

**CITY OF TUCUMCARI
MINUTES**

June 26, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, June 26, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Jim Lafferty, Antonio Apodaca, Jimmy Sandoval, Robert Lumpkin, and Jim Witcher.

City staff members present were John R. Sutherland, Jr., City Manager; Marty Garcia, Finance Director/Assistant City Manager; Jeannette Maddaford, City Clerk; Roger Hatcher, Police Chief; Doug Powers, Community Development Director; Suzann Martin, Senior Citizens Program Director.

Rick Haymaker, Member of the Fellowship of Christian Pastors of Tucumcari, gave the invocation and Commissioner Lafferty led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Added to Bids and Contracts - Foster Grandparents Program - Professional Services Contract 09-624-4000-0024 and the Senior Companion Program - Professional Services Contract 09-624-4000-0044 both through with the Aging and Long Term Services Department.

Under New Business - Item D - Letter in Support of a Clean, Green Economy was deleted.

Approval of Minutes

A motion was made by Commissioner Lafferty and seconded by Commissioner Sandoval to approve the minutes of the June 12, 2008 regular Commission meeting. Roll Call:

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

Items from Citizens

Thomas Even, Jr., business owner and citizen of Tucumcari, presented information on placing Route 66 signs along Route 66 Boulevard. Since he learned the New Mexico Department of Transportation would not allow banners hung across the highway, he found at the Chamber of Commerce some Route 66 banners that hang on the light poles and came to ask permission to hang them after they are cleaned. After discussion, he was advised to work with the City Manager to see about getting the banners hung.

Rick Haymaker noted that the streetlights were out on East Route 66 Boulevard at Exit 335.

Public Hearing

Mayor Apodaca called the Public Hearing to order for the purpose of receiving comments on the proposed transfer of Liquor License No. 88 from Kendrick Oil Company dba Fast Stop #21 located at 3602 East Tucumcari Boulevard to Taylor Petroleum Companies, Inc., dba Taylor Food Mart #521. There being no comment pro or con from the public, a motion

was made by Commissioner Lafferty and seconded by Mayor Pro Tem Witcher to approve the transfer of Liquor License #88 from Kendrick Oil Company to Taylor Petroleum Companies. Roll Call:

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

City Manager's Report

City Manager Sutherland called upon Finance Director Marty Garcia to give an update on the Department of Finance and Administration second and third quarter reports. Garcia reported he was still working on completing them. He also reported that he had been working with the DFA Budget Analysis to provide information so they can proceed with the City's budget. He thought the fourth DFA quarter report would probably be ready the first meeting in July and if not all the reports would be ready the second meeting of the month. He reported that Mr. Sutherland had been in contact with the Accounting Group, Inc. and they expect to have the 05-06 and the 06-07 audits ready by the week of July 7 and could expect to have the exit conference late that week.. The audits would then be submitted to the State Auditor and following approval, it will be release ten days to the public.

Suzann Martin, Senior Citizens Director, gave an update on the Senior Citizens that will be attending the Senior Olympics which will be held in Las Cruces on July 30 - August 1. She reported that it costs \$300 per person to attend and approximately 17-20 Seniors would be attending.

City Manager Sutherland reported that he had been in contact with the Tucumcari Mountain Cheese Factory regarding the waste they have been discharging into the City's Wastewater Treatment Plant. Their discharge stream has been significantly over the limits on CODs and also outside the limits on PH. The owners say they are working to correct the problems and the City hopes to see improvements in their waste stream soon.

A meeting was held with Department of Transportation District IV Engineer Paul Gray today while he was in Tucumcari concerning the U.S. Highway 54 and Main Street signage issue. Mr. Gray committed to addressing the U.S. 54 Highway sign issues and reminded City representatives that U.S. 54 is a federal highway and the federal designation of Main Street as U.S. Highway 54 was officially changed by the Federal Highway Administration in 1994 when Mountain Road Bypass was completed. He said he understood the concerns of the City and agreed he would work to find a mutually beneficial way of signing the highway through the City. Sutherland stated that it was a positive and productive exchange of ideas and he had confidence that it will result in a positive outcome for Tucumcari businesses.

June 18-20 Sutherland attended the New Mexico Municipal League City Manager's Post Budget Retreat in Albuquerque. June 21 he attended a New Mexico Municipal League Legislative Priority Setting Workshop also in Albuquerque to establish 2009 lobbying priorities. On June 25, he attended the regular monthly meeting of the City-County Dispatch Board. He noted several entities were present that received invoices for dispatch services and indicated they were interested in paying something for the service, but were not sure the amount billed by the joint board was the correct amount. So the Board committed to work out a mutual solution. On June 25, he attended the Grand Opening of the Glenrio Visitors Center and noted it was an outstanding facility and makes a great entrance into the State of New Mexico. On June 25 he met with the City's Engineering firm, HDR, and a representative of USDA following the Wastewater Treatment Plant Headworks pre-construction meeting with the contractor. They reviewed the scope of work for the project and made sure plans are in place to address the sewer issues that are plaguing residents along Elder Street. This week the City received a letter from the New Mexico Environment Department, Surface Water Quality Bureau regarding the problem along Elder Street encouraging the City to investigate the problem and develop a solution. Sutherland stated HDR assured the City that Elder Street is part of the Headworks project and will be addressed.

Sutherland reminded everyone of the 75th Anniversary Celebration at Conchas Dam on Friday, June 27, which is the largest new deal project in the State of New Mexico.

Due to a conflict of meetings on July 24, the City Commission and Housing Authority meetings were changed to July 22. As a notice the Housing Authority meeting will be held at 5:00 p.m. at the Housing Authority Office building, Planning and Zoning will meet at 5:15 p.m. in City Hall, and the City Commission will be at City Hall at 6:00 p.m.

Bids and Contracts

The Santa Rosa Intergovernmental Services Agreement for Landfill Use was presented for the annual renewal with an increase in the tipping fee of \$1 per ton. City Manager Sutherland recommended approval. Commissioner Lumpkin asked if Santa Rosa had been alerted as to the cost for dumping in the new landfill according to the engineer's estimates. Sutherland reported they had not been notified until Tucumcari has time to run their own numbers on the new landfill. A motion was made by Commissioner Lafferty and seconded by Mayor Pro Tem Witcher to approve the Intergovernmental Services Agreement for Landfill Use with Santa Rosa for \$27 per ton with the understanding all bulk trash will increase \$1 per ton. Roll Call:

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

City Manager Sutherland presented the Liquor License Dispenser Agreement with M&M Golf, which is a successor to Liquor Dispenser Agreement with the prior Golf Pro. The current Agreement was drafted by the City's Attorney and recommended for approval by the City Manager. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Agreement. Roll Call:

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

Suzann Martin, Senior Citizens Director, presented the Foster Grandparents Program Professional Services Contract with the Aging and Long Term Services Department for 2008-2009 which is a continuation of the prior year's contract. She reported that she had just received the contracts and they must be returned tomorrow, so that was why they were added to the agenda. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Professional Services Contract #09-624-4000-0024 for the Foster Grandparent Program. Roll Call:

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

A second contract was presented with the Aging and Long Term Services Department for the 2008-2009 Senior Companion Program, also a continuation of the prior year's contract. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Professional Services Contract #09-624-4000-0044 for the Senior Companions Program. Roll Call:

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

Old Business

Mayor Apodaca acknowledged Library Advisory Board minutes of May 9, 2008 and the Lodgers Tax Advisory Board minutes of December 11, 2007, February 12, 2008, March 11, 2008, April 15, 2008, May 13, 2008, and May 20, 2008.

New Business

Lodgers Tax Advisory Board members Diane Morency, Thomas Even, Jr., Jo Ann Denton, and Sharon Quarles asked permission to stencil the Route 66 shield on Route 66 Boulevard from I-40 exit 329 to exit 335 down through the city on Old Route 66. Since the City has the longest continuous miles of Route 66, this needs to be emphasized as there are many Old Rt. 66 buffs that want to relive that era. Thomas Even reported that they had the volunteers for the paint and the volunteer labor, but would like written permission before seeking the Department of Transportation's approval. They stated this was part of their effort to beautify Route 66 in order to bring tourism to Tucumcari. He also stated that they would like help from the City to direct traffic while painting the emblem. It was noted that Morarity has an emblem, which they have permission to borrow, and had painted the emblem on their median, plus Santa Rosa plans to do the same thing. Mayor Pro Tem Witcher noted as an idea for the future, since the businesses located on Main Street are very concerned about the change in U.S. Highway 54 to another highway designation, he would like to see Old Historic Rt. 54 stenciled to mark that highway or signs in the merchants' windows. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lafferty to approve Lodgers Tax Advisory Board's request to stencil the emblem of Route 66 on Route 66 Boulevard. Roll Call:

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

City Manager Sutherland reported another bid had been made on a city owned lot that had been acquired through lien foreclosure by Ana G. Urrea who bid \$1,500. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the sale of North 25 ft of Lot 17 and Lot 18 Block 14 of the Southwestern Addition to Ana G. Urrea. Roll Call:

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

The Mayor reported he had been appointed to the NMML Environmental, Energy, and Natural Resources Policy Committee where he attended his first meeting on June 21. Following this appointment he was also appointed to the NMML Resolutions Committee which is the second most important step in the development of the League’s municipal policy and legislative package for this legislative session. At this meeting two resolutions were presented by Espanola Mayor Maestas. He noted that the City Commission had met prior to him going to the NMML Environmental Committee meeting and that is when found out that the U.S. Senate had failed to extend the production tax credit for solar and wind energy for corporations. He contacted Commissioner Lumpkin about introducing his own resolution as wind energy is very important to this area due to the number of wind turbines located in Quay County and the Mesalands Community College North American Wind and Research Center. But later found that Espanola Mayor Maestas had already submitted the two resolutions to the League and now they have passed the Finance Committee and will be coming to the Resolution Committee. If that committee gives them a do pass, they will come before the full NMML membership for a vote during the Annual Summer Conference, then all resolutions will be prioritized by the Board of Directors prior to going to the Legislature.

The second resolution introduced by Espanola Mayor Maestas was for the Creation of Additional Incentives for Residential Renewable Energy Installations. Mayor Apodaca stated this Resolution passed the Environmental Committee and will come before the Resolution Committee on July 12. He stated that when he meets on the 12th and if there is need to defend the resolution, he wants to be able to say he has the blessings of the Tucumcari City Commission as many people were not aware that Mesalands Community College has a Wind Training and Research Center located in Tucumcari. Also the League wants to get the support of all the municipalities on these two resolutions, so that is why he brought them before the Commission. Commissioner Lumpkin stated he had read the resolutions and stated these are similar to the ones the Commission has approved from Eastern New Mexico pertaining to renewable energy incentives for residential and commercial installations and the resolutions won’t take away from any of the other resolutions, as they stand on their own. A motion was made by Commissioner Lumpkin and second by Mayor Pro Tem Witcher to support the New Mexico Municipal League Resolution for the Expansion of State Production Tax Credits & Renewal of Federal Production Tax Credits for Wind and Solar Energy Projects so Mayor Maestas will have the leverage to work with when he goes to his next committee meeting to push the resolution forward. Roll Call:

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

Commissioner Lumpkin explained the next resolution is to support incentives for the residential sector as energy saving projects are installed, they will receive some type of credit for being energy conscious. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to support A Resolution Requesting the Creation of Additional Incentives for Residential Renewable Energy Installations. Roll Call:

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

Executive Session

A motion was made by Commissioner Lafferty and seconded by Commissioner Lumpkin to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H)2 for the discussion of personnel matters in regard to the investigation of a complaint of an individual public employee and the evaluation of the City Manager. Time noted 6:50 p.m. Roll Call:

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

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to reconvene into regular session and that no action was taken during the Executive Session. Time noted 7:55 p.m. Roll Call:

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

Mayor Pro Tem noted the renewal of the City Manager's contract is automatic according to the way the Commissioners understand the procedure, so a motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to give the City Manager a vote of confidence as a Commission for the good job he is doing. Roll Call:

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

Items from Commissioners

Commissioner Lumpkin stated that there are different incentives to encourage businesses to come to Tucumcari, but there are a lot of good people in Tucumcari who have been very loyal through the years. So he asked if there was something the City could offer in the way of incentives to help local people.

Mayor Pro Tem Witcher reported that he attended the Eastern Plains Council of Governments meeting. He noted that EPCOG's Executive Director, Leland Tillman, will be retiring at the end of the month. The replacement has been with EPCOG for seven years, so he thinks EPCOG is in good shape and the City should use EPCOG's services more.

Commissioner Lafferty requested that we add the Financial Report to the agenda as a regular item each meeting, so if any Commissioner wanted to take action during a meeting it could be done. Also he noted that it had been discussed having the Manager's Report available to the City Commissioners prior to the meeting. He asked if part of the report could be available with the packet and would understand that additional things would be added up to the time of the meeting. He felt it would be beneficial to have the information to facilitate questions or input from the Commissioners on the information presented. He stated that his negative vote on the City Manager's vote of confidence motion is more a vote against the Commission because they have not thoroughly evaluated him. The City is two quarterly reports behind in the financials to the Department of Finance and Administration and has not had a financial report in several months. He acknowledged that it is not all the City Manager's fault, but if the City Commission continues to allow this to happen, then the only person the Commission has any control over is the City Manager. He stated he did not feel the Commission had done their homework prior to completing the evaluation.

Mayor Apodaca noted he was appointed by the New Mexico Municipal League to the Resolution Committee and will be attending this meeting on Saturday, July 12, in Albuquerque.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 8:00 p.m. Roll Call:

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

Antonio Apodaca, Mayor

ATTEST:

Jeannette Maddaford, City Clerk