

**CITY OF TUCUMCARI
MINUTES
July 8, 2010**

The Tucumcari City Commission met for their Regular Meeting on Thursday, July 8, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Amiel Curnutt, Robert Lumpkin, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Clara Rey, Human Resources Director; Doug Powers, Community Development Director; Linda Moore, Museum Supervisor; Dennis Dysart, Finance Director; Kalon Lafferty, Deputy Fire Chief/EMS Director; and Jason Braziel, Chief of Police.

Reverend Jim Witcher, of First Christian Church, gave the invocation and Commissioner Lumpkin led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	No

Consideration of Changes or Deletions to Agenda

Mayor Witcher asked if there were any changes or deletions to the agenda. Mr. Witcher asked if everyone agreed that the executive session was unnecessary. The executive session was removed from the agenda.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting and stated that he appreciated seeing new faces in the audience. He stated that all input is good input.

Mayor Witcher thanked all those in attendance for coming and stated that citizens can call their Commissioners anytime.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the June 24, 2010 Regular Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the minutes of the June 30, 2010 Public Hearing. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the minutes of the June 30, 2010 Special Meeting and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Approval of Vouchers

Commissioner Lumpkin made a motion to approve the vouchers for payment. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Items From Citizens

Mayor Witcher asked if there were any citizens wishing to address the Commission.

Mr. Don Falls approached the podium and stated that he would like to propose that the playground equipment at Five Mile Park be salvaged. Mr. Falls stated that although there was a tragic fire recently, there are four pieces of historic equipment still at the park. Mr. Falls explained that he has already discussed this idea with the City Manager and the Tucumcari Historic Research Institute. Mr. Falls proposed refurbishing and placing the equipment at the Historic Museum for children to use. Mr. Falls further proposed that a mural depicting Five Mile Park in its heyday would be a nice addition.

Mayor Witcher asked that Ms. Rose please look into the legal aspects of this and have the issue placed on the next agenda for discussion at the next meeting.

Commissioner Lumpkin asked if the City has a copy of the playground public safety regulations. Ms. Rose responded in the positive. Ms. Rose added that she contacted Historic Preservation and they have approved tearing down the building. They have also approved placement of the rubble in the old pool and covering it. Ms. Rose stated that

Historic Preservation requested that images of the site be preserved and displayed in some way.

Ms. Sharon Quarles approached the podium and told the Commission that she was the secretary/treasurer of the group that was trying to clean up and restore Five Mile Park. Ms. Quarles stated that the group will have to be reorganized as they have not met in some time but the balance of \$2146.21 in their account could be allocated towards the playground equipment restoration efforts. Commissioner Lumpkin stated that he had some thoughts on this issue and would like Ms. Quarles to call him.

Ordinances and Resolutions

Mayor Witcher called on Ms. Rose to present Ordinance 1077 for the final reading. Ms. Rose explained that this ordinance amends certain sections of Tukumcari Municipal Code 13.04 pertaining to Public Services for Water and Sewers. Ms. Rose stated that this increases sewer rates by 8% for residential and commercial users.

Mayor Witcher stated that for a user consuming 3000 or fewer gallons per month, this will increase sewer rates by \$1.01 per month. Commissioner Lumpkin stated that no one likes to increase rates but that many options have been looked at and this is something that has to be done.

Commissioner Lumpkin made a motion to approve the final reading of Ordinance 1077, an ordinance that amends certain sections of Tukumcari Municipal Code 13.04 pertaining to Public Services for Water and Sewers and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher
Yes	No	Yes	Yes

Mayor Witcher called on Ms. Rose to present the first reading of Ordinance 1078 adopting the New Mexico Uniform Traffic Ordinance. Ms. Rose explained that the state periodically updates this ordinance and cities that utilize it for their traffic rules have to adopt the changes.

Commissioner Lumpkin made a motion to approve Ordinance 1078 adopting the New Mexico Uniform Traffic Ordinance and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes

Mayor Witcher then asked Ms. Rose to present Resolution 2010-23 approving participation in the programs of the Eastern Plains Council of Governments (EPCOG) for fiscal year 2010-2011. Ms. Rose explained that dues are \$1841 per year. She also reported that EPCOG reports receiving resolutions from De Baca County, Roosevelt

County, Causey, Clovis, Des Moines, Floyd, Folsom, Grady, Melrose, Roy and Texico. Ms. Rose also reported that dues have been received only from Floyd, Folsom and Texico.

Commissioner Lumpkin asked if the dues will come out of this year's budget. Mayor Witcher explained that the funds are budgeted but the Commission has not approved to pay them yet because of the problems occurring at EPCOG. Mr. Lumpkin stated that EPCOG makes decisions that are pertinent to Tucumcari and he feels that they have influenced some good changes for the area. Commissioner Lumpkin went on to say that EPCOG makes decisions that impact Tucumcari and feels it would be best for the City to have some say in the matters. Mr. Lumpkin felt the dues were a small price to pay to have a better observation of what EPCOG is doing.

Ms. Rose explained that EPCOG has not had an audit completed since 2005. She went on to explain that Quay County has decided to pay their dues only when the audits are caught up. Mr. Lumpkin added that he doubted EPCOG will conduct much business until the audits are completed. Mayor Witcher added that EPCOG lost the workforce program which provided 85% of their funding.

Commissioner Lumpkin made a motion to wait to approve the resolution and payment of the dues until the audits are completed and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose called on Mr. Mark Lake of the Main Street program to give a presentation. Mr. Lake invited the Commission to attend the 25th Anniversary Celebration of New Mexico Main Street. Mr. Lake explained that events include a symposium and banquet and will be attended by the National Main Street Director and many politicians. At the celebration, Tucumcari will be recognized as advancing in the Main Street program to the status of a Certified Main Street Community. Mr. Lake explained that it has been the work of volunteers that has advanced the program. Mr. Lake stated that he would like to see the City represented well at the event and encouraged the Commissioners to attend.

Commissioner Lumpkin congratulated Mr. Lake on his work and the progress of the program and asked that Mr. Lake invite all those that have assisted with the program.

Ms. Rose then went on to discuss the status of the Five Mile Park clean up after the recent fire. Ms. Rose stated that she contacted Historic Preservation and they have agreed to the City tearing down the burned rubble and putting the debris in the swimming pool and covering it. However, Historic Preservation stipulated that the vigas should be salvaged and the site should be memorialized pictorially.

Ms. Rose went on to say that the Lodgers' Tax Board has discussed putting welcome signs at the four highways that lead into town and there are many rocks at the site that may be useful in the design of the signs. Ms. Rose asked the Commission to verbally approve these plans and they did so.

Ms. Rose detailed some upcoming events which included:

July 23-Tres Amigos Open House

August 1- 30-40 Street Rods will be at the Historic Museum

September 1-3-New Mexico Municipal League Conference in Taos

October 26-28-Infrastructure Conference in Las Cruces

Ms. Rose reported that a Ute Lake conservation plan is in the works.

Ms. Rose stated that EPCOG would like the City of Tucumcari to act as fiscal agent for their entity. She stated that she did not think this would add significant work load to the City.

Ms. Rose explained that notification has been received that the City will be awarded \$192,833 in Municipal Arterial Program funds with a \$64,000 match which will be used for renovations on Campbell Street.

Ms. Rose directed the Commission to review the Department Head reports included in their packets.

Commissioner Lumpkin stated that the Tres Amigos meeting should be interesting as they are involved in "Star Wars" technology that allows electric power to flow in any direction making it compatible for transmission and sale.

Commissioner Sandoval asked if the rubble at Five Mile Park will be covered and landscaped. Ms. Rose responded that it will be made attractive.

Mayor Witcher asked that the Commission be reminded of the upcoming meetings.

Bids and Contracts

Mayor Witcher called on Mr. Kalon Lafferty to present the Medical Director Service Agreement. Mr. Lafferty explained that a medical director for the ambulance service is required by state statute. Mr. Lafferty went on to say that the service agreement remains the same as in the past and gives the Medical Director the right to check reports and assist with the medical scope of services.

Commissioner Lumpkin made a motion to approve the professional services agreement with Dr. George Evetts for Medical Director for the ambulance service. Commissioner Curnutt seconded the motion. Roll Call:

Witcher Lumpkin Sandoval Curnutt

Yes Yes Yes Yes

Ms. Clara Rey then presented the Non-Metro Area Agency on Aging Contract for Senior Programs. Ms. Rey explained that this contract is for congregate home delivery and transportation and is for \$289,563. Mayor Witcher asked if this is an annual agreement. Ms. Rey responded in the positive. Commissioner Lumpkin asked if this is 100% grant funded. Again, Ms. Rey responded in the positive. Mr. Lumpkin congratulated Ms. Rey on her grant award.

Commissioner Lumpkin made a motion to approve the Non-Metro Area Agency on Aging Contract for Senior Programs and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Old Business

Mayor Witcher called on Mr. Paul Karas of CDM to present the study his company completed regarding alternative uses for Ute Lake water. Mr. Karas began by stating that his firm was awarded the contract to study the uses for Ute Lake water in the Fall of 2009. Mr. Karas explained that the City of Tucumcari has a reservation of 6000 acre feet of water per year from Ute Lake. Mr. Karas stated that some of the Tucumcari reservation has been approved for allocation to the Ute Lake Ranch development. Mr. Karas then introduced Ms. Kelly Collins to present the alternatives found to be most attractive.

Ms. Collins began by explaining that there are 2250 acre feet left in the City of Tucumcari allocation after Ute Lake Ranch takes their part. Ms. Collins stated that the City is adequately supplied by ground water and this allocation is not needed for use in the City. Ms. Collins went on to say that CDM came up with 13 various alternatives for use of the water. The options were scored on various criteria detailed in a handout provided by Ms. Collins. The alternative scoring highest was to sell the water to municipalities in the Eastern New Mexico Rural Water Authority year round. The second highest scoring option was to sell the water to the same users but only during drought conditions. The third was to sell untreated water to new developments around Ute Lake. The fourth highest scoring alternative was to use the water in untreated form for direct industrial use.

Commissioner Lumpkin stated that future drought needs to be considered. Mr. Lumpkin went on to say that an acre foot of water contains 350,000 gallons of water. Mr. Lumpkin explained that the initial logic behind the reservation of water at Ute Lake was to look out for future water needs of the City. Commissioner Lumpkin stated that his concern is that Clovis also gets allocations from the lake.

Mr. Jim Lafferty was in the audience and stated that Clovis has 10,142 acre feet reserved. Commissioner Lumpkin questioned how many total acre feet are allocated to entities and what would happen if everyone took their allocations at once. Mr. Lumpkin stated that he did not want to see the tourism opportunities at the lake diminish. Ms. Collins responded that all allocations together are 24,000 acre feet. Mayor Witcher stated that the Interstate Streams Commission will not allow the lake to fall below a certain level. Ms. Collins explained that a conservation plan is being developed.

Commissioner Sandoval stated that these alternatives are designed to help other communities and we should work to help Quay County. Mr. Sandoval stated that he would not want Ute Lake to experience the lack of water that Conchas Lake has experienced.

Mayor Witcher stated that he would like to see all those involved in this issue meet and discuss. Mr. Karas interjected that the mechanics of conservation have not yet been worked out. He went on to say that studies show 24,000 acre feet a year will not negatively impact the lake level. Mr. Karas explained that uniform lowering of allocations in a draught situation has been discussed. Commissioner Lumpkin thanked Mr. Karas for answering his questions. Mr. Karas stated that the Interstate Streams Commission is interested in a sustainable situation with multiple uses for the lake.

Mayor Witcher stated that the top four options were the best the City was going to get and asked if approval from the Commission was required in order for the top four options to be studied further.

Mr. Paul Quintana was in the audience and added that he felt the first two options ensure the demise of Tucumcari as they don't support growth in the City.

Mayor Witcher asked how the vote should be handled. The Mayor asked if the Commission should pick their top two choices or rank all four. Commissioner Lumpkin asked for clarification from Mr. Quintana regarding which options he was referring to. Mr. Quintana stated he was speaking of options 4A and 4B. Ms. Rose added that the costs associated with options 4A and 4B are low. Ms. Rose asked Mr. Karas if the cost of the preliminary engineering report would be higher with those options. Mr. Karas stated that the preliminary engineering report for option 4A would be small as there is no new infrastructure. Commissioner Lumpkin asked what the costs will be to see more information on the top four options. Mr. Karas stated that a cost analysis can be done.

Commissioner Lumpkin stated that in the past, storage of water at Tucumcari Lake and creation of a recreation area has been discussed.

Mayor Witcher asked if CDM was seeking permission to develop a plan for the top four options. Commissioner Curnutt asked what the cost of the next step would be and suggested that the Commission seek input before making a choice. Mr. Karas added that to date, the study has cost less than what was authorized and budgeted. Mr. Karas stated that he estimated a cost of \$150,000 to \$250,000 to study the options further.

Commissioner Lumpkin asked where these funds will come from. Ms. Rose responded that they will come from the Ute Lake water tax. Mr. Lumpkin stated that there has been discussion regarding use of the tax for other purposes. Mayor Witcher added that the tax has accumulated and is already there and can only be spent on this purpose.

Ms. Rose stated that she recommends a proposal for the preliminary engineering report costs for all four alternatives be created for the City. Mr. Jim Lafferty, who was in the audience stated that he felt the alternatives should be from the Ute Diversion because it already exists.

Commissioner Lumpkin made a motion approving CDM to draft a proposal listing the preliminary engineering report costs for the top four alternative uses. Mr. Lumpkin withdrew his motion.

Ms. Kathleen Witcher, who was in the audience added that she believes there is a time limit on the expenditure of the Ute Lake Tax funding and that Tukumcari should keep it's money here to increase business and grow the City.

Commissioner Curnutt made a motion to table the Ute Lake water alternative use discussion and hold a work session to further discuss the issue. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Mayor Witcher acknowledged that the minutes of the Library Advisory Board meeting of May 28, 2010 stated that there was no meeting.

New Business

Ms. Rose stated that the dues for El Llano Estacado RC&D are \$80 per year and she would like to be the delegate to attend the meetings.

Commissioner Lumpkin made a motion to approve payment of the El Llano Estacado RC&D dues and appoint Ms. Rose as the delegate. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes

Mr. Kalon Lafferty presented a new ambulance proposal to the Commission. Mr. Lafferty explained that in September 2009, the City was awarded a grant in the amount of \$75,000 with a \$25,000 match to purchase a new ambulance. In the departments search for a new ambulance, they found a 2007 demonstration unit with a warranty for sale for \$75,000. Mr. Lafferty explained that the grant funds can only be spent on a new unit. Mr. Lafferty's proposal would allow the department to replace two 1998 model

ambulances by purchasing the 2007 unit as well as a new unit. The proposal will require the department to take out a loan for \$100,000 the loan payments can be made with the \$25,000 that was budgeted for the match.

Mayor Witcher stated that the ambulance service has been running more frequently particularly with patient transfers. Mr. Lafferty stated that in the month of June, the department transferred 38 patients to out of town hospitals.

Ms. Rose stated that she recommends this proposal. Commissioner Lumpkin asked if the loan will be no interest. Ms. Rose responded that will be sought.

Commissioner Lumpkin made a motion to approve the new ambulance proposal and approach the DFA for a loan. Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin stated that any citizens that are interested in the Ute Lake alternative uses discussion, copies of the report prepared by CDM are available for them to read. Mr. Lumpkin also thanked Mr. Karas and Ms. Collins for their work.

Commissioner Sandoval had no comments.

Commissioner Curnutt thanked all those in attendance for coming to the meeting. He also thanked the CDM representatives for their work.

Mayor Witcher thanked all those in attendance for coming to the meeting. Mr. Witcher also thanked CDM for refining their report down to four understandable pages.

Adjournment

Commissioner Lumpkin made a motion to adjourn and Commissioner Curnutt seconded the motion. Time noted 7:26 pm. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk