

**CITY OF TUCUMCARI
MINUTES
January 22, 2009**

The Tucumcari City Commission met for their regular meeting on Thursday, January 22, 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 Mike Cherry, Interim City Manager; Christine Dougherty, City Clerk; Marty Garcia, Finance Director; Doug Powers, Community Development Director; Roger Hatcher, Police Chief; and Suzann Martin, Senior Center Department Head.

Ray Aragon, Deacon of St. Anne's Catholic Church, gave the invocation and Mayor Apodaca led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

Mayor Apodaca asked to have Items From Commissioners moved to occur immediately after the Finance Report.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the January 8, 2009 regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the minutes of the January 15, 2009 Special Commission meeting. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	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	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Commissioner Lafferty asked that Mr. Sparks of Mac's Four Seasons Pest Control be allowed to address the Commission later in the meeting when the Pesticide Service Contract will be addressed so that he can answer any questions the Commission may have.

There were no other items from citizens.

City Manager's Report

Interim City Manager Mike Cherry explained that there will be no Police Department report. The listing of Police Department Report on the agenda was in error.

Mr. Cherry then called upon Community Development Director, Doug Powers to report. Mr. Powers described the difficulties the City has experienced with both the Date Street and Elder Street projects. Mr. Powers described an extensive package of information that had to be compiled by City Staff in order to close on the loan to complete the two projects. Mr. Powers thanked Mr. Cherry, Mr. Garcia and Ms. Dougherty for their contributions to the compilation project in the absence of a City Manager. He was happy to report that the documentation for the loan closure was submitted on time. Mr. Cherry commented that the documents had to be put together in a short period of time and he was thankful for the collaborative effort.

Mr. Powers further reported that he made a presentation to the Water Trust Board. Mr. Powers said that a list of projects was submitted in order of priority to the Water Trust Board.

Pesticide Contract

Mr. Cherry reminded the Commission that at the previous meeting, it was requested by Commissioner Lafferty that a review of the pesticide contract be put on the agenda for the next meeting. Mr. Cherry informed the Commission that a pesticide sprayer and chemicals were ordered and received in the month of December at a total cost of \$9100. Mr. Cherry explained that in review of the documentation surrounding this subject, he found that the proposed contract rate for mosquito prevention services from Mac's Four Seasons Pest Control was just over \$12,000 for a year. Mr. Cherry explained that the one time cost of the sprayer, which includes the cost to train an employee, and the recurring cost of the chemicals, will provide the City significant savings.

Commissioner Lafferty explained that when Ms. Sparks spoke at the January 8, 2009 meeting, it was the first he had heard about the City's decision to discontinue using Mac's Four Seasons Pest Control. Commissioner Lafferty hoped to see a spreadsheet detailing all the expenses associated with continuing the contract versus purchasing our own equipment and chemicals. Commissioner Lafferty said it is disheartening to him for the City to discontinue doing business with a local business. Commissioner Lafferty expressed hope that the Interim City Manager and Mr. Sparks will have the opportunity to discuss a transition plan or a way to continue doing business together in some way.

Mr. Sparks addressed the Commission by saying he wanted to work with the City. He explained that mosquito fogging can't be done a set number of times. He described that conditions dictate the number of times the City will have to be fogged. He also explained that larvae have to be tested and eliminated. He expressed a desire to meet with Interim

City Manager Cherry. Commissioner Sandoval questioned the need for liability insurance. Mayor Apodaca expressed concern over personnel turn over and the expense of repeated training. Mayor Pro Tem Witcher explained that considering the figures, he believes the purchase of equipment by the City will save the City money.

Interim City Manager Cherry informed the Commission that on January 12, 2009 he attended the Main Street meeting and the Economic Development Commission meeting. He also was in attendance at the groundbreaking ceremony on January 15 for the new Tucumcari High School. At the groundbreaking, Mr. Cherry reported that Governor Richardson pledged to work for funding for both the Main Street Project in Tucumcari and Mesalands Community College. On January 16, Mr. Cherry was in attendance at the Ute Lake Water Commission meeting where a two year extension for water reservation rights was extended.

Personnel Departures

Mr. Cherry further reported that Administrative Assistant, Erin Baca had resigned her position and that the opening will be posted.

Personnel Additions

Additionally, a new EMT Intermediate has been hired, Jamie Halloway.

Mr. Cherry will be out of town on Monday, January 26 to attend the Firefighters Appreciation Day in Santa Fe.

Mr. Cherry and the Commissioners will travel to Santa Fe February 2-4 to attend Legislative events.

Old Business

Mayor Apodaca acknowledged reading the Library Board Advisory Meeting Minutes.

New Business

Susan Lease, ASAP Coordinator presented underage drinking facts to the Commission. Ms. Lease reported that 8.1% of Quay County youth report drinking before age 13. Ms. Lease stated that this figure is higher than the national average. Ms. Lease further reported that binge drinking is a problem in Quay County with 32.2% of youth consuming five or more drinks at a time.

Ms. Lease also expressed that she and others will be discussing the banning of energy drinks mixed with alcohol with legislators. Ms. Lease explained that in the State of New Mexico the penalties for underage drinking are lax. She expressed an understanding that alcohol tax brings money to the county, but questioned at what cost to our youth. Ms. Lease further explained that the ASAP's mission is to educate merchants regarding alcohol sales.

School Resource Officer Jason Braziel reported that in the two weeks he has been stationed at Tucumcari High School, there have been five alcohol incidents. Officer

Braziel explained that these students have older siblings and friends that purchase alcohol for them and there is little legal recourse to punish the adults that purchase the alcohol.

Commissioner Lumpkin thanked Ms. Lease and Officer Braziel for their work. Commissioner Sandoval expressed concern that there is no jail time imposed for adults that purchase alcohol for minors. Officer Braziel responded that there is no jail time imposed unless a violent crime is committed. Officer Shaffer echoed Officer Braziel's comments. Commissioner Sandoval commented that the officer's hands are tied in this instance. Officer Shafer commented that stricter rules need to be imposed for underage drinking. Commissioner Lafferty stated that these issues will be passed on to legislators when the Commission travels to Santa Fe next month.

Financial Report

Finance Director, Marty Garcia reported that gross receipts were 13.59% in the previous month which is above the three year average. Mr. Garcia reported an increase in retail and service business. Mr. Garcia was pleased to report that our tax revenue continues to increase through recurring taxes and not from one time occurrences like construction projects.

Mr. Garcia reported that the DFA quarterly report will be sent to the state tomorrow. Mr. Garcia pointed out that the report to the DFA includes the bank reconciliation, the certificate of deposit records, the debts, and the lodger's tax report. Additionally, Mr. Garcia provided to the Commission was a detailed budget report with every line item.

Mid-year budget highlights include:

- ◆ General Fund Revenue – 51.7% remaining
- ◆ Property Tax – 30% received
- ◆ Small Assistance Grants – (\$120,000) has not yet been received
- ◆ Expenses – 46.32% remains with emergency fund and capital outlay backed out
The blanket insurance and workman's compensation insurance have been paid in full
- ◆ Budget is at slightly below 50% spent
- ◆ Still too early to be sure, but it appears that increased gas and oil expenses can be absorbed
- ◆ Lodger's Tax – is above revenue with 45% remaining
- ◆ EMS Billing – billed 44% of the budget, historically the City only collects about 60% of what is billed. Mr. Garcia suggests that the capital outlay fund in the general fund be reserved for an expected EMS shortfall
- ◆ Airport – is struggling with cash flow, fuel sales are down and revenue is down \$25,000
- ◆ Joint Utility Fund – 52% remaining
- ◆ Sanitation – has collected 50%, expenses are up but as in the General fund should level throughout the year

Mr. Garcia asked for any budget questions. Mayor Pro Tem Witcher thanked Mr. Garcia for the report and commented that it was informative.

Mr. Garcia shared a report prepared by RBC Capital Markets regarding the City's debt capacity. In general, the City has capacity in gross receipts tax. Debt capacity in general obligation bonds exists however would be subject to referendum. An analysis of debt the City has pledged was covered in the report as well.

Items From Commissioners

Commissioner Sandoval suggested that the Commission should travel to the congressional session in March in Washington so that the City can move forward. Commissioner Sandoval stated that the Commission can bring back valuable information from Washington.

Commissioner Lumpkin again thanked the underage drinking program staff. Commissioner Lumpkin suggested that he would like to discuss nominating someone to the Commission on the Status of Women. Commissioner Lumpkin also thanked all the people that attended the meeting.

Commissioner Lafferty agreed with Commissioner Sandoval that traveling to Washington is a good idea.

Mayor Apodaca asked Mr. Cherry to set a meeting date with legislators in Santa Fe. Mayor Apodaca also asked that it be advertised that several Commissioners will be together in Santa Fe and that no action will be taken.

Executive Session

Commissioner Lafferty made a motion to convene in Executive Session pursuant to the Open Meetings Act regarding limited personnel matters in reference to the a termination at the Police Department 10-15-1(B) NMSA 1978. Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

The Commission convened to an Executive Session beginning at 6:48 p.m.

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

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

The Commission reconvened in regular session at 7:15 p.m.

Mayor Apodaca stated that no action was taken in the Executive Session.

Adjournment

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

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 7:15 p.m.

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk