



Clovis City Commission

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

Regular Meeting

~ Minutes ~

Vicki Reyes

Thursday, December 7, 2017

5:15 PM

North Annex, Clovis-Carver Library

I – There was an Executive Session at 4:45 p.m., Thursday, December 7, 2017. 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 Elliott 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	Present	4:38 PM
David Lansford	Mayor	Present	4:39 PM
Sandra Taylor-Sawyer	Commissioner - District 2	Present	4:44 PM
Gary Elliott	Commissioner - District 2	Present	4:56 PM
Tom Martin	Commissioner - District 4	Absent	
Ladona Clayton	Commissioner - District 1	Present	4:43 PM
Helen Casaus	Commissioner, District 3	Present	4:30 PM

V. APPROVAL OF AGENDA

Mr. Howalt stated he would like to remove Item Number 1 under New Business.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Ladona Clayton, Commissioner - District 1

SECONDER: Gary Elliott, Commissioner - District 2

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

ABSENT: Tom Martin

VI – APPROVAL OF MINUTES

1. Thursday, November 16, 2017

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Chris Bryant, Commissioner - District 4

SECONDER: Helen Casaus, Commissioner, District 3

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

ABSENT: Tom Martin

VII – RECOGNITION OF VISITORS

Mayor Lansford welcomed everyone to the meeting.

VIII – PROCLAMATIONS, AWARDS AND PRESENTATIONS

1. Fire Department Recognition for Their Performance During the August Incident at the Clovis-Carver Library

Chief Doug Ford stated the citizens of Clovis should be proud of the Clovis Fire Department. They did a great job on August 28th. Running a dual service, Fire and EMS, is a daunting task. He presented Chief Nolen with a plaque of recognition. Mayor Lansford stated it is was a huge gesture for the city departments to work together the way they do.

2. Christmas Parade Award Presentation, Lisa Pellegrino-Spear

Ms. Pellegrino-Spear and Mr. David Essex approached the podium. She thanked everyone that attended the Christmas Light Parade. She thanked the police and fire department for maintaining the crowd. They added two new events to the parade, one was photos with Santa at the Railroad Park and they had around 80 families. They also had the reading of the Polar Express by Mr. and Mrs. Claus at the library. Mayor Lansford thanked Ms. Pellegrino-Spear for her hard work.

IX – RECEIPTS OF PETITIONS AND COMMUNICATIONS

Airport Director

Mr. Howalt introduced Mr. Josh Maketovic, Airport Director. He gave a short background on Mr. Maketovic, who has worked for the Airport since 2015. Mr. Maketovic thanked the City for the opportunity.

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 Madrid made a motion to place indicated items on the consent agenda by unanimous vote; Mayor Pro Tem Garza seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

2. Request for Approval of Introduction of an Ordinance Amending the New Mexico Uniform Traffic Ordinance

The New Mexico Uniform Traffic Ordinance was re-codified in 2010 and adopted by the City Commission. Based on changes resulting from the 2017 legislative session, one section of the Uniform Traffic Ordinance is amended. Amendments to the Uniform Traffic Ordinance are required to be adopted by Ordinance. This item was approved under the consent agenda.

3. Request for Approval of Resolution Number 2901-2017 Adopting a Residential Anti-Displacement and Relocation Assistance Plan and Certification

This resolution was adopted on April 6, 2017 (Resolution Number 2880-2017). On November 15, 2017 Clovis' Annual Monitoring for CDBG was completed by Donna Stewart with the Local Government Division who advised the City Residential Anti-Displacement and Relocation Assistance Plan was on an old form and should be updated using a new form, to ensure compliance. Resolution Number 2901-2017 updates the plan and ensures compliance. The City of Clovis received a Community Development Block Grant (CDBG) in 2016 for a street improvement project on Martin Luther King and Sandoval Streets between US 60/84 and 7th Street. A requirement for using CDBG grant funds is that every year a Residential Anti-Displacement and Relocation Assistance Plan and Certification must be adopted by resolution, even if the CDBG project does not involve demolition/relocation activities. This item was approved under the consent agenda.

4. Request for Approval to Split the Cost of the December 2017 Washington DC Trip with the Eastern New Mexico Water Utility Authority, Mayor Lansford

Mayor Lansford and John Ryan will be traveling to Washington DC December 12th-15th, 2017 for meetings with the federal delegation and agencies. Mayor Lansford, who is the Chair of the ENMWUA, would like to hold City of Clovis meetings while in Washington and proposes that the cost of his hotel and flight be split between the City and the ENMWUA.

Fiscal Impact: \$1,014.84

This item was approved under the consent agenda.

5. Request for Approval of Easement with Plateau Telecommunications Inc. at Goodwin Trails

Plateau Communications Inc. has requested to install a small cell antenna on top of a light pole located at the entrance of Goodwin Trails. Plateau will be responsible for the installation and maintenance of their system as well as the energy costs associated with the light. The attached easement will allow Plateau to make the proposed improvements. The improvements will provide light at the entrance of the park that is currently not lit. This item was approved under the consent agenda.

6. Request for Approval of Quarterly Budget Transfers

C.A.T.S.

Transfer \$11,000.00 from 92-9264-64850 Motor Fuels to 92-9264-62810 Maintenance on Machinery & Equipment for increase in vehicle maintenance costs.

EMERGENCY MANAGEMENT

Transfer \$323.00 from 01-1001-64190 Printing & Office Supplies to 01-1001-62490 Professional Dues, Fees and Services for additional cost of the renewal of the Nixel Community Altering service.

FIRE

Transfer \$1,500.00 from 01-0501-64140 Office Furniture & Equipment; \$6,000.00 from 01-0501-64330 Food; to 01-0501-62630 \$3,005.00; 01-0501-62630 Advertising \$1,391.00; 01-0501-64790 Apparatus & Tools \$550.00; 01-0501-67590-201703 Operating & Construction Equipment \$1,763.00; and 01-0501-67590-201802 Operating & Construction Equipment \$791.00 to allow for expenditures in required areas.

FIRE FUND

Transfer \$34,000.00 from 07-1501-62490 Professional Dues, Fees & Services; \$2,000.00 from 07-1501-62620 Printing; \$10,000.00 from 07-1501-62810 Maintenance on Machinery & Equipment; \$10,000.00 from 07-1501-62890 Maintenance on Machinery & Equipment; \$5,000.00 from 07-1501-64490 O & R Supplies Equipment; \$5,000.00 from 07-1501-64590 O & R Supplies Buildings; \$10,000 from 07-1501-64790 Apparatus & Tools; to 07-1501-62730 Maintenance on Buildings \$46,000.00; and 07-1501-65130 Safety Equipment \$30,000.00 to allow for expenditures in required areas.

POLICE

Transfer \$5,000.00 from 01-0301-62490 Professional Dues, Fees & Services to 01-0301-62755 Maintenance on Buildings for additional plumbing issues to include the replacement of a water fountain.

Transfer \$1,500.00 from 01-0301-64490 O & R Supplies for Machinery & Equipment to 01-0301-64120 for processing information for other agencies and individuals.

Transfer \$50,000.00 from 01-0301-60110 Personal Services to 01-0301-67410-201805 to replace two vehicles that are at the end of their serviceable life.

LAW ENFORCEMENT PROTECTION FUND

Transfer \$5,000.00 from 90-9000-64490 O & R Supplies for Machinery & Equipment to 90-9000-62240 Transportation & Education for additional state mandated training. This item was approved under the consent agenda.

7. Request for Approval of Intergovernmental Transfer of 2008 Ford F-450 Ambulance, and 1996 Smeal/Navistar Fire Truck to Quay County

The ambulance is a 2008 Ford F-450 VIN 1FDXF47R48EA16740.

The ambulance currently has 116,427 miles and has been in service since November 20, 2007. The Quay County Fire Marshal's office needs an ambulance.

The Fire truck is a 1996 Smeal/Navistar VIN 1HTSEAROTH244981.

The Fire truck currently has 72,900 miles and has been in service since October 22, 1996. The Quay County Fire Marshal's office needs a fire truck.

Both vehicles have been removed from service due to high mileage and high maintenance costs. This item was approved under the consent agenda.

8. Motion to approve or acknowledge all items on the consent agenda

Commissioner Taylor-Sawyer made a motion to approve or acknowledge all items on the consent agenda; Mayor Pro Tem Garza 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 Resolution 2900-2017 Election Resolution

The Election Resolution for the March 6, 2018 Municipal election must be adopted by the City Commission by December 12, 2017. The positions of one Commissioner from each District for a four year term, one Commissioner from District 3 for a two year term, and the Municipal Judge will be on the ballot.

In addition, as stated in the Election Resolution, there will be three General Obligation Bond questions which must have voter approval:

\$10,000,000.00 for Street Improvements

\$5,000,000.00 for Senior Center design and construction

\$5,000,000.00 for Wellness Center design and construction.

If approved by the citizens, the City will issue \$5,000,000.00 in bonds in 2018 for Street Improvements, in place of the GRT bonding cycle. \$5,000,000.00 in bonds in 2019 for Senior Center design and construction. \$5,000,000.00 in bonds in 2020 for Street Improvements, in place of the GRT bonding cycle. \$5,000,000.00 in bonds for 2020 for Wellness Center design and construction.

Polling places will be the same used in the 2016 election.

Ms. Melancon stated this is for the March 2018 election. There will be five commissioners up for election, one from each district for a four year term and one in district 3 that completes the two year term from Commissioner Sandoval's retirement, one Municipal Judge and three questions concerning general obligations bonds for road improvements, senior centers and wellness centers. They will continue to use Colonial Golf Course, YRB, Roy Walker, Trinity Methodist and Fire Station 5. Packets are ready and candidate filing date is January 9th.

RESULT: APPROVED [UNANIMOUS]

MOVER: Helen Casaus, Commissioner, District 3

SECONDER: Chris Bryant, Commissioner - District 4

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

ABSENT: Tom Martin

XII – UNFINISHED BUSINESS

None.

XIII – NEW BUSINESS

1. Request for Approval of Intergovernmental Agreement Between the City of Clovis and the New Mexico Department of Game and Fish for a Public Shooting Range at Ned Houk Park

At their May 15th, 2017 meeting, the Clovis City Commission approved a request to apply for grant funding to the New Mexico Department of Game and Fish/U.S. Game and Fish for construction of the Clovis Archery & Winged Shooting Training Center at Ned Houk Park, and to receive funds, if awarded. At that time the Commission approved up to \$400,000 in non-recurring funds for the project.

Since that time the City of Clovis has been working with Ms. Jessica Fisher at the New Mexico Department of Game and Fish on the project and the footprint of the area. New Mexico Game and Fish submitted an intergovernmental agreement, which has been reviewed by City of Clovis' legal counsel. As noted in the document, the agreement shall commence upon its full execution and remain in effect for 25 years unless sooner terminated by one or both of the parties. The agreement is before the Commission for final

action. If approved, the City will go ahead with the environmental and archeological reports for the area.

This item was removed from the agenda.

2. Request for Approval of New Restaurant Liquor License for Pizza Hut of Clovis, Inc. Located at 3317 N. Prince, David Richards

City of Clovis received a letter from the New Mexico Regulation and Licensing Department requesting a new restaurant liquor license for Pizza Hut of Clovis, Inc. This item was posted in the legal section of the Clovis News Journal and is now before the Commission for a hearing on the matter.

Mr. Richards stated the State Alcohol and Gaming Division has sent preliminary approval for the location of a restaurant license. There is an existing license at that location, but there has been a change in ownership of the stockholders of that license. That requires the license be resubmitted due to new ownership. Kristina Price, 3317 N. Prince, stated Wendell Blankenship passed away so the license has gone into his wife's name.

RESULT: APPROVED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Fidel Madrid, Commissioner - District 3

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

ABSENT: Tom Martin

3. Request for Approval of 5K Fun Run Fundraiser for Kangaroo Crew at Ronald McDonald House in Houston from 7:30 A.M.-9:30 A.M., Saturday, April 21, 2018 from Seventh and Main to Purdue, and Waiver of Fees, Ms. Monica Velasco

Ms. Monica Velasco has approached the City to request approval of a 5K Fun Run Fundraiser for Kangaroo Crew at the Ronald McDonald House in Houston from 7:30 A.M.-9:30 A.M., Saturday, April 21, 2018 from Seventh and Main to Purdue, going around Greene Acres Lake and back.

Ms. Velasco stated this is in honor of her son. She would like to pay it forward to the other families at the Ronald McDonald House in Houston. She hosted a 5K at Greene Acres Park earlier this year and raised \$4,000, which \$2,000 went to the Ronald McDonald House in Houston and \$2,000 went to the Texas Children's Hospital.

RESULT: APPROVED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

ABSENT: Tom Martin

4. Request for Approval of Agreement Between Clovis Disc Golf Club and the City of Clovis to Design and Construct an 18-Hole Disc Golf Course at Ned Houk Park and Approval of Budget Transfer of \$21,000.00 for Materials for the Course

The Parks, Recreation and Beautification Committee discussed and approved a Use Agreement with the Clovis Disc Golf Club to design and construct an 18-hole disc golf course at NHP. The club has made several attempts to secure a location for an 18-hole course in the City for several years. The larger course will allow them to hold a couple of tournaments every year and all other times the course will be open to the public. The City will purchase the materials and the club would supply most of the labor to install the course. The approximate cost to install the course is \$21,000.00 which if approved will be transferred out of the excess funds in the non-recurring lighting and Hillcrest trails funds. A new disc golf course, at Hillcrest Park, was included in the Parks Master Plan, but the committee decided Hillcrest Park was not a good location for the course.

The club will utilize the area where the current 9-hole course is located, but the course will be totally redesigned. The Eagle Scout, Corey Young, who installed the current course has approved the new changes to the course. The club presented a preliminary layout of the newly designed course to the committee. The committee recommended a couple of changes to the layout and the revised layout is attached for review. The club tested the layout last summer during busy weekends to make sure the flow of the course did not put the public in harm's way. The club made sure there was plenty of distance from

the playgrounds, picnic tables and high traffic areas. If we need to move a hole location in the future, they are easy to relocate. The City will continue to maintain the park grounds and the club will maintain the baskets and signage.

Mr. Dayhoff stated the members of the Clovis Disc Golf Club have been pursuing a location for a new course. They have a 9 hole course at Ned Houk Park and the new course will give them a more challenging course. The cost of the course will be \$21,000 which includes course maps, baskets, t-signs and concrete. The committee has approved that the city would pay for the materials and the club will most of the labor. Mayor Lansford stated pretty soon an organization will take ownership of a facility and some people feel like they aren't included. He's hoping this would be an opportunity to include people in that recreational activity that otherwise would think they were not welcome. Mr. Guevara stated they want to make a course that is enjoyable enough to make people drive to Ned Houk Park.

Commissioner Taylor-Sawyer asked about Item Number 7, the user fee to the city. She stated they should add "per person" after the \$3 amount. She asked if they would ever come to the city to waive the fee. Mr. Guevara stated he did not think they would since they have fundraiser's to pay for entry fees.

Commissioner Bryant asked what the times of operation were. Mr. Guevara stated it would be open the same hours as the park.

RESULT: APPROVED [UNANIMOUS]

MOVER: Ladona Clayton, Commissioner - District 1

SECONDER: Gary Elliott, Commissioner - District 2

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

ABSENT: Tom Martin

5. Request for Approval of Action Regarding North American Wetlands Conservation Act (NAWCA) Grant

At the November 3rd, 2016 Commission meeting, the Clovis City Commission approved an application for a North American Wetlands Conservation Act (NAWCA) grant which was prepared by Playa Lakes Joint Venture (Christopher Rustay). The grant and cooperative agreement has now been received.

Fiscal Impact:

\$85,000 - Inkind & Van Soelen playa.

Ms. Burroughes stated following the City of Clovis hosted Water Conservation Summit on June 29, 2016 the city was seeking water conservation opportunities in the area. The city began working with Christopher Rustay, Playa Lakes Joint Venture, a group tasked with conserving playas, prairies and landscapes of the Western Great Plains. They had recommended the City of Clovis pursue a North American Water Conservation (NAWCA) small grant through the U.S. Fish and Wildlife Service. An application was prepared by Playa Lakes Joint Venture for the City of Clovis and the commission approved submitting this at their meeting held November 3, 2016.

The grant proposal was to remove the sediment at the city owned 801 playa, remove the pit at the city owned Gouker Playa and restore a DeMaio owned playa in Curry County. The total grant was for \$176,000 with the City providing the 40 acre Van Soelen (Bomar) playa and staff time as an in kind match. Other matches were from Central Curry Soil Water Conservation Districts and Mr. Blake Prather.

The area included with the DeMaio playa is a 109 acres of upland and 11 wetland acres to the east. The Van Soelen playa purchase match is 40 acres with buffer and 8 acres of wetland, which cost the city \$60,000. The other part of the match is the city coordination of pit filling, which is 13.7 acres of wetland and that comes to a total of \$67,44 for the city's match. Curry County Soil Water Conservation was going to bring an additional \$25,000 in match for 449 acres of wet land. There was a non match piece of 4,000 for a total of \$93,000 and the NAWCA request for \$85,000. \$20,000 of this would benefit the City of Clovis for thirteen (13) acres of sediment removal at the Prebie Playa and eight (8) acres of sediment removal at the 801 Playa. The remainder of the funding would be used for the DeMaio playa for sediment removal, playa buffering and berm creation.

The City of Clovis has acquired playas in and around the city for stormwater runoff purposes. Section 18.70500 Section C 3 of the City Code refers to the minimum storm

water management requirements. It advises that storm water management measures shall be required by developers to satisfy the minimum storm water management requirements. One of the stormwater management practices utilized to develop stormwater management plan for development including subdivisions include off sight stormwater management utilizing an existing playa. By continuing with the NAWCA grant the 801, Prebie, Gouker and Van Soelen playas cannot be used for this purpose by developers for future development in those areas. There is a breakdown showing the length of time that they will not be able to be used. The Van Soelen playa will not be used for any purpose except for conservation in perpetuity, the 801 playa, Priebe and Gouker playas will not be used beyond the sediment removal for 26-99 years. The DeMaio playa cannot be used for 10 years. Mr. Rustay has advised if the city continues with just with the DeMaio piece of the grant, the City of Clovis would be committed to identifying 46 acres of playas, 29 acres of upland playa buffer, a \$67,000 match for the playa purchase and \$6,823 in personnel and labor. Staff has begun to seek alternative city owned playas around the community. Mr. Rustay has advised that as long as no money is drawn down from the grant the city can accept the grant now and turn it back later if no replacements were found for playas that the city would like to take out of the proposal.

Ms. Burroughes advised that Playa Lakes Joint Venture received a Resiliency grant, which they received for Curry County playas. This grant could be used to pay for the DeMaio playa rehabilitation. The city could add a sediment removal piece to the city's stormwater management plan. Since the City is benefiting in the amount of \$20,000 from the grant, and putting \$64,000 and land in, the City could fund the sediment removal for the Prebie playa and Gauker playa, and allow the Van Soelen play to remain as it is.

Mayor Lansford stated Mr. Rustay met with Mayor Pro Tem Garza and Commissioner Bryant earlier this week and has been in conversation with Commissioner Clayton as well. One of the comments that was made was that they have two years once they approve this grant to identify the final choices for what playa lakes they would use. There are some concerns about the City restricting its ability to excavate due to development and that is a legitimate concern. He asked what would be an alternative as far as a stormwater management plan if they were not able to excavate a playa lake in order manage a developments stormwater. Mr. Howalt stated inside the current ordinance there are different options for stormwater management available to the different developers. One of those option is for them to convey the water to a playa and then to excavate it to offset the additional volume coming in. They could also utilize stormwater retention structures onsite. Mayor Lansford stated if this was approved tonight they still have two years if they don't draw any money down off of this grant in order to adjust the configuration of the playas that they choose to use.

Mayor Pro Tem Garza stated that was one of the concerns that he had with this grant that if they commit to it then they are stuck with it. Commissioner Bryant stated he was glad they had the two year option. The playas were built for the stormwater management. He would like to get more answers on not being able to do anything for 26-99 years. Not being able to do anything with the Van Soelen playa is tough because they don't know what the future holds.

Commissioner Clayton stated Mr. Rustay explained that it would be 26 years. It is placed in the grant as 26-99 to indicate that if someone writes the grant in a way that says they will not use it for 35 years in order to garner more points toward their grant it has no significance. Van Soelen has a very large basin and has wonderful possibilities for playa restoration and still pull quite a significant amount of water into the ground. She thought it was unusual that they were given the option to handle the playas like stormwater management and they can actually put pipe into the playas and move water down a pipeline toward water reuse treatment and water reuse. Once they dig out the bottom of the playa it can no longer help put water into the aquifer. They would have to decide as they move forward if they want to get any aquifer recharge from these playas and if so which ones. She would not to forgo that possibility by digging all of the playas out. She would be open to approving the plan because of the two year window.

Mayor Lansford stated denying this tonight would send the wrong message. Commissioner Madrid asked why there was a difference in the number of years the playas could not be used. Commissioner Clayton stated because DeMaio is private it is looked at differently. Commissioner Madrid asked if most of the money was going to the DeMaio playa. Commissioner Clayton stated it was. She stated he has been identified as someone who would go beyond 10 years.

Mayor Lansford asked about the county road adjacent to the DeMaio playa lake. Commissioner Clayton stated that is why they have looked at it several times. Ms.

Burroughes stated the if the city ultimately decided not to go forward, Mr. DeMaio would not have the funding and she did not know what his timeline was for restoring the playa.

Mr. Vince Demaio stated this is a very important project. One thing they failed to do in the county is a stormwater management plan. Mr. DeMaio advised they are currently moving forward with the playa, and the county has voted to close that road. They will continue to divert water to it.

Commissioner Madrid stated he did not have a problem with the 10 years, but he cannot see putting the playas into 26 year leases. Mr. DeMaio stated they don't intend to take this out in 10 years time. Commissioner Madrid stated he was wondering why the City has to tie up their playas for 26 years. Commissioner Clayton stated most federal grants will hold them up. Anytime an investment is done they expect to see a long term use of that money. She stated if they look at several federal grants they will see a longer term. Commissioner Madrid stated the shooting range is over \$1 million benefit to the City, and this is \$85,000. It is a lot of years for \$85,000. It seems like they could put up \$85,000 instead of asking for the grant. Mr. DeMaio stated the playa lakes tend to improve over time.

Mayor Lansford stated if the playa lake is restored to permeate water rapidly it would make sense to have development around the lake. That should be the policy around any playa lake that is being restored in the city. They may want to not excavate that.

Mr. Howalt stated there are several factors to consider. As part of the agreement they can remove during a certain time of year, which is mainly the summer months. They did say they could remove water from them in the summer. They want to be careful from the capacity standpoint of the sewer lines. The sewer lines have now been designed to handle additional flows coming into them so they don't want to put a peak flow on top of a peak flow and take the chance of flooding someone's basement with sewage. Currently the FEMA floodplains are based on undeveloped flows from the drainage basins. Once they start developing flows they would have a higher amount of water coming into them that could impact the FEMA floodplains. It is a matter of managing volumes and how they choose to do that from a policy perspective.

Mayor Lansford asked if it was worth getting \$85,000 to put limitations on a valuable playa lake just to restore it. They need to approve this and then over the next several months refine the playa lakes they are going to utilize in this NAWCA grant. It creates options for them and if they don't approve this it could send the wrong message to everyone they have been working with over the past couple of years.

Ms. Burroughes stated Mr. Johnson had some information regarding the two years. She asked Commissioner Clayton if Mr. Rustay said why the Van Soelen playa was placed aside in perpetuity rather than 26 years as well. Commissioner Clayton stated they are identified as being in perpetuity and usually there is one that is identified as that. She asked if they could change that one to the 26 year and he said he would see if that was an option.

Mr. Garry Johnson stated two years is the completion date. A final report is due in two years. They don't have the two years to make a decision, they have two years to complete the project. Mayor Lansford stated they would have to finalize this in the next 3-6 months, if not sooner. He stated they could reject it in 3-4 months as well. Mr. DeMaio stated they will not draw any money on this until the commission makes a decision.

Mr. Johnson advised they have 30 calendar days to turn the grant down in writing. As long as they don't accept any money they are not bound to anything. Until they request money they are not in a binding agreement. Commissioner Bryant asked if they accept the grant tonight as long as they don't draw any money in the next 3-6 months can they make any changes they want. Commissioner Bryant stated he thought about the Van Soelen playa and using it for 26 years. Mr. Howalt stated they could ask. Commissioner Clayton stated those are the kinds of questions Mr. Rustay would like to answer for them. Commissioner Bryant asked if they should postpone this. Commissioner Clayton stated once they approve they can buy themselves time.

Commissioner Clayton moved to accept the grant contingent upon continuing to reconsider substitutions; Commissioner Taylor-Sawyer seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]

MOVER: Ladona Clayton, Commissioner - District 1

SECONDER: Sandra Taylor-Sawyer, Commissioner - District 2

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

ABSENT: Tom Martin

6. Request for Approval to Award ITB-18-1106-01 "7Th Street Reconstruction Phase 1"

Mr. Howalt stated phase I of the 7th Street project is from the Ingram Channel to Norris Street (along 7th Street). This includes the installation of two 60" pipes for storm drain improvements. The Purchasing Department received two bids on November 6, 2017 for 7th Street Reconstruction Phase 1.

J & H Services, Inc. \$1,065,471.10

K. Barnett & Sons, Inc. \$ 929,485.00

Both bids do not include NMGRT.

Fiscal Impact: Funds are budgeted in Fund 75 in the amount of \$500,000.00 from a DOT grant. A transfer from Fund 88 - Drainage in the amount of \$505,588.00 will be required to complete the construction project. K. Barnett and Sons was the low bidder at \$929,485 and the funds will come out of Fund 75. The DOT has reviewed the bids and have agreed to bid to K. Barnett and Sons.

RESULT: APPROVED [UNANIMOUS]

MOVER: Juan Garza, Mayor Pro Tempore

SECONDER: Helen Casaus, Commissioner, District 3

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

ABSENT: Tom Martin

7. Approval of Water Project Fund Loan / Grant Agreements (0331-WTB and 3553-WTB) Between the Eastern New Mexico Water Utility Authority and the New Mexico Finance Authority, and Authorization to Execute Same

By the terms of the Eastern New Mexico Water Utility Authority Act, NMSA 1978 §§ 73-27-1 through 73-27-10, as amended, the City of Clovis is one of seven beneficiary members of the Eastern New Mexico Water Utility Authority (the Authority). The City has previously approved and accepted the financial plan of the Authority, agreed to make annual contributions to the Authority during the term of the loan/grant agreement, and pledged revenues to support its commitment.

The Authority has two pending loan/grant agreements with the New Mexico Finance Authority to implement previous awards by the New Mexico Water Trust Board. The New Mexico Finance Authority has modified the form of the Agreements to require the member beneficiaries to execute the Eastern New Mexico Water Utility loan/grant agreements. Efforts to delete or modify this requirement have been unsuccessful. The projected closing date for both loan/grant agreements is December 22, 2017.

Mr. Richards stated the Water Authority has two outstanding appropriations from the Water Trust Board. When they received the forms of those contracts they had substantially altered what had been approved in the past. The Finance Authority which administers funds on behalf of the Water Trust Board asked that in addition to the ordinances and resolutions passed by all of the members committing that their annual contributions would be pledged to the repayment of the loan portion of these agreements. The Finance Authority requested that each member beneficiary sign the loan grant agreements. They negotiated and discussed the need for that since the pledges had been made and had no success in negotiating a modification of those terms. The Finance Authority explained they changed their policies and that they required that all of the members endorsed the agreement. The agreement states "for avoidance of doubt nothing in this agreement obligates a member to perform the obligations of the borrower/grantee or the other members and each member who makes it the representation, covenance, stipulation, obligation and agreement contained in this agreement only for itself." This is a redundancy of what the commission has already approved for these two grant/loan agreements. He has contacted Daniel Allsup, Modrell Law Firm, who concurred that having the mayor execute these agreements does not

change the terms of the city. It is merely an acknowledgement of the city. The request is to authorize and approve the execution of those agreements.

Ms. Maggie Chapman, Interim ENMUWA Director, stated this a new requirement. It does not obligate the city or any other communities.

Mayor Lansford stated the Utility Authority was created so that the NM Finance Authority could deal with one entity. Now the Finance Authority wants the same agreement with each of the seven members. It is redundant. He said they should just sign it.

Commissioner Taylor-Sawyer asked why the Finance Authority was doing this. Mayor Lansford stated they had a new law firm and a new way of thinking.

RESULT: APPROVED [UNANIMOUS]

MOVER: Sandra Taylor-Sawyer, Commissioner - District 2

SECONDER: Juan Garza, Mayor Pro Tempore

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

ABSENT: Tom Martin

8. Request for Approval of Discussion Regarding Master Water Assurance Plan, Commissioner Bryant

Commissioner Bryant stated the Master Water Assurance Plan Task Force presented their final draft version to the Water Policy Advisory Committee on November 8th. The Committee reviewed the plan and recommended moving the EPCOR Indirect Potable Reuse Study from an action item to a recommendation. Upon approval, the full plan was recommended for approval and passed with a unanimous vote of 9-0 by the Water Policy Advisory Committee. The plan was reviewed at an additional Water Policy Advisory Committee meeting on December 1st. The language regarding Paleochannel Water Banking was revised to broaden the language to allow for the opportunity of landowners outside the paleochannel to make a proposal. The revised language to Action Item 2 was passed with a unanimous vote of 9-0.

Commissioner Bryant stated this is not up for approval. It is only for discussion. They want the commission to have the opportunity to read all of this before they move forward with approval of the plan.

Mayor Lansford thanked Commissioner Clayton for all of her work. Commissioner Clayton thanked her team for all of their work.

Commissioner Clayton stated there are four key plans for the conservation initiative with the fifth plan being the completion of the Ute Pipeline project. They are looking at dealing with how they can conserve their existing water supply. On May 10, 2002 they determined that an inadequate water supply would negatively affect the city's ability to attract new businesses. "Without water Clovis would no longer exist". At that same meeting they had three different groups at the strategic planning session conduct an internal analysis where they identified three critical threats. When she combined the language of those two they said if they don't conserve groundwater and locate alternative sources they will see a reduction in economic development and quality of life. That internal and external analysis resulted in an objective in the plan, "ensure an adequate water supply exists to support a growing community." They also wrote a strategy to ensure that the objective became a reality and it read "we will conserve and develop water supply." On June 29, 2016 the city held its first annual Eastern New Mexico Water Conservation Summit. The mayor asserted "that they were seeking to identify and celebrate bold ideas coupled with bold commitments." She stated at the end of the summit she had several agriculture producers approach her regarding the summit asking if this was just another conference. She told them they intended to move forward and look at what initiatives could be possible. They told her they were hopeful and that they don't want to lose the land that had been in their families for generations.

From 2011-2013 the overall water level dropped by 36 million acre feet. Today it continues to decline annually from 1.5 to 5 feet. In 2011 New Mexico American Water reported rapidly declining water levels and said over the past five years the average yearly decline and pumping capacity has been 11% and from 2010-2011 declined by 13%. It was noted in the Rawling Rinehart report that they had approximately 10 years of water remaining in the aquifer for agricultural use if they continue doing what they are doing unaltered. That did not take into consideration the drilling of supplemental wells and 10-15 are being drilled on different properties throughout Clovis. People on the north and south

side of town are already pumping below 30 feet and that was also not taken into consideration.

The task force recommended effluent reuse system because it will give a 37% reduction in ground water usage once it is fully in place. It will also create a revenue stream and that would help fund the remaining cost of completing the reuse system along with some of the remaining action plans. Water banking for the future is an intermediate solution. It will provide a water supply for the interim pipeline and will secure a pumping capacity of 10,000-11,000 gallons per minute if they pumped at 20% capacity, which would give them a projected water supply of 40 years at 2,200 gallons per minute.

The static water levels of the JL Wall wells have risen 4.0-4.6 feet in three years from 2014-2017 after shutting the wells down.

Conservation Land and Water Trust are non profit 501c3. Their primary objective is that land trust is related to eligibility of projects is practice for the public good. They raise funds as a nonprofit through private donors and they use conservation easements to meet objectives. They are very beneficial to all of the agriculture producers. Revenues received from private donors or federal tax credits fund conservation easements from private land owners. The objective of starting one locally is to work with local ag producers to conserve water and establish land management practices that are sustainable.

This is not to alarm anyone. If they move forward and adopt a Master Water Assurance Plan then they are beginning to take action in order to secure a sustainable water supply.

Mayor Lansford stated the Ute Water project is very expensive and very much needed, but getting it funded has been a significant challenge. The question has arisen asking what they were going to do in the meantime. Slowing down the declining aquifer is a priority. They are dealing with private property rights and they do not want to go through any immanent domain. They have to purchase the water rights or incentivize the farmer to turn off their wells and then lease that water in the future. There are a number of ways to ensure that they have a groundwater supply until the Ute Water project is built. He did not want them to act on this plan tonight. This is not a plan that is carved in stone and he looked forward to further discussion.

Commissioner Bryant stated everything they discussed is going to take some funding. This water assurance plan shows they are doing something for themselves to take care of this situation.

Commissioner Chet Spear stated he lives a quarter mile southwest of the Wall property. A quarter mile south of him there are two families that went before the County Commission in August 2014 to tell them their wells were dry. Two months ago they are up 20-25 feet of water and one of the families now has water in their well. They have seen replenishing from shutting off irrigation wells.

Mayor Lansford stated this would be back on the agenda at the next commission meeting.

XIV – REPORTS OF BOARDS, OFFICERS AND COMMITTEES

1. ENMWUA Update, Maggie Chapman

Ms. Chapman stated the Authority is still looking for an Executive Director. They were in Santa Fe last week to request reconsideration for the waiver of the Water Trust Board 2018 loan package, which was approved. She received an email stating they did go forward to approve financing and they will know more in two months. They are closing on the two loans and she will meet with each community starting next week. They are working with CH2MHILL on what can be done to go to bid in early spring.

Mayor Lansford stated the waiver is somewhat confusing. The Ute Water project is different from most projects because of the enormity. In order for them to justify spending any money they need to get an economies of scale of \$25 million before they want to go out to bid. If they split the bid package between CAFB and Clovis, which is finish water 2, it will cost an additional \$4.4 million. That is why they wanted the waiver because they want to get up to \$25 million and do one bid package. They were successful and hope to get another \$2.9 million.

XV – FUTURE AGENDA ITEMS

Ms. Burroughes stated the Lodger's Tax Advisory Board position is available and there is a Planning and Zoning Vacancy.

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

Ms. Burroughes stated the Planning and Zoning Commission would not meet next week.

A – Senior Center Task Force, 3:00 p.m., Tuesday, December 12, 2017, Conference Room, Police Department

B – EIB, 7:30 a.m., Wednesday, December 13, 2017, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly

C – Planning & Zoning Commission, 3:00 p.m., Wednesday, December 13, 2017, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly

D – Public Works Committee, 8:30 a.m., Wednesday, December 20, 2017, Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly

E – City Commission meeting, 5:15 p.m., Thursday, December 21, 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 7:48 p.m.