

**CITY OF TUCUMCARI
MINUTES**

September 25, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, September 25, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Jimmy Sandoval, Jim Lafferty, Antonio Apodaca, and Robert Lumpkin. Mayor Pro Tem Witcher was absent.

City staff members present were John R. Sutherland, Jr., City Manager; Erin Baca, Executive Secretary; Marty Garcia, Finance Director/Assistant City Manager; Doug Powers, Community Development Director; Yvette Fazekas, Grant Writer; Alex Madrid, Street and Sanitation Superintendent; Vickie Strand, Finance Officer; and Russell Shafer, Police Officer.

Mayor Apodaca led the group in the Pledge of Allegiance.

Consideration of Additions or Deletions to Agenda

A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to move New Business Items A, B, and C Variance Applications 2008-07, 2008-08, and 2008-09 under New Business prior to Items from Citizens since Mr. Jerry Mares could not stay. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Approval of Minutes

A motion was made by Commissioners Lumpkin and seconded by Commissioner Lafferty to approve the minutes of the September 11, 2008 regular Commission meeting with the following changes:

1. Under Resolutions and Ordinances – D. Resolution 2008-32. The last sentence was changed to read: Commissioner Lafferty voted no because he questioned/didn't like it being put under the utility line item Finance put it under.
2. Under New Business – E. Approval of Waste Water Position Descriptions and Pay Grades. The second sentence was replaced with the following: Commissioner Jim Lafferty was opposed to approving it until he had the budget numbers to look at and review. The City Manager explained how it would work into the budget and told the commissioners that he and Joe Ramirez had carefully gone over the budget with the Finance Director Marty Garcia. The fifth sentence was replaced with the following: Commissioner Lafferty said that he was all for it, but again stated that he was opposed to approving it until he had the budget numbers in front of him. The City Manager once again stated that they had carefully gone over the budget with the Finance Director Marty Garcia to make sure that it was doable this year, and that future budgets would be balanced as always. Sentence six had the word "argued" changed to "debated". Sentence seven had the name Lafferty changed to Commissioner Lafferty. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve the City vouchers. Roll Call:

Apodaca	Lumpkin	Sandoval	Lafferty
Yes	Yes	Yes	Yes

New Business – Items A, B, & C

Jerry Mares reported that three Variance Applications were submitted to the Planning and Zoning Board to request a 15 foot front yard variance at 1702 South Eighth Street, 802 East High Avenue, and 822 East High Avenue and the motion on each died for lack of a second. He noted that other people in the community have built structures and then got a variance after

the fact plus there are lots within blocks that have received variances. He could not understand why their three variance applications were turned down. He stated that he was trying to go through the proper procedure, but maybe their company should do it after the construction is built. He noted it seems everything they attempt to do in Tucumcari must be appealed before the City Commissioners. In addition, he stated that the Planning and Zoning Advisory Board needs some fine tuning.

Yvette Fazekas, Zoning Administrator, called the Commissioners attention to the Planning and Zoning minutes of August 26, where the information received on the three variance applications was detailed during the Public Hearing. She pointed out that a motion was made on Variance Application 2008-07, but died for lack of a second, so that is why the variances were brought before the City Commission for consideration. Mayor Apodaca asked why there was no second to the motion. Fazekas noted according to the Planning minutes one Planning member felt that the City had an ordinance and the City should abide by their rules and regulations and if a variance is allowed then every variance application thereafter has to be allowed. She noted the October Planning meeting, there will be three more variances on the agenda. City Manager Sutherland reported that he was in attendance at August 26 Planning and Zoning meeting and there were limited members present, so it was hard to get a second on the motions. Sutherland recommended approving the variances and allow the development to happen. Fazekas noted that the staff feels the same way and in addition, Mr. Mares has plans to build six new homes in the area around the old Zia School. Commissioner Lafferty noted the problem was due to the lack of attendance at the Planning and Zoning meeting. A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve Variance Application 2008-07 in which Daniel Mares applied for a 15 foot front yard variance for 1702 South Eighth Street, also known as Block 7 Lot 1 of Dudley Heights Addition. Commissioner Lumpkin complimented the staff for their work. Roll Call:

Lumpkin	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes

A motion was made by Commissioner Lafferty and seconded by Commissioner Sandoval to approve Variance Application 2008-08 in which Daniel Mares applied for a 15 foot front yard variance for 802 East High Avenue, also known as Block 40, Lot 6 Russell Addition. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve Variance Application 2008-09 in which Daniel Mares applied for a 15 foot front yard variance for 822 East High Avenue, also known as Block 40 Lot 1 of the Russell Addition. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mayor Apodaca thanked Mr. Mares for the help Daniel Construction was providing to the community.

Proclamation

Mayor Apodaca read a Proclamation from the City of Tucumcari recognizing Warren Frost, Don Chalmers, Larry Tombari and the entire Coronado Park Development Team for their time, efforts, and money invested to make the Coronado Racetrack and Casino a reality.

Resolutions and Ordinances

RESOLUTION 2008-33 – A RESOLUTION BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TUCUMCARI, NEW MEXICO, WHEREBY THE CITY COMMISSION AUTHORIZES THE ADOPTION AND SUBMISSION OF AN INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION OF THE STATE OF NEW MEXICO. Community Development Director Doug Powers noted last Thursday, September 18, the department heads and staff met to review and prioritize the list. Powers noted that since the Date Street Lift Station and Transmission Line had received funding, the Public Safety/Dispatch Facility moved into fifth ranked project and other projects were consolidated. City Manager Sutherland recommended approval as the focus is on infrastructure needs and he noted that this year they spent more time working as a group to make the plan representative of the City’s real needs. A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve Resolution 2008-33 Infrastructure Capital Improvement Plan. Roll Call:

Lumpkin	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes

ORDINANCE 1065 – AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP: A PART OF ORDINANCE 1052 ADOPTED AND APPROVED ON OCTOBER 11, 2007, 101 – 123 West Oak Avenue, also known as Block 39, Lots 1-6 in the Buchanan Second Addition. Yvette Fazekas, Community Development Zoning Administrator, explained that this half of block is zoned C-1 General Commercial and Peppertree Properties is requesting that it be rezoned to R-3 Multiple Family Residential District. A public hearing was held August 26 with one phone call received inquiring how the rezoning would affect neighboring property. The caller had no objections. The Planning and Zoning Advisory Board approved the rezoning of the property in question. A motion was made by Commissioner Lumpkin and seconded by Commissioner Sandoval to approve Ordinance 1065 for the rezoning of Block 39, Lots 1-6 in the Buchanan Second Addition. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

City Manager’s Report

City Manager Sutherland reported that the Water Department production for the last two months had dropped due to the rainfall and Adams Street residents were hooked up to the new water line as a result of the Adams Street Paving Project. He noted that the asphalt paving did not materialize last week, but is in hopes it will be laid on Monday, September 29. The asbestos removal and lead paint remediation on the Railroad Depot is progressing. The State Historic Preservation Society has requested they be given the opportunity to decide what color the Train Depot is going to be painted, so the City is awaiting their decision. Manager Sutherland referred the Commissioners to his written report for other ongoing projects and meetings.

Bids and Contracts

Yvette Fazekas presented the New Mexico Environment Department Solid Waste Bureau Recycling and Illegal Dumping Fund Project #08NT-08 for \$10,000. She reported that the project will have to be cut back since the application was for \$20,000 and \$10,000 was awarded. The funds will be used to assist in the purchase of a two-even recycling station and 20 office recycling stations. A motion was made by Commissioner Lafferty and seconded by Commissioner Lumpkin to approve the Recycling and Illegal Dumping Grant Agreement #08NT-08 with the New Mexico Environment Department. Roll Call:

Sandoval	Apodaca	Lumpkin	Lafferty
Yes	Yes	Yes	Yes

Community Development Director Doug Powers presented the Economic Development Department Grant Agreement for \$70,000 from the MainStreet Capital Outlay Fund to the City of Tucumcari partnering with the Tucumcari MainStreet Project and the Greater Tucumcari Economic Development Corporation to create a Comprehensive MainStreet District Master Plan with the City using as a match, money that has already been allocated to the MainStreet Program. The grant will expire on or before June 30, 2010. Powers asked that his name be entered on page 5 of the document as the person responsible for the overall supervision of the approved project. City Manager stated that if the City is interested in pursuing additional funding for the MainStreet Project, a Master Plan has to be in place before pursuing the funds. Once the Master Plan is in place, it makes it easier to acquire funds, so he recommended approval. A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve the State of New Mexico Economic Development Department Grant Agreement for the MainStreet Master Plan. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Old Business

Mayor Apodaca acknowledged the Planning and Zoning Advisory Board minutes of August 26, 2008.

New Business

Due to no Lodgers Tax Advisory Board members being present, Commission Liaison Jim Lafferty explained that the Rotary Club originally decided not to apply for Lodgers' Tax money after reading the new guidelines requiring out of area advertising. Since that time, an out of town advertising campaign was set up in three papers in the Clovis, Portales, and Amarillo area to bring more people from the outside area and put "heads in beds". So a larger monetary request was submitted to the Lodgers' Tax Advisory Board who in turn submitted the following recommendation of \$1,500 for the Tucumcari Rotary Club for the City Commissioners' approval. A motion was made by Commissioner Lumpkin and seconded by Commissioner Sandoval to approve the allocation of \$1,500 to the Tucumcari Rotary Club for the October 1, 2008 Air Show. Finance Director Marty Garcia stated there was money available in the Cash Balance and a Resolution would be forthcoming. Roll Call:

Apodaca	Lumpkin	Sandoval	Lafferty
Yes	Yes	Yes	Yes

The appointment of two members to the Community Development Advisory Board was presented by Doug Powers who noted that two terms had expired and members Albert J. Mitchell, Jr. and Keith Bowen were reapplying to serve on the Board for another three year term. A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to reappoint Albert J. Mitchell, Jr. and Keith Bowen to the Community Development Advisory Board. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval	Yes	Yes
Yes	Yes				

Finance Report

City Finance Director Marty Garcia reported August Budget Reports were provided to the Commissioners. Also the July 2008 monthly Gross Receipts Tax Report was placed in each Commissioners' box as well. There was a 1.54% decrease in the three year average. Attached to the Gross Receipts was a comparison to last year by category for the month of July which showed a decrease in comparing July 2007 to July 2008. There was a \$76,000 decline in construction tax. He also noted retail is continuing to increase. In another area, there is concern about the decrease in tourist related services (accommodations food services). The July 2008 Lodgers Tax was down 13.71%. He anticipates decreases in construction due to the completion of several major projects that had been ongoing.

An exit conference with the auditors for 2005-2006 and 2006-2007 was held last week. A letter attached to the packet given to the Commissioners summarized the areas discussed in the Conference. He asked if anyone was interested in the draft audit, he would be glad to provide a copy to the Commissioners. He noted that it is not public information yet, as the documents still have to be approved by the State Auditor and ten days thereafter, they can be released to the public. He reviewed the highlights of the audit letters for 2005-2006 and 2006-2007 audits submitted to the City Commission by The Accounting & Consulting Group, LLP.

He noted they had recommended another three year contract with their firm, The Accounting and Consulting Group LLP from Albuquerque. He reported the 2007-2008 would be the third year of the current contract and hopes they will get it started very soon.

Garcia noted that electricians were able to install only one of the air conditioning units, so it is still a little warm in the Commission Chambers. Due to leakage water/condensation from the old air conditioning units to an area under City Hall, the electricians recommended the installation of an ultra-violet system to rid the moisture, smell, bacteria, and possibility of black mold. The cost of the ultra-violet filtering system will be approximately \$2,400 which will be brought to the next Commission meeting for approval out of the Capital Outlay line item.

Items from Commissioners

Commissioner Lumpkin noted that at the last City Commission meeting Fern George had asked the Commissioners if they would adjust the rent on the Convention Center for the Quay County Extension Clubs State meeting in October who will bring 150 people to Tucumcari for three days. He would like the discussion on the agenda for the next meeting. Manager Sutherland stated that Ron Wilmot, Convention Center Director, is working with them on the issue.

Commissioner Sandoval reported that some people are having a hard time getting their roofs repaired. Doug Powers stated

that it was a real hardship for some of the local businesses. Powers there is a local teacher who has an engineering degree who has been able to use his engineering stamp to help some of the people.

Mayor Apodaca asked that the topic of Waiver of Fees for a Senior Citizen Center dance for the Del Norte Center be on the agenda for the next meeting as the Senior Citizen Center is getting too small for their group and their funds are limited. Mayor Apodaca noted that Jerry and Daniel Mares have been to the Commission meetings numerous times, but feels like tonight the problem was better explained.

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Lumpkin and seconded by Commissioner Lafferty. Time noted 7:05 p.m. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Jeannette Maddaford, City Clerk