

CITY OF TUCUMCARI
MINUTES
January 8, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, January 8, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jimmy Sandoval, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were John R. Sutherland, Jr., City Manager; Christine Dougherty, City Clerk; Marty Garcia, Finance Director; Doug Powers, Community Development Director; Charlie Sandoval, Water Department Head; Ron Wilmot, Convention Center Department Head; Mike Cherry, Fire Chief; Roger Hatcher, Police Chief; and Erin Baca, Administrative Assistant.

Jim Witcher, Reverend of the First Christian Church, gave the invocation and Commissioner Lafferty led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Mayor Apodaca asked if there were any suggested deletions to the agenda. There were none.

Approval of Minutes

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the minutes of the December 18, 2008 regular Commission meeting. 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

Edalane Sparks, owner and operator of Mac's Four Season Pest Control addressed the Commission regarding the rejection of bids for pest control services. Ms. Sparks detailed that the City will be responsible for purchasing equipment and chemicals, training staff, providing annual education, providing insurance and performing the tasks related with pest control. Ms. Sparks additionally noted that her business has been established in Tucumcari since 1995, and employs three people. Ms. Sparks added that in 2005 her business expanded by purchasing Mac's Pest Control in Clovis and elected to keep the home office in Tucumcari. Ms. Sparks urged the Commission to reconsider the decision to reject bids for pest control.

Mayor Apodaca responded to Ms. Sparks that the Commission will take her comments into

consideration.

Valerie Apodaca addressed the Commission regarding the recent termination of Officer Pete Rivera. Ms. Apodaca expressed that in her opinion, Officer Rivera was the most decent officer on the Tucumcari force. She further objected that other officers have not passed required examinations for officers and are allowed to remain employed by the police department.

Mayor Apodaca responded to Ms. Apodaca that the Commission will take these comments into consideration.

Resolutions and Ordinances

City Manager John Sutherland presented Resolution 2009-01 to the Commission regarding the Open Meetings Act and recommended that the Commission adopt the resolution. Mayor Pro Tem Witcher commented that this resolution is standard and required at the beginning of each year to stipulate when meetings of the Commission will be held and how notification to the public will occur.

Mayor Pro Tem Witcher made a motion that the Commission approves Resolution 2009-01, Open Meetings Resolution. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Marty Garcia, Finance Director and Charlie Sandoval, Water Department Head presented Resolution 2009-02 to the Commission requesting information from the New Mexico Finance Authority for a loan to purchase a new Vactor truck. Mr. Garcia stated that the vehicle and the equipment will cost \$199,968. Mr. Sandoval told the Commission that the department has a 1995 model Vactor truck that is in disrepair. Mr. Sandoval further stated that if the truck is not operational, the City risks flooding resident's homes. Mr. Sandoval also stated that the department will repair the existing truck for use as a back up after the new truck is purchased.

Mayor Pro Tem Witcher urged the Commission to approve the resolution so that the truck may be purchased. Commissioner Lafferty asked Mr. Garcia if the City is in the position to handle the payments and if water rates would have to be adjusted. Mr. Garcia replied that at this time he did not see a need to adjust water rates and recommended the Commission adopt the resolution.

Commissioner Lafferty made a motion that the Commission approve Resolution 2009-02 approving submittal of loan application to the New Mexico Finance Authority for equipment purchase. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Fire Chief Mike Cherry reported on the Fire and EMS Departments for the month of December 2008. Chief Cherry reported that there were six alarms in the month and only five fires which is unusually high for the month of December. The EMS Department fielded 79 calls; 49 of those were 911 calls, 15 transfers and one standby. The Chief stated that these EMS numbers are unusually low for the month

of December. Chief Cherry also stated that he has consulted with vendors regarding emergency sirens for the City. He is working to have a professional assessment completed for this project. Regarding the reverse 911 system, Chief Cherry stated that Doug Powers is working on the bid document to obtain approval from the New Mexico Emergency Management. Chief Cherry anticipates this will take between two and three months to complete. The department is also updating the Emergency Operation Plan and anticipates presenting it to the Commission in February. Chief Cherry further stated that two of the pumper trucks are down. The Fire Department will overhaul one themselves and the other that is badly rusted will have to be sent away for repair at an estimated cost of \$8000.

Convention Center Department Head, Ron Wilmot reported that there were two events at the Convention Center in the month of December 2008. The bar revenue generated in December 2008 exceeded December 2007. Mr. Wilmot also reported that the painting project is complete and the Convention Center is scheduling meetings again.

Mayor Pro Tem Witcher asked if Mr. Wilmot's report indicated that there were two paid events in December and other meetings held for which no fees were charged. Mr. Wilmot responded that was correct.

Police Chief Robert Hatcher reported that there was a significant drop in calls for service in December 2008. There were 4930 calls dispatched in the month which was much less than anticipated. Chief Hatcher reported that a Resource Officer has been stationed in the high school for the past three days and in that time has made seven arrests. Chief Hatcher reported that the school officials are pleased with the officer's efforts. Chief Hatcher feels this officer will help lead to the resolution of street crimes and he hopes to continue this into the next budget cycle. The Police Chief further reported that two new officers are departing this weekend for the Academy in Santa Fe. The Department has ordered five new vehicles that will be outfitted with new equipment that will be paid for with drug seizure funds. Additionally, Chief Hatcher noted that a recent seizure has been settled and will lead to funds in the amount of over \$11,000 for the enforcement of drug laws.

Commissioner Sandoval inquired if the City has a curfew for juveniles. Chief Hatcher replied that a curfew is not enforced because of Civil Rights issues. Mayor Pro Tem Witcher added that the Supreme Court ruled that curfews are illegal.

Mayor Apodaca added that Tucumcari High School Principal, Mr. Castillo is happy with the Resource Officer's presence at the high school.

Mayor Pro Tem Witcher asked if the Resource Officer is stationed at only the high school or is he going to the middle and elementary schools. Chief Hatcher replied that he is spending most of his time at the high school but if needed, can be present at either the middle or elementary schools.

John Sutherland reported that project work at the Waste Water Treatment Plant is continuing on schedule. Issues with the concrete have been resolved with the contractor. The City will divert sludge to the new drying beds by the middle of January.

Mr. Sutherland reported that the City has received final closure design drawings from the engineer. City staff is proceeding with installation of the grading and the run-on/run-off control structures per the engineer's instructions. Work is proceeding on engineering design of the gate and scale houses at the new landfill. The security gate is going to have to be moved to provide better access control to the facility. The engineering firm has informed the City that there are about 18 months of dumping time

remaining at the old landfill. The design and construction of the new landfill will proceed on a schedule that will allow the City to seamlessly transition to the new landfill.

Window replacement at the railroad depot is temporarily complete. Some windows have been temporarily boarded up because major reconstruction will have to be done on the sills and frames before glass can be installed, and that work must be approved by the State Historical Preservation Office. The City's architect has scheduled a meeting with our Community Development Director regarding the roof renovation project later this week.

The engineer working on the swimming pool project has received proposals from two contractors for solar heating systems. They are evaluating those proposals to identify the best product.

The partners in the Main Street Master Plan project have met to review the RFP for consultant services. All partners agreed that the RFP was acceptable to them and the City has submitted the RFP for review by the funding agency. Once approval has been received from the funding agency, the RFP will be submitted to the PTAB for review. It is expected that the RFP will be ready to advertise in about 45 days.

The City's consultant expects to contact the City by the end of this week to schedule a first review of the Infrastructure Capital Asset Management Plan.

The City has submitted a renewal application to the US EPA for the required Storm Water Protection Plan for the airport by the required deadline.

Final project accounting for the Adams Street Project has been done and there are sufficient funds to do some final priority concrete work on the project.

The Survey crew for the Second Street Project was in two weeks ago to complete surveys of the project.

Survey work on the transmission line for the Metropolitan Well Field was done about two weeks ago.

The City is still waiting for notice of the upcoming Water Trust Board meeting during which projects will be ranked for funding.

Clean up

Additions to the list of notices sent by the Compliance Officer that the Commissioners received at the last Commission meeting are detailed below:

611 E. High	Freddie A. Martinez
520 E. Hancock	Daniel Marez
1119 S. Seventh	John E. Lopez
502 S. Sixth	Shirley J. Lopez
1102 E. Whitmore	GTEDC
924 E. Smith	Elmire & Rosa Martinez
924 E. Smith	J. Amado Martinez Sr.
923 E. Aber	Charles E. Cobb
1303 E. Heman	Christine Mejia
807 E. McGee	Howard & Michelle Littell
719 E. Laughlin	

Mr. Sutherland reported he has a list of properties that have been inspected by the City Manager and Chief of Police and identified as dangerous buildings under the Tucumcari Municipal Code Title 7, Chapter 7.08. In accordance with that Chapter, abatement notices have been sent to the property owners.

Work is being done at the empty lot north of Whitmore and Dawson. The Streets Department is investing two days a week to remove the construction debris that has been stored there. Their first

priority is the pile that has broken concrete in it.

Street lights east of First Street on the Boulevard and west of the Convention Center on Business 40 which had been lit-up last year have once again gone out, and are on our priority list for repairs. The lights east are going to require re-wiring and supplies have been ordered. The lights west will require some trenching, the project is waiting for One-Call authorization to proceed

Street lights in the core downtown area which had been turned on as a result of Xcel’s repair work in that neighborhood last year, and have once again gone out, have again been turned back on. Parking lot lights at the Del Norte Center are being repaired and turned on, and one light is going to be moved from its current location to the front parking lot to provide additional light.

The City has out Wined-and-Dined the competition and has signed a lease with Congressman Ben Ray Lujan to provide office space at the Tukumcari Chamber of Commerce building on the corner of Fifth Street and Tukumcari Boulevard.

Personnel Departures:

Chuck Newman – Police Department – retirement

Peter Rivera – Police Department - resignation

Jeannette Maddaford – City Clerk – retirement

Personnel Additions:

Christine Dougherty – City Clerk

Chuck Newman Jr. – P/T Facilities Operator at the Convention Center

Mr. Sutherland reminded the Commission of the Appeal Hearing requested by the property owner of the Sands Dorsey Building – January 15, 5:00 p.m.

Mayor Pro Tem Witcher asked if the City’s chipper is broken. Mr. Sutherland replied that indeed it is.

Mayor Pro Tem Witcher suggested that the City send a press release to the newspaper to answer questions that citizens might have regarding the landfill.

Commissioner Lafferty inquired about the Ute Lake Water Engineering project. Mr. Sutherland replied that changes have been made to the proposal and the City is waiting for a response.

Bids and Contracts

Mr. Sutherland reported to the commission that the properties for lease were advertised, there have been successful bidders, and agreements have been developed and reviewed by the City Attorney. Mr. Sutherland recommended that both leases be approved.

Mayor Pro Tem Witcher made a motion to approve the Lease Agreement between the City and David Foote for 190 acres and Commissioner Lumpkin seconded. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher made a motion to approve the lease agreement between the City and David Foote for 105 acres. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
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Yes Yes Yes Yes Yes

Old Business

Mayor Apodaca asked if there were any questions regarding the Museum Advisory Board Minutes from the November 3, 2008 meeting. Being none, the Commission moved to the next item.

New Business

As there were no applicants to the Lodgers Tax Advisory Board, Commissioner Lumpkin made a motion to table appointments to this Board. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca suggested that a Work Session is necessary for the Commission to discuss the budget, legislative proposal priorities, and coordination of legislative requests with the County. Mayor Pro Tem Witcher suggested that the Work Session be held immediately following the Hearing for the appeal submitted by Mr. Hengstenberg regarding the Sands-Dorsey Building to be held January 15, 2009. All were in agreement.

Mr. Sutherland reported to the Commission that the City has applied for a ground water permit. The application is complete and is now open for public comment. Mr. Sutherland estimated that there is about a six month hold time during this phase of the application process.

Mayor Apodaca asked Mr. Sutherland to define the term “gray water” for those present. Mr. Sutherland stated that this is actually a waste water plan. Mr. Sutherland reported that the water will contain no human waste and is reusable except for human consumption. It will create an opportunity for the City to generate revenue with water that is currently being dumped. Mayor Apodaca commented that the water could be used for the City Parks.

A discussion regarding the \$80,000 Capital Outlay Allocation ensued, Commissioner Lafferty commented that the City can not give the money away; the City can only give the fiscal responsibility for the money back to the County. Mayor Pro Tem Witcher stated that according to all he had read, the allocation belongs to the City. However, he commented that in good spirit, the City should give the allocation back to the County. Commissioner Lafferty made a motion to release fiscal responsibility of the \$80,000 Capital Outlay Allocation back to the Department of Finance and Administration. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Fire Chief Cherry submitted the New Mexico Department of Homeland Security and Emergency Management Sub-Grant Agreement for Tucumcari/Quay County Emergency Management to the Commission for their approval. Fire Chief Cherry urged the Commission to approve this grant proposal as if awarded; it will provide funds for generators for back-up electricity for radios and add a radio site at Wheatland for the County. Commissioner Lafferty asked if this grant requires matching funds. Fire Chief Cherry responded that this particular grant does not require matching funds, but that he believes it will be the last time a request for proposals from Homeland Security will be issued in

which matching funds are not required. City Manager, John Sutherland recommended that the Commission approve this proposal. Mayor Pro Tem Witcher made a motion to approve the New Mexico Department of Homeland Security and Emergency Management Sub-Grant agreement for Tucumcari and Quay County Emergency Management. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Sandoval urged those in the audience to report the license plate number of anyone they see throwing bottles from their automobiles.

Commissioner Lumpkin suggested that citizens continue to clean up Tucumcari. He suggested that cleaning the City is a difficult effort but that he is looking forward to seeing the results.

Commissioner Lafferty asked that the Mac's Four Seasons Pest Control contract be included in the next Commission agenda. Commissioner Lafferty also asked that an Executive Session be included in the next agenda for informational purposes regarding personnel matters.

Mayor Pro Tem Witcher said that things look good in Tucumcari and he is proud of the City.

Mayor Apodaca thanked those that addressed the Commission and commented that the more the Commission knows the better.

Executive Session

Mayor Pro Tem Witcher made a motion to convene in Executive Session pursuant to the Open Meetings Act regarding limited personnel matters in reference to the City Manager's Contract 10-15-1(B). Commissioner Lumpkin seconded. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

The Commission convened to an Executive Session beginning at 6:45 p.m.

Upon return from Executive Session, Mayor Pro Tem Witcher made a motion to reconvene the regular meeting. Commissioner Lafferty seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

The Commission reconvened in regular session at 7:50 p.m.

Commissioner Lafferty made a motion to terminate the employment of the City Manager effective immediately. Commissioner Sandoval seconded the motion.

Mayor Pro Tem Witcher stated that he felt the intent to terminate the City Manager’s contract was wrong and that Mr. Sutherland had made great strides for the City of Tucumcari. Commissioner Lumpkin also stated that he felt the intent to terminate the City Manager’s Contract was wrong. Commissioner Lumpkin further stated that the turnover of personnel would have a negative effect on the City. He additionally stated that he felt this decision had not been thought through. Mayor Apodaca asked that the motion be read aloud to the Commission by the City Clerk. Ms. Dougherty read the motion back to the Commission as it was stated by Commissioner Lafferty. Mayor Apodaca asked for the roll call vote. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
No	No	Yes	Yes	Yes

Mayor Apodaca then stated that this was a very difficult but necessary decision that was not taken lightly by the Commission. Throughout the process we remained cognizant of the impact of the situation and ultimately reached our decision with the best interest of the City and the operations in mind. Our focus will now turn to a search for a City Manager and we have the utmost confidence that the City staff will continue to effectively manage operations during the search process.

Commissioner Lafferty then made a motion to appoint Fire Chief Mike Cherry as Interim City Manager. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Abstain	Yes	Yes	Yes	Yes

Administrative Assistant to the City Manager, Erin Baca then addressed the Commission by saying that this was the worst decision she had seen the Commission make and the Commissioners are supposed to represent the people and not their own personal interests. She went on further to say that the City would receive her resignation tomorrow.

Adjournment

Mayor Apodaca asked for a motion to adjourn the meeting. Mayor Pro Tem Witcher made a motion to adjourn and Commissioner Lafferty seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 8:00 p.m.

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk