



Clovis City Commission

Regular Meeting

~ Minutes ~

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

Vicki Reyes

Thursday, June 21, 2018

5:15 PM

North Annex, Clovis-Carver Library

I – There was an Executive Session at 4:45 p.m., Thursday, June 21, 2018. The only topic of discussion was the acquisition or disposal of real property pursuant to NMSA 10-15-1 H(8).

II – PLEDGE OF ALLEGIANCE

Mayor Lansford called the meeting to order. Commissioner Casaus 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	4:32 PM
Juan Garza	Mayor Pro Tempore	Present	4:34 PM
Fidel Madrid	Commissioner - District 3	Present	4:40 PM
David Lansford	Mayor	Present	4:34 PM
Sandra Taylor-Sawyer	Commissioner - District 2	Present	5:09 PM
Gary Elliott	Commissioner - District 2	Present	4:33 PM
Ladona Clayton	Commissioner - District 1	Present	4:39 PM
Helen Casaus	Commissioner, District 3	Present	4:21 PM
Rube Render	Commissioner - District 4	Absent	

V. APPROVAL OF AGENDA

RESULT: ADOPTED [UNANIMOUS]

MOVER: Fidel Madrid, Commissioner - District 3

SECONDER: Juan Garza, Mayor Pro Tempore

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

ABSENT: Rube Render

VI – APPROVAL OF MINUTES

1. Thursday, June 07, 2018

RESULT: ACCEPTED [6 TO 0]

MOVER: Sandra Taylor-Sawyer, Commissioner - District 2

SECONDER: Juan Garza, Mayor Pro Tempore

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

ABSTAIN: Ladona Clayton

ABSENT: Rube Render

VII – RECOGNITION OF VISITORS

Mayor Lansford welcomed everyone to the meeting.

VIII – PROCLAMATIONS, AWARDS AND PRESENTATIONS

None.

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 Casaus made a motion to place indicated items on the consent agenda by unanimous vote; Commissioner Bryant seconded the motion.

Commissioner Taylor-Sawyer asked how many bids were put in for the city attorney services. Mr. Jones stated there was one. Commissioner Taylor-Sawyer asked about the agreement with the High Plains Motor Speedway. It has a date of 2017. Mr. Richards stated the agreement was revised in 2017 and the modification is taking place now.

Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

2. Request for Approval of Resolution Number 2925-2018 DFA Budget Changes

These are the final budget changes for the 2018 fiscal year from various departments that require City Commission approval and DFA (Department of Finance and Administration) approval.

These budget changes lower the cash reserve in the following funds: General (1) \$257,340; Sanitation (2) \$451,195; Wastewater (10) \$181,069; Designated Cash (63) \$14,590; Lodger's Tax Promotional (78) \$90,523.

This item was approved under the consent agenda.

3. Request for Approval of Adoption of Ordinance Number 2104-2018 Relating to the Membership of the Water Policy Advisory Committee, and Amending Existing Code Sections, David Richards

This item was introduced at the May 21st commission meeting, has been advertised in the Eastern New Mexico News and is before the commission for final action. This item was approved under the consent agenda.

4. Request for Approval of Adoption of Ordinance Number 2105-2018 Relating to the Membership of the Public Works Committee, and Amending Existing Code Sections, David Richards

This item was introduced at the May 21st commission meeting, has been advertised in the Eastern New Mexico News and is before the commission for final action. This item was approved under the consent agenda.

5. Request for Approval to Award RFP-18-0306-03 "Waste Water Treatment Plant Laboratories" to B.A.T

On April 19, 2018, the Purchasing Office received one proposal for "Waste Water Treatment Laboratories" from B.A.T. This item was approved under the consent agenda.

6. Request for Approval of Adoption of Resolution Number 2926-2018 NonDFA Budget Changes

This item was approved under the consent agenda.

7. Request for Approval for John King to Serve on the Civil Aviation Board

There is a vacancy on the Civil Aviation Board as a result of too many members living outside the incorporated area of the City. The position was advertised with the local news media, and Mr. John King has applied to serve. This item was approved under the consent agenda.

8. Request for Approval of Adoption of Resolution Number 2927-2018 Adopting a Procurement Certification for the Community Development Block Grant Program

The City of Clovis received a Community Development Block Grant (CDBG) in 2016 for a street improvement project. A requirement for using CDBG grant funds is that every year a Procurement Certification must be adopted by resolution. It certifies the City's compliance with, federal procurement code, the New Mexico procurement code and support for City procurement regulations. This item was approved under the consent agenda.

9. Request for Approval to Award RFP-18-0306-03 "City Attorney Services" Contract to Greig & Richards, P.A

On March 29th, 2018 the Purchasing Office received one proposal for "City Attorney Services" from Greig & Richards, P.A.

Greig & Richards hourly rate will be \$200.00. Charges for color copies will be 25 cents per page, black and white 10 cents per page, and secretarial/assistance time at \$85.00 per hour. Greig & Richards current hourly rate is \$185.00. All other rates remain unchanged. This item was approved under the consent agenda.

10. Request for Approval of Easement-Encroachment of a Wire Fence Located at 1401 S. Main

Kevin and Claudia Cordova are requesting an easement/encroachment of a wire fence located at 1401 S. Main. The wire fence encroaches .9' (feet) in the alley and 23.5' (feet) in the front. This item was approved under the consent agenda.

11. Request for Approval of Easement Encroachment of a 6' Wood Fence and a 4' Chain Link Fence Located at 3117 Duckworth

Iris Marie Green is requesting an easement-encroachment of a 6' wooden fence for approximately 45' in length and a chain link fence approximately 25' in length. The fence will encroach 10.4'. This item was approved under the consent agenda.

12. Request for Approval of Agreement for High Plains Motor Speedway to Utilize Clovis Municipal Airport's Front End Loader

The High Plains Motor Speedway utilizes the airport's front end loader to assist with projects during race season. The front end loader is used to assist with removing vehicles that have crashed as well as being used to prepare the track for upcoming races. The airport is happy to assist HPMS in this capacity as well as ensure that the city equipment is being used properly and is properly accounted for. This item was approved under the consent agenda.

13. 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 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 Relating to Dogs and Cats Running at Large, And Amending Existing Code Sections

The City has recently received complaints about dogs and cats being allowed to run on public property, the golf course, and parks without being on a leash. Animal owners have contended that they have "control" of their animals, even when not on a leash. The administration has reviewed the code and makes suggestions for clarification to require that animals be physically restrained when off the owner's property.

Mr. Richards stated city administration has received complaints regarding dogs that were not leashed running on public property. The Staff through the Animal Control office did a search around the state and looked at 10 different cities and it was universal that their leash laws required that animals off the owners property be on some kind of leash and under physical control. The existing ordinance says under the control of the owner and

issues have arisen in the past whether that could be under verbal control. The ordinance in the packet states that physical control is required and it must be someone that is capable of exerting the force necessary to control the animal.

Mr. Joel Butler, 1517 St. Andrews, stated he had concerns about this. He lives on the golf course and has a big dog. There is no way he can get his dog exercise without taking him off the leash. He would not be allowed to exercise the dog in a city park without a leash according to this new ordinance. The only place he would be allowed to is at the dog park and they would have to build more if this passes. He asked if there had been an issue with dogs accompanying their owners for this to happen.

Commissioner Bryant stated this came from the golf course and dogs running loose there without their owners. He did not know how they could control that. Mr. Howalt confirmed the complaints received were primarily from the golf course. The officers are trying to enforce something that is vague and the city does need to address this. They researched other communities and drafted something that they felt would give the officers something less vague.

Mayor Pro Tem Garza stated there have been cases with dogs running loose on the soccer fields. He stated this is a safety issue. Mr. Butler's dog is well behaved, but there are others that aren't. Commissioner Elliott asked if there was some kind of permit that Mr. Butler could get to get around the leash law. Mr. Richards stated he had not considering anything like that. It poses two issues, one that the dog is controllable by voice command and it exposes the city by making that judgment. If that animal does injure someone that increases the liability that the city has. He didn't know what the criteria would be. Commissioner Elliott asked if an electronic leash would work. Mr. Richards stated there are mechanisms like that for yards.

Capt. Romero stated he was a K9 handler for the CPD. There are electronic devices, but depending on the animal they can bite through it. Trying to create something else is going to be problematic and will cause a lot of headache. Within the ordinances they discussed allowing for certain types of activities.

Commissioner Taylor-Sawyer asked if the 6 foot length for the leash was the average. Mr. Richards stated that was the shortest. Mayor Lansford stated they need to do something, but if they don't do anything then the ordinance that is in existence now is in the discretion of the law enforcement officers. He asked if the officers wanted that discretion. Capt. Romero stated most of the ordinances have officer discretion. He did not see the officers writing leash tickets, but the animal control portion of the department have been asked to keep everyone safe with animals. This comes down to education. Commissioner Madrid stated they are under control when they are exercising the dog and wouldn't need a leash. If they are walking with the dog then they would. Capt. Romero stated that was the whole point of the adjustment to the ordinance because Judge Garrett read it another way. He was sorry that Mr. Butler did not have a yard, but that was not the City of Clovis' fault.

Commissioner Bryant asked if this had gotten worse since the city opened the dog park. Mr. Howalt stated he did not know if this situation had gotten worse. People may see the golf course as green space which is why they would see more complaints.

Mr. Butler asked if there was an issue with dogs being off the leash with their owners or just on the golf course without a leash. Mr. Howalt stated if a dog is running at large

without its owner the city is going to pick it up. This law does address if the owner is present.

RESULT: ADOPTED [6 TO 1]

MOVER: Chris Bryant, Commissioner - District 4

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

NAYS: Gary Elliott

ABSENT: Rube Render

2. Request for Adoption of Ordinance Number 2106-2018 Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Clovis, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority (The "Finance Authority"), Evidencing a Special, Limited Obligation of the Governmental Unit to Pay a Principal Amount of \$4,500,000, Together with Interest Thereon, for the Purpose of Financing (1) Acquiring, Constructing, Reconstructing, Resurfacing, Maintaining, Repairing or Otherwise Improving Municipal Streets, Including Storm Drainage and Sanitary Sewer Projects Directly Related to a Street Project or Any Combination of the Foregoing, (2) Paying a Loan Processing Fee, and (3) Funding a Loan Agreement Reserve Account; Providing for the Payment of the Principal and Interest Due Under the Loan Agreement Solely from the Distributions of the Revenues Received by the Governmental Unit Pursuant to Section 7-1-6.4, NMSA 1978 (The "State-Shared Gross Receipts Tax"); Providing for the Distributions of the Revenues of the State-Shared Gross Receipts Tax from the State Taxation and Revenue Department to be Redirected to the Finance Authority or Its Assigns Pursuant to the Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with This Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and the Intercept Agreement, David F. Richards

This item was introduced at the May 21st commission meeting, has been advertised in the Eastern New Mexico News and is before the commission for final action.

Mr. Richards stated this is part of the recurring bond program that supports streets, drainage and sanitary sewer improvements in the city. Commissioner Taylor-Sawyer asked if they have seen any downturn in people purchasing bonds. Mr. Allsup, with the Modrall Law Firm, stated the demand for municipal bonds have been very strong for several years, and interest rates have been very low. The rate on this loan is forecast to be 2.76%.

Mayor Pro Tem Garza moved for approval; Commissioner Elliott seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

Mr. Allsup stated he would prepare closing documents and set up a time to meet with Ms. Melancon, Mayor Lansford, Mr. Howalt and himself. The money will be available on July 27th.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Gary Elliott, Commissioner - District 2

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

ABSENT: Rube Render

XII – UNFINISHED BUSINESS

None.

XIII – NEW BUSINESS

1. Request for Approval of Capitol Consultants Professional Services Contract for Fiscal Year 2018-2019

Ms. Burroughes stated this was the City of Clovis annual renewal for advocacy services with Capitol Consultants, LLC.

Professional Services under \$60,000 are exempt from procurement. This agreement is subject to changes by the city commission on an as needed basis.

\$40,000 at \$3,333 per month, for federal services and \$10,000 for state services (including NMGRT)

Expenses for travel estimated at \$4,500 per year. Total impact for the year not to exceed \$54,500.

Ms. Burroughes stated the fiscal impact is the same as last year. Commissioner Bryant asked if the scope of work is the same as it had been in the past. Mr. Ryan stated he believed it was. Ms. Burroughes stated if there is something that comes up that the commission would like addressed they can work with Mr. Ryan on that.

RESULT: APPROVED [UNANIMOUS]

MOVER: Ladona Clayton, Commissioner - District 1

SECONDER: Helen Casaus, Commissioner, District 3

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

ABSENT: Rube Render

2. Request for Approval of Settlement of Liens with Mr. Raul Velasquez

Mr. Howalt stated in 2012, Mr. Raul Velasquez purchased several properties in a tax sale from Curry County. The properties purchased had City of Clovis liens on them for demolition, ERT services or both. The properties acquired and the original charges for the work performed are as follows:

901 Rio (Demo) - \$857.07

1115-1117 ½ Mitchell (ERT) - \$1,164.43 & (Demo) - \$6,263.62

420 Hull (ERT) - \$2,077.08

The total charges on the original accounts is \$10,362.40; however, the accounts have continued to earn interest overtime and the current balance owed is \$44,182.61. This value far exceeds the market/taxable value as assessed by the Curry County Tax Assessor.

Per the New Mexico Court of Appeals case, Hurley v. Village of Ruidoso, 2006-NMCA-041, 139 N.M. 306, 131 P.3d 693, there is a four-year statute of limitations on the foreclosure of municipal liens. The original liens that the City filed on 1115-1117 ½ Mitchell for the Demo and 420 Hull (ERT) have expired. Per NMSA 1978, 3.37.7 a municipality can write off unsecured debt after four years. Since the City no longer has liens on the 1115 - 1117 ½ Mitchell and 420 Hull properties the governing body of the municipality may remove the unsecured account from the list of accounts receivable. Mr. Velazquez has agreed to pay the original charges for 901 Rio and 1115 - 1117 ½ Mitchell (ERT) totaling \$2,021.50 to settle the remaining liens.

Mr. Howalt stated over the years the properties have continued to earn interest and the total to date is \$44,182,61. Mr. Velasquez was not in a position to do anything with those properties due to the amount of debt and asked if they could reduce the amount of debt. Some of the debt is no longer secured and after four years the commission is able to write off some of that debt. The remaining debt that is on those properties was \$2,021.50. Mr. Velasquez is willing to pay that amount which will allow him to do something with those properties. The debt is more than the market value of the properties.

Commissioner Casaus asked how the properties looked. Mr. Howalt stated they were vacant lots. Commissioner Elliott asked if he was taking care of the properties now. Mr. Howalt stated the city had not performed the additional ERT services at this time. Commissioner Elliott asked if the properties would go to him after he paid the \$2,000. Commissioner Bryant asked if he understood that he would have to maintain the property now. Mr. Howalt stated he did.

RESULT: APPROVED [UNANIMOUS]

MOVER: Helen Casaus, Commissioner, District 3

SECONDER: Ladona Clayton, Commissioner - District 1

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

ABSENT: Rube Render

XIV – REPORTS OF BOARDS, OFFICERS AND COMMITTEES

1. Monthly Investment Report

Ms. Melancon gave the finance report as follows:

General Fund 1 - \$8,109,115.34

Solid Waste Fund 2 - \$1,740,031.47

Environmental Tax Fund 6 - \$6,450,030.42

Wastewater Fund 10 - \$4,070,912.94
Worker's Comp Fund 48 - \$2,158,600.29
Economic Development Fund 64 - \$3,030,256.46
Water 1/4% GRT Fund 66 - \$4,016,175.39
Special Street Fund 75 - \$1,681,608.64
Drainage Improve Fund 88 - \$1,087,512.66

Beginning cash and investments was \$44,659,467.19 and ending cash and investments was \$44,688,097.42. The breakdown is \$21,752,789.51 Cash in Bank, \$6,044,284.31 in CD's with Citizen's Bank and \$16,891,023.60 in the State Investment Pool. Interest earned for the month was \$25,885.75 and for the year to date \$204,016.57. The state pool for May was 1.7019%.

XV – FUTURE AGENDA ITEMS

Ms. Burroughes stated the NM Clean and Beautiful grant, the Commission on Older Adults, the Revenue Review Committee membership and the Library board would be on the next agenda.

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

- A – Parks, Recreation & Beautification Committee, 5:30 p.m., Monday, June 25, 2018, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly
- B – Public Works Committee, 8:30 a.m., Wednesday, June 27, 2018, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly
- C – Civil Aviation Board, 5:30 p.m., Tuesday, July 3, 2018, Airport
- D – City Hall Closed, Wednesday, July 4, 2018, Independence Day observation
- E – City Commission meeting, 5:15 p.m., Thursday, July 5, 2018, North Annex, Clovis-Carver Library, 701 N. Main

XVII – ADJOURNMENT

There being no further business to come before the commission the meeting adjourned at 6:08 p.m.