

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
October 13, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, October 13, 2011, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were; Amiel Curnutt, Robert Lumpkin, and Jim Witcher.

City staff members present were Doug Powers, Interim City Manager; Christine Dougherty, City Clerk/Purchasing Agent; Dennis Dysart, Finance Director; Yvette Fazekas, Interim Community Development Director; Pete Rivera, Deputy Chief of Police; and Brenda Rivale, Interim Ambulance Coordinator.

Mr. Jim Witcher, of the First Christian Church gave the invocation and Mr. Amiel Curnutt led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to the Agenda

Commissioner Curnutt made a motion to approve the agenda as written and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin
Yes	Yes	Yes

Items from Commissioners

Commissioner Curnutt stated that it is nice to see a crowd at the meeting and thanked everyone for attending.

Commissioner Lumpkin thanked those in attendance for coming to the meeting and stated that their input is welcomed. Mr. Lumpkin also thanked the VFW Ladies Auxiliary for holding their homecoming last Saturday with 200 people in attendance. Mr. Lumpkin also thanked the Chamber and Rotary Club for all their hard work holding the recent Air Show.

Mayor Witcher also thanked those in attendance for coming to the meeting.

Approval of Minutes

A motion was made by Commissioner Curnutt to approve the minutes of the September 22, 2011 Regular Commission meeting and the motion was seconded by Commissioner Lumpkin. Roll Call:

Witcher	Lumpkin	Curnutt
Yes	Yes	Yes

A motion was made by Commissioner Curnutt to approve the minutes of the September 27, 2011 Special Commission meeting and the motion was seconded by Commissioner Lumpkin. Roll Call:

Lumpkin	Curnutt	Witcher
Yes	Yes	Yes

A motion was made by Commissioner Curnutt to approve the minutes of the September 29, 2011 Special Commission meeting and the motion was seconded by Commissioner Lumpkin. Roll Call:

Lumpkin	Curnutt	Witcher
Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Commissioner Curnutt to approve the City vouchers for payment. Roll Call:

Curnutt	Witcher	Lumpkin
Yes	Yes	Yes

Items from Citizens

Ms. Toni Leal approached the podium to address the Commission. She stated that she has a petition with over 500 signatures of citizens concerned about the water rate increase. Ms. Leal stated that she read that the City Manager was terminated and she hopes that it was due to the rate increase.

Commissioner Lumpkin stated that the water rates were decided based on budget issues. Mr. Lumpkin went on to explain that the plumbing in the City is old and needs maintenance and repair. Mr. Lumpkin stated that his recommendation is to conduct an objective and serious review of the water rates and look at the impact of water prices on the budget. Commissioner Lumpkin suggested that the Commission look at the impact of the rates on the community.

Ms. Leal asked what the concerned citizens need to do. Mr. Lumpkin responded that the petition is their input. Mr. Lumpkin explained that the City generates its revenue by selling water. Mr. Lumpkin went on to say that water rates determine how much money the City has to make repairs or fund programs. Mr. Lumpkin also explained that there are needs in the Water Department and he certainly does not want the water to stop flowing. Additionally, Mr. Lumpkin stated that he does not want people to stop using water or to make water so expensive that people stop using it.

Mr. Witcher stated that the rates assist in making the budget for the City. He went on to say that the rates people pay for water stay in the Utility Department. Mr. Witcher also

explained that collected water rates are not for the general fund and are not used for raises.

Mr. Lumpkin thanked Ms. Leal for her comments and stated that he would like time to review the budget. Ms. Leal asked how long this will take. Mr. Lumpkin said that he could not say but he spoke to Mr. Powers and he does not think this will be very difficult to do. Mr. Lumpkin also offered that his bill increased \$20.

Ms. Leal stated that many people saw their bills double. Ms. Leal asked if the review will take six months. Mr. Lumpkin said he did not anticipate it taking that long. Mr. Lumpkin added that he also cannot say what the outcome of the review will be.

Ms. Sandra Coleman approached the podium to discuss her mother's utility bill. Ms. Coleman stated that her mother's bill increased \$90 to a total of \$247 for one month. Ms. Coleman stated that she does not intend to let the trees at her mother's house die so she will approach her church and ask for assistance with paying the bill. Ms. Coleman added that she and her mother cannot wait six months for this issue to be resolved. Ms. Coleman stated that the sewer hasn't worked since 1988 and needs to be flushed. She also expressed concern that the garbage rates increased.

Ms. Anna Legion approached the podium and explained that she is a single mother of two and her utility bill is \$222 and that was without watering her yard. Ms. Legion stated that in the past her bill was \$148. Ms. Legion expressed concern that her water will be shut off for non-payment and she will risk having her children taken away.

Ms. Leal added that her bill doubled to \$224 and that was during a month where she was gone for a week and watered her yard less.

Ms. Agnes Jaramillo stated that she lives at 418 E. High. Her first question was where the other two Commissioners were. Ms. Dougherty explained that they each were out of town and she believed it was for medical appointments. Ms. Jaramillo explained that her bill doubled and she is concerned because she is on social security and it has not increased in four years. Ms. Jaramillo said that something needs to be done right away. She said that she cannot wait months; an answer needs to be determined in a few weeks.

Mr. Wally Martinez of 409 W. Aber stated that his bill increased \$16 and he lives alone. He asked why. Mr. Witcher responded that it is due to the rate increase. Mr. Martinez stated that the people of Tucumcari would like the City Commission to do something about these bills. Mr. Martinez expressed his disappointment that garbage is collected only one time a week instead of twice and speculated it may be because the new landfill is so far out of town.

Mr. Jim Engle of 1310 Whitmore approached the podium to address the Commission and said that his bill increased \$40 and he will no longer have a garden. He stated that the water he uses on his garden goes into the earth, not the sewer and he wondered why the sewer rates increased as well. Mr. Engle likened the rate increase to taxation without

representation and asked why the citizens were not consulted about this increase. Mr. Engle speculated that the City Manager makes these decisions without the input of the people.

Mr. Witcher explained that the City Manager did not make this decision, the City Commission did and that all ordinances are advertised before they are considered.

City Clerk, Ms. Dougherty added that before an ordinance is considered, it is advertised in the legal section of the newspaper, posted on the City website and faxed to the radio station.

Redistricting Presentation from Southwest Political Services

Mr. Sterling Fluharty, owner of Southwest Political Services explained that he is here to present issues surrounding redistricting of City Commission Districts. He clarified that the proposed redistricting for the State House and Senate is a separate issue and he is only addressing City Commission Districts.

Mr. Fluharty stated that the basic principals are one person, one vote and equal representation. Mr. Fluharty stated that every ten years the census provides a complete count of the population and is used to figure out what has happened to the population regarding movement in the previous ten years. Mr. Fluharty explained that in the City of Tucumcari, some districts grew in population while others shrunk. Mr. Fluharty stated that in order to equalize representation, the boundaries need to be moved so that the districts are more or less equal.

Mr. Fluharty explained the Voting Rights Act which states that when redistricting occurs, care should be taken not to dilute the voting power of minorities. Mr. Fluharty explained that the Voting Rights Act was passed during the Civil Rights Movement. Mr. Fluharty also stated that the census helps us keep track of the demographics of our citizens.

In explaining what districts should look like, Mr. Fluharty stated that they should be compact and contiguous. Districts cannot be stretched or contorted and should be round or square.

Mr. Fluharty explained that the next steps his staff took included looking at the census figures down to the block level within neighborhoods that compose each district. Mr. Fluharty explained that the City is divided into five districts. District one is down 180 people or 16.7%. Mr. Fluharty went on to say that ideally, no district should be more than five percent either over or under the ideal population. Thus, Mr. Fluharty stated that District one needs to pick up additional parts of the City. Conversely, Mr. Fluharty explained that District five is over population by 14.8% and needs to be decreased in numbers. Mr. Fluharty stated that as these districts are on opposite sides of town, the districts between them will be impacted also. Mr. Fluharty stated that the incumbents that live close to the existing boundaries will want to pay close attention to the redistricting process.

Mr. Fluharty stated that he will stay in contact with the City Clerk to move ahead. Mr. Fluharty stated that things to consider will be the natural boundaries and neighborhoods should be considered in the process. Mr. Fluharty stated that he will present three different options for redistricting. He went on to say that regarding timeline, we need to act swiftly as the next election is in March 2012. He added that the election resolution will need to be passed in December. Mr. Fluharty stated that this process needs to be wrapped up in 8-9 weeks and he is committed to working with the City.

Mr. Lumpkin clarified that District one is currently represented by Mr. Apodaca and needs to be made larger. District five represented by Mr. Curnutt needs to be made smaller. Mr. Lumpkin added that in order to achieve these changes, other districts will have to be changed. Mr. Lumpkin said that public meetings will be held and those meetings will be publicized. Mr. Lumpkin said that two of the incumbents live on district border lines.

Ms. Vicky Watson, who was in the audience, asked why the City is engaging in this process. Mr. Witcher stated that it is due to the release of the United States Census figures. Mr. Fluharty added that the redistricting needs to be completed before the next City election.

Mr. Jim Lafferty, who was also in the audience, stated that as per state statute cities with population under 10,000 are not required to have districts and can vote at large. Mr. Lafferty stated that in 1988 this was over ridden through the courts and wondered if the study will confirm or disprove the courts findings. Mr. Fluharty stated that the Commission has the latitude in making these decisions.

Ms. Ellen White, County Clerk was in the audience and stated that due to a Federal Consent Decree, changing back to at large voting can only be accomplished by returning to Federal court. Mr. Fluharty explained that in an at large system, five commissioners are elected by the entire population and in a districted system; the residents of each district elect someone that lives within the district to represent them on the Commission.

Ms. White stated that time is of the essence as there is much that has to be completed before the March 2012 Municipal Election.

Ordinances and Resolutions

Ms. Fazekas presented the final reading of Ordinance 1095 Amending the Official Zoning District Map. Ms. Fazekas explained that this Ordinance will rezone 701 through 711 South Seventh Street to multi-family. She added that she notified others in the area as per statute and there were no objections.

Commissioner Lumpkin made a motion to approve Ordinance 1095 Amending the Official Zoning District Map and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin
Yes	Yes	Yes

City Manager's Report

Mr. Powers informed the Commission that on October 20 there will be a Cannon Air Force Community Forum at the Convention Center from 6-9 pm. The purpose will be to discuss the test fly zone.

Mr. Powers further reported that he met with a gentleman interested in purchasing the block press from the old Worley Mills building. The interested party also looked at other equipment in the building and Mr. Powers believes he will be making an offer on some equipment.

Mr. Powers stated that he attended several meetings last week regarding Ute Lake Water.

Mr. Powers informed the Commission that a construction meeting was held at the Waste Water Treatment Plant and the project is around 60 days from completion. Further, there will be a ribbon cutting at the new Waste Water Plant November 14 at 11 am.

Mr. Powers stated that in the last two weeks he has met with almost every department head and worked to take care of any issues they raised. Next week, Mr. Powers plans to get out and visit each location in person. Mr. Powers explained that he feels this is an important thing to do.

Mr. Powers also explained that he will attend the Infrastructure Finance Conference in Albuquerque later this month.

Bids and Contracts

Ms. Brenda Rivale introduced herself as the Interim EMS Director. Ms. Rivale stated that she is presenting a grant for a new ambulance for approval this evening. The new unit will cost \$110,000 and the grant will cover \$82,500 and the City will have a match of \$27,500. Ms. Rivale explained that by the time the grant process is over, the matching funds will have to come out of next year's budget. Ms. Rivale explained that a loan from the New Mexico Finance Authority could be sought to cover the City match.

Commissioner Lumpkin asked if the match could be achieved through in-kind donations. Ms. Rivale responded in the negative explaining that is not allowed through the EMS Fund Act.

Mr. Lumpkin stated that this is an area of great concern and is very important. Mr. Lumpkin asked if the match will be difficult to find. Mr. Dysart responded that he did think it would be a problem to find the funds.

Mr. Powers added that one ambulance is not running and one has over 220,000 miles logged. Mr. Witcher explained that the EMS service spends a lot of time on the road transferring patients to Clovis, Amarillo, Lubbock and Albuquerque. He added that the ambulances sustain lots of abuse and that old units will be donated to other departments or used for parts. Ms. Rivale stated that one ambulance has lots of repair needs and that in the last fiscal year 97,544 miles were logged in City ambulances.

Commissioner Lumpkin made a motion to approve the Vehicle Purchase Grant for a new ambulance for the EMS Department. Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Lumpkin	Curnutt
Yes	Yes	Yes

Mayor Witcher stated that the Joint Powers Agreement for the Tucumcari/Quay County Water Authority is the one that was discussed last Friday. Commissioner Lumpkin stated that he received a phone call regarding this issue. He went on to say that Tucumcari, Quay County, Logan and San Jon are included in the JPA. Mr. Lumpkin explained that Tucumcari has a larger allocation of water and has two votes on this Authority and each of the other entities has only one vote. Mr. Lumpkin explained that he believes this Authority will engage in major discussions and will have much power as a combined front. Mr. Lumpkin also explained that there is a movement to build a pipeline to pump Ute water out of Quay County and this Authorities interest is in Tucumcari and Quay County. Mr. Lumpkin also explained that the lake has lost 26,000 acre feet mostly due to evaporation over the last year and this Authority will preserve the water to the best of its ability.

Commissioner Lumpkin made a motion to approve the Joint Powers Agreement for the Tucumcari/Quay County Water Authority and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Curnutt	Witcher
Yes	Yes	Yes

Mr. Powers presented the contract and specifications for the Airport Terminal Renovations. Mr. Powers explained that the bids were opened on August 22 and of the four received, Janstar was the lowest. The engineering firm, WH Pacific has reviewed the bids and Mr. Powers said that they recommend Janstar for approval.

Commissioner Lumpkin made a motion to approve the Contract and Specifications with Janstar for the Airport Terminal Renovations and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Curnutt	Witcher
Yes	Yes	Yes

Ms. Dougherty explained that she issued a request for proposals for Insurance Agent of Record. One response was received, rated by a committee and recommended for approval by the Commission.

Commissioner Lumpkin made a motion to approve the proposal for Insurance Agent of Record from Tucumcari General Insurance and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin
Yes	Yes	Yes

Old Business

Mayor Witcher appointed himself and Robert Lumpkin as representatives to the Tucumcari/Quay County Water Authority. Amiel Curnutt was appointed as the alternate.

Mayor Witcher appointed Robert Lumpkin to the Ute Water Commission with Amiel Curnutt as the alternate.

Mayor Witcher acknowledged reading the Senior Advisory Board Minutes of July 5, 2011, August 2, 2011 and September 6, 2011.

Mayor Witcher acknowledged reading the Finance Board Minutes of September 23, 2011. He also announced that the monthly Finance meetings will be changed to the fourth Tuesday of each month.

Items from Commissioners

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. Mr. Lumpkin acknowledged that people have some high utility bills and reminded everyone that the bills also include sewer and trash. Mr. Lumpkin said that he waters his yard a lot and his bill went from \$100 to \$120 but he would be concerned as well if he had a \$200 water bill. Mr. Lumpkin suggested that citizens check their homes for leaks. Mr. Lumpkin stated that once his air conditioner was leaking and he had a very high bill that month. He stated that he was unsure if he could adjust his monthly budget to accommodate a \$100 increase in his utility bill.

Commissioner Curnutt stated that on the next agenda he would like to have the reinstatement of Bobbye Rose as City Manager considered.

Mayor Witcher stated that if your utility bill is high, please call the City and someone can check your meter to ensure it is running properly. There is a fee of \$25 to have this done and if a problem with the meter is discovered, the \$25 will be refunded. Mr. Witcher also explained that the water department can assist customers in identifying if there may be a leak in their home. Mr. Witcher also asked citizens to please be patient as there are only so many people working in the water department. Mr. Witcher also explained that sewer

rates are based on water usage in the months of November through January. Mr. Dysart added that a bill of \$225 is around 35,000 gallons of water and a leaking toilet will leak an average of 6000 gallons per month.

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Lumpkin and seconded by Commissioner Curnutt. Time noted 7:10 p.m. Roll Call:

Curnutt	Witcher	Lumpkin
Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk