed in the motion. Commissioner Martin stated he had no desire to amend his motion.

Upon a roll call vote, with all voting in the affirmative, with the exception of Commissioner Clayton and Commissioner Bryant who voted against, the motion passed by a vote of 6-2.

RESULT: APPROVED [6 TO 2]

MOVER: Tom Martin, Commissioner - District 4

SECONDER: Helen Casaus, Commissioner, District 3

AYES: Garza, Madrid, Taylor-Sawyer, Elliott, Martin, Casaus

NAYS: Chris Bryant, Ladona Clayton

XIV – REPORTS OF BOARDS, OFFICERS AND COMMITTEES

1. Monthly Investment Report

Ms. Melancon gave the Monthly Investment Report as follows:

General Fund 1 - \$8,256,702.50
Solid Waste Fund 2 - \$2,248,042.56
Environmental Tax Fund 6 - \$5,951,981.20
Wastewater Fund 10 - \$3,791,319.74
Airport Fund 12 - \$19,232.50
Colonial Golf Course Fund 19 - \$70,062.51
Worker's Comp P&L Fund 48 - \$1,696,005.00
Infrastructure Imp Fund 60 - \$603,642.20
Special Parks Imp Fund 61 - \$180,987.91
Civic Center Fund 62 - \$518,312.70
Designated Cash Fund 63 - \$1,536,756.64
Economic Development Fund 64 - \$2,673,844.55
Special Street Fund 75 - \$1,172,158.53
Capital Projects Fund 87 - \$1,248,105.84
Drainage Improv Fund 88 - \$616,665.46

Beginning cash and investments was \$43,189,572.66 and ending cash and investments was \$40,801,389. The breakdown is \$17,939,753.76 Cash in Bank, \$5,970,611.87 in CD's with Citizen's Bank and \$16,891,023.60 in the State Investment Pool. Interest earned for the month was \$12,192.55 and for the year to date \$104,641.00. The state pool for June was .8473%

XV – FUTURE AGENDA ITEMS

Ms. Burroughes stated there was an ordinance relating to chickens on the next agenda.

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

Commissioner Madrid stated the Parks, Recreation & Beautification Committee meeting has been cancelled. Ms. Burroughes stated the Public Works Committee meeting has also been cancelled.

A – Parks, Recreation & Beautification Committee, 5:30 p.m., Monday, July 24, 2017, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly

Cancelled

B – Public Works Committee, 8:30 a.m., Wednesday, July 26, 2017, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly

Cancelled

C – Clovis-Carver Library Board, 5:30 p.m., Monday, July 31, 2017, 701 N. Main

D – City Commission meeting, 5:15 p.m., Thursday, August 3, 2017, North Annex, Clovis-Carver Library, 701 N. Main

XVII – ADJOURNMENT

There being no further business to come before the commission, the meeting adjourned at 6:20 p.m.