



Clovis City Commission

Regular Meeting

~ Minutes ~

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

Vicki Reyes

Thursday, February 16, 2017

5:15 PM

North Annex, Clovis-Carver Library

I – There was an Executive Session at 4:45 p.m., Thursday, February 16th, 2017. The only topic of discussion was the acquisition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1 H(8).

II – PLEDGE OF ALLEGIANCE

Mayor Lansford called the meeting to order. Mr. Louis Gordon 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	4:31 PM
Juan Garza	Mayor Pro Tempore	Present	4:36 PM
Fidel Madrid	Commissioner - District 3	Absent	
David Lansford	Mayor	Present	4:38 PM
Sandra Taylor-Sawyer	Commissioner - District 2	Present	5:27 PM
Gary Elliott	Commissioner - District 2	Present	4:44 PM
Tom Martin	Commissioner - District 4	Present	4:44 PM
Ladona Clayton	City Commissioner	Absent	
Helen Casaus	Commissioner, District 3	Present	4:36 PM

V. APPROVAL OF AGENDA

RESULT: ADOPTED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Helen Casaus, Commissioner, District 3

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

VI – APPROVAL OF MINUTES

1. Thursday, February 02, 2017

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Chris Bryant, Commissioner - District 4

SECONDER: Juan Garza, Mayor Pro Tempore

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

ABSENT: Fidel Madrid, Ladona Clayton

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 Elliott made a motion to place indicated items on the consent agenda by unanimous vote; Commissioner Martin 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 Ordinance Number 2084-2017 Changing an "R" Residential Multi-Family District Zone to a "NC-M" Neighborhood Conservation Manufactured Home District Zone (117 Calhoun Street)

A public hearing was conducted before the City of Clovis Planning/Zoning Commission on February 8, 2017 at 3:00 p.m. The applicant and all witnesses that testified at the hearing were properly sworn and were subject to cross-examination. All required notices and publications were accomplished and there is filed zero (0) percent protest. The applicant and Owner is Desiree Parraz of 1211 ½ N Merriweather Street, Clovis, NM 88101. The request meets the requirements of Section 17.100.211 of the City's Comprehensive Zoning Regulation. The request will facilitate implementation of the City's Comprehensive Plan. There are existing "NC-CM" - Neighborhood Conservation Manufactured Home Districts directly east of the proposed rezoning on Hinkle 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. This property is located in a Special Flood Hazard Area and will require, if approved an Elevation Certificate, Development Plan and Elevation Survey and will be required to meet Code requirements for placement of Manufactured Homes in Special Flood Hazard Area. The Planning and Zoning Commission recommends approval of the rezoning of Lots 7-12, Block 72 of the Clovis Original Addition based on City staff's recommendation with a vote of 7 to 0 in the affirmative. This item was approved under the consent agenda.

3. Request for Approval of Adoption of Resolution Number 2862-2017 Granting Approval of the Replat of Lot 19 Block 3; Second Replat of Lots 17-19 Block 3 of the Pheasant Run Subdivision, Unit Number 1

A public hearing was conducted before the City of Clovis Planning/Zoning Commission on February 8, 2017 at 3:00 p.m. All required notices and publications were accomplished. 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 applicant is Chad Lydick with LYDICK ENGINEERS & Surveyors of PO Box 728, Clovis, NM 88101 and the owner is Mr. Bob Linn of 1301 Broadway, Clovis, NM 88101. The request meets the standards of Section 18.50.1200 of the City's Subdivision Regulation for Replats and Lot Line Adjustments. The request is consistent with the City's Comprehensive Plan. 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. The Planning and Zoning Commission recommends approval of the proposed Replat of Lot 19, Block 3 of Pheasant Run Subdivision, Unit No. 1 based on City Staff recommendation. The vote was 7-0 in the affirmative. This item was approved under the consent agenda.

4. Request for Approval of Audit Report for the City of Clovis for the Year Ended June 30, 2016

The current years audit for the City of Clovis has been approved by the State Auditor. The State Auditor requires the report be presented to the governing body at a meeting held in accordance with the Open Meetings Act. Our auditors, Hinkle and Landers, have issued an unmodified opinion on the audit for the year ending June 30, 2016. There were two findings listed in the audit report.

The first was a modified finding on material adjustments by the independent auditor.

The Finance Director identified and prepared a large portion of the necessary adjusting entries. The Finance Director will continue to work with the auditors in identifying the remaining entries that should be prepared by the City. The Finance Director will work toward preparing all the necessary entries by the 2018 audit if not sooner and seek opportunities for additional training. Funding has been approved to move to a new financial software package. The City will review potential software for the addition of the "13th"

month option. There are plans for a demonstration in early 2017, with the procurement process and implementation expected to take 18 months to 2 years.

The second was a modified finding on capital asset tracking.

Through the three year process conducted by the Finance Director, deficiencies have been identified in the Capital Asset program. The Finance Director will continue to work with the programmer to upgrade the process of depreciation calculations. Funding has been approved for the purchase of a new financial software package. With the knowledge gained in this previous conversion, the City will be diligent in assessing the Capital Assets portion of any software considered. The procurement process and implementation is expected to take 18 months to 2 years with a first demonstration of software scheduled for early 2017.

As an update to the management response listed in the audit report, Tyler Technologies will be presenting their financial software, MUNIS, to the City on March 28th and 29th. This item was approved under the consent agenda.

5. Request for Approval of Release of Liens and Transfer of Interest in Real Estate

The City has been approached by Mr. and Mrs. de la Torre regarding vacant lots at 513 Maple Street and 1120 W. 8th Street. The de la Torres' purchased the properties at the Taxation and Revenue Department tax sale in 2016. The City had existing liens on both properties. It is requested that the City release its claims against these lots in exchange for \$1,000.00 for each lot. The debt will still be carried by the City in the name of the original owner at the time the debts were incurred for sewer, garbage, weed cutting, and demolition fees. The debts will not be extinguished, but the liens will be released, causing the debts to be unsecured. The amount offered exceeds the value of the lots. This item was approved under the consent agenda.

6. Request for Approval of Budget Transfer to Install a Concrete Basketball Court at Pat Sandoval Park

The Parks, Recreation and Beautification Committee discussed and approved this project in their January meeting. The current asphalt court at Pat Sandoval Park is in very poor condition. This project is listed as one of the short term recommendations in our new Parks Master Plan. The total cost to remove the old surface, concrete and stripe the court will be \$26,457.00.

The new court will benefit outdoor basketball and pickleball play. The pickleball players have been searching for a suitable court to play outdoors and this will be the best location for them. They are currently playing indoors at the Roy Walker Gym and if the weather does not permit them to play outdoors they can walk and continue to play in the gym.

Fiscal Impact

The cost to remove and install a concrete court - \$24,538.00

The cost to paint basketball and pickleball lines - \$1,919.00

Total cost of project - \$26,457.00

Transfer \$26,457.00 from 01-0801-67290-201603, Non-recurring funds for Parks Plan Phase 1 Implementation - to 01-0801-62710, Streets, Paving & Parking Lots. This item was approved under the consent agenda.

7. Request for Approval to Re-Name the Clovis Carver Library Southwest Room the "Don McAlvay Southwest Room" and the Genealogy Room Renamed the "Harold Kilmer Genealogy Room"

The High Plains Historical Society has asked that the Southwest Room be renamed the Don McAlvay Southwest Room and that the Genealogy Room be renamed the Harold Kilmer Genealogy Room. This proposal was brought to the Clovis-Carver Library Board's meeting held on January 30, 2017, was voted on and approved.

Both Don McAlvay and Harold Kilmer were Clovis history enthusiasts. Having the two rooms renamed would give the rooms significance and would honor these two men.

Fiscal Impact: None. The library would purchase plaques with the new names. This item was approved under the consent agenda.

8. Request for Approval of Transfer of 42 Used Christmas Decorations to the City of Melrose N.M.

In 2016 the City of Clovis purchased new Christmas decorations for the downtown area. The City of Melrose N.M. is requesting a donation of the used Christmas decoration frames to be used during the holiday season. This item was approved under the consent agenda.

9. Request for Approval to Waive Dumping Fees at the Clovis Regional Landfill for Clovis/Curry County Residents from Noon, Friday, May 5, to Noon, Monday, May 8, 2017 for the Great American Cleanup. Also Request that Dumping of Tires be Allowed by Residential Customers Only But Limited to Nine Passenger Vehicle Tires Per Household

The City of Clovis is holding its Great American Cleanup event on Saturday, May 6th, 2017 from 8:00 a.m. to 1:00 p.m., starting at 500 Sycamore. Each year the city has waived the fees at the landfill during the weekend for this event and are requesting they do the same this year. The dumping of tires will be allowed by residential customers only, limited to nine passenger vehicle tires per household. This item was approved under the consent agenda.

10. 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 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

1. Request for Approval of Adoption of Ordinance Number 2085-2017 Changing a "RS" Residential Single-Family District Zone to a "MD" Mixed Development District Zone (516 Ash Street and 517 Hickory Street)

A public hearing was conducted before the City of Clovis Planning/Zoning Commission on February 8, 2017 at 3:00 p.m. The applicant and all witnesses that testified at the hearing were properly sworn and were subject to cross-examination. All required notices and publications were accomplished and there is filed thirteen (13) percent protest. The applicant is Damian Houfek on behalf of Zia Holding Corporation, PO Box 1989, Clovis, NM 88101. The owner is ENMRSH, Inc. and Zia Holding, PO Box 1989, Clovis, NM 88101. The proposed rezoning will not be substantially different from other areas so designated in the Comprehensive Plan and could function as a transition between adjacent districts according with Section 17.100.211 (E) of the Comprehensive Zoning Regulation. 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. The Planning and Zoning Commission recommends approval of the rezoning of Lots 1-6 and Lots 9-12, Block 12 of the Clovis Place Addition based on City staff's recommendation with a vote of 7 to 0 in the affirmative.

Mr. Louis Gordon advised this item was heard at the last regular scheduled Planning & Zoning meeting. Some lots are on Ash and four addresses are on Hickory Street. There is a recorded 13% protest. Planning & Zoning recommended the rezoning at a 6-1 to vote. Mayor Lansford stated the city commission cannot hear additional evidence and can only hear what was presented at the Planning & Zoning meeting.

Commissioner Taylor-Sawyer stated the zoning for this property did not take place when the city gave it to ENMRSH. She asked if there was a discussion on why that wasn't zoned. Mr. Wilt stated when the property was transferred the zoning did not take place at that time. The current owner has built a new facility on East 7th and they are in the process of selling the property. Mr. Richards stated Mr. Patton was the city attorney in 1982 and he is not sure if it was just an error because city owned property was not required to be zoned. The property to the east at Bell Park and at the Parks work site was never rezoned either. It is still a single family residential zone. When he discussed this with Mr. Gordon they concluded that it needed to be rectified and needed to be formally conformed to the appropriate zone.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Gary Elliott, Commissioner - District 2

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

ABSENT: Fidel Madrid, Ladona Clayton

XII – UNFINISHED BUSINESS

None.

XIII – NEW BUSINESS

1. Request for Approval of Street Closure Between Purdue and Commerce on Main Street Between April 1 and September 2, 2017 for First Saturday Main Street Market, Ms. Lisa Kia

Ms. Lisa Kia with the Meeting Room event venue located at 1612 N. Main, has approached the City to request a street closure on the first Saturday of each month between April 1st and September 2nd, 2017 between Commerce and Purdue on Main Street for a First Saturday Main Street Market. Ms. Kia envisages area vendors, with business licenses will sell their wares on the street. Vendors will include crafts, handmade items, food trucks and direct sales (Mary Kay, Pampered Chef) who will be charged a small fee. Non-profits will not be charged.

Ms. Kia will pay for the street closure (\$150.00) and will provide liability insurance naming the City of Clovis as an additional insured.

Ms. Lisa Kia, 1612 N. Main Street, stated their idea is to start a Main Street Market for the purpose of allowing citizens to set up vendor booths. Las Cruces has a farmers market that is similar. They would like to have this the first Saturday of the month through the Spring and Summer. They would also like to invite some of the non-profit groups to have a booth. They want to close from the cross walk on Purdue to the cross walk on Commerce Way.

Commissioner Bryant asked what times this would be set up. Ms. Kia stated from 9:00 a.m. - 2:00 p.m. Commissioner Bryant asked what the fee for vendors would be. Ms. Kia stated they would like to keep it under \$50. Commissioner Bryant asked if the fee would cover the insurance and the street closure. Ms. Kia stated that and the advertising.

Commissioner Taylor-Sawyer asked Ms. Kia how they were going to insure that everyone had a business license. Ms. Kia stated the City informed her that everyone would have to have a license so everyone will have to bring a copy with them when they pay for their booth. Ms. Melancon stated a home business or commercial business would be charged \$35 per year. Just having a certificate does not mean it is a valid certificate. Mayor Lansford stated the booth would also need a posted license for the community to see.

Mayor Lansford asked if they have a designation for a street vendor. Mr. Richards stated even if someone is working only monthly they would have to file. Ms. Melancon stated there is a 3 month registration that is \$100 so most vendors will purchase a year long license.

Commissioner Casaus asked if the Farmers Market also needs licenses. Ms. Melancon stated there is a provision in the code that if they are selling what they grow then they will not need a license.

Commissioner Bryant stated there are businesses on Main Street that lease space to various businesses so this may be an issue. Ms. Kia stated a lot of those vendors have requested to participate with her as well. She stated she is here on behalf of a lot of other people that would like to have something like this set up.

Commissioner Taylor-Sawyer stated she received concerns about some of the vendors and if they are really collecting gross receipts tax. If they are going to do this then they have to make sure that they all have a business registration. She stated they may need more information before they make a decision. Mayor Lansford stated they may need more policies for the vendors. He asked if it was required for the vendors to give a receipt for these types of things. Mr. Richards stated not by state statute but he was not sure

about tax and revenue. Commissioner Taylor-Sawyer stated they did not require a receipt. Ms. Kia stated they put the obligation on the business to report their sales.

Commissioner Martin asked where parking would be. Ms. Kia stated the businesses behind her shop are closed on Saturdays and the school parking lot is also empty as well. Commissioner Martin asked if permission needed to be granted to use those. Ms. Kia stated she had the businesses sign off that would be affected and she also spoke with the schools. Commissioner Martin stated he would feel more confident having those approved by the businesses. He asked if Mr. Bunch, Chief Ford and Chief Nolan signing off on this was approval or just acknowledgement. Mr. Bunch stated when he signed off on it he did approve that they can do this type of event. Commissioner Martin stated his main concern is with Fire and Police. He stated there are alternate routes for everyone, but it could be a big deal for Fire and Police. He stated he would like to know the traffic count as well. He asked if there was a particular reason that she chose that location. Ms. Kia stated because it is in front of her shop. Mayor Lansford stated Mr. Balch did sign the sheet as well.

Commissioner Taylor-Sawyer stated Ms. Kia mentioned student services and mental health resources parking lots but did not see anything from them. Ms. Kia stated she can speak to the businesses behind her to ask about parking.

Mayor Pro Tem Garza stated they may want to table this item until they have further information and to speak with Chief Ford and Chief Nolan. He asked if this would be a problem for Dragging Main. Ms. Burroughes stated if there were other street closures that impact the activity they would have to work with them. Mayor Pro Tem Garza made a motion to table; Commissioner Bryant seconded the motion.

RESULT: TABLED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Chris Bryant, Commissioner - District 4

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

ABSENT: Fidel Madrid, Ladona Clayton

XIV – REPORTS OF BOARDS, OFFICERS AND COMMITTEES

1. Civic Center Report, Misty Bertrand

Misty Bertrand, Clovis Civic Center, stated in 2016 they celebrated their 10 year anniversary. They worked 287 events during fiscal year 15/16 and 187 events in the past 6 months. They had an increase in bookings and food and beverage sales. They ended December 2016 and January 2017 with a net income profit. They concluded fiscal year 15/16 \$28,000 under budget with a net income loss of \$284,000. In fiscal year 15/16, 31,000 people utilized the facility for various events. In the past three years they had 14 successful in house events. They are working on upgrades to the building to happen before the NMML Annual Conference in August. At the last policy committee meeting they discussed a recommendation of the replacement of the operable wall in the Enchantment Ballroom at the cost of \$50,000. Their next meeting is on March 15th. They plan to add handicapped accessible spaces to the west parking lot and replace the photos in the hallway.

2. Monthly Investment Report

Ms. Melancon gave the Monthly Investment Report as follows:

General Fund 1 - \$8,223,243.41

Solid Waste Fund 2 - \$1,685,144.53

Environmental Tax Fund 6 - \$5,738,910.44

Wastewater Fund 10 - \$4,228,611.48

Airport Fund 12 - \$134,144.47

Colonial Golf Course Fund 19 - \$136,465.50

Streets 2015 GRT Improvements Fund 24 - \$1,563,384.46

Worker's Comp P&L Fund 48 - \$1,872,633.73

Infrastructure Imp Fund 60 - \$394,030.82

Civic Center Fund 62 - \$501,491,.87

Designated Cash Fund 63 - \$1,371,656.04
Economic Development Fund 64 - \$2,677,932.31
Capital Outlay 1/4% Fund 65 - \$807,970.15
Water 1/4% GRT Fund 66 - \$2,796,117.18
Special Streets Fund 75 - \$1,280,841.00
Capital Projects Fund 87 - \$1,075,241.90
Drainage Improv Fund 88 - \$392,044.07

Beginning cash and investments was \$42,031,825.38 and ending cash and investments was \$42,943,618.53. The breakdown is \$20,081,983.06 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 \$7,898.17 and for the year to date \$53,580.80. The state pool was paying .4779% for January.

XV – FUTURE AGENDA ITEMS

Ms. Burroughes stated they are looking for a district 2 and 3 representative for the Public Works Committee. Commissioner Bryant stated they are also looking for someone on the Parks, Recreation & Beautification Committee. Mayor Pro Tem Garza stated it was a representative for someone that utilizes parks. Ms. Burroughes stated they will also be asking for a waiver of fees at the zoo on April 15th for the Community Easter Egg Hunt.

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

Ms. Burroughes stated they would like to change the Civic Center Policy meeting to March 15.

A – City Hall Closed, Monday, February 20, 2017, Presidents Day

B – Cultural & Ethnic Affairs Committee, 12:00 p.m., Tuesday, February 21, 2017, Small Conference Room, Bert Cabiness City Government Center, 321 Connelly

C – NMML Municipal Day, Wednesday, February 22, 2017, Santa Fe

D – Parks, Recreation & Beautification Committee, 5:30 p.m., Monday, January 27, 2017, Assembly Room, Bert Cabiness City Government Center, 321 Connelly

E – Civic Center Policy Committee, 2:00 p.m., Wednesday, March 1, 2017, Civic Center

F – City Commission meeting, 5:15 p.m., Thursday, March 2, 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 6:15 p.m.