

**CITY OF TUCUMCARI
MINUTES**

July 10, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, July 10, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Jimmy Sandoval, Jim Lafferty, Antonio Apodaca, Robert Lumpkin, and Jim Witcher.

City staff members present were John R. Sutherland, Jr., City Manager; Jeannette Maddaford, City Clerk; Roger Hatcher, Police Chief; Doug Powers, Community Development Director; Suzann Martin, Senior Citizens Program Director; Kalon Lafferty Deputy Fire Chief/EMS Director; and Vicki Strand, Deputy Finance Director.

Mayor Pro Tem Witcher, Minister of the First Christian Church, gave the invocation and led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

None

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Sandoval to approve the minutes of the June 26, 2008 regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

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

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Items from Citizens

None

City Manager's Report

City Manager Sutherland noted that he had delivered a written report to the City Commissioners and would summarize it for the audience. He reported that the Interstate Stream Commission has decided, in their opinion, the Agreement between the City and Ute Lake Ranch is not a valid agreement. They have asked the parties to work out a buy/sell agreement. Communications between the two parties have begun. The City's engineer for the Sands Dorsey building, W. H. Pacific, will begin environmental testing on Monday, July 14, 2008. The City has picked up a commitment to create an employee assistance program for City employees under the current Personnel Ordinance. The cost is minimal to the City and will be accommodated through savings in other benefits. The Waste Water Treatment Project contractor has mobilized to the site and actual work has begun. The final Street Inventory Plan has been completed by the City's consultant, Wilson & Wilson, and distributed to all the Commissioners. Work is progressing on the Adams Street Project. The project is coming in slightly under budget, so there will be some money left for sidewalk issues. The Gamble Street Paving Project was a joint project with the Tucumcari Public Schools which made their money go farther by joining forces. East Central Sewer

System is completed except for the engineer's walk through. They were able to pave about five blocks of asphalt at Park and Choctaw and put in 5,933 feet of new sewer line. There was more work than anticipated, but the contractor did a very nice job of finishing the entire project. They are waiting for authorization on the CDBG Planning Grant the City received this year which will allow the City to complete its infrastructure inventory and assessment of the sewer collection and water distribution system. The Personnel Ordinance has been forwarded to the City's Attorney for review. The Water/Sewer Ordinance had several areas that needed attention, but significant progress has been made. Sutherland noted the next meeting of the City Commissioner will be at 6:00 p.m. on Tuesday, July 22, 2008, and the Housing Authority meeting will be at the Housing Authority Office at 5:00 p.m. Follow up communications regarding U.S. 54 was received from Department of Transportation Cabinet Secretary Rhonda Faught who confirmed the conversation the City had with NMDOT District 4 Engineer Paul Gray. She has committed to work with Tucumcari to get the signing and the routing on U.S. 54 straightened out.

Mayor Pro Tem Witcher asked if a work session could be set for August or September to set the Commission's priorities for U.S. 54.

Commissioner Lafferty noted that he was forwarded a document that the City's attorney sent to Ute Lake Ranch, the County, and several other places. Since this topic may become a controversial issue, he asked that the Commission be fully informed of all the steps being taken. The City's attorney is saying the City has broken the anti-donation clause with the agreement, which means the City may have to adjust fees to Ute Lake Ranch, and the Commissioners should be kept in the loop of what is transpiring. He stated the document was dated July 7 and he had to acquire it from another source and he would like to be kept better informed as to what is going on with Ute Lake Ranch water.

Commissioner Lafferty inquired about the employee assistance program and saving enough money on the medical insurance over last year's fee to pay for the program. Mr. Sutherland explained the savings was due to budgeting more for health insurance than the actual bid amount.

Bids and Contracts

Senior Citizens Director Suzann Martin presented Nutrition Services Incentive Program (NSIP) Agreement with North Central New Mexico Economic Development District Non-Metro Area Agency on Aging - Contract No. 2008-09 68040 for \$15,024. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the renewal of the contract for the Nutrition Services Incentive Program for 2008-2009 for \$15,024. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Next Martin presented the Senior Citizens annual Vendor Agreement with North Central New Mexico Economic Development District Non-Metro Area Agency on Aging - Contract No. 2008-09 68040 for \$308,042 for all three facilities. Mayor Apodaca commended Martin and her staff for the excellent job they were doing with the Senior Citizen program. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Vendor Agreement for 2008-2009. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Doug Powers, Community Development Director, presented an Agreement with GWC Construction, Inc. for the asbestos and lead abatement services at the Tucumcari Railroad Depot facility at a cost of \$114,403.92. He reported that this company will come in before the end of the month. Powers noted after this is completed, the next step will be the roof, so they will work with this company again on the hazardous materials in the roof. Commissioner Sandoval asked if the building would be complete by the end of the year. Powers was not sure if there would be enough money in the \$400,000 grant to complete the entire project, but hoped to finish the interior with the grant. He noted that the railroad depot is important to the MainStreet organization. City Manager Sutherland recommended approval. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Agreement with GWC Construction for the abatement service. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Kalon Lafferty, EMS Director, presented the Professional Services Agreement with Dr. George Evetts who provides services as the Medical Director to the City's ambulance service. City Manager Sutherland recommended approval of the Agreement with Dr. Evetts as he has provided excellent direction for EMS Director Kalon Lafferty and Fire Chief Mike Cherry. A motion was made by Commissioner Lafferty and seconded by Commissioner Lumpkin to approve the Professional Services Agreement with Dr. George Evetts for \$500 per month. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Apodaca acknowledged Senior Citizens Advisory Board minutes of December 17, 2007 and the Lodgers Tax Advisory Board minutes of June 10, 2008 regular meeting and the June 24, 2008 special meeting.

New Business

City Manager Sutherland presented the CDWI Grant Application submitted by Police Grant Director Patricia Lopez to work in collaboration with the Quay County Sheriff's Department to complete two saturation patrols per quarter. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the CDWI Grant Application for 2008-2009 for \$2,365. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Chamber President Carole Keith handed out an invitation to all the Commissioners which invited all Route 66 property owners to a presentation by the New Mexico Route 66 Association who have also invited Senators Domenici and Bingaman and Representative Wilson to the meeting. The meeting will be on Tuesday, July 22, 2008, at the Mesalands Community College Great Room from 11:30 a.m. to 1:00 p.m. Keith noted the Chamber was going to make the first difference or set the first example next week by personally painting the trim on the Chamber building. The program will feature a lady from the Route 66 Corridor Federal Program who will give a power point presentation. She also introduced Debbie Rogers as the new Executive Director of the Chamber of Commerce.

Mayor Apodaca asked about the possibility of having the next Commission meeting at the Chamber Office. He thought it would be a good idea to have Commission meetings at various places around town.

City Clerk Jeannette Maddaford presented the Museum Advisory Board recommended appointees from the Tukumcari Historical Research Institute consisting of the two year reappointment of Yetta Bidegain, Dorothy Randals, Lucy Nials, and Joy Young. It was pointed out that Duane Moore was the newly elected President of the Research Institute, so he would be filling the unexpired term of Lynn Moncus since they have a policy that all officers of the Institute serve on the City's Museum Advisory Board. Commissioner Lumpkin thanked Lynn Moncus for her service on the Board and acknowledged appreciation for the letter sent by the City Clerk to Ms. Moncus on behalf of the City Commissioners. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Museum Advisory Board appointments. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

A motion was made by Mayor Witcher and seconded by Commissioner Lumpkin to elect Mayor Apodaca as the delegate to the New Mexico Municipal League Annual Conference August 13 – 15 with Commissioner Sandoval as the alternate. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager Sutherland reported that the bids on the lots and houses were a continuation of the effort to dispose of the properties acquired through foreclosure. He noted the bids presented met or exceeded the advertised minimums. A motion was made by Commissioner Sandoval and seconded by Commissioner Lumpkin to approve the sale of the following properties: 523 East Laughlin Avenue (Lot 4, 5, 6, Block 22 McGee Addition) - \$4,777; 1002 East Laughlin Avenue (Lot 6, Block 26 Aber Addition) - \$1,300; and 601 South Rock Island Avenue (Lot 1 (North 1/2 of the North 71 feet) Block 23) - \$1,600. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

City staff had been planning to take money out of the Economic Development cleanup money for the Sands Dorsey engineering work. Commissioner Lumpkin stated with EDC working to bring the Racino to Tukumcari, he hated to see the Corporation not have enough money for this endeavor. It was pointed out that there is a contingency fund that was set aside for such expenditures. City Manager Sutherland pointed out that EDC has a \$400,000 cash balance. Mayor Pro Tem Witcher noted the City would have infrastructure expenses that might need the contingency money. Commissioner Lafferty said the \$400,000 cash balance is not Economic Development money as they have no control over the money and the contract says they will recommend to the Commission areas where the money needs to be spent after they have done due diligence on the need to spend the money. He also noted that Mr. Sutherland and Commissioner Lumpkin are looking at running a line to the Tukumcari Feed Yard in order to sell the gray water which will be another expense from the Economic Development money. Commissioner Lumpkin noted that they were in the process of trying to get a permit, but had not got to the point of infrastructure, so it had not been brought back to the Commissioners. Mayor Apodaca noted that the City of Tukumcari had donated land to the Tukumcari Feed Yard and then will have to spend money to install a pipeline and then wait 40 to 50 years to break even. Lafferty noted this kind of expenditure and the Racino directly link back to economic development where paying for Sands Dorsey engineering services do not link to economic development. He stated that he viewed the engineering expense as an emergency as it was something that had not been planned on. As a member of EDC he is leery of spending money earmarked for economic development without going through the Economic Development Corporation. He asked was the money really “emergency money”, or was it money that was set aside for this type of expenditures. A motion was made by Commissioner Lafferty and seconded by Mayor Pro Tem Witcher to pay for the engineering expense out of the set aside money and leave the EDC money for the ultimate goal which is to expand economic development in Tukumcari. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Deputy Finance Director Vicki Strand gave a report in the absence of Finance Director Marty Garcia. She reported that Jeff McWhorter, Director of the Accounting and Consulting Group, sent an e-mail saying that he expected the draft of the 2005-2006 audit to be completed no later than July 16 and the 2006-2007 audit draft no later than July 23. The Accounting Group was going to give a report at the City Commission meeting on July 24. Now that the meeting has been moved up to July 22, he will have to be notified of the change in meeting dates. Request for approval of the Accounting Group to perform the City’s 2007-2008 audit has been sent to the State Auditor and preparations will begin when approval is received. Strand reported Garcia had placed the Department of Finance third quarter report in each Commissioner’s box last week. Also there was a minor transfer on the report which Garcia reported did not affect the reconciliation. The fourth quarter Department of Finance report will be on the agenda for July 22 Commission meeting as well as a budget report and the resolution for end of the year 2007-2008. The Gross Receipts Tax report was handed out and the business activity for April 2008 showed a 7.58% increase above the three year average and is \$250,000 above the three year amounts per budget. Interim approval was received from the Department of Finance, Local Government Division, for the 2008-2009 budget. Final approval from DFA is contingent upon the items listed in a letter from DFA to the Commissioners being received.

Commissioner Lafferty inquired about the City’s December 2007 second quarter report and the March 2008 third quarter reports to Department of Finance being place in the City Commission’s boxes. Strand reported the December 2007 second quarter report would be ready for the July 22 meeting. Lafferty asked how the City went from having a third quarter report, but not having a second quarter report. He asked the other Commissioners if they had received these reports and they reported they had not received them.

Items from Commissioners

Commissioner Sandoval reported he had given a report on the condition of the Recreation Center at a prior Commission meeting following the first tornado in the Tukumcari area. Yesterday he and Mike Cherry went to inspect the Recreation

Center and found water in the basement causing it to smell like mildew. He also reported the basement was in bad condition the first time he saw it and still has not been cleaned up.

Commissioner Lafferty stated that a letter from the Department of Finance and Administration saying they have received the City's Municipal Quarterly Report does not justify the Commissioners not seeing the reports.

Mayor Pro Tem Witcher stated that a rating sheet on the City Manager had been placed in each Commissioner's box and asked the form be filled out and returned to Mr. Witcher's box. Following receipt of the forms, which will be kept confidential, the information will be tabulated and returned to each Commissioner and then the information will be reviewed with the City Manager at an Executive Session.

Commissioner Lumpkin reported he had been working on a Resolution that will go from the City Commissioners to the New Mexico Municipal League and if approved then on to the State Legislators. He noted that he did not make the deadline for the City Commission agenda, so the resolution will be voted on at the July 22 meeting. The subject of the resolution is efficiency, i.e. installing insulation in homes, energy saving windows, solar panels, also farm/rancher applications for solar panels, all of which could be recipient of tax incentives or tax rebates. He reported that Mayor Apodaca will be carrying the resolution to the Municipal League Resolution Committee meeting on Saturday, July 12, and if the City does not approve the resolution, it can be pulled. He thanked Mayor Apodaca for his work for Tucumcari noting that when he goes to these meetings, he takes things from the City and shows very well for the City.

Mayor Apodaca asked the Commissioners to think about having meetings around the City in the various Commissioners' districts, so City Hall is taken to the people. He also asked the Commissioners to think about the City working a four day week to conserve resources as the schools do. He noted other municipalities are thinking about working four days a week, but are concerned about the overtime and how it would affect services.

The Mayor read a letter from Donna Smith, Family Dollar Store Vice President of Marketing, who invited the Commissioners to the Grand Re-Opening of the Tucumcari Family Dollar Store on Saturday, July 19, 2008, at 9:00 a.m. Mayor Apodaca reported that he would be attending the New Mexico Municipal League Resolution Policy Committee meeting on Saturday, July 12, 2008, in Albuquerque and would be glad to introduce the Energy Efficiency Resolution presented by Commissioner Lumpkin.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 6:45 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Jeannette Maddaford, City Clerk