

STATE OF NEW MEXICO    )  
COUNTY OF CURRY        )       ss.

The City of Clovis Economic Incentive Board met in a special session at 7:30 a.m., Wednesday, May 17, 2023 in the North Annex, Clovis-Carver Library, in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of said city with the following members present:

Raymond Mondragon, District 4, Vice Chairman  
Gail Tarson, District 2  
Kevin Cass, District 3  
Alan Kinlund, Bank/Finance/Accountant  
Matthew Glenn, Industry  
Danny Jariwala, District 1 (virtual)  
Brett Johnson, County resident, Chairman  
Jason Gonzales, Industry

EX-OFFICIO PRESENT:

Tina Dziuk, CED  
Justin Howalt, City Manager  
Lee Malloy, CED Board President

ALSO PRESENT:

Claire Burroughes, Assistant City Manager  
Vicki Reyes, Assistant City Clerk  
Mayor Morris

Mr. Johnson called the meeting to order at 7:30 a.m. and established the presence of a quorum.

**Agenda Item No. 3 – Approval of minutes of March 15, 2023**

Mr. Glenn made a motion to approve the minutes of March 15, 2023; Mr. Kinlund seconded the motion, which passed by acclamation.

**Agenda Item No. 4 – Discussion and recommendation regarding revisions to the LEDA for Retail ordinance**

Mr. Howalt advised a couple of months ago Bandolero Brewing applied to purchase items for the brewery. They couldn't continue with the application because 50% or more of their services or goods have to come from outside of New Mexico. The EIB has the ability to make the recommendation to the City Commission who then will have final approval of any applications. The proposed language is on page 3 which states "Economic Base Job, Job, Base Job or Primary Job" means employment created by a business or qualifying entity that manufacturers, assembles, or processes goods or products, retail businesses that meet the City of Clovis' gap analysis."

Mr. Johnson asked what a cultural series would be considered. Mr. Howalt advised museums and theaters. Mr. Mondragon moved for approval of changes; Ms. Tarson seconded the motion. Mr. Jariwala advised the state statute allowed hotels and restaurants, but the city's ordinance did not include them. He asked if they could include the hotels and restaurants in the city ordinance.

Mr. Howalt advised there is language that includes restaurants and hotels under qualifying entity in the state statute. Mr. Jariwala advised he was in support of all of this, but would like to address this as well. Ms. Tarson asked why they were excluded in the first place. Mr. Howalt advised he wasn't sure what the reasoning was for leaving that out.

Mr. Howalt advised when they were adding retail they didn't want restaurants in that conversation, but he doesn't remember why they didn't add hotels. Mr. Johnson advised he thought it was more for smaller communities that had the need for hotels and restaurants. Mr. Howalt advised there was feedback from the restaurant industry not wanting restaurants to be incentivized.

Attorney Morris advised the change would be "including a restaurant or hotel". Mr. Howalt advised that language was in the state statute prior to any changes to LEDA for retail. Mr. Kinlund advised the ordinance was intended to build industry. He asked if this was the job and responsibility of this board to decide which businesses should be approved. Mr. Mondragon advised they did state they could make changes as they proceed. He asked if they should remove the cultural facility.

Ms. Burroughes advised a gap analysis doesn't exist for hotels so she doesn't know how they would quantify that.

Attorney Morris advised they need to keep cultural facility if they want it to be applicable for state and city funding.

Mr. Johnson advised they were going to vote on the changes and then come back and discuss Mr. Jariwala's request. The motion passed by acclamation.

#### **Agenda Item No. 5 – Discussion and recommendation regarding revisions to the Policies and Procedures for Retail**

Mr. Howalt advised on page 6 under Incentive Level Evaluation Criteria they removed "Financial capacity of the applicant to undertake, complete and sustain the proposed project" and "Financial strength is also a consideration in funding decisions". On page 7 they amended the language to state "Applicants are required to submit a business plan, and/or pro forma financial statements which would substantiate their business." Also under the pass/fail criteria they changed the wording to "Satisfactory initial demonstration of pro forma".

Ms. Dziuk advised a lot of applicants are interested in LEDA until they realize they won't receive money up front. Mr. Mondragon moved for approval; Mr. Cass seconded the motion, which passed by acclamation.

#### **Agenda Item No. 6 – For the good of the order**

Ms. Dziuk advised there was a manufacturer coming to look at land and will bring 50 jobs to the area. They met with CCC and discussed TIP strategies.

Ms. Dziuk asked if these meetings could be moved to a different date because it conflicts with their board meetings. Mr. Howalt advised the ordinance only states the board is required to meet

quarterly. Mr. Gonzales asked what would be better for the public or applicants. Ms. Dziuk advised anyone applying would work with the schedule, but 9:00 a.m. or later would be more reasonable. Mr. Howalt advised a set date and time is better for scheduling. He suggested 9:00 a.m. on the 2<sup>nd</sup> Wednesday quarterly.

Mr. Jariwala asked for the progress on Big R. Ms. Dziuk advised she understood they were opening in the fall. She will get an update tomorrow when she meets with the mall manager. Mr. Jariwala asked where they stood with more retail coming into the mall. Ms. Dziuk advised they have several letters of interest, but nothing definite.

Ms. Tarson asked if they could meet at 8:30 a.m. instead. The board agreed.

Mr. Mondragon advised he would send an Investing in America article to the board. This was a presentation he attended in New Orleans.

Mr. Jariwala advised they should give a fair chance to the businesses that apply especially if they are listed in the state statute. Including them doesn't guarantee they will be approved. Ms. Tarson advised it doesn't hurt to have them in there. There is no guarantee for any of the applicants. Attorney Morris advised they can tailor the ordinance as they see fit. Mr. Howalt advised they can do some research from when the original ordinance was put into place, but they can make changes to the ordinances. Mr. Kinlund advised he would like to see this on the next agenda.

#### **Agenda Item no. 7 – Adjournment**

There being no further business to come before the board the meeting adjourned at 8:10 a.m.