

**CITY OF TUCUMCARI  
MINUTES**

November 13, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, November 13, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Jimmy Sandoval, Antonio Apodaca, Robert Lumpkin, and Jim Witcher. Commissioner Jim Lafferty was absent.

City staff members present were John R. Sutherland, Jr., City Manager; Marty Garcia, Finance Director, Jeannette Maddaford, City Clerk; Doug Powers, Community Development Director; Roger Hatcher, Police Chief; Kalon Lafferty, Deputy Fire Chief and EMS Director; Ron Wilmot, Convention Center Director; Mary Lou Ciolli, Police Chief's Administrative Secretary; and Erin Baca, Executive Secretary.

Reverend David McAfee, Pastor of the Trinity Baptist Church, gave the invocation and Mayor Pro Tem Jim Witcher led the group in the Pledge of Allegiance.

**Consideration of Deletions to Agenda**

Mayor Apodaca asked that the Section II(A) Request for Appeal by Tammy Fang be deleted; Section IX(A) Senior Citizen Minutes be deleted; Section X(G) Listening Sessions be deleted. Commissioner Lumpkin requested Section XIV-Items From Commissioners be moved before Section XIII-Executive Session on a permanent basis, so the audience would not have to wait until the Executive Session was completed.

**Approval of Minutes**

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the October 23, 2008 regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
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	Apodaca
Yes	Yes	Yes	Yes

**Items From Citizens**

Dennis Roch, the newly elected State Representative, stated that he was honored to be elected as District 67's new State Representative and was looking forward to the Legislative Session beginning in January. He noted that he had already visited with the City Manager and that he is available and it will

be nice to have a State Legislator live and work in Tucumcari, so he can better serve the needs of the citizens of Tucumcari.

### **Proclamations**

Mayor Apodaca read a Proclamation declaring November 14, 2008 Horace J. Thomas Day in commemoration of Mr. Thomas's 100th birthday on November 8, 2008. The Proclamation was presented to his daughter, Sheryl Faith, and son-in-law, Bill Greenfield. The Proclamation will be presented in person to Mr. Thomas November 14.

Susan Lease of the Alcohol and Substance Abuse Program received a Proclamation from the Mayor declaring November 15, 2008 the Great American Smoke Out Day.

Tucumcari Recycling Awareness Day, November 15, 2008, was proclaimed by the Mayor. Christina Fleming, Tucumcari High School teacher who has taken a leadership role in the recycling activities, reported two years ago the students at the high school decided they wanted to do something beneficial for the community. This was their way of doing a community service project while raising money for specific events. She stated it was student driven and she was the adult to help make it happen. She noted it was hard for the students to watch the adults not recycle; so all the adults need to be leaders and show the students that we take their commitment seriously. She showed the canvas shopping bags that could be used instead of plastic.

### **City Manager's Report**

Police Chief Roger Hatcher reported that four men had been sent to Hobbs, New Mexico to take their pre-assessment test to see if they will be admitted to the Academy in January 2009. These individuals will bring the Police Department to full staff.

Convention Center Director Ron Wilmot reported in the October 2,279 people attended eleven events held at the Convention Center with \$3,867.20 derived in rental income, and \$3,616.00 brought in from the sale of alcohol. He also reported a new part-time employee was added to his staff. The Convention Center is already booked for 22 weekends in 2009. One event coordinator who contacted Wilmot for a weekend will be 350 Corvettes carrying 700 people who will stay overnight and have a dinner at the Convention Center on August 30. He noted the Convention Center is recycling all of its glass, boxes, and plastics since they are across the street from the recycler. He reported painting has been completed on the small building and work will begin tomorrow on the Big Room.

Kalon Lafferty, Deputy Fire Chief and EMS Director, reported the Fire Department had eight calls in October with one fire and two rescues. Emergency Service calls for October were up over last month with 113 calls received. There were 74 calls received via 911 and 20 transfers. An application was submitted for a new ambulance, but they have not heard anything yet. He reported they just heard from last year's grant application, so it does take time to receive a response. But he was happy to report power stretchers from that grant have been purchased for the ambulances. He was asked about the progress on the repairs of the emergency warning sirens. He reported they still need to be looked at by an electrician.

City Manager Sutherland reported the Adams Street Project is substantially complete except for the finish work and some correction of some problems.

The last cell of the old landfill was opened which should last approximately one year per the engineer. At that point the old landfill will be closed. The engineer, Gordon Environment, is doing work to complete the new landfill focusing on the design and layout of the scales and weigh station.

Concerning the Metropolitan Wellfield Project, the engineering contract has been submitted to the New Mexico Construction Programs for review.

He urged the citizens of Tucumcari to view the Railroad Depot, as it is looking very nice following its painting and installation of glass. He noted the depot is attracting a large number of visitors from out of state, particularly those interested in old train depots and trains. He stated he and the Community Development Director are visiting with the engineer to think of other ways to beautify the downtown area without spending a whole lot of money.

MainStreet Master Plan Project grant agreement was submitted to DFA and the City is waiting for the document to be returned, so the work can begin.

The City is waiting for proposals for the installation of the water slide and solar panels for the swimming pool.

Wilson & Company is progressing on the Infrastructure Asset Management Plan by developing the asset inventory and the mapping of the assets.

The City has several potential customers who are interested in using the City's treated wastewater for a fee. The City received a grant from the Water Trust Board to do water reuse, so they may be inclined to release some of the funds since the City has customers for the water.

The required Environmental Assessment notices have been sent out for the CDBG Second Street Paving Project and the family income surveys are completed.

The Wastewater Treatment Plant sludge-drying beds have been substantially completed which is a \$600,000 cost. Work on the 66-Lift Station has not begun due to parts on order. Work is in its early stages on the Date Street Lift Station and the Elder Street Sewer Line. The entire Wastewater Treatment Plant Project is approximately 30% completed.

The 2007-2008 audit progress was very good. The auditors were on site one week ago and seemed to be satisfied with the work they did and there is the potential for one more day of fieldwork. The auditor expects to have the audit report completed by the deadline which may be the first time in several years.

Employees that have left the City's employment are:

Jason Braziel - Police

Alex Sisneros - Parks/Cemetery

Ted Lovato - Parks/Cemetery

Angela Haley - Tucumcari Senior Citizens Center

Harold Breidegan - Sanitation

Donald Garcia - Recreation

Employees hired:

Robert Dugger - Cemetery

Valerie Montano - Temporary - Community Development  
Jeff Knox - Convention Center  
Higinio Salas - Facilities Janitor  
Michael Esquibel - Carpenter's Helper  
Stephanie Lane - Dispatch  
Stacy Gonzales - Dispatch  
Michael Benavidez - Police  
Pete Vargas - Police  
Derrick Chavez - Police

A reminder was given of the change in meeting date for the Tucumcari Housing Authority Board which will be Wednesday, November 19, 2008, at 5:15 p.m.

Mayor Apodaca asked where the City was at on their Legislative Capital Outlay Requests. Mr. Sutherland stated they planned to use the 2009 Infrastructure Capital Improvement Plan to prepare the Capital Outlay Request.

### **Old Business**

Mayor Apodaca acknowledged the Museum Advisory Board minutes of September 8, 2008; the Lodgers Tax Advisory Board minutes of September 6, 2008; and the Planning Commission Advisory Board minutes of September 23, 2008.

### **Bids and Contracts**

City Clerk Jeannette Maddaford presented a Lease Agreement with the Roman Catholic Church of the Archdiocese of Santa Fe for the continuation of a 25-year lease of Lots 13, 14, 15, 16, and 17 in Block 21 of the Original Townsite for the purpose of the City maintaining the park to the east of Saint Anne's Catholic School. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the Lease Agreement with the Roman Catholic Church of the Archdiocese of Santa Fe. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Chief Roger Hatcher presented a Memorandum of Agreement between the Tucumcari Police Department and TeamBuilders Counseling Services, Inc. for conducting enforcement operations targeting underage drinking. The MOA will provide \$2,000 in reimbursement for authorized activity effective October 15, 2008 through May 28, 2009. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Memorandum of Agreement with TeamBuilders Counseling Services, Inc. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

The Amendment to June 30, 2005 Agreement Between the City of Tucumcari and Ute Lake Ranch Corporation was presented by City Manager John Sutherland noting the Interstate Stream Commission was requiring the amendment to be made because they did not feel comfortable honoring the existing agreement between the parties because for the lease of water rather than the purchase of water. Mayor

Pro Tem Witcher explained that he and Mayor Apodaca were Commissioners when the 2005 Agreement was adopted and wondered why the word “lease” was used instead of “purchase” on that document, but since the lawyers said it was correct, that was the way it was adopted. Now, he explained, the Interstate Stream Commission has asked the Agreement be amended and the word “lease” be changed to “purchase”. Commissioners Lumpkin noted that giving up water rights is looked at with scrutiny in our area. He acknowledged that he was in favor of the Agreement, but noted the water the City will be selling is untreated water and the City does not have that much expense in the water. He also pointed out, if the benchmarks in the contract are not met, it will release the City from some of its obligation to furnish that water. The Ute Lake Ranch furnishes the infrastructure; i.e., the pumps, pipe, all the treatment, and all the maintenance. He emphasized that this is economic development for the area and income for the City. The City has 6,000 acre feet of water from Ute Lake and this Agreement will obligate 3,750 acre feet of water to Ute Lake Ranch, leaving 2,250 acre feet of water which is twice as much as the City is currently using. Therefore, it leaves the City in good shape for the future. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the Amendment to June 30 2005 Agreement between the City of Tucumcari and the Ute Lake Ranch Corporation. Commissioner Sandoval asked if it would hurt Ute Lake in any way. The response was there is more evaporation on a hot day than this allocation. In addition, by law, the Lake can only be reduced to a certain level. It was pointed out that when New Mexico had excess water, Texas sued New Mexico to release the excess. So by utilizing the water, it will help New Mexico if there is ever a lawsuit concerning excess water. Attorney Warren Frost said he could not add to or agree anymore with what had been said by Commissioner Lumpkin. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

City Manager Sutherland reported three bids had been received on the City’s foreclosed properties and recommended the following be sold to the highest bidder:

- La Donna Evans - 609 South Jackson - Lot 3, Block 24, McGee Addn. - \$2,000
- Jeanie Stines - 1410 South Adams - Lot 3, Block 19, Gamble Addn. - \$1,100
- George Barker, Steven Anderson, and John LoBrutto - 523 East Laughlin - Lot 4,5, 6, Block 22, McGee Addn. - \$4,136

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to award the bids on the three properties to the above named individuals. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

**New Business**

Robert Ciolli brought an update to the Commissioners on the Animal Sheltering regulations that are about to be passed, how they will impact the animal control situation in Tucumcari, and what needs to be done to be in compliance with them. The new regulations adopted by the Board phase out carbon monoxide euthanasia within one year; require personnel to be licensed and trained; and require uniform shelter standards. He presented a petition of 119 signatures to seek and allocate funding to build and maintain a new animal shelter sufficient to meet the needs of the area, and to adequately staff the new facility with enough qualified, and trained personnel to appropriately care for the animals and facility. He asked the City to seek funding of approximately 2.5 million dollars to be prepared for the change in

the law. He noted that Animal Protection of New Mexico has offered to provide financial assistance to Tucumcari for the first year while making the transition. The assistance would include training, equipment, and the cost of drugs. Mayor Pro Tem Witcher thanked Mr. Ciolli for his presentation and stated that he needed more time to look into the proposal and suggested that Ciolli meet with the City Manager, which he had. Commissioner Lumpkin stated that the proposal was well written and proposed, but the Commissioners would need time to look at it. Mr. Ciolli asked if the Commission could come to some sort of an agreement about acquiring the funds from Animal Protection, so the City could get a head start on complying with the law.

Thomas Even, Vice Chair of the Lodgers Tax Advisory Board, and Richard Talley, member of the Board, came to ask for funding for Christmas Banners. He noted Lodgers Tax had worked with the Commissioners on Route 66 beautification and the Centennial Celebration banners. He showed samples of the Route 66 light pole banners; thirty of which will be hung the beginning of next week. He reported that the Christmas decorations are probably in the same shape as the old Route 66 banners, so they decided to pursue new banners as part of the beautification work which will make the city attractive during the holiday season and excite people coming into town whether stopping for a bite to eat or visiting a local attraction, this might encourage the tourists to stay longer and shop with local businesses. Richard Talley noted that a decision would be needed during the meeting due to the Christmas holiday season fast approaching. He stated the plans were to alternate the Christmas banners with the Route 66 and Centennial Banners. The cost for the 50 Christmas Banners will be \$3,359.50 with half down and the balance upon delivery. Talley also showed a proposed idea for future consideration by the Commissioners of directional signs for the City, so the tourists can locate different areas of town. The Mayor asked if money was available for the Christmas banners and Mr. Sutherland stated they had visited with the Finance Director who said there was money available. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to allow the Lodgers Tax Board to spend Lodgers Tax money on the Christmas banners. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

City Clerk Jeannette Maddaford reported the terms of two Lodgers' Tax Advisory Board members had expired, so the positions were advertised. Two applications were received for the positions, one from Joanne Denton, owner of the Boulevard Cleaners, and one from Thomas E. Even, Jr., owner of the Kiva RV Park. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the reappointment of Joanne Denton and Thomas Even to the Lodgers' Tax Advisory Board. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Finance Director Marty Garcia came before the Commissioners to ask permission to utilized capital outlay funds to pay for an ultra violet unit that was deemed necessary following the installation of the Heating/Air Conditioning units at City Hall. The contractor noticed during the installation, the underground ductwork was saturated and was seeping back into the unit. He recommended the installation of the ultra violet unit to reduce the mold and bacteria. Since it was an emergency at the time, the unit was installed. Therefore, he asked for approval for the expense to come out of the capital outlay line item 01-13-50701, so a budget resolution could be prepared. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the expenditure for the ultra violet unit out of the Capital Outlay line item 01-13-50701. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Commissioner Lumpkin stated that recently a lot of work has been done so economic development would come to Tucumcari. During these times, it was said that Tucumcari lacked curb appeal which was hurtful. He figured what they were talking about was all the weeds and junk that is in the view of the public. Even though the City has had a lot of rain, he asked that the City's ordinances be enforced and the City take a positive role in the beautification of Tucumcari as the Lodgers Tax Board, Economic Development, and other civic groups that are working toward the beautification of Tucumcari. He stated that it is a worthwhile effort to beautify Tucumcari. Commissioner Sandoval stated that we needed to get rid of the weeds and junk as it increases the chances of fire as well.

City Manager Sutherland reported the owner of the Sands Dorsey property has requested, pursuant to the Statutes, a hearing to protest the City's decision to take some affirmative action on the Sands Dorsey building. It was a consensus of the Commissioners to hold the hearing on Monday, November 24, 2008, at 6:00 p.m.

Mayor Apodaca reminded the Commissioners of their work session on Friday, November 21, 2008, at 9:00 a.m. for goal setting. The Finance Board meeting will not be held on Friday, November 14, 2008, due to not receiving the monthly Gross Receipts Tax information from the State.

Mayor Apodaca noted that he had letters of congratulation prepared to send to Senator-Elect Tom Udall, United States Representative-Elect Ben Ray Lujan, State Senator Clinton Harden, State Representative-Elect Dennis Roch, and District 10 Judge-Elect Albert J. Mitchell, Jr. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the congratulatory letters. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

**Finance Report**

Finance Director Marty Garcia reported most of the audit work has been done, but the city continues to work with them. He reported that Mr. Sutherland and he were working on a spreadsheet of revenues versus expenses, but gave a handout with total expenses by department by month in comparison to the annual budget. He noted since he was working on the audit, so he had not completed the October bank reconciliation and budget report. He requested having the monthly finance report at the second meeting of each month to give him time to have the gross receipts report ready. Mayor Apodaca noted it was fine with him, but he should check with Commissioner Lafferty.

**Items from Commissioners**

Commissioner Lumpkin noted the Police had a good report and the Convention Center is getting painted. He noted the Convention Center had received a lot of use. The Fire Department has been active and been doing a good job. He noticed the treated wastewater project is moving forward and the 2008 audit is looking real positive. The Railroad Depot is coming along very nicely. The City pool being cold has been the number one complaint from the kids. Now that the pool will be heated, it will reduce that complaint. He thanked everyone for all their work on all projects, such as: MainStreet Master Plan, the Second Street Paving Project, the renovation of the Wastewater Treatment Plant. He

thanked the clerical help in each department who help to move these projects forward, as they seldom get the recognition they deserve.

Mayor Pro Tem Witcher reported that yesterday, November 12, 2008, he attended two Eastern Plains Council of Government meetings.

Commissioner Sandoval said he hoped people would clean their properties quickly, so they would not have to receive letters from the Code Compliance Officer.

Mayor Apodaca noted that on Saturday, November 8, 2008, he presented a Proclamation at the ribbon cutting declaring November Hospice Month. Also Commissioner Sandoval was in attendance. He invited everyone to visit the Hospice new office building on Second Street as it was very beautiful. He also attended the DAR and Veterans of Foreign Wars annual Veterans Day program on Sunday, November 9, 2008, and presented the Veterans Day Proclamation. He noted they had a very good program honoring the Veterans who have served and those that are deceased. He acknowledged he had put some ads on the radio and newspaper due to incorrect information being circulated concerning the recall petitions.

### **Executive Session**

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to go into executive session for the purpose of pending or threatened litigation pursuant to the Open Meetings Act NMSA 10-15-1(H)7 concerning Dennis Rains. Time noted 7:02 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

A motion was made Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin that no action was taken in Executive Session and the only thing discussed was pending or threatened litigation concerning Dennis Rains to 10-15-1(H)7. Time noted 7:08 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

### **Adjournment**

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 7:08 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

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Antonio Apodaca, Mayor

ATTEST:

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Jeannette Maddaford, City Clerk