

CITY OF TUCUMCARI
MINUTES
February 26, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, February 26, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Robert Lumpkin, Jim Witcher, Jim Lafferty, and Jimmy Sandoval.

City staff members present were Mike Cherry, Interim City Manager; Christine Dougherty, City Clerk; Doug Powers, Community Development Director; Yvette Fazekas, Planning and Zoning Coordinator; Ron Wilmot, Convention Center Director; Charlie Sandoval, Water Superintendent; and Joe Ramirez, Wastewater Superintendent.

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

Consideration of Additions or Deletions to Agenda

Mayor Apodaca suggested that item F under New Business be deleted because the recycling discussion was going to occur during another presentation on the agenda.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the February 12, 2009 Regular Commission meeting. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
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:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Don Schutte, a local attorney, was glad to see the resolution regarding the creation of a task force to study the laws surrounding juvenile intoxication. Mr. Schutte stated that he has spoken to many local groups that are interested in participating in the task force including the MCCH Council, Teambuilders, ASAP, the New Mexico State Police, local school districts, and the Sheriffs office. Mr. Schutte was also glad that the Quay County Sun had publicized the effort.

Citizen, Jack Smith, stated that he has applied for a permit making it legal for him to purchase gray water from the City. He said that he was contacted by the permit issuing office in Santa Fe and was told that his permit approval is in the last phase. Also he stated that he was told the City's permit is slated for approval after his own which is the incorrect order for the City to be able to sell gray water to

him. Mr. Smith wanted to know if he will be allowed to purchase water from the City as his permit window of opportunity is closing on March 24.

Mr. Cherry stated that these questions might possibly be answered later in the meeting as the Commission's agenda contains items related to these issues.

Doug Powers stated that this issue must be addressed by the Commission in order for Mr. Smith to be answered.

Commissioner Lafferty stated that the agreement to be discussed later regarding the Water Trust Board is not going to impact Mr. Smith.

Mayor Pro Tem Witcher stated that the Commission has every intent of selling Mr. Smith gray water. Unfortunately, the permit is not in the hands of the City. The application was made several months ago. Mr. Witcher stated that a temporary permit might be available. Mr. Witcher asked if the issue could be added to the next agenda. The City Clerk took note of Mr. Witcher's request.

Commissioner Lafferty apologized to Mr. Smith and stated that Mr. Smith had been led to believe that sale of gray water to him had been approved by the Commission. Mr. Lafferty said he reviewed his meeting minutes from the past and did not find an approval anywhere. Mr. Lafferty also stated that the Commission has not developed a structure to sell the water. The engineer says that it will be four to five months before the City will be properly permitted.

Mr. Smith stated that he needs to begin pumping water to his farm soon and that the infrastructure already exists so it should not cost the City anything to begin supplying him with water.

Commissioner Lafferty stated that the Commission must approve an ordinance, rate structure, and install a meter before water can be sold.

Mr. Powers stated that a simple system could be set up and amended later if necessary. Mr. Powers suggested that in the interest of Mr. Smith's business, pumping should be started as soon as possible.

Resolutions and Ordinances

Ordinance number 1067 was presented by Mr. John Appel, Council for the New Mexico Finance Authority and the Water Trust Board. The Ordinance reads:

AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS") AND THE CITY OF TUCUMCARI (THE "BORROWER/GRANTEE"), IN THE AMOUNT OF ONE MILLION, SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$1,750,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF PHASE IV OF THE WASTEWATER REUSE SYSTEM, CONSISTING OF INSTALLATION OF PIPELINES TO INCREASE EFFLUENT AVAILABILITY FOR GROUND APPLICATION WHILE SAVING POTABLE GROUND WATER¹, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER

WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.

Mr. Appel stated that the Ordinance approves a loan/grant agreement for the City of Tucumcari for \$1,750,000 to complete phase four of the Wastewater Treatment Plant project. The funding will be used for pipelines and equipment to transfer gray water to the cemetery, industrial park, other city owned locations, and to sell to third parties. Mr. Appel stated that the initial intent of the project was to also pipe water to the golf course; however there will not be enough funding to do this at this time. Mr. Appel explained that \$1.4 million is in the form of a grant and the remaining \$350,000 will be loaned to the City at 0% interest with an administrative fee of 0.25%. The loan portion will have to be repaid in annual installments over a 20 year period. Mr. Appel assured the Commission that the agreement includes provisions for the City to apply for a waiver of the annual payment should financial difficulties occur. The projected closing date for the loan/grant is scheduled for April 10, 2009. The agreement requires the City to pledge utility revenues for repayment of the loan portion of the funds. The agreement is subordinate to all other pledges of revenue.

Commissioner Lafferty asked if the City would be allowed to sell the gray water to third parties under this agreement. Mr. Appel responded in the positive, stating that the City is entitled to sell the water to anyone along the pipeline. Mr. Lafferty further questioned if the City has the right to build further infrastructure to pump water out of the pipeline to transport it to other locations. Mr. Appel responded that the City does have this right. Mr. Lafferty then asked if the City will be allowed to pump the water from one pipeline to another. Mr. Appel said that pumping from one pipeline to another is allowed within this agreement.

Mr. Lafferty then asked if the agreement requires the City to provide any matching funds. Mr. Appel stated that the matching requirement is zero dollars. Commissioner Lafferty then stated that the City's Wastewater Department is currently repaying five loans and asked if the Water Trust Board reviewed the financial situation of the department before granting this loan/grant. Mr. Appel stated that the New Mexico Finance Authority had reviewed the debt structure of the Wastewater Department at the City and assured the Commission that this loan/grant will not impact the fiscal 2009 budget. Mr. Appel said that the payments are scheduled for the years 2010 through 2029. Mr. Lafferty suggested that as per the calculations he had done, the payments would be around \$17,000 per year and inquired if this figure was correct. Mr. Appel stated that he did not have the figure in front of him, however the payments would be around 5% of the total loan amount of \$350,000.

Commissioner Lafferty then stated that the loans previously taken out by the Wastewater Department had provisions for the Finance Authority to adjust the City's water rates to accommodate the debt if they feel it is necessary in order to service the debt. Mr. Lafferty inquired if this agreement is the same. Mr. Appel stated that this agreement does not contain that provision.

Mayor Apodaca then asked Mr. Garcia when the City plans to increase water rates and how much increase is planned. Mr. Garcia replied that the City follows a schedule for rate increases and that he has accounted for this new loan payment in the preliminary 2009/2010 budget. Mr. Garcia further explained that the City can currently accommodate \$250,000 in annual debt payments that are supported by the current rate structure. The new loan increases the debt payments to a total of

\$256,000 per year. Mr. Garcia stated that a rate increase will occur at the next scheduled time to accommodate the increased payments.

Mayor Pro Tem Witcher then stated that the City will realize increased revenues once it begins to sell the gray water from the pipeline. Mr. Garcia agreed that the gray water sales will increase the City's revenues. However, Mr. Garcia felt it would be difficult to say how much the other rates will have to be increased. Mayor Apodaca then inquired how much water rates would increase for the citizens. Mr. Garcia concluded that the increase would be very little.

Commissioner Lafferty then asked if the City has enough funding to complete the Wastewater Treatment Plant project. Mr. Powers replied that there is enough funding to complete phase four. Mr. Powers further explained that the City will have to request more funding to complete the next phase of the project. Mr. Powers stated that he is in the process of completing an application for funding that he hopes will be 100% federal funding to complete the project.

Commissioner Lafferty then asked if the agreement was contingent upon the City borrowing the \$350,000 or if we could use the grant money first. Mr. Appel clarified that the first \$350,000 that is drawn down will be considered the loan funds and the grant is contingent upon the draw down of the loan funding. However, Mr. Appel explained that the loan amount is pre-payable at any time.

Mayor Apodaca then read a letter he received from Mr. Emmett Breen on January 26, 2009. The letter stated:

Dear Mayor Apodaca:

As you know, the City of Tucumcari's effluent water from the Wastewater Treatment Plant has been deposited on the Breen Ranch for many years. These arrangements began in 1913 when the land was owned by A.D. Goldenberg, one of the original founders of Tucumcari. This arrangement with the City has continued into the 1920's when the ranch was acquired by the Breen family and continues to this day.

In my opinion, this arrangement has been beneficial to both the City and to us. We have used and continue to use the water for irrigation purposes and the City has had a place to safely dump the wastewater. Of course, the water quality has changed through the years. In the early days, raw sewage was deposited on the ranch. Today the quality of the wastewater as you are aware is much improved and is of good quality.

I feel we have had a strong working relationship with the City through the years. There has been cooperation by both parties and we would like to continue this relationship in the future.

It is my understanding that the City has received a grant to possibly make changes in their wastewater treatment situation. We are hopeful that we can be involved in this decision making process and that this cooperative relationship with the City may continue.

Thank you very much for your consideration in this matter.

Signed,

Emmett Breen, Jr.

Mayor Apodaca wanted the letter to be part of the record so that it was understood that Mr. Breen wants to be included in the process of upgrading the Wastewater Treatment Plant.

Commissioner Lumpkin then stated that the City has both small and large wastewater projects. Mr. Lumpkin advised the Commission that a project of this magnitude does not have to be entered into. Mr. Lumpkin stated that the money is there to use or not to use as the Commission decides. Mr. Lumpkin explained that Mr. Breen has let the water be deposited on his ranch for many years and Mr. Lumpkin would not like to see this relationship end. Mr. Lumpkin also stated that he would like to see the City supply water to our local businesses and farms so that they can furnish feed to our area. Mayor Apodaca stated that the intentions for the water are unknown. Mr. Lumpkin further explained that the large loan does not have to be spent. The City can choose to not draw down the money. Mr. Lumpkin stated that the decisions are not carved in stone and that the City can choose not to use the funding. Mr. Appel concurred that Mr. Lumpkin is correct. Mr. Appel explained that the City will have a three year period from the closing date to decide if the funding will be utilized or not.

Mr. Lafferty asked if accessing the money will have to be approved by the Commission. Mr. Appel replied in the positive. Mr. Appel stated that the agreement states it must be accessed by the Commission, the Finance Department, or the City Manager.

Mayor Pro Tem Witcher made a motion to approve Ordinance 1067 and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Yvette Fazekas presented Resolution 2009-07 which states:

A RESOLUTION BY THE CITY COMMISSION THE GOVERNING BODY OF THE CITY OF TUCUMCARI, NEW MEXICO, WHEREBY THE CITY COMMISSION INSTRUCTS CITY STAFF TO SUBMIT A RECYCLING & ILLEGAL DUMPING GRANT APPLICATION TO THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR PURCHASING RECYCLING CONTAINERS.

Ms. Fazekas stated that this resolution approves the purchase of a large drop off roller container for residents to deposit their recyclables. Ms. Fazekas stated that the local recycler has closed. The resolution would approve the submission of a grant for \$20,000 with a \$5000 match. Ms. Christina Fleming, science teacher at Tucumcari High School also spoke and stated that with the closing of the local recycler, the challenge for residents is transporting their recyclables to a facility. Most sites will sort items for you; this can be done with a 30 foot roll off container that would be less expensive. Ms. Fleming recommended that the City purchase two of the less expensive containers so that one container can be hauled off while the other is used for collection purposes. The recyclables could be taken to a site that will sort the items for the City.

Commissioner Lafferty suggested if the City guarantees a site that we will provide them with our recyclables, they might provide us with a container. Mr. Lafferty suggested that perhaps the drop off and pick up could be negotiated with a recycler. Mr. Lafferty also suggested that if the City has to purchase a container we should purchase a unit that a nearby site will be able to haul for us. Mr. Lafferty also asked Ms. Fleming if her Science Club could provide recycling basic information in written format so that the City could include it in utility bills. Ms. Fleming said her club could provide

that information.

Commissioner Lumpkin thanked Ms. Fazekas and Ms. Fleming for their work on this project.

Mr. Cherry informed the Commission that he recommends this resolution be approved.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-07 and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Resolution 2009-08 was presented to the Commission by Ms. Fazekas. The Resolution reads:
A RESOLUTION REGARDING APPROVAL OF NEW MEXICO DEPARTMENT OF TOURISM, LITTER AND BEAUTIFICATION PROGRAM APPLICATION.

Ms. Fazekas explained that this resolution is the standard application submitted annually by the City for funding to pay youth to pick up trash by the mile around the City. The \$14,620 grant request includes \$3000 for weed eradication, \$500 for education, \$1000 for graffiti cleanup, \$7000 for youth employment, \$1270 for litter eradication, \$1850 for Keep America Beautiful Program. There is also a 25% in-kind match which is met with salaries and other expenses each year. Mayor Pro Tem Witcher made a motion to approve Resolution 2009-08 and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher presented Resolution 2009-09. The resolution reads:

A RESOLUTION OF THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TUCUMCARI, NEW MEXICO, AUTHORIZING THE APPOINTMENT OF A TASK FORCE FOR THE STUDY OF LAWS SURROUNDING JUVENILE INTOXICATION.

To include the following entities:

- The Alcohol and Substance Abuse Prevention Coalition (ASAP)
- The Maternal, Child, and Community Health Council (MCCH)
- The Driving While Intoxicated Enforcement Group (DWI)
- The Tukumcari Police Department
- The Quay County Sheriff's Department
- The New Mexico State Police Department
- Teambuilders Counseling Services
- The City Commission of the City of Tukumcari

Commissioner Lumpkin asked Mr. Schutte if the resolution meets his intentions for the formation of the task force. Mr. Schutte responded that he believes the resolution is broad enough to cover the intent of the task force.

Mayor Apodaca asked if Mr. Schutte intends to follow through with the County to expand the area of

enforcement of the laws that may result from the work of this task force. Mr. Schutte responded in the positive and stated that he intends to meet with Mr. Primrose and the County Commission. He further explained that there is a bill pending with the legislature that would make it illegal for an underage person to be intoxicated. Mr. Schutte also stated that he would like to include other communities in Quay County on the task force.

Mayor Pro Tem Witcher left the room to take a phone call at this point in the meeting.

At this time Commissioner Lumpkin make a motion to appoint Mayor Pro Tem Witcher to serve as the Commission's representative on the task force for the study of laws surrounding juvenile intoxication. Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Apodaca	Lafferty	Sandoval
Yes	Yes	Yes	Yes

Mr. Witcher was not present at the time of the vote.

Commissioner Lumpkin then made a motion to approve Resolution 2009-08. Commissioner Lafferty seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mr. Witcher was not present at the time of the vote.

City Manager's Report

Interim City Manager, Mike Cherry told the Commission that he, Joe Ramirez, Wastewater Department Head, and Mr. Powers had a meeting with the engineering staff of HDR on February 17. As a result of that meeting, Mr. Cherry asked Mr. Powers to provide the Commission with an update of the project. Mr. Cherry called on Doug Powers to report on the progress with the Wastewater Treatment Plant project. Mr. Powers informed the Commission that the City is now in the third phase of the project. Mr. Powers also stated that he is in the process of developing an application for \$8,000,000 that he hoped would be 100% federal funding to complete the project. The application is in preliminary stages and no commitments have been made at this time. The application has to be made in order to receive a response letting the City know if the funds are available.

Commissioner Sandoval asked if upon completion of phase three the plant will be similar to a new plant. Mr. Cherry responded in the positive.

Mr. Cherry further reported that he was in attendance at the recent E911 meeting. Work has begun rewriting the Joint Powers Agreement with Quay County for consolidated dispatch. As a result, Mr. Cherry anticipates submission of a separate budget for dispatch expenses.

Mr. Cherry also thanked the Commissioners for participating when Representative Ben Ray Lujan visited the City recently. Mr. Lujan will be opening an office inside the Chamber of Commerce office and is in the process of interviewing for a staff member to operate the office in Tucumcari full time. Mr. Lujan spoke to a group of interested citizens and City staff in the Commission Chamber regarding how the economic stimulus package might impact the local economy.

Mr. Cherry reported attending the Municipal League reception and meeting in Santa Fe, February 24 and 25.

Mr. Cherry also reported that the Fire Department tested the new ladder truck recently and in doing so replaced all the burned out bulbs at the softball fields.

Mr. Cherry informed the Commission that both the weather sirens are now working and will be tested in the next two weeks. Mr. Cherry also stated that the National Weather Service will be conducting storm spotter training for the public at the Convention Center on March 30 at 1:30 and 6:00 p.m.

Old Business

Charlie Sandoval, Water Department Head, discussed the payment for the Vactor truck with the Commission. Mr. Sandoval stated that the Commission previously approved a loan to purchase a new Vactor truck. Mr. Sandoval explained that he misunderstood the process and upon the Commission's approval, ordered the truck. The truck has been manufactured and is nearing completion. The vendor requires payment for the truck upon completion. Mr. Sandoval requested that the Commission approve payment for the truck from City funds at this time before the loan is funded.

Mayor Pro Tem Witcher asked Mr. Garcia if this procedure would be acceptable. Mr. Garcia responded that the City has the funds to cover the payment for the truck and the loan agreement will not be compromised by this arrangement.

Commissioner Lafferty asked if this would be acceptable with the New Mexico Finance Authority. Mr. Powers informed the Commission that it would be acceptable.

Mayor Pro Tem Witcher made a motion to approve advance payment for a Vactor truck. Commissioner Lafferty seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

New Business

Mayor Apodaca called upon Tom Even and Sharon Quarles to present on behalf of the Lodger's Tax Board regarding their request for a budget amendment. Mr. Even explained that the Lodger's Tax Board entered into an agreement with the Chamber of Commerce to provide \$5000 to be paid to groups for beautification and litter cleanup on Route 66. Upon further research into the feasibility of the project, Mr. Even stated that liability issues arose and the project is under funded at \$5000. The Lodger's Tax Board requested that the \$5000 be used instead to purchase street pole banners advertising local events and attractions along Route 66. The Lodger's Tax Board proposed that they use the \$5000 for purchase of 34 new street pole banners and then use the remaining funds for beautification of the Chamber building through minor repairs and fresh paint inside and outside the building. Mr. Even stated that tourism in our area is mainly dependent upon the draw of Route 66 and the "Tucumcari Tonite" theme. In addition to the street pole banners, the Board plans to post signs directing tourists to local attractions.

Mayor Pro Tem Witcher asked from what line item the Lodger's Tax Board is asking to move the funding. Commissioner Lafferty, who serves as the City Commission liaison to the Lodger's Tax

Board, clarified that the total project is \$5692. He further stated that the transfer of \$5000 from the Chamber can be used for the project and the Lodger's Tax budget can absorb the remaining \$692. Mr. Lafferty asked if the Board is requesting that the \$5000 that was earmarked for the Chamber's beautification project should be re-allocated for the street pole banners. Mr. Even responded yes. Mr. Lafferty further stated that the Rotary Club could be approached if further funding assistance is needed.

Commissioner Lafferty made a motion to approve a reassignment of funds with the appropriate approvals made by the Chamber of Commerce. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. Ron Wilmot was called upon to ask for approval from the Commission to submit a Scenic Byways Grant Agreement. Commissioner Lafferty asked if the \$17,000 match was a part of the original agreement. Mr. Wilmot responded that the original grant proposal was for less funding. Due to the City being awarded a larger grant sum, a larger match is required. Mr. Wilmot further explained that the matching funds are available through Lodger's Tax monies.

Mayor Pro Tem Witcher made a motion to approve the Scenic Byways Grant Agreement and the motion was seconded by Commissioner Lumpkin. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Joe Ramirez, Wastewater Department Head, to present his department's request for emergency payment for pump repair. Mr. Ramirez explained that the pumps were sent in for repair six to eight months ago. One of the pumps was not urgently needed and subsequently was not repaired until recently. Mr. Ramirez requested that the Commission approve payment for the repair of the final pump.

Mayor Pro Tem Witcher made a motion to approve emergency payment for the pump repair and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Interim City Manager, Mike Cherry, then presented a proposal to the Commission requesting the City be granted permission to donate 8,000 gallons of water and the time of the Fire Department to assist the Department of Game and Fish's Fishing Clinic to be held at the Elk's Club. Mr. Cherry explained that the cost of the water would be around \$30.

Mayor Pro Tem Witcher made a motion to approve donation of water and Fire Department time to the Department of Game and Fish's Children's Fishing Clinic. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Yvette Fazekas to present the State of New Mexico Governmental Services Agreement between the Youth Conservation Corps Commission and the City of Tucumcari for Recreation Center improvements. Ms. Fazekas stated that this is a grant the City has applied for many times in the past. This year's proposal includes making improvements at the Recreation Center. The youth involved in the program will be trained and then will install a sprinkler system at the Recreation Center, build and install planter boxes, remove and replace crumbling sidewalks, build a wheel chair ramp, plant grass and build and install a sign advertising from where the funding came for the project. Ms. Fazekas further explained that the total request is for \$33,683 which will cover the wages for the six youth involved, pay for training, cover the workmen's compensation insurance, and purchase the supplies for the projects. Ms. Fazekas explained that an in-kind match is required and the City will meet this match through the wages of the Supervisor assigned to the project and workmen's compensation insurance.

Mayor Apodaca asked if the program could be modified to include the building and installation of a gazebo at Veteran's Park. Ms. Fazekas replied that at this time the project cannot be modified. Mayor Apodaca asked that the gazebo project be investigated at the next Commission meeting to perhaps be included in the proposal next year. The City Clerk took note of his request.

Mayor Pro Tem Witcher made a motion to approve the State of New Mexico Governmental Service Agreement between the Youth Conservation Corps and the City of Tucumcari for Recreation Center Improvements. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then asked the Commission to set a date for a Special Meeting to review the applications for City Manager. The Commissioners agreed upon Monday, March 2 at 5:15 p.m. The City Clerk stated that the application deadline is March 1 and that any applications mailed or hand delivered will be included for Commission review before the special meeting. Commissioner Lafferty made a motion to hold a Special Meeting with an Executive Session to be held on Monday, March 2, 2009 at 5:15 p.m. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Financial Report

Mayor Apodaca called on Marty Garcia to present the Financial Report. Mr. Garcia began by stating that the State Auditor informed him that the City's Audit became public information on February 15, 2009.

Mr. Garcia further stated that in the month of December, gross receipts were down 25% when compared to the three year average for December. Mr. Garcia further explained in all areas, the budget is very tight. He stated that the City will most likely exhaust the budget by the end of the fiscal year. Mr. Garcia further reported that the utility fund is struggling which he said could possibly be due to decreased consumption. Mr. Garcia said that his department will need to monitor income and spending very carefully over the next months. He also stated that efficient forecasting will be necessary.

Items from Commissioners

Mayor Pro Tem Witcher asked if the application deadline for City Manager fell on the weekend, how acceptance of applications will be handled. The Clerk responded that any application post marked, emailed or faxed in by the deadline will be included for Commission review.

Commissioner Lumpkin extended his thanks to those that attended the meeting from the community. He stated that no input to the Commission is viewed as bad input. He also stated that the meeting had been particularly long and he thanked those who stayed for the entire meeting.

Commissioner Sandoval stated that he had recently seen a report on the 60 Minutes television news program about underage drinking and he appreciated Mr. Schutte's work on this matter. Commissioner Sandoval also encouraged citizens to utilize trash and recycling receptacles instead of throwing trash in our community.

Commissioner Lafferty suggested that the Commission consider the rate structure for effluent water rates on the next agenda. He further cautioned the Commission to develop a rate structure for the entire community not just for one resident.

Mayor Apodaca asked that the issue of utilizing YCC funding for a gazebo to be built at Veteran's Park be included on the next agenda. The City Clerk took note of his request.

Mayor Apodaca then stated that he was in receipt of a letter hand delivered at approximately 5:00 or 5:30 p.m. on this date from Mr. Don C. Schutte, P.C. dated February 26, 2009, addressed to Mayor Apodaca and Mike Cherry, Acting City Manager, with a subject line that read: Reinstatement of Peter Rivera. Mayor Apodaca then read a portion of the letter to include:

Dear Gentleman:

Pursuant to Section 41-4-16 (Notice of claims) New Mexico Statutes Annotated, this letter is to serve as notice of claim under the New Mexico Tort Claims Act given on behalf of Peter Rivera.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 7:58 p.m. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk