

**CITY OF TUCUMCARI
MINUTES**

May 22, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, May 22, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jimmy Sandoval, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were John R. Sutherland, Jr., City Manager; Jeannette Maddaford, City Clerk; Marty Garcia, Finance Director/Assistant City Manager; Erin Baca, Administrative Assistant; Doug Powers, Community Development Director; Elizabeth Morris, Community Development Grant Writer; Mike Cherry, Fire Chief; Jason Braziel, Police Detective; and Joe Ramirez, Wastewater Treatment Superintendent.

Dr. Thomas Broom, Pastor of the Center Street United Methodist Church, gave the invocation and Commissioner Jimmy Sandoval led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Mayor Apodaca asked that Item E - Contract Agreement with LCI-2 Wastewater Treatment Plant Improvements under Bids and Contracts and Item C-Community DWI Grant Application under New Business be deleted from the Agenda.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the May 8, 2008 regular Commission meeting. Roll Call:

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| Lafferty | Apodaca | Lumpkin | Witcher | Sandoval |
| Yes | Yes | Yes | Yes | Yes |

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the City vouchers. Roll Call:

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| Apodaca | Lumpkin | Witcher | Sandoval | Lafferty |
| Yes | Yes | Yes | Yes | Yes |

Items from Citizens

None

Proclamations

Mayor Apodaca declared May 24, 2008 as Buddy Poppy Day and presented the Proclamation to Mucio Lopez, VFW Commander of Post 2528, Kathleen Lopez, VFW Ladies Auxiliary President, and Mary Stella Garcia.

Resolutions and Ordinances

ORDINANCE 1060 - AN ORDINANCE AMENDING ORDINANCE 1049 AND SECTION 10.04 OF THE TUCUMCARI MUNICIPAL CODE, ADOPTING THE 2008 AMENDMENTS TO THE 2004 COMPILATION OF THE UNIFORM TRAFFIC ORDINANCE. City Clerk Jeannette Maddaford presented the amendments to the Traffic Code which had been passed by the 2008 Legislative Session in order to update the Uniform Traffic Ordinance. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Ordinance 1060. Roll Call:

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|---------|---------|----------|----------|---------|
| Lumpkin | Witcher | Sandoval | Lafferty | Apodaca |
| Yes | Yes | Yes | Yes | Yes |

RESOLUTION 2008-18 A RESOLUTION ADOPTING THE 2008-2009 BUDGET BY THE GOVERNING BODY OF THE CITY OF TUCUMCARI AND REQUESTS APPROVAL OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION. Finance Director Marty Garcia presented the Resolution noting the Commission had reviewed the budget during work sessions held on May 19 and 20 and the requested changes had been made. Commissioner Lafferty asked about the recap page General Fund ending balance as one set of documents had a balance of \$850,000 and the set received when he arrived at City Hall had the balance decreased by \$474,000. He asked if that money had been moved to expenditure line item 01-13-50701. Garcia explained that \$340,000 was set aside in a reserve for emergencies and the remainder is in 01-13-50701. Commissioner Lafferty asked if the line item the Governing Body has control over is the difference between the \$340,000 and \$474,000 and Garcia agreed. Lafferty noted the Commissioners just heard at the Housing Authority meeting, the Housing Authority's budget is \$53,000 in the red, which the City may or may not have to make up, so Commissioner Lafferty made a motion to table the budget approval and have a special meeting in conjunction with the Special Housing Authority meeting on May 27 at 5:15 p.m. for a final review of the City budget after four program manager positions are removed and the new project manager position for Community Development is removed. As an explanation, he stated he had a complete budget which he had an opportunity to review for a few days followed by a two day heated work session after which the Finance Director said he did not know what the Commission wanted numerous times. Then when he arrived at the current Commission meeting, he received a four page summary document, so he explained that he was not comfortable approving the budget without reviewing it. Commissioner Sandoval seconded the motion. Roll Call:

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| Witcher | Sandoval | Lafferty | Apodaca | Lumpkin |
| No | Yes | Yes | Yes | No |

City Manager's Report

Fire Chief Mike Cherry updated the Commissioners on the emergency warning system and work with the School Crises Intervention Team. He noted that they had contacted companies that sell sirens to get prices on new ones and repairing the two existing sirens. Next week they will get a lift truck to test the existing sirens. He noted that they are expensive to purchase, replace, as well as repair and maintain. He reported that the City has been approved for a grant for an electronic notification system through the dispatch center. Four demonstrations have been presented by four different companies. The hard-wired land line information will be provided by the statewide E-911 database. Cell phone numbers, pagers, text messaging, and e-mail will have to be volunteered by the owners and then entered into the data base. Also there is a mechanism which allows relatives and friends' numbers to be added to the data base for notification reasons as well as notifying sections of the city or county or doing priority notifications of the schools, hospital, etc.

City Manager Sutherland reported that the telephone failed two weeks ago at the Police Department. A low quote was received from a contractor and they are proceeding to get repairs made and the phone system replaced and upgraded. On May 12, Sutherland traveled to Clovis for a meeting with the Clovis City Manager, City Building Inspector, Xcel representatives, and the Clovis City Attorney to discuss residential wind generators and approaches to permit the generators. Over the last two weeks, he met with city department heads to review their budgets. On May 12 the city hosted a small reception for Senator Bingaman's field representative, Lynn Ditto, from Roswell to express the City's appreciation for the support received from the Senator for the City's Wastewater Treatment Plant and the sewer lift stations. On May 15 a meeting was held to discuss critical power needs with David Essex, Keith Henderson, and Mike McCloud in case of an emergency response incident. He announced that the New Mexico Municipal League Annual Conference will be held in Clovis on August 13-15. It was noted that a regularly City Commission meeting falls during that week, so the Commissioners may want to move the meeting up or back at the next Commission meeting. At the request of the Commissioners, the City's water rate ordinance has been forwarded to the City Attorney for his review and recommendations for change. On Friday, June 27, there will be a 75th Anniversary Celebration at Conchas Dam which is the largest New Deal Project in New Mexico. A phone conversation was held with the City's auditing firm and it was reported the audited financial reports will not be ready until the end of the month due to scheduling problems.

In answer to a question regarding the cost of the phone system for the Police Department, Mr. Sutherland said it would be less than \$14,000 and application has been made through the City's insurance to recover some of the cost.

Bids and Contracts

Doug Powers, Community Development Director presented the GRIP 2 Contract with Versatile Construction for the Adams Street Project which will go from Main Street to Route 66 Boulevard for the contracted amount of \$630,563.50. Since Versatile will have a crew coming back to town to do the La Quinta parking lot, they should be able to start the Adams

Street Project in a couple of weeks. City Manager Sutherland recommended approving the contract. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Construction Contract with Versatile Construction, Inc. for the GRIP2 Adams Street Project. Roll Call:

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| Sandoval | Lafferty | Apodaca | Lumpkin | Witcher |
| Yes | Yes | Yes | Yes | Yes |

Fire Chief Mike Cherry presented the annual Department of Homeland Security & Emergency Management Performance Grant (EMPG) for 2007-2008 in the amount of \$28,276, which reimburses salaries and benefits on a percentage for the County and City. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Homeland Security & Emergency Management Performance Grant. Roll Call:

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|----------|---------|---------|---------|----------|
| Lafferty | Apodaca | Lumpkin | Witcher | Sandoval |
| Yes | Yes | Yes | Yes | Yes |

Grant Writer Elizabeth Morris presented the Community Development Block Grant (CDBG) Planning Project Grant Agreement (07-C-NR-I-6-G-61) for the development of an asset management plan in the amount of \$50,000 with a \$5,000 (10%) match from the City. City Manager Sutherland recommended approval. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the CDBG Planning Project Grant Agreement for \$50,000. Roll Call:

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|---------|---------|---------|----------|----------|
| Apodaca | Lumpkin | Witcher | Sandoval | Lafferty |
| Yes | Yes | Yes | Yes | Yes |

Old Business

Mayor Apodaca acknowledged reading the Library Board minutes of April 28, 2008.

New Business

Diane Morency and John Everhart of the Tucumcari Rotary Club explained that the Rotary Club wants to help the City of Tucumcari in their clean up efforts. In talking with the State Department of Transportation about their Adopt A Highway Program, they found in Tucumcari there are 6.7 miles on Route 66, 3 miles on U.S. 54, and 6 miles on State Highway 104 that could be the focal point of the program. The Rotary would like the City Commission to adopt the program and designate an employee of the City to administer the program outlined by the State, publicize the program in the community, and use the City's reflective vests. The capital outlay would be very minimal. John Everhart explained the program would get all the clubs involved and the New Mexico DOT would install the signs for the areas adopted, provide trash bags for clean up, and then they would dispose of the full bags of trash. Also the Department of Transportation would provide orientations for the interested clubs and the City. The Rotary would take the lead in trying to set the example in getting the town cleaned up. They would actively recruit organizations or individuals to adopt a mile of highway and would be involved in all of the clean ups as much as they can. Also Rotary would provide assistance to the elderly and indigent who receive citations for non-compliance in cleaning their property. Commissioner Lumpkin commended the Rotary for initiating the program. They explained that Rotary would be making presentations to all the clubs about the Adopt a Highway Program and then the City employee would provide the orientation to those organizations that want to participate and coordinate with DOT the location for picking up the trash bags. Morency noted that the Department of Transportation will remove the organization's sign if the group does complete the required four clean ups per year. City Manager Sutherland reported the good thing about the program is the City already has two employees that are involved with clean up efforts through their job and this program would compliment the work the City is already doing. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Adopt a Highway Program presented by the Rotary. Roll Call:

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| Witcher | Sandoval | Lafferty | Apodaca | Lumpkin |
| Yes | Yes | Yes | Yes | Yes |

Lodgers Tax Chairman Diane Morency, owner of the Subway, and Board members Joanne Denton, owner of Boulevard Cleaners and LaNor Apartments, Bill Kinder, owner of the Blue Swallow Motel, and Sharon Quarles, owner of Gallery 111 Bed and Breakfast, submitted the Board's recommendations for funding the 2008-2009 Lodgers Tax recipients. Vice Chair Bill Kinder reported the Board is undertaking a new application process in order to get more "heads in beds". The

following organizations were their recommendations for funding:

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|---|--------------|
| Eastern New Mexico Blue Grass & Old Tyme Music Assoc. | \$ 2,500 |
| Mother Road Rally, Inc. | 2,000 |
| Quay Council for Arts & Humanities | 500 |
| Quay County Ranch Horse Committee | 500 |
| Tucumcari Alumni Association | 500 |
| Tucumcari Historical Museum | 4,000 |
| Tucumcari Kiwanis Club | 500 |
| Tucumcari MainStreet | 1,500 |
| Tucumcari/Quay County Chamber of Commerce | 35,000 |
| Subtotal | \$47,000 |
| Special projects that may include billboards | 6,000 (+or-) |
| Total Estimated Money Available | \$53,968 |

It was pointed out during the request for funds presentations, the organizations would like to see the Chamber of Commerce take a lead in the advertising for all the events. Morency also pointed out the Advisory Board allotted part of the money authorized to the Chamber to be used for beautification efforts, so they can help people beautify their areas. The Chamber has agreed to contact the owners of the buildings that are abandoned or “For Sale” to see if they would be willing to paint their building. She noted that there are over 33 dead buildings on Route 66; the goal is to make Route 66 look more appealing to the traveling public and get them to stay overnight. Kinder reported that the money set aside for special projects was to reskin three to four billboards to put more info about Route 66 and Tucumcari having the longest stretch of Route 66 since it a national icon, and emphasize what attractions Tucumcari has to offer to the 1 million baby boomers retiring July 1. Lodgers Tax Commission Liaison Lafferty reported he has worked with the Advisory Board for quite a while and they have developed a goal to rework the standards on the distribution of the Lodgers Tax money. He noted the group had been ridiculed for their new application as many groups had come to rely on the pot of money as a source to fund any event. He pointed out the Dinosaur Museum had elected not to apply due to the new application and requirements. Also some of the organizations had some of their funding cut, but the overall goal is to help new events get on their feet to help their project work and then after a certain amount of time, the organization needs to be self sufficient and the Board needs to look at other things to bring people to town. Also he asked if a Commissioner hears a complaint about the funding distribution or process, to stand up for the Board as they worked hard. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the recommendation by the Lodgers Tax Board. Roll Call:

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| Witcher | Sandoval | Lafferty | Apodaca | Lumpkin |
| Yes | Yes | Yes | Yes | Yes |

Commissioner Lumpkin requested a letter be sent to the New Mexico Department of Transportation District 4 Engineer. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem approve that the letter be sign by all Commissioners to New Mexico Department of Transportation District 4 Engineer Paul Gray asking that downtown not be designated as State Highway 237, but keep downtown as U.S. Highway 54 and Mountain Road be designated as the U.S. Highway 54 Truck Bypass so Tucumcari would not be bypassed. Roll Call:

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| Sandoval | Lafferty | Apodaca | Lumpkin | Witcher |
| Yes | Yes | Yes | Yes | Yes |

City Finance Director Marty Garcia noted that the third quarter Municipal Financial Report was not ready to send to the Department of Finance and Administration as he had been preparing the budget, but would give an update on the Gross Receipts. The most recent report on Gross Receipts Tax has come out in a new format which does not have the category breakdown, so he will be contacting Santa Fe for the information and see why they changed the format. Therefore, he was not able to tell why the gross receipts tax that was received was up. Based on the April 2008 monthly finance report, the Convention Center was close to going over budget and business has been extremely slow at the Airport plus the Senior Citizens revenue reimbursement for April has not been received, so these departments may require some additional subsidy at the end of the year.

City Clerk Jeannette Maddaford recommended that Amy Sandoval be appointed to the Recreation Advisory Board for the remainder of a two-year term. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to appoint Mrs. Sandoval to the Recreation Advisory Board. Roll Call:

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| Lafferty | Apodaca | Lumpkin | Witcher | Sandoval |
| Yes | Yes | Yes | Yes | Yes |

Mayor Apodaca reported that he was in Santa Fe last week for a meeting and spoke with various municipal mayors and asked them who does the rate setting in their municipalities and they said the councilors/commissioners and not the employees. Mayor Apodaca read from the letter sent by City Attorney Knudson which stated, “the language clearly allows the City staff to use the practice set forth in adjusting fees to adjust city water rates without the necessity of amending the ordinance or bringing it back to the attention of the Commission except through the budgetary process”. He stated that this quote was telling him the citizen have no input in it nor do the Commissioners have any input in the rate setting. He stated he thought the rate setting belongs to the City Commission, but he was willing to wait until the information comes back from the Attorney. He recommended looking at the City of Portales Ordinance, which might clarify the issue. He also thought to himself, let the staff take the hit for raising the rates, but that is not true because the Commission has the ultimate responsibility. He stated once the information is returned from the Attorney, they need to make sure the Commissioners are the rate setters and the citizens have a voice in the process while keeping in mind the bonding requirements which are based on water revenues. To clarify, City Manager Sutherland noted that the City Attorney is writing a draft water ordinance and the draft will be brought to the Commissioners for approval prior to advertising.

The last item for business was approval of the City Manager reducing the landfill charge for the dumping of debris from one block either side of Route 66 Boulevard or First Street. Commissioner Lafferty asked for this topic to be put on the agenda since the City was pushing an effort to clean up. He thought if the City would give property owners the option of coming to the City, like the School did when they requested a special landfill rate for demolition of Granger School. By giving a special rate, it might encourage owners to take down the old buildings and he asked that the City Commission approve the requests because anytime the City gives something away, the City Commissioners should be making that decision. City Manager read from the City of Tucumcari Ordinance Code Book that stated that the City Sanitation may adopt suitable rules respecting the care and keeping of the city landfill the deposit of materials therein, provided that all persons shall dump or deposit in the grounds in the place designated. The City Manager, with the approval of the governing body, shall cause to be assessed charges in the sanitary landfill as necessary and fair. He stated that his intention was to bring a proposal to the Commissioners, based on the recommendation from Commissioner Lafferty from the last meeting, to allow free dumping for those landowners along Route 66 Boulevard and First Street, which he will do with the Commissioners’ approval. Mayor Pro Tem Witcher noted that he agreed that this needs to be done along Route 66 Boulevard, but there were other areas in the City that have buildings that need to be torn down. Commission Lafferty stated that his intent was to stick with one block either side of First Street and one block either side of Route 66 Boulevard as these are the main traveled roads, but he was open for suggestions. He noted that he was not open to free dumping for everyone, but for if there is someone that has something that needs to come down, it should be considered based on what it brings to the clean up effort. Commissioner Lumpkin thought the concept was a good idea, but asked for a clarification of the motion. Mayor Pro Tem recommended turning this over to Planning and Zoning Commission who will have a form to be filled out by the owner or their representative (not a company or someone tearing the building down for profit) and then the Planning and Zoning Commission will submit their recommendation, with a picture, estimate on the number of cubic yards, the recommended fee, etc. to the City Commission. A motion was made by Commissioner Lafferty and seconded by Mayor Pro Tem Witcher to have the City Manager, the Planning and Zoning Department, and the Code Enforcement Officer develop a plan for the City Commission based on the prior discussion. Roll Call:

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|---------|---------|----------|----------|---------|
| Lumpkin | Witcher | Sandoval | Lafferty | Apodaca |
| Yes | Yes | Yes | Yes | Yes |

Items from Commissioners

Mayor Pro Tem Witcher thanked his fellow Commissioners and the City staff for going through some long, heated budget sessions. He noted this is what is called democracy. Commissioners don't always agree all the time, but as long as they keep working together, it will work out. He also thanked the staff for putting up with the frustration of dealing with the Commissioners and long hours. He said he was not going to apologize because this is what Commissioners do is look at the budget and then look at it some more. He stated that the City is in better shape than last year and in a year from now, it will be in even better shape.

Commissioner Sandoval reported that he had talked to the Department of Transportation about the turning lane at the corner of First Street and Main Street, but they want the City Manager to call Heather Sandoval to discuss it. Also he inquired when the sewer lines were going to be covered up on the Aber Addition CDBG Project. Community Development Director Doug Powers stated that it would probably be next week. Powers said some pretty good size holes were developing and he would get someone over there tomorrow.

Commissioner Lafferty thanked the staff for their effort on the budget and understood that it is frustrating and that he understood he was part of the frustration. He asked the Finance Director to deliver the budget to him when it is ready and the sooner he receives it the better.

Mayor Apodaca reminded everyone that the Special Session would be Tuesday, May 27, 2008, at 5:15 p.m. at the Convention Center with City budget to follow the Housing Authority budget. Apodaca reported that he was appointed by the New Mexico Municipal League to their Budget Committee and attended a meeting in Santa Fe on Saturday, May 17. Also he was appointed to the New Mexico Municipal League Environment, Energy, and Natural Resources Policy Committee and there will be a Committee meeting for this in Albuquerque on June 21.

Commissioner Lumpkin thanked the staff for presenting the budget. At the last meeting he mentioned looking at cleaning and enforcing the cleaning ordinances. He thanked the people that had brought up ideas to clean up Tucumcari. He reported that he had been working with the Little League and the Tucumcari area benefit from their efforts and they do not get a lot of thanks or recognition, so he asked that a Proclamation be on the agenda for the next meeting thanking everyone associated with Little League.

Adjournment

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

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| Witcher | Sandoval | Lafferty | Apodaca | Lumpkin |
| Yes | Yes | Yes | Yes | Yes |

Antonio Apodaca, Mayor

ATTEST:

Jeannette Maddaford, City Clerk