

**CITY OF TUCUMCARI
MINUTES**

July 22, 2008

The Tucumcari City Commission met for their regular meeting on Tuesday, July 22, 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; Marty Garcia, Finance Director/Assistant City Manager; Erin Baca, Administrative Assistant; Doug Powers, Community Development Director; Roger Hatcher, Police Chief; Yvette Fazekas, Grant Writer; and Vicki Strand, Chief Finance Deputy.

Pastor Lendy Borden of the New Life Church gave the invocation and Mayor Apodaca led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Mayor Apodaca asked that Item A - Clair Strong/Dunn Park under New Business - be moved up under Items from Citizens. Item B - Senior Citizens Request 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 July 10, 2008 regular Commission meeting with the additional information requested by the Mayor to be added to the second paragraph of page five concerning piping gray water to the Tucumcari Feedlot and information to page 7 first paragraph about other municipalities thinking about working a four day work week. 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

Claire Strong reported she was working with city resident Jo Ann Denton and Quay County Agent Tom Dominguez on revitalizing the former rose garden to a landscaped garden with bulb-type flowers, tulips, and a sage-type bush at Dunn Park. They will be tilling the ground and adding topsoil to the plot. She noted that Altrusa had offered to pay for the plants; therefore, she asked if the City would take care of the watering expense after the new drip system is installed.

Commissioner Lumpkin thanked Mrs. Strong for her efforts to beautify the City. Commissioner Lafferty noted that he had twelve phone calls about various issues since the last meeting and had urged each to come to the meeting and talk to all the Commissioners. He noted that Mrs. Strong was the only one who came to the meeting and he appreciated her input.

Resolutions and Ordinances

RESOLUTION 2008-20 A RESOLUTION REGARDING APPROVAL OF ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT-NEW MEXICO YOUTH CONSERVATION CORPS APPLICATION was presented by Grant Coordinator Yvette Fazekas who explained the project for the 2009-2010 fiscal year will be conducted at the Recreation Center beginning June 1 thru August 7, 2009. Six youth will be hired to install a sprinkler system, reseed native grass in the front, install three flower boxes, replace some of the sidewalks, and install handicap ramps for the total grant amount of \$32,985 with the City's in-kind match of \$20,540. City Manager recommended approval of the YCC Grant

Application. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Resolution 2008-20 Youth Conservation Corp. Grant Application for 2009-2010. Commissioner Lumpkin asked if the skate park could be moved to another area in town where it could be monitored more closely due to the vandalism. Fazekas explained if the current skate park is abandoned, the City would have to spend the same amount of money on the new skate park as was received in grant money for the original park. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

RESOLUTION 2008-21 - A RESOLUTION REGARDING APPROVAL OF NEW MEXICO CONSERVATION RE-LEAF PLANTING PROGRAM APPLICATION. Fazekas reported that she had started writing the grant, but had not got the budget completed. She reported the maximum amount that could be applied for is \$8,000 to purchase trees and a drip irrigation system. They are planning to plant an ash tree in front of the Recreation Center. The city match would be \$1,600 and in-kind would be 20%. City Manager recommended approval. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Re-Leaf Planting Program Grant Application Resolution 2008-21. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

RESOLUTION 2008-22 - CREATION OF ADDITIONAL INCENTIVES FOR RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY APPLICATIONS which was introduced by Mayor Apodaca who took the resolution to the New Mexico Municipal League Resolution Committee where it was passed, but there were some questions and proposed amendments. Commissioner Lumpkin reported that he was contacted by a staff member from the Municipal League who felt the resolution might have been in conflict with a Public Regulation Commission Rule and Lumpkin noted that this Resolution was in fact asking that the PRC Rule be changed to give incentives to residents or businesses owners who install energy saving devices. He also noted that one couldn't be for renewable energy unless one is for efficiency which is conserving the energy that has been produced. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve Resolution 2008-22 for submission to the New Mexico Municipal League and if it does not pass NMML, it will be submitted to the State Legislature from the City of Tucumcari. Mayor Apodaca noted that the Resolution would go before all the municipalities at the Annual Municipal League Conference in Clovis on August 14. He also reported that the Solar Energy Resolution, sponsored by the Espanola Mayor and passed by the City of Tucumcari at a prior meeting, died in the NMML Resolution Committee, but the Renewable Energy Production Tax Credit passed. Commissioner Lafferty asked what the NMML concerns were with Resolution 2008-22. Commissioner Lumpkin stated that Mary Holman of the Public Regulation Commission thought the Resolution omitted natural gas and he explained that the word "energy" (not renewable energy) covered all types of energy. Holman also stated the Resolution was in conflict with PRC Ruling 117-11 on incentives and Lumpkin noted that this Resolution is in conflict because it is asking them to increase their incentives. He pointed out when any Resolution/bill is taken to the State Legislature it will create new state law; or amend or abolish an existing law. Commissioner Lumpkin felt that following their discussion; Mrs. Holman understood the purpose of the Resolution. Also he stated that if the City of Tucumcari adopts the motion to have the Resolution go to the Legislature, then it has two chances of becoming law and other entities may join the cause. Commissioner Lafferty stated that he was concerned that if the Municipal League and their attorneys have decided the Resolution is not in the best interest of the municipalities, then the City should follow their lead. The City Manager noted that this Resolution had not been a staff initiative, so the City Commissioners will have to make a decision based on the best interest of the City and State. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
No	Yes	Yes	Yes	Yes

RESOLUTION 2008-23 - END OF YEAR BUDGET REVISION FOR 2007-2008 was presented by Finance Director Marty Garcia who explained a resolution is prepared at the end of each fiscal year to adjust any fund that has a negative cash balance or for any fund that is over budget. He noted there are five funds that are affected by the above criteria which are: Corrections - prisoner expense went over \$115/increased revenue to cover; Airport - \$50,000 cash deficit primarily due to fuel sales were down by about \$38,000 and cost of fuel was up by \$10,000; Lodgers Tax - an additional \$1,000 transferred to Debt Service/covered by additional revenue; Recreation - \$13,000 over budget which will be covered by additional revenue; and Police Narcotics Fund brought in additional revenue. He noted that airport automated fuel pumps are being studied to determine cost effectiveness. Two departments require additional transfers from the General Fund to the Recreation Department for \$1,500 and Airport \$50,000 with the money taken from line items that were under spent.

Ending Cash Balance for the General Fund was \$850,000 for 07-08 and will probably be \$825,000 for the 08-09 budget year, so the budget will be adjusted accordingly. The Commissioners will be provided copies of actual cash balances and adjusted budget when they are submitted to DFA. He stated this information should get the budget in compliance with State law and keep the City out of trouble with the State Auditor. Commissioner Lafferty asked how much the General Fund subsidized the Recreation Fund for 07-08. Garcia stated Recreation was subsidized \$178,000 plus the \$1,500 for a total of approximately \$180,000. Lafferty asked the Commissioners if they reviewed the packet that he was delivered on this day and they said they had not received it. Commissioner Lumpkin pointed out the Albuquerque and Santa Fe airports have a two-hour wait in order to be able to fill their planes. So it would be to Tucumcari Airport's advantage to advertise on the City's website, so the travelers of the super highway know Tucumcari has an automated pump. City Manager recommended approval. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to adopt Resolution 2008-23. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

City Manager's Report

City Manager John Sutherland reported that the geologist from W. H. Pacific, the City's engineer, took samples for analysis from the Sands Dorsey building and should receive a report in the next couple of weeks.

Homeland Security funding of approximately \$140,000 has been approved for the City of Tucumcari with \$100,000 for upgrading dispatch and \$40,000 for reverse 911 Public Notification System.

Renovation work at the Waste Water Treatment Plant has begun. Contractors are awaiting delivery of tanks and equipment for the 66 Lift Station.

Due to the rainfall, there has been some shorting out of the lights on East Route 66 Boulevard. In working with Xcel Energy, the lights are on again.

The work on the Adams Street Project has been slowed due to the rain.

The City has been allocated \$216,100 from the Department of Transportation for the Municipal Arterial Program, which will require a \$72,033.33 City match.

The Ute Reservoir Water Transmission Project RFP was issued and six responses were received from high quality engineers, so the evaluation committee will meet next week to rate and rank the RFP's.

The National Park Service Award was presented to Mayor Apodaca on behalf of the City of Tucumcari at the Route 66 Corridor Preservation Program recognizing the City for its work on the emergency stabilization of the Bath House at Metropolitan Park.

A Commission Work Session was suggested for Tuesday, August 5, 2008, beginning at 5:15 p.m. to review the Street Inventory Plan in order to establish prioritization of the street repair work and the approach the City should take as funding is sought and scheduling begins on the city streets.

A sincere appreciation was expressed to Code Enforcement Officer, Cathy Estrada, for the exceptional work she has done in the last week to ten days pushing and negotiating, and discussing with various business owners on First Street and Route 66 Boulevard to get their cooperation in improving the appearance of their properties as City prepared for the Racing Commission meeting. Also he recognized Max Jimenez and his staff for doing a lot of the clean up of areas along the Boulevard and First Street. He thanked Cathy Estrada for her personal, private effort to beautify City Hall by the planting and caring for the beautiful flowers in the planters in front of City Hall.

Old Business

Mayor Apodaca acknowledged the Library Board minutes of June 16, 2008 and the Museum Board minutes of May 5, 2008.

New Business

A motion was made by Commissioner Lafferty and seconded by Commissioner Lumpkin to have the City Manager to work with Claire Strong and Altrusa on Dunn Park utilizing the normal Maintenance budget and if there is not sufficient budget then bring it back to the Commissioners. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Pat Vanderpool, Executive Director of the Greater Tuumcari Economic Development Corporation, gave a quarterly update on the activities of the EDC stating that they were on schedule for year one with their five-year plan. Once the casino and racetrack comes to Tuumcari that will put them on track for the retail and bioscience aspects of the plan. He handed out a spreadsheet that showed companies he had contacted and noted when the City receives the announcement the racetrack is coming to Tuumcari, it will enhance the prospects greatly especially with the retail chains and stores that he has contacted. He noted that he continues to pursue industry in wind and solar. The big item is the Racing Commission meeting set for Thursday, July 24, in Tuumcari and a standing room crowd is needed to impress the Commission. At the July 10 meeting in Raton, only 500 people attend the Racing Commission meeting and Tuumcari can better that number. He noted that he had traveled around the state and spent some time talking to horse trainers and horsemen around the State. During this time, he found out that the first para-mutual race in New Mexico was actually held in Tuumcari for a ten-day, statewide event in 1938. When the New Mexico Racing Commission meets at the Convention Center, they will be seated in the north end of that original track, so he hoped this is a sign of good things to come. The last part of his report was draft legislation put together by New Mexico Economic Develop Coalition. October 1-3, Tuumcari will be hosting the Governors Economic Development Summit here in Tuumcari with a theme of Three G's: Green, Gold, and Global. On October 22 the Renewable Energy Transmission Authority (RETA) will hold their meeting in Tuumcari. Commissioner Lumpkin congratulated Mr. Vanderpool on his five-year plan stating that it was a great approach to the economic development needs in Tuumcari. Also he challenged all the people in the audience to come to the Racino meeting at the Convention Center at 6:00 pm.

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to appoint Jim Lafferty as the alternate representative to the Ute Water Commission. Mayor Apodaca expressed it would be good to have the Manager and City Commissioner represent the Commission as there is a lot of work involved plus there is contracts to be negotiated. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

City Clerk Maddaford reported the Lodgers Tax Board Hotel/Motel representative position had been advertised and one applicant was received from Richard Talley of the Safari Motel who was recommended. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Richard Talley to the Hotel/Motel position to fill the unexpired term of Bill Kinder. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

The Library Advisory Board received the resignation of Lupe Galvan, so the position was advertised with one application received from Amy Sandoval. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to appoint Amy Sandoval to the Library Advisory Board. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Finance Director Marty Garcia presented the New Mexico Department of Finance and Administration quarterly reports. He apologized for not getting the second and third quarterly reports to the Commissioners, as he thought he had, so he put them in the Commissioners' boxes. He noted the fourth quarterly report would not be available until after the adjustments were made, but should be by July 31, 2008 as that is when the report is required by DFA. In addition to the information presented earlier on ending cash balances, he noted that three funds had submitted requests for reimbursement for grant money from the State, so that increased the Senior Citizens Legislative Capital Outlay, Emergency Management Grant, and the Legislative Appropriation Swimming Pool Grant ending cash balance.

Mayor Apodaca asked at the last meeting for the Commissioners to think about having Commission meetings in individual districts. Mayor Pro Tem Witcher stated that not every district has a meeting place and/or a place big enough for an audience. Also he noted when meetings are moved around, it causes a lot of confusion to the public. He stated he likes the concept, but in a town the size of Tucumcari, five minutes will get you anywhere within the City. He recommended having town hall meetings.

Commissioner Sandoval said he agreed with Mayor Pro Tem Witcher, but he did have the Recreation Center where he could have a meeting.

Mayor Apodaca stated that if the idea is not given a chance, then one would not know if it will work. He suggested once a quarter or every six months for a meeting in a Commission District.

Commissioner Lafferty said he thought it was a good idea to move it around if the citizens will turn out. He reminded he had wanted to explore the idea of having a paving district in his Commission District and having that meeting in his district will encourage those property owners to attend. He suggested maybe the meeting location or time should be specific to items of interest to the citizens.

Commissioner Lumpkin stated that he was willing to look at something innovative such as this. He reported that he had talked to two people in his district and they stated they liked knowing where the meetings are going to be held, so anytime they have a problem or subject they want to learn about, they know where to go. He stated that it could be tried out with the understanding that most of the meetings will be held at City Hall.

Mayor Pro Tem stated he had no problem trying it.

Commissioner Sandoval stated he would like to have the first meeting at the Recreation Center on August 28. Commissioner Lafferty will be second, Mayor Apodaca would be third at the Del Norte, Mayor Pro Tem Witcher fourth at the Convention Center or Mesalands, and Commissioner Lumpkin would be fifth. Mayor Apodaca thought it would be a good idea to have a meeting at Mesalands to take government to the students. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to take the Commission meetings to the citizens once a quarter in each Commission district with the first meeting in Mr. Sandoval's District 2 at the Recreation Center. The meetings will be advertised in the radio and newspaper. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

EXECUTIVE SESSION

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lafferty to go into executive session for the purpose of limited personnel matters to review the City Manager and to discuss purchase, acquisition, or disposal of real property or water rights concerning Ute Lake Ranch pursuant to the Open Meetings Act NMSA 10-15-1(H)1&8 of the Open Meetings Act. Time noted 7:20 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin excused himself from the meeting during the Executive Session.

A motion was made by Mayor Pro Tem and seconded by Commissioner Lafferty that no action was taken in Executive Session and the only things discussed were limited personnel matters and the purchase, acquisition, or disposal of real property or water rights. Time noted 8:30 p.m. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Absent

Mayor Pro Tem Witcher noted that a Work Session is set for August 5, 2008; and the Commissioners would like to add an Executive Session to follow the Work Session for the discussion of limited personnel matters in regard to the City Manager's review. Mayor Apodaca asked that nothing be read into the Executive Session as the Commissioners do have confidence in the City Manager, but were working through the evaluation form.

Items from Commissioners

Commissioner Lafferty thanked the City Manager for allowing City staff to assist in hanging banners for the hearing with the New Mexico Racing Commission. Also he thanked the Board for the vote of confidence by naming him the alternate to the Ute Water Commission.

Mayor Apodaca noted when he was speaking about the Resolution to create additional incentives for residential and commercial energy efficiency applications and the Municipal League, he is talking about the Resolution and Policy Committee as the Resolutions go through the Committee first, the Board of Directors, and then the Municipal League goes to work preparing them to take to the Legislature. He thanked the City for taking care of McGee Street.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 8:10 p.m. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Jeannette Maddaford, City Clerk