

**CITY OF TUCUMCARI
MINUTES**

December 18, 2008

The Tucumcari City Commission met for their regular meeting on Thursday, December 18, 2008, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum was Antonio Apodaca, Jimmy Sandoval, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were John R. Sutherland, Jr., City Manager; Jeannette Maddaford, City Clerk; Doug Powers, Community Development Director; Mike Cherry, Fire Chief, and Russell Shafer, Police Sergeant.

Brian Haines, Preacher of the Church of Christ, gave the invocation and Commissioner Jim Witcher led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Mayor Pro Tem Witcher suggested that item ten, Items from Commissioners be moved to occur before the Executive Session so that these items are addressed before the Commission convenes in Executive Session. Mayor Pro Tem Witcher asked that this change be permanent. Commissioner Lafferty agreed that he originally suggested this change and all were in agreement to make the change.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the December 11, 2008 regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Abstain	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:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Items From Citizens

None

City Manager's Report

Police Sergeant Russell Shafer reported for the month of November 2008 on behalf of Police Chief Roger Hatcher. There were 560 total calls in the month. Sergeant Shafer also reported that the Police Department has one dispatcher on personal leave and another has been let go. Sergeant Shafer also reported that the department is working out issues with the Sleuth computer system. Sergeant Shafer additionally reported that burglary and breaking and entering incidents have increased over October

2008. The Department has two new officers, Derek Chavez who relocated from Roswell and Pete Vargas will begin the Academy January 12, 2009. Sergeant Rivera graduated from the Northwest College of Staff and Command in Albuquerque and is now back full-time with the Department.

Fire Chief Mike Cherry reported on the Fire Department's mid-year status concerning their goals and objectives for the fiscal year. The Department has acquired the financing approval from the NM Finance Authority and subsequently ordered a new fire engine to replace a 1974 model. They have additionally located and purchased a 1989 model ladder truck to enhance the suppression of large structure fires. The Department has also applied for FEMA Assistance to Firefighters Grant to upgrade self-contained breathing apparatus and breathing air compressor. The Department has been successful in the continuous upgrading of firefighter's personal protective equipment. All firefighters now have current NFPA structure bunker gear. Through EMS Grant Funds, specialty rescue equipment has been purchased. One EMS employee has achieved upgraded certification going from EMT-B to EMT-I. A special EMS Grant was attained and used to purchase a powered cot for one of the ambulances. The emergency operation plan for the City and County have been updated and approved by the state. The plan will be presented to the Commission after the first of the year for approval. The Department has been approved for grant funds from Homeland Security for a reverse 911 system to notify the public in the case of severe weather or other disasters. The same grant provided radio and tower upgrades in dispatch for transmitting 911 calls. Homeland grant funds were used to install security locks and cameras at the Police Department and security locks at the Fire Department and back door of City Hall. Homeland security grant funds also provided for upgrades to the Sleuth computer aided dispatch reporting system at the Police Department and Central dispatch.

Mayor Apodaca inquired about the emergency sirens. Chief Cherry reported that the siren is working and can cover about a one mile radius. Chief Cherry has spoken to a company regarding upgrade, replacement, or additional purchase of emergency sirens.

Commissioner Lumpkin inquired when the reverse 911 system would be operational. Chief Cherry responded that he estimates six to nine months in order to have that system in place. Chief Cherry is in the process of obtaining price quotes for the system.

City Manager John Sutherland reported that the waste water treatment project is continuing to progress on schedule. There are a few issues that the engineer is working to resolve. The high winds have damaged the roof on the Head Works building. Emergency repairs are in progress.

A project update from the engineer on the project Infrastructure Capital Asset Management Plan indicates success beyond expectations in transferring some of the City's existing mapping and data points to the upgraded mapping software. The engineer anticipates more progress than expected.

Regarding the Highway 54 signage project, Mr. Sutherland reported that signs should be installed by the end of February.

Mr. Sutherland provided the Commissioners with a list of the notices sent out by Code Compliance Officer, Cathy Estrada, since August 2008. This was distributed to give the Commission an idea of the nature, volume and progress of the citations that have been issued.

Mr. Sutherland reported on the landfill gate receipts. The average monthly gate receipt amount at the landfill is \$2573. This amount includes individual dumping fees and fees from business people that utilize the landfill. Mayor Apodaca inquired if this amount included any other entities that use the

landfill. Mr. Sutherland clarified that the amount includes only city resident and landscape contractors and yard service providers that dump at the landfill.

There are no official comings and goings at this time. However, Mr. Sutherland introduced Christine Dougherty who has agreed to take the position of City Clerk upon the retirement of Jeanette Maddaford.

Mr. Sutherland reminded Commissioners to return their travel forms to the City Clerk by December 29 to attend the ACI Reception/Business Day and Quay Day February 2-4, the Municipal Business Day February 25. Mr. Sutherland also reminded Commissioners that the finance committee meeting is scheduled for 4 p.m., December 19.

Mayor Apodaca suggested that the meeting be changed. Monday, December 22 at 9 a.m. was agreed upon.

Commissioner Lafferty inquired regarding the status of the notices issued by the Code Compliance Officer. Mr. Sutherland replied that there is a process that must be followed for enforcement of these code violations.

Commissioner Lafferty additionally inquired about the \$80,000 sum of money that both the City and County are claiming. Mr. Sutherland replied that he has been in contact with Patrick Gomez at the Local Government Division who informs him that the money belongs to the City of Tucumcari by law. The Local Government Division will proceed as such. Commissioner Lafferty asked that this issue be addressed on the next Commission agenda because he is has been given information that indicates the money belongs to Quay County. Commissioner Lafferty suggested that the Department of Finance Administration has labeled the money for Quay County Infrastructure Improvement. Commissioner Lafferty is concerned there may be an error in the allocation of this money. Mayor Pro Tem Witcher asked for copies of all documentation Commissioner Lafferty referred to regarding this matter.

Mayor Apodaca asked to Mr. Sutherland to provide the original proposal for the \$80,000. Mr. Sutherland said he will provide this information to the Commission. Mr. Sutherland informed the Commission that the money may have been spent in part on a sprinkler system. Mr. Sutherland said that the remaining funds have not been dispersed. Mayor Pro Tem Witcher asked that all information be obtained and reviewed at the next commission meeting. Commissioner Lumpkin additionally voiced concerns regarding the legal intent for the allocation. Commissioner Lafferty asked Planning and Zoning Director, Doug Powers if the City had requested \$80,000. Mr. Powers responded that requests and allocations rarely match. Mayor Apodaca redirected the Commission to attend only to items on the agenda.

Commissioner Lafferty inquired regarding a payment to the City Attorney for review of an economic development ordinance. Mr. Sutherland responded that he needed legal clarification on how the ordinance worked.

Commissioner Lafferty also commented on a discussion with Mr. Sutherland regarding appraisal of city owned properties. Commissioner Lafferty asked if a list exists of property that has been vacated and if the Broom Corn Factory is on the delinquent property list for sale. Mr. Sutherland confirmed that the Broom Corn Factory is for sale and that an ordinance need not be executed in order to sell the factory. City Clerk, Jeanette Maddaford further clarified that an ordinance is required only to sell foreclosed, city owned properties.

Commissioner Lafferty inquired how gray water is being utilized. Mr. Sutherland responded that application for discharge of gray water has been made and will take about six months to be approved. Mayor Apodaca suggested that this issue be included on the next Commission agenda.

New Business

Fire Chief, Mike Cherry sought approval of the New Mexico Department of Health Local Funding Application for Tucumcari Fire Department grant application. There were no questions from the Commissioners, and Mr. Sutherland recommended that this be approved. A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the New Mexico Department of Health Fire Department grant application. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Approval was also sought by Fire Chief Cherry for the New Mexico Department of Health Local Funding Application for the Tucumcari EMS Department grant application. A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the New Mexico Department of Health Local Funding Application for the Tucumcari EMS Department grant application. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Finance Report

City Finance Director, Marty Garcia provided the Commission the Monthly Finance Report for the month of October 2008. Mr. Garcia reported that gross receipts were 1.15% above the three year average in the month of October. The annual average is 4.92% above the annual average and Mr. Garcia attributes this to an increase in retail and services. The budget is based on an estimated decrease in gross receipts. Mr. Garcia reported that most of the departments have stayed within their budgets. Mr. Garcia reported that 100% of the blanket insurance is paid in November and that payment is reflected in this report. There is 58.3% of the budget remaining with half the fiscal year over. Mr. Garcia expressed an area of concern is gas and oil prices which has exhausted 61% of the City's budget to date. Another concern addressed by Mr. Garcia is ambulance collections. Mr. Garcia has spoken with the billing department regarding this matter. Mr. Cherry has also been involved in reviewing the ambulance billing and commented that the billing with Medicare and Medicaid has been reviewed for accuracy.

Mr. Garcia was happy to report that the audit was submitted on time after much preparation. Mr. Garcia hopes to have the mid-year budget review next month. Mr. Garcia addressed a letter from Robert Apodaca, Director of the Local Government Division addressing potential budget shortfalls throughout the state. Mr. Garcia says that financially, the City is doing fine. The City's utility revenue is close to where expected. Mr. Garcia received a letter from Roseann Rivera, the City's analyst which requires the use of new reporting forms. Mr. Garcia passed along that Maryann Molinas, Library Director is working with eRate to acquire funds for a new phone system.

There were no questions for Mr. Garcia. Mayor Pro Tem Witcher made a motion to accept the monthly

finance report which was seconded by Commissioner Lumpkin. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Mayor Pro Tem Witcher wished Jeanette Maddaford good luck in her retirement and thanked her for all her work and welcomed Christine Dougherty as the incoming City Clerk. Mayor Pro Tem Witcher also wished everyone a Merry Christmas and a Happy New Year.

Commissioner Lumpkin thanked Jeanette Maddaford for her work and wished everyone a Merry Christmas.

Commissioners Lafferty and Sandoval echoed the other Commissioners comments wishing everyone a happy holiday season.

Mayor Apodaca expressed some concern over a letter he received addressed to his father regarding property his father owned. He is concerned that the issue is not resolved regarding the property owned by his deceased father. Mayor Apodaca also wished everyone a Merry Christmas.

Executive Session

Mayor Pro Tem Witcher made a motion to adjourn to executive session pursuant to the open meetings act regarding Citicapital (Honeywell) pending or threatened litigation 10-15-1(H)7. The motion was seconded by Commissioner Lumpkin.

Commissioner Lafferty suggested that an Executive Session was not required in this instance. Commissioner Lafferty stated that he would like to see this issue discussed on the floor. Mayor Pro Tem Witcher commented that pending litigation should be discussed in Executive Session in order to keep the information private in the instance that the litigation ensues. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
No	Yes	Yes	Yes	Yes

The Commission adjourned to Executive Session at 6:50 pm.

Upon return from Executive Session at 7:05 pm, Mayor Pro Tem Witcher made a motion that only pending or threatened litigation was discussed and no action was taken. The motion was seconded by Commissioner Lumpkin. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Abstain

Mr. Sutherland advised that Honeywell was contracted many years ago to install energy saving devices for the City. It was determined that Honeywell was not living up to the contractual expectations. The City discontinued payment to Honeywell. The finance corporation Citicapital brought suit against the City for failure to pay. Citicapital demanded a payment of \$90,000. The City offered to settle the

claim for \$15,000 which was rejected by Citicapital. Currently, Citicapital has contacted the City Attorney and has offered to settle for \$5000. Mr. Sutherland recommends that the Commission accept this offer. Mayor Pro Tem Witcher stated that the agreement with Honeywell was entered into many years ago. Mayor Apodaca commented that the agreement was entered into approximately 12 years ago. Commissioner Lumpkin suggested that this is the City's best way to resolve this issue.

Mayor Pro Tem Witcher made a motion that the City settle with Citicapital for \$5000 and provide the letter requested by Citicapital. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	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 7:10 p.m. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk