



Clovis City Commission

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

Regular Meeting

~ Minutes ~

Vicki Reyes

Thursday, August 3, 2017

5:15 PM

North Annex, Clovis-Carver Library

I – There was an Executive Session at 4:45 p.m., Thursday, August 3rd, 2017. The only topic of discussion was Limited Personnel Matters pursuant to NMSA 10-15-1 H(2) relating to the City Manager

II – PLEDGE OF ALLEGIANCE

Mayor Lansford called the meeting to order. Commissioner Madrid offered the prayer, which was followed by the Pledge of Allegiance and the Salute to the New Mexico flag.

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	4:36 PM
Juan Garza	Mayor Pro Tempore	Absent	
Fidel Madrid	Commissioner - District 3	Present	4:41 PM
David Lansford	Mayor	Present	4:39 PM
Sandra Taylor-Sawyer	Commissioner - District 2	Present	5:18 PM
Gary Elliott	Commissioner - District 2	Present	4:35 PM
Tom Martin	Commissioner - District 4	Present	4:48 PM
Ladona Clayton	Commissioner - District 1	Present	4:48 PM
Helen Casaus	Commissioner, District 3	Present	4:37 PM

V. APPROVAL OF AGENDA

RESULT: ADOPTED [UNANIMOUS]

MOVER: Fidel Madrid, Commissioner - District 3

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

ABSENT: Juan Garza

VI – APPROVAL OF MINUTES

1. Thursday, July 20, 2017

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Helen Casaus, Commissioner, District 3

SECONDER: Chris Bryant, Commissioner - District 4

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

ABSENT: Juan Garza

VII – RECOGNITION OF VISITORS

Mayor Lansford welcomed everyone to the meeting.

VIII – PROCLAMATIONS, AWARDS AND PRESENTATIONS

1. Presentation of Certificates of Recognition of Clovis Futbol Club, Commissioner Madrid

Commissioner Madrid asked the Clovis Futbol Club to step up to the podium. Mayor Lansford thanked them for representing Clovis in Argentina and presented the team with Certificates of Recognition.

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 Bryant made a motion to place indicated items on the consent agenda by unanimous vote; Commissioner Taylor-Sawyer 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 2890-2017 Pertaining to the Public Health and Safety, Finding that a Certain Building is a Dangerous Building as Defined by the International Building Code for the Abatement of Unsafe Structures and Authorizing Abatement of Such Building and Related Debris from Within the City of Clovis (1301 West Street)

The owner has been notified that the building located on this property has been found to be an unsafe structure pursuant to Section 108 of the 2009 International Property Maintenance Code. This item was approved under the consent agenda.

3. Request for Approval of Adoption of Resolution Number 2891-2017 Pertaining to the Public Health and Safety, Finding that a Certain Building is a Dangerous Building as Defined by the International Building Code for the Abatement of Unsafe Structures and Authorizing Abatement of Such Building and Related Debris from Within the City of Clovis (1816 E. Howard)

The owner has been notified that the building located on this property has been found to be an unsafe structure pursuant to Section 108 of the 2009 International Property Maintenance Code. This item was approved under the consent agenda.

4. Request for Approval of Adoption of Resolution Number 2892-2017 Pertaining to the Public Health and Safety, Finding that a Certain Building is a Dangerous Building as Defined by the International Building Code for the Abatement of Unsafe Structures and Authorizing Abatement of Such Building and Related Debris from Within the City of Clovis (1924 W. Grand Avenue)

The owner has been notified that the building located on this property has been found to be an unsafe structure pursuant to Section 108 of the 2009 International Property Maintenance Code. This item was approved under the consent agenda.

5. Request for Approval of Adoption of Resolution Number 2893-2017 Pertaining to the Public Health and Safety, Finding that a Certain Building is a Dangerous Building as Defined by the International Building Code for the Abatement of Unsafe Structures and Authorizing Abatement of Such Building and Related Debris from Within the City of Clovis (820 L Casillas)

The owner has been notified that the building located on this property has been found to be an unsafe structure pursuant to Section 108 of the 2009 International Property Maintenance Code. This item was approved under the consent agenda.

6. Request for Approval of Adoption of Ordinance Number 2092-2017 Relating to Public Streets and Alleys, and Vacating Eighth Street in the City of Clovis Between Blocks 42 and 43 of the Liebelt Addition of the City of Clovis, and Approving the Transfer of Ownership from the City of Clovis to Curry County, David Richards

This item was introduced at the July 6th commission meeting. It has been advertised and is before the commission for final action. This item was approved under the consent agenda.

7. Request for Approval of Adoption of Ordinance Number 2093-2017 Relating to Building and Construction; Adopting Current and Updated Codes; and Repealing And/Or Amending Existing Code Sections, David Richards

This item was introduced at the July 6th commission meeting. It has been advertised and is before the commission for final approval. This item was approved under the consent agenda.

8. Request for Approval of Transfer of Out of Service Animal Control Truck to City of Texico

City of Texico has requested to obtain the Animal Control's out of service 2002 Ford Animal Control vehicle. This vehicle has been removed from the active Animal Control Fleet and will not be utilized by personnel. City of Texico is in need of this vehicle to assist them in taking care of their needs involving transporting animals picked up by their personnel. This item was approved under the consent agenda.

9. Request for Approval of Appointment of Clifford Martin to Serve as District 3 Representative on the Public Works Committee

At the July 20th, 2017 Commission meeting the Commission heard three applications for the District 3 position from Christian Heller, Richard Gomez and Clifford Martin. The Commission voted 4-4 for Richard Gomez and Clifford Martin. Mr. Gomez has subsequently withdrawn his application in favor of Mr. Clifford Martin. This item was approved under the consent agenda.

10. Request for Approval of Closure of Main Street from Twenty-First Street to Second Street from 5:00 P.M. to 7:30 P.M., Saturday, December 2, 2017 for the 2017 Christmas Light Parade, and for Rooney Moon Broadcasting to Use of the Stage and Waiver of Fees, Ms. Lisa Pellegrino-Spear

The City of Clovis has received a request from Clovis MainStreet to hold the 2017 Christmas Parade on Main Street between 21st Street and 2nd Street from 5:00 p.m. to 7:30 p.m., Saturday, December 2nd, 2017.

Rooney Moon Broadcasting would like to utilize the city stage for the parade and will provide broadcasting for the City's DEAP luncheon in exchange for a waiver of fees for the stage. This item was approved under the consent agenda.

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

Commissioner Taylor-Sawyer asked for the requirements on an abatement. Mr. Wilt stated once a complaint is received he will look at the property and will contact the property owner. If no effort is made after 6-8 months, with letters being sent to the owner, then the will move forward with abatement.

Commissioner Madrid made a motion to approve or acknowledge all items on the consent agenda; Commissioner Taylor-Sawyer 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

1. Request for Approval of Introduction of an Ordinance Adopting a New Code Section and Amending Existing Code Sections to Allow Female Chickens to be Kept and Raised in the RS District Zones in the City, Establishing Permits, and Setting Requirements for the Care of Female Chickens

Mr. Richards advised the Animal Control Task Force was reconvened to consider a proposal originally submitted to the Planning & Zoning Commission to allow female chickens (hens) to be kept in RS District Zones in the City. After two meetings, the Task Force, on a vote of 6-2, recommends changes to Chapter to 6.16 of the Clovis City Code to allow up to 5 hens to be kept in the RS District Zone. Any person desiring to keep 1-5 hens must apply for a permit that must be renewed every three (3) years. Chickens must be kept in a coop in the rear yard of the property and must meet sanitation, feeding and care restrictions set out in the new or revised Sections to the City Code.

Ms. Linda Cross, chairperson of the Animal Task Force, stated she had a powerpoint presentation to show to the commission. The current ordinance 6.16.020 dates back to 1954 and hasn't been updated in 63 years. To modify the current ordinance they need to define the term chicken, a common domestic fowl, but does not include a rooster. The number of female chickens is five or less (no roosters). Chickens are kept at all times 10 feet from the nearest residential structure, and be in the backyard area only. You must live in single-family dwelling and if you rent you must get an approval letter from the landlord. Chickens must be in a rodent and predator resistant shelter, that will provide adequate

protection during extreme hot and cold weather. Chickens are provided fresh clean and wholesome dry food on a daily basis. Chicken feed must be stored in rodent proof container. Chicken waste will be stored in fly and rodent proof container and disposed of at least twice a week by placing the containers to be collected by the city refuse crew. Some may be used to spread on flower beds or garden. Adequate precautions in the handling of chickens is necessary to prevent health hazards the CDC recommends that children under 5 years of age and adults over 65 should avoid direct contact with chickens as their immune system is weaker. It was decided that all residents that wanted chickens must first have their enclosure completed, then register at the Clovis Animal Shelter before obtaining chickens, and pay a one time fee of \$25, which must be renewed every 3 years. It is the duty of the city sanitation officer to make regular inspections of livestock and poultry, and chicken pens. This ordinance can be amended or repealed at any time.

Commissioner Martin asked about the fee. He asked if the fee would be charged every three years. Ms. Cross stated it would be. Commissioner Taylor-Sawyer it does say the permit is \$25 for up to 5 chickens every three years. Commissioner Martin asked if the \$25 would be paid every 3 years. Mr. Richards stated it was.

Commissioner Bryant asked who was going to make regular inspections. Ms. Cross stated she was going by what the previous ordinance said. Mr. Richards stated this was a carry over from the existing ordinance and it will most likely be the animal control department that will do regular inspections.

Commissioner Elliott stated the Sanitation Department is already very busy so he did not see that they could take on anything else. He also did not see putting another burden on Animal Control.

Commissioner Bryant stated there is a licensing program that is free of charge and it is not working at all. He does not see this working either. There will be some that follow the rules and will file, but there are others that will continue to keep chickens without registering them. He did not have a problem with the chickens in the backyard, but had a problem with the way the ordinance was written.

Commissioner Elliott stated they may want to consider letting the people speak about this. He asked if they could get some petitions. Ms. Cross stated they wanted to keep this simple.

Mr. Steven Hill, 2513 Fairway Terrace, stated he had the same idea about a petition. He created a social media page and at last count there were 140 followers, with 50 stating they would keep chickens if allowed to do so. If this approved it will still give the people time to comment before it is brought back for adoption.

Mr. Hill stated he did not think burdening animal control was a good place to go. He stated they could talk with some of the feed stores to see if they could issue the permits instead.

Msgt. Justin Hummer, 612 E. Tierra Blanca, discussed the various diseases related to chickens, statistics and ordinance violations.

Ms. Spence stated she put a survey online and has had 56 answers. She discussed some of the questions that were listed on the survey. She stated complaint based inspections would be more reasonable.

Dr. David Hudson, 1505 E. Llano Estacado, stated education is very important. Commissioner Taylor-Sawyer stated she served on the animal task force when they dealt with this. After looking at all of the information that was presented she did not see a problem with having chickens in the backyard. An ordinance does allow for public input for the next 30 days, so they are allowing the citizens to participate.

Commissioner Bryant stated he has not had that many negative comments regarding this, but would like them to revise the ordinance before it comes back to the commission.

Commissioner Martin stated it has been mentioned that 1200 cities in the US have chicken ordinances, but there are 18,000 that do not. The number of complaints received over the past few years have been down played, but if they have more chickens the number of complaints could go up. The CDC has come out and said please do not cuddle or kiss your chickens, but he is concerned with salmonella. It is their duty as a commission to do what is in the best interest of the citizens.

Commissioner Madrid asked if anyone was against the chickens. No one in the audience came forward.

RESULT: ADOPTED [6 TO 1]

MOVER: Sandra Taylor-Sawyer, Commissioner - District 2

SECONDER: Helen Casaus, Commissioner, District 3

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

NAYS: Gary Elliott

ABSENT: Juan Garza

XII – UNFINISHED BUSINESS

XIII – NEW BUSINESS

1. Request for Approval of a Public Hearing for a Waiver for Pay and Save, Inc., Db a Lowe's, to Locate a Liquor License Within Three Hundred Feet of a Church at 300 West 14 Street, Clovis, New Mexico, David F. Richards

The City of Clovis has received a request for the transfer of liquor license. As the requested license will be located within 300 feet of a church, a waiver is being requested.

Mr. Richards stated they are deviating from what the practice has been in the past. The relocation is within 300 feet of a church therefore, the alcohol gaming division has issued a preliminary approval subject to the city granting a waiver. It is preferred the waiver be considered first and not joined with the transfer of ownership and location. The first step would be to conduct a public hearing limited to whether the city will waive the location. As a consideration of the waiver issue the mayor should issue a public hearing and any persons/groups that would like to address so much do this under oath. Mayor Lansford opened the public hearing.

Greg Baldwin, 5710 Fairington Court, Amarillo, TX stated Lowe's has been a company for 54 years. They visited with the church on several occasions and were told they did not have a problem with this. They, however, were not able to meet with the new pastor.

Commissioner Taylor-Sawyer asked what type of local investments they make and a dollar amount. Mr. Baldwin stated they make investments in the facility with an estimated amount of \$500,000 - \$700,000 in upgrades. This license cost close to \$1 million.

Commissioner Elliott asked Mr. Baldwin if he was going to contact the new pastor. Mr. Baldwin stated they would and the ones they have been in contact with have no problem with any of this.

Commissioner Taylor-Sawyer asked if the church has contacted the city. Mr. Richards and Mr. Phelps stated they have had no contact from the church. Commissioner Clayton asked if they have done a waiver similar to this one. Mr. Richards stated they have issued two and in both cases the churches did not appear.

Carolyn Spence, 122 Colonial Estates Parkway, stated there are two churches in that area. She asked about if the Vine Community Church had been contacted. She stated there were eleven provisions that she knew of for a waiver and asked if they had been addressed. Mayor Lansford stated Alcohol and Gaming has completed their responsibilities and the local jurisdiction is all that is required. Ms. Spence stated there are local conditions that have to be done. Mr. Richards stated the only requirement is a child care facility that is not part of the state statute.

RESULT: APPROVED [UNANIMOUS]

MOVER: Fidel Madrid, Commissioner - District 3

SECONDER: Helen Casaus, Commissioner, District 3

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

ABSENT: Juan Garza

2. Request for Approval of a Public Hearing for the Transfer of Ownership and Location of an Existing Liquor License from Ray's Liquor Store, 2620 Hot Springs Boulevard, Las Vegas, New Mexico, to Pay and Save Inc., 116 West 14 Street, Clovis, New Mexico, David F. Richards

The City of Clovis has received a request for a transfer of liquor license.

Mr. Richards stated this also calls for a public hearing. There must be evidence

presented in order for the city to deny the request. Mayor Lansford opened the public meeting for public comment.

RESULT: APPROVED [UNANIMOUS]

MOVER: Chris Bryant, Commissioner - District 4

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

ABSENT: Juan Garza

3. Request for Approval of Employment Contract for City Manager

The Mayor and City Commission have completed the selection process for the position of City Manager and must approve the terms and conditions of employment with the successful candidate.

Mr. Richards stated Mr. Phelps has been serving as Interim City Manager since April that he would serve through August. He will serve through a transition and it is proposed that the commission enter into a contract with Mr. Justin Howalt to begin October 2, 2017. The terms are three years beginning October 2, the compensation would be \$120,000 base pay per year and \$32,000 for compensation relating to civil engineering for the city. The city has searched for two years unsuccessfully for a city engineer. It would provide for the same benefits and terms and conditions as the other city employees for the City of Clovis.

Commissioner Bryant moved for approval; Commissioner Taylor-Sawyer seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

Mr. Howalt stated he looked forward to serving and coming back to work with the City of Clovis. He applied for this position two years ago and the city went in a different direction. He thanked the commission.

RESULT: APPROVED [UNANIMOUS]

MOVER: Chris Bryant, Commissioner - District 4

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

ABSENT: Juan Garza

XIV – REPORTS OF BOARDS, OFFICERS AND COMMITTEES

None.

XV – FUTURE AGENDA ITEMS

None.

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

Ms. Burroughes stated the Planning & Zoning Commission meeting had been cancelled, the NMML Conference is August 15-18, the ICIP meeting is 2:00 p.m., August 9th in the Ingram Room and the Commission on Older Adults will meet at 2:30 p.m., August 10th. Commissioner Taylor-Sawyer asked if they could move the Water Policy meeting to 1:30 p.m. Commissioner Bryant stated that he was fine with that.

A – Water Policy Advisory Committee, 1:00 p.m., Tuesday, August 8, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

B – Planning & Zoning Commission, 3:00 p.m., Wednesday, August 9, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

C – NMML Annual Conference, Tuesday, August 5 - Friday, August 18, 2017

D – Public Works Committee, 8:30 a.m., Wednesday, August 23, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

E – City Commission meeting, 5:15 p.m., Thursday, August 24, 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 7:39 p.m.