

**CITY OF TUCUMCARI  
MINUTES**

August 28, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, August 28, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Robert Lumpkin, Jim Witcher, and Jimmy Sandoval. Commissioner Lafferty was absent.

City staff members present were John R. Sutherland, Jr., City Manager; Jeannette Maddaford, City Clerk; Marty Garcia, Finance Director/Assistant City Manager; Doug Powers, Community Development Director; Elizabeth Morris, Grant Writer; Scott Simpson, Recreation Director; Joe Ramirez, Waste Water Superintendent; and Mike Cherry, Fire Chief.

Brian Haines, Preacher of the Church of Christ, gave the invocation and Mayor Apodaca led the group in the Pledge of Allegiance.

**Consideration of Additions or Deletions to Agenda**

Mayor Apodaca asked that the following be added to the agenda since they had just been received and were required in the Federal Aviation Administration Office by tomorrow, Friday at 5:00 p.m.:

1. Resolution 2008-29 - Establishing a Grant program Cooperative (AIP) Agreement with the Federal Aviation Administration be added to Section VII Resolutions and Ordinances as Item H.
2. Application for Federal Assistance Through the Federal Aviation Administration - Crack Sealing Taxiways A, B, and C, as well as the Crack Sealing of the Apron to be added to Section XI New Business, Item D.
3. Move Ordinances 1063 and 1064 Waste Water Treatment Plant Improvement Revenue Bonds 2008-A and 2008-B after Item B under Resolutions and Ordinances.

**Approval of Minutes**

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the August 12, 2008 regular Commission meeting. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca	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:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

**Items from Citizens**

Pat Vanderpool, Greater Tucumcari Economic Development Director, gave a hats off to everyone who worked on the Coronado Park Race Track and Casino project, as everything was superior. He stated he did not think there was anything that could have been done different to convince the State Racing Commission to choose Tucumcari as it was outside the City's control to get the result the City had hoped for. He noted that everyday he reviews the Five Year Plan to make sure the City is spending its time on areas that will help in reaching the goals set forth. He noted there are two tremendous opportunities coming up. One on October 1 - 3 the City will host the 2008 Governor's Economic Development Summit and in attendance will be site selectors from around the nation. The second opportunity to showcase the community will be on October 22 when the Renewable Energy Transmission Authority (RETA) will hold their Board meeting at Mesalands Community College. He thanked the community for the work they did on the Coronado Park Project. Mayor Apodaca note

that he had been getting a lot of calls as to why the City was not selected for the last racetrack license and he stated that we should not throw our hands up in the air or roll over and give up. He stated everyone needs to look to the future and continue working with the Economic Development Corporation as the City Commissioners are working hard to upgrade the infrastructure so when the next opportunity comes, the City will be ready.

Sharon Quarles of the MainStreet Program thanked the City for helping with the six weeks Community Summer Concert Series at the Train Depot. She also thanked the City for their support of the MainStreet Centennial Six Shooter Siding Festival that will be held on September 27.

Diane Morency, Chairman of the Lodgers Tax Advisory Board, passed around pictures of the Route 66 Shields the Lodgers Tax Board painted on Route 66 Boulevard on Sunday morning, August 24, 2008, between 6:00 a.m. and noon. She thanked Mike Cherry for his involvement.

Franklin McCasland, Chairman of the Board of Quay County Commissioners, said he came to present a serious matter concerning public safety for all the citizens of Quay County and the law enforcement offices of Quay County. He noted Quay County includes all the municipalities of the county as well as the rural areas. He stated that the central dispatch housed at the Tucumcari Police Department, which was mandated by the State of New Mexico, is not working. Prior to the mandate, Tucumcari and Quay County had separate dispatch centers. He stated Quay County has completed a two year Memorandum of Understanding and is in their third year with the City. He asked the elected officials to get involved and have a meeting to work together to solve the problem. He related inmates escaped from the Curry County Jail the past weekend with some of them being convicted murders and with ties to Tucumcari. He noted that when the Teletype came in, the dispatcher on duty did not notify the Quay County Sheriff's Office and they did not inform the Tucumcari Police Department. He stated that the Quay County Commissioners and the City Commissioners are accountable for what happened and this is not first time a problem has happened with the dispatch, but the most serious. He stated that turning the dispatch back over to Quay County to manage is an option the County Commission could be discussed. He reported that Bobbye Rose, San Jon Manager/Clerk, has offered to house the dispatch center as they could use the jobs since their village is struggling financially. He noted the topic has been discussed at the Emergency Management Dispatch meetings over and over, but nothing has been resolved, so he is hoping to work with the Commissioners to get it resolved. Mayor Pro Tem asked for a list of the incidents. Mayor Apodaca stated a meeting could be set up with the Commissioners to work through the problem.

Spencer DeBord, Operations Manager for Comcast in Eastern New Mexico, reported on the Comcast Cares Day on May 3, 2008 where 40 Comcast employees and volunteers showed up and worked on the City Parks and Softball Fields where they painted, cleaned, installed new backstops, fences, and put new roofs on the dugouts. He recognized Charles Rothchild, new owner of Tucumcari Lumber who donated \$1,500, various businesses, clubs, and organizations. He thanked Jim Morgan of Mesalands Community College for the college acting as the facilitator; Scott Simpson, City Recreation Director; Max Jimenez, City Parks Superintendent; Chris Gries, Carpenter; and Donnie Garcia, City Recreation part-time employee; for all their help on the project. Simpson noted they had donated equipment as the second phase and as a third phase, a check for \$1,110 was presented to Jim Morgan of Mesalands who in turn presented it to Scott Simpson to assist with the ball field p

### **Public Hearing**

Mayor Apodaca called the public hearing to order. Chris Muirhead, Attorney with Modrall Sperling Law Firm of Albuquerque, presented information about the proposed adoption of Ordinance 1063 and 1064 and Resolutions 2008-25 and 2008-26 authorizing the issuance of the City's Joint Utility System Improvement Revenue Bonds for the purpose of financing the improvements to the City's sanitary sewer system within the joint utility. Muirhead explained the reason for two resolutions, two ordinances, two bonds issues, and two amounts were required by the US Department of Agriculture for the one project. Revenue Bond 2008-A is for the Waste Water Treatment Plant improvements and construction in the amount of \$564,486 at 4.5% interest rate that can be prepaid at any time without penalty with a matching grant of \$553,417. The source of revenue to pay the debt is the net revenues of the Water and Waste Water System, which means the lender, the U.S. Department of Agriculture, has a lien against only the money left over after the City pays all the expenses to maintain the system; the remaining amount is obligated to pay the bonds. Currently there are three other outstanding debts; the 2005 bond issue and the 2007 A&B bond issues that have the same pledge on the net revenue of the system. The 2008B Bond Issue is in the amount of \$533,000 and the Grant is for \$476,760 also at 4.5% interest which is for the transmission lines and lift station. He noted that if the USDA lowers their interest rate, the City will get the lower interest rate. Also he pointed out the 2008 Bond Issue has the same covenants and conditions as the three outstanding Bond Issues. City Manager Sutherland recommended approval of the resolutions and ordinances as this will provide the completion of the headworks renovations and provides funding to address the Date Street Lift Station and Elder Street Sewer Line.

**Resolutions and Ordinances**

RESOLUTION 2008-25 - WASTE WATER TREATMENT PLANT IMPROVEMENTS REVENUE BONDS 2008-A A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve Resolution 2008-25 authorizing the issuance of Revenue Bonds 2008-A. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Yes	Yes
Yes	Yes				

RESOLUTION 2008-26 - WASTE WATER TREATMENT PLANT IMPROVEMENTS REVENUE BONDS 2008-B A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Resolution 2008-26 authorizing the issuance of Revenue Bonds 2008-B. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Yes	Yes
Yes	Yes				

ORDINANCE NO. 1063 - WASTE WATER TREATMENT PLANT IMPROVEMENT REVENUE BONDS 2008-A - A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Ordinance 1063 adopting the Waste Water Treatment Plant Improvement Revenue Bonds 2008-A. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Yes	Yes
Yes	Yes				

ORDINANCE NO. 1064 - WASTE WATER TREATMENT PLANT IMPROVEMENT REVENUE BONDS 2008-B - A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Ordinance 1063 adopting the Waste Water Treatment Plant Improvement Revenue Bonds 2008-B. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Yes	Yes
Yes	Yes				

Attorney Muirhead stated that he would be back in a month to close on the Bond Issues with the Mayor and the staff.

RESOLUTION 2008-27 TUCUMCARI WATER AND WASTEWATER SYSTEMS IMPROVEMENT GRANT AGREEMENT WITH NEW MEXICO ENVIRONMENT DEPARTMENT/SAP-08-3128-STB was presented by Elizabeth Morris, Community Development Grant Writer, who noted the Resolution goes with the Grant Agreement which will be up for adoption later in the agenda, but the reason for the Grant is to acknowledge the naming of the signatory authorities, the grantee representatives, and the signer of the grant agreement. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve Resolution 2008-27 for Grant SAP 08-3128-STB. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

ORDINANCE 1058 - AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.04 OF THE TUCUMCARI MUNICIPAL CODE PERTAINING TO PUBLIC SERVICES FOR WATER AND SECTIONS OF CHAPTER 13.08 PERTAINING TO SEWER USE. City Manager Sutherland noted the work was done in response to a request to straighten out conflicting language. He stated the prior ordinance seemed to allow for automatic rate increases depending on the budget and it was the desire of the Commissioners any rate increase would be voted on by the Commissioners. It was noted the industrial surcharge had not been updated for some twenty-five years and as a result the surcharges were changed to reflect an inflation factor. Also there were two separate sections that addressed the sewer rates, so the older section was repealed. The City's Attorney reviewed the ordinance, therefore, it was recommended for approval. A motion was made by Mayor Pro Tem Witcher and seconded by Commission Lumpkin to adopt Ordinance 1058. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

ORDINANCE 1062 - AN ORDINANCE ADOPTING THE CITY PERSONNEL CODE City Manager Sutherland noted Ordinance 1062 was the direct result of the request from the City Commission to update and rewrite the City Personnel

Ordinance. A Commission Work Session was held and the final document reflects the changes requested by the Commissioners and also reflects the recommendations of the City Attorney. The Ordinance was recommended by the City Manager. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Ordinance 1062 - Personnel Ordinance. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

RESOLUTION 2008-29 - A RESOLUTION OF THE CITY OF TUCUMCARI ESTABLISHING A GRANT PROGRAM COOPERATIVE (AIP) AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION. The City Manager recommended approval of the grant as it was just received and must be approved and then sent to the Federal Aviation Administration by 5:00 p.m. tomorrow. He noted that the approval of the grant would provide for the crack sealing of Taxiways A, B, and C as well as crack sealing of the apron. Mayor Pro Tem Witcher noted the City has an excellent airport although it lost a little money last year due to no fault of the City or the personnel who work there, and thinks the City needs to do everything to keep the airport up-to-date and moving as it has brought industry and people into Tukumcari. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve Resolution 2008-29. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

**City Manager’s Report**

City Manager Sutherland noted he had prepared a three page written report giving a complete overview of the projects that are currently underway in the City. So due to the length of the agenda, he would forego reviewing the Manager’s Report, but referred the Commissioners to the written report.

**Bids and Contracts**

Professional Engineering Services Proposal Evaluation for the Ute Lake Transmission/Diversion Project-Request for Proposal 2008-CD-03 was presented by Elizabeth Morris who recommended approval of CH2MHill based on the top score received from the Evaluation Committee. Mayor Pro Tem Witcher noted this engineering company is currently the representative of the Ute Lake Pipeline through Clovis, so there is the possibility of a perceived conflict of interest. A motion was made by Mayor Pro Tem Witcher to award the contract to CDM, the second place evaluation. Motion died for lack of a second. A motion was made by Commissioner Lumpkin to negotiate the engineering services contract with CH2MHill since the committee awarded the company the most points by following the state’s criteria and would be concerned that if the City selected number two, then CH2MHill would be concerned about the City’s selection process. Motion died for lack of a second. A motion was made by Mayor Pro Tem Witcher and was seconded by Commissioner Lumpkin to go with CDM. Manager Sutherland noted the City had chosen at some point not to be part of the Ute Lake Pipeline and went it alone on doing what was right for the City thinking it would be cheaper based upon layman’s figures for the cost. His hope for this process was to come up with some real solid numbers and then they could say to each other we made the right choice and could walk away with a comfortable feeling that it was an unbiased decision. Commissioner Lumpkin stated that he would be willing to go with CDM, but could an amendment be made to make certain there is a safety measure for the City of Tukumcari so they would not be held responsible for wrong doing. Sutherland noted during the evaluation process the committee had expressed an interest in having presentations from the top two companies to see if there was some space between the two proposals. The City Manager recommended having the two firms make a presentation to the City Commissioners and then make a decision based on the presentations. The motion was brought for a vote. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	No	Yes

Elizabeth Morris presented the Tukumcari Water and Waste Water Systems Improvement Grant Agreement SAP 08-3128-STB for \$380,000, which was Tukumcari’s 2008 legislative capital outlay appropriation. She noted this was tied to the Resolution 2008-27 that was adopted earlier in the evening naming the signatory authorities and grant representatives. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Grant Agreement with the New Mexico Environmental Department Construction Programs Bureau for the Tukumcari Water and Waste Water System Improvements Grant #SAP 08-3128-STB for \$380,000. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Community Development Director Doug Powers presented the Evaluations of the Request for Proposals for Professional Engineering Services for the Tucumcari Water Storage, Conveyance, and Delivery Project. Four responses were received for the funding which was a result of the application to the Water Trust Board for \$3.5 million and the resulting award of \$250,000. He reported the top two were the best he had ever seen and the committee's recommendation was Wilson & Company, Inc. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to award the Professional Engineering Design Services to Wilson & Company for RFP 2008-CD-04. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

**Old Business**

Mayor Apodaca acknowledged the Lodgers' Tax Advisory Board minutes of July 8 2008.

Mayor Apodaca gave a report on the passage of the Resolution he carried from the City of Tucumcari for Commissioner Lumpkin to the New Mexico Municipal Annual Conference concerning additional incentives for energy efficiency for commercial and rural applications. He explained how it had traveled through the committees and was approved unanimously by the League Conference so it can go forward to the 2009 State Legislature. He pointed out the Resolution Committee had removed the words, rural and ranch, from the resolution to make it all-inclusive. He stated the League felt it was a good resolution and good for economic development in New Mexico. Commissioner Lumpkin congratulated Mayor Apodaca for getting the resolution passed, noting the people will benefit from this Legislation as it will give people tax

**New Business**

Finance Director Marty Garcia reported he had received some quotes for the replacement of the City Hall air conditioning units and the total would be approximately \$15,000. He stated it would require two five-ton air conditioners and one three-ton unit and this would include the condenser, furnaces, and installation. He stated it would not be necessary to go out for sealed bids since quotes were under the \$20,000 requirement. He apologized to the public for the phone system at City Hall being out from time to time and stated the City is waiting to see if the City will be approved for E-Rate Funding before acquiring a new phone system, as it will substantially pay the majority of the cost. He stated that they were going to hold off on the cashier dividers at this time. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the purchase of the air conditioners for City Hall from the Executive Capital Outlay line item 01-13-50701. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

Mike Cherry, Fire Chief, presented an Amendment to the Department of Homeland Security & Emergency Management Sub Grant - 2007-GE-T7-0023-Quay County-1 in which an additional \$108,280 was awarded for multi-county communications for a total of \$247,949. City Manager Sutherland recommended approval of the Sub-Grant Amendment. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Sub Grant Agreement 2007-GE-T7-0023-Quay County-1. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Diane Morency, Chairman of the Lodgers Tax Advisory Board, with fellow board members Richard Talley, Tom Even, and Sharon Quarles, distributed information on the proposed billboard design and explained they were proposing going back to the Tucumcari Tonite signs as they feel strongly about drawing the traveler to Old Route 66 in Tucumcari. They planned to do all the billboards the same as they come up for renewal with each sign having a different attraction mentioned. At the present they have money for one new sign, and requested money for a billboard one hour west of Santa Rosa and reskin the a billboard 30 minutes west of Santa Rosa as well, and then acquire another sign five minutes east of Amarillo. He noted the bulk of the billboard contracts will come up at the end of 2009, then the group will work toward getting the new signs at strategic locations with the same message, Tucumcari Tonite. The contractor, Ken Bentley, has all lighted, first-class billboards, with a guarantee on the vinyl for the entire contractual period rather than just one year and in most cases they are

less expensive. As the other billboard contracts expire, they will choose better locations and spread them out.

Tom Even of the Lodgers Tax Advisory Board reported that he has the issue of the banners resolved thanks to Mr. Sutherland and Mr. Garcia. He noted that they are also looking at flag pole banners following the billboard artwork, colors, the Tucumcari Tonite campaign, and the Route 66 Shield. In addition to the City, the Lodgers Tax Board will have a certain amount of banners up and down Route 66 Blvd. to promote the Route 66 and Tucumcari Tonite theme and the City will have their Centennial Banners positioned mostly along First Street. He stated that they are doing their banners in conjunction with each other. He noted there will be smaller banners for light poles as well. Commissioner Lumpkin noted that in 1972 he was driving this way looking for a job and he saw Tucumcari Tonite sign. He complimented the Board for going back to that logo. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Lodgers' Tax Advisory Board Campaign. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher	Yes	Yes
Yes	Yes				

Diane Morency reported that Debbie Rogers, Chamber Executive Director, had gone through boxes at the Chamber and found bumper stickers that said Tucumcari Tonite serving you on Route 66 for 70 years, so she thought they were fun and everyone should put them on their vehicles.

An application for Federal Assistance through the Federal Aviation Administration for Crack Sealing of Taxiways A, B, and C, as well as Crack Sealing the Apron at the Tucumcari Airport was presented by City Manager Sutherland who noted it was the second half of the Resolution that was adopted earlier as an emergency addition to the agenda which is due tomorrow. The application will help the City Airport receive additional funding for the airport to address the sealing of the taxiways and apron. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Application for Federal Assistance through the Federal Aviation Administration. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

City Finance Director Marty Garcia noted the Lodgers Tax Board is a working Board and really care passionately about their work. Rather than having the Lodgers Tax Board pay for the banners from their budget, which they had not anticipated, the banners will be paid out of the Executive portion of the Lodgers Tax budget. He stated he would be providing some Gross Receipts statistics to the Commissioners, which he will place in their boxes. Garcia stated that he continues to work daily with the auditors on the audit. The 2006 draft of the audit has been received and they continue to work diligently on the 2007 audit.

**Items from Commissioners**

Commissioner Sandoval stated that he was very saddened the City did not get the Race Track, but the City will make up the difference...with the help of the Mayor.

Commissioner Lumpkin also agreed that he was saddened about not getting the Racino. He stated the people of Tucumcari really came together and he was impressed. He noted that he saw two different opinions and saw the people of Tucumcari pay respect to both sides. He saw people from Tucumcari set up chairs and work hard together. He felt there is not anything Tucumcari can accomplish and he was very impressed. He stated he heard this from the Racing Commissioners, people from Clovis, Amarillo, and all over New Mexico. He noted there will be a thank you coming out in the paper pertaining to this.

Mayor Pro Tem Witcher seconded what his fellow Commissioners had said and stated we are ready to go after the next opportunity that comes up.

Mayor Apodaca stated he would like to have Ordinance 1061 - Garbage Collection on the agenda as there might be an amendment or two to it. He mentioned that Greater Tucumcari Economic Development Corporation Executive Director Pat Vanderpool talked about the wind turbines at Mesalands Community College. He stated that maybe the City of Tucumcari should think about this or a little bit outside the box because if one looks at the operating costs of electricity, the City is paying about \$235,000 for electricity and \$200,000 for street lighting per year. He noted the City has an expert concerning renewable energy and he has learned a lot from him. The North American Energy and Wind Research Center at Mesalands Community College is something the City needs to look toward. He noted it costs over a million dollars for a wind turbine,

yet the City spends half a million dollars per year on electricity and street lights.

**Adjournment**

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 8:40 p.m. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

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Antonio Apodaca, Mayor

ATTEST:

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Jeannette Maddaford, City Clerk