

**CITY OF TUCUMCARI
MINUTES
March 26, 2009**

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

City staff members present were Mike Cherry, Interim City Manager; Christine Dougherty, City Clerk; Doug Powers, Community Development Director; Scott Simpson, Recreation Director; Roger Hatcher, Police Chief; Vicki Strand, Assistant Finance Director; Mary Ann Molinas, Library Director; and Wilhemina Martin, Housing Director.

Commissioner Jim Lafferty led the group in the Pledge of Allegiance.

Consideration of Additions or Deletions to Agenda

Mayor Apodaca asked the Commission if anyone had any suggested changes or deletions to the agenda. Being none, the agenda remained as presented.

Items From Commissioners

Commissioner Lumpkin reported his recent attendance at the Cub Scouts Pinewood Derby. He was impressed with the organized way in which the event was executed and he thanked the volunteers for the time they dedicated to the event.

Commissioner Lumpkin also complimented the Police Department on their Annual Report. Mr. Lumpkin stated that the report was very complete and well done.

Commissioner Sandoval stated that he has been working with the Outdoor Classroom for an upcoming class on April 23. He commented that he will discuss this with new City Manager, Bobbye Rose when she begins work next week.

Commissioner Lafferty had no comments.

Mayor Apodaca reported that he has been appointed the New Mexico Municipal League's Budget Committee. The Committee will be meeting on May 16 and the Mayor will travel to Santa Fe to participate in the budget preparation process for the NM Municipal League.

Approval of Minutes

A motion was made by Commissioner Lafferty and seconded by Commissioner Lumpkin to approve the minutes of the March 12, 2009 Regular Commission meeting. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Commissioner Sandoval to approve the City vouchers. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Items from Citizens

Mayor Apodaca asked if anyone in the audience wished to address the Commission. Being none, the Mayor moved on to the next item of business.

Proclamations, Memorials, or Petitions

Mayor Apodaca read a Proclamation regarding Comcast Cares Day. The Proclamation read:

PROCLAMATION

WHEREAS, Comcast Cares Day was created as a community day of service; and

WHEREAS, local Comcast Cable Communications employees join forces across the nation with hundreds of other Comcast employees, to make a difference in their community; the same community they work and live in; the very same community Comcast Cable Communications is proud to serve; and

WHEREAS, commitment to a local community partner, and for the community partner to benefit from this event, is a primary goal of Comcast Cares Day; and

WHEREAS, Comcast Cares Day affords the opportunity for the community to join Comcast Cable Communications, on this day of service, in supporting local non-profit organizations in the area; and

WHEREAS, Comcast Cares Day generates a spirit of volunteerism and camaraderie in the local community and throughout the nation; and

WHEREAS, Comcast of Tucumcari has chosen Tucumcari Softball Field Number Three as the service project this year.

NOW THEREFORE, I Antonio Apodaca, Mayor of the City of Tucumcari, New Mexico do hereby proclaim April 25, 2009 as:

Comcast Cares Day

And do hereby call upon the citizens of Tucumcari to join forces in supporting “Comcast Cares Day” on April 25, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Tucumcari to be affixed on this 26th day of March, 2009.

The Proclamation was signed by the Mayor and his signature was attested by the City Clerk. SpenCer DeBord, of Comcast Cable Communications accepted the Proclamation and thanked the Commission for the designation of Comcast Cares Day. Mr. DeBord explained that Comcast has participated in this event for six years. Over the course of the project, Mr. Simpson, City Recreation Director and CJ Oglesby of Comcast have worked together to improve the City softball fields. Mr. Simpson stated that Comcast Cares Day impacts his department positively in two ways. First, Comcast organizes a group of volunteers to complete a project at the softball fields. Secondly, Comcast provides grant funds to the Recreation Department that are based on the number of volunteers that show up to work on the project.

Mr. Simpson also commented that Mike Cherry performed a commendable job as Interim City Manager.

Mayor Apodaca thanked Comcast Cable Communications for their work on behalf of the City of Tucumcari.

Ordinances and Resolutions

Mayor Apodaca called upon City Clerk, Christine Dougherty to present Resolution 2009-11. Ms. Dougherty explained that due to the change in membership of the City's Finance Committee, it is necessary to change the designated signatures on City accounts. The Resolution reads:

RESOLUTION 2009-11

A RESOLUTION DETERMINING THE OFFICIAL SIGNATURES TO BE USED FOR VARIOUS CITY OF TUCUMCARI AND HOUSING AUTHORITY BANK ACCOUNTS AT CITIZENS BANK, WELLS FARGO BANK AND FIRST NATIONAL BANK OF NEW MEXICO.

WHEREAS, the City of Tucumcari, New Mexico desires to designate the following persons as those authorized to sign checks for the City of Tucumcari and the Housing Authority; and

WHEREAS, said designation is to be in effect so long as the agents are duly qualified officials of the City of Tucumcari, or until such time as the designation is rescinded; and

WHEREAS, facsimile signatures shall be used for stamping accounts payable and payroll checks for the City of Tucumcari and Housing Authority;

NOW, THEREFORE, the following persons are designated as authorized signatures for the City of Tucumcari and the Housing Authority, for the bank accounts established at Citizens Bank, Wells Fargo Bank, and First National Bank of New Mexico:

Antonio J. Apodaca
James A. Lafferty

PASSED, APPROVED AND ADOPTED this 26th day of March 2009.

Commissioner Lumpkin made a motion to approve Resolution 2009-11 and Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Lafferty
Yes	Yes	Yes	Yes

City Manager's Report

Interim City Manager, Mike Cherry called upon Police Chief, Roger Hatcher to give the 2008 Annual Police Report. Chief Hatcher credited his Administrative Assistant, Lorenzo Emilio for gathering the data included in the report. Chief Hatcher also stated that he plans to submit an annual report to the Commission in the first quarter of each year.

Commissioner Lumpkin commented that the report was excellent and that Chief Hatcher did very good work. Commissioner Lumpkin stated that everything that had happened in the year was annotated in the report.

Commissioner Lafferty stated that page eight of the report describes the Police Department staffing changes that occurred in 2008. Mr. Lafferty noted that in 2008 the department had twelve officers employment end and only seven new officers had been hired. Commissioner Lafferty asked how Chief Hatcher plans to fully staff the department.

Chief Hatcher stated that his budget can sustain 16 officers and he currently employs 11 officers. The Chief also mentioned that one new hire is scheduled to go to the Academy in April to be trained. Currently, the Chief stated that all officers, the Detective and he are taking 12-hour patrol shifts in order to maintain safety. Chief Hatcher stated that finding candidates that can pass all portions of the written exam as well as the physical exam is difficult. Chief Hatcher further stated that he has had conversations with other Chiefs of Police across the state and many are experiencing the same hiring difficulties. Commissioner Lafferty asked Chief Hatcher how the Commission can help him solve this problem. Commissioner Lafferty stated that having officers work in consistent overtime situations is dangerous because the fatigue is too great. Commissioner Lafferty stated that the way to solve the problem is to hire more officers. Mr. Lafferty suggested that if young applicants are having difficulty passing the exams, perhaps the department should target certified officers from other cities.

Chief Hatcher stated that he would like to advertise in states where officers have been laid off. Chief Hatcher reported that he believes that the starting salary for new officers

is an issue that is deterring candidates from accepting positions with the Tucumcari Police Department.

Commissioner Lafferty suggested that in this budget cycle, the pay scale for officers should be evaluated. He commented that if downsizing is necessary in order to pay a higher wage, it should be investigated. Mr. Lafferty stated that for the three years he has been on the Commission, staffing the police department has been a problem. Commissioner Lafferty urged Chief Hatcher to change the situation so that the citizens will be adequately protected.

Chief Hatcher stated that the State Police are facing a possible furlough situation and that the City might be able to employ officers that have been furloughed from the State Police. However, Chief Hatcher said the starting salary for State Police is \$18 and that would be difficult to match.

Commissioner Lafferty suggested that the department might consider recruiting at graduation from the Academy. Commissioner Lafferty further commented that the department has invested a considerable amount of money in people that have not made a career out of police work. He would like to see the department invest those dollars in officers that take their jobs seriously.

Commissioner Lafferty also asked when the new police units will be marked. Chief Hatcher stated that he is waiting on bids for striping and marking for the cars. Commissioner Lafferty questioned why decals were not ordered to arrive when the new cars arrived. Chief Hatcher responded that he had vendors submit designs for new department logos so that all vehicles could be outfitted with matching decals. The Chief stated that the designs submitted were unsatisfactory. A design has been created in-house and the decals are being made.

Mr. Cherry then called on Vicki Strand, Deputy Finance Manager to give the Financial Report. Ms. Strand reported that with one third of the fiscal year remaining, there is 35.6% of the budget remaining. Ms. Strand further reported that the Small Cities Assistance Grant was awarded at \$100,000 more than expected. Additionally, Ms. Strand stated that gross receipts taxes were up for the month. However, she anticipates that the budget will be tight until the end of the year. Ms. Strand stated that although Emergency Medical Services billing issues are being resolved, at the current rate of return, funds will have to be added to the EMS department in order to sustain it until the end of the year. Ms. Strand told the Commission that next week Mr. Garcia will return from vacation and there will be a monthly Finance Board Meeting.

Commissioner Lumpkin commented that the Financial Report was good.

Mr. Cherry then called on Mr. Franklin McCasland who sits on the Economic Development Board to give the Economic Development quarterly Report as Mr. Pat Vanderpool, Executive Director of the Economic Development Corporation (EDC) was not present. Mr. McCasland stated that the Corporation has been working with a solar manufacturing company called EQ Solaris that may locate in the Tucumcari Industrial Park. Mr. McCasland further reported that the EDC has modified their five year plan. The plan had been modified due to the economic difficulties the nation is currently

experiencing. Mr. McCasland stated that the five year plan changes the EDC's focus to retention and expansion of businesses currently operating in the area as well as the expansion of alternative energy related business in the area. Mr. McCasland stated that the EDC plans to focus on renewable energy, expansion of the warehouse district, and expansion of the truck and rail business in the area.

Mr. McCasland then gave the Commission an overview of recent legislative happenings that impact Quay County. Mr. McCasland stated that through the JTPA program \$3 million was approved that will meet the State's current job training commitments. Mr. McCasland also stated the Senate Bill 443 passed and included three capital outlay transfers that impact Quay County. However, Mr. McCasland stated that there is no new money for the Tucumcari/Quay County area coming from the recent legislative session.

Mr. Cherry then reported that he, Clara Rey and Bobbye Rose met with representatives from Excel Energy on March 19th to resolve the issues the City has been having with the street lights at the far west and east sides of town at the interchanges. Excel representatives said that in ten days they would have a plan for resolving the issue and that they would conduct an audit of all the lights on City streets.

Mr. Cherry stated that he attended the E911 Committee meeting on March 25th. He said that the Joint Powers Agreement with Quay County is being finalized and the committee is working on a separate budget for dispatch.

Mr. Cherry said that the notes from the March Department Head meeting will be placed in the Commissioners mail boxes next week.

Mr. Cherry informed the Commission that beginning this Wednesday, April 1 at 10 am the Emergency Management Department will test the storm sirens and they will test them every Wednesday at 10 am.

Mr. Cherry reminded the Commission that the New Mexico Municipal League District Meeting will be held April 17 in Clovis. If anyone wishes to attend, they should let the City Clerk know and she will make arrangements.

Mr. Cherry also cautioned everyone to be careful as blizzard conditions are expected tonight.

This being Mr. Cherry's last meeting as Interim City Manager, he thanked the Commission for the opportunity to serve as Interim Manager. Mr. Cherry said he appreciated the support he received from the department heads and the employees at City Hall. He also stated that he was especially appreciative of the assistance he received from Clara Rey, who came out of retirement to serve as Administrative Assistant to the City Manager and to City Clerk, Christine Dougherty. Mr. Cherry also welcomed Bobbye Rose who was in the audience at the meeting.

Commissioner Lumpkin thanked Mr. Cherry for taking on the task and commented that he did so with vigor.

Commissioner Sandoval also thanked Mr. Cherry for serving as Interim Manger.

Bids and Contracts

Mayor Apodaca called on Planning and Development Director, Doug Powers to present the City of Tukumcari/Tukumcari Mainstreet Project/Economic Development Department Grant Agreement Amendment Number One. Mr. Powers explained that this amendment to the grant agreement makes it the City's responsibility to pay the gross receipts taxes associated with the grant and it also modifies the match to change from 50% to 10% of the grant amount.

Commissioner Lafferty asked if the reduction in matching funds will cover the gross receipts taxes the City will have to pay. Mr. Powers responded in the positive explaining that the new match percentage will result in a \$25,000 savings.

Commissioner Lafferty asked Mr. Powers to clarify what the grant is for. Mr. Powers explained that the grant funds are to be used to create a Mainstreet Master Plan.

Commissioner Lumpkin made a motion to approve the grant amendment. Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Mayor Apodaca called again on Mr. McCasland to represent Mr. Vanderpool in presenting the EDC amended participation agreement with the Tukumcari Feed Yard. Mr. McCasland explained that the City gave a Warranty Deed for a parcel of property near the City Landfill to the Economic Development Corporation, and the EDC then contracted with Mr. Gable to open a feed yard on the property. Mr. Gable is in need of additional financing for the business that he has been unsuccessful in securing with the deed as it currently exists. Mr. McCasland requested that the Commission execute a Quit Claim Deed for the property to the EDC so that Mr. Gable can secure the financing. Mr. McCasland stated that the legal address, acreage, easement and power lines will remain the same. Mr. Cherry asked if the easement has been recorded. Mr. McCasland responded in the positive. Commissioner Lafferty stated that the road is not the easement. Mr. Cherry agreed as did Mr. Gable, who was in the audience. Mr. Lafferty asked about the acreage of the property. Mr. McCasland responded that there are two tracts; the property has a 159 acre parcel as well as a 24 acre parcel. Mr. Cherry asked if Mr. McCasland could provide a map. Mr. McCasland had one copy of the map and held it up for the Commission to view. Mr. Cherry explained that Mr. Vanderpool was going to bring copies of the original agreement and maps to the Commissioners. Because Mr. Vanderpool had to leave town unexpectedly, the copies were not provided to the Commission.

Mayor Apodaca asked if the issue could be tabled because the Commission does not have all the information.

Commissioner Lafferty stated that he has spoken to the banker and to Mr. Vanderpool regarding this matter and felt he might be able to shed some light on the situation. Mr. Lafferty stated that the City gave 218 acres to the EDC with the stipulation that a feed

yard be operated on the property for five years. Mr. Lafferty explained that the agreement stipulates that if the feed yard ceases to operate, a penalty must be paid to the City. The penalty is based on a sliding scale that is calculated based on the length of time the feed yard is in operation. The bank is unwilling to lend Mr. Gable funds with this stipulation on the title to the land. Should the City choose to execute a Quit Claim Deed on the property to the EDC, the contract with the EDC will remain the same and only the deed will change. Mr. Lafferty suggested that should something happen, the contract will still be in place, however it will not have the teeth it had originally. Mr. Lafferty further explained that in exchange for issuing the Quit Claim Deed, Mr. Gable has agreed to give 30 acres back to the City. The Quit Claim Deed will not link a penalty to the property if the feed yard does not continue to function.

Mr. Lafferty further expressed some frustration that an issue is before the Commission where an entity is asking to change the terms of a contract and there has been no legal review and the documents are not in front of the Commission. Mr. Lafferty stated that the request is for the City to deed the land to the EDC and then it will be the responsibility of the EDC to ensure that Mr. Gable honors the contract.

Mayor Apodaca asked if this decision had to be rushed. Mr. McCasland stated that there was a rush in order to finish the financing. Commissioner Lafferty stated that the Commission should not wait to make this decision in fairness to Mr. Gable because the request does not change the use of the land.

Commissioner Lafferty asked Mr. Gable if he intends to honor the contract. Mr. Gable responded that he intends to honor this contract.

Commissioner Lumpkin thanked Mr. Lafferty for his explanation of the situation and then made a motion to execute a Quit Claim Deed for the feed lot property to the EDC. Commissioner Lafferty seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mayor Apodaca called on Doug Powers to present the additional requirements proposed by HDR Engineering to the Date Street Lift Station and Sewer Line project. Mr. Powers explained that the additional services amendments for the project include additional environmental requirements. Mr. Powers explained that the environmental work will be an additional \$11,300 and the surveying will cost \$5300 for a total of \$16,000 additional cost for the project.

Commissioner Lumpkin made a motion to approve the additional environmental requirements proposed by HDR engineering. Commissioner Lafferty seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the additional surveying proposed by HDR engineering. Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Old Business

Mayor Apodaca acknowledged reading the minutes of several Advisory Board meetings including:

- Tucumcari Planning and Zoning Commission Minutes of December 2, 2008
- Tucumcari Planning and Zoning Commission Minutes of January 27, 2009
- Tucumcari Public Library Advisory Board Minutes of January 16, 2009
- Tucumcari Public Library Advisory Board Minutes of February 20, 2009
- Tucumcari Lodgers' Tax Board Minutes of January 13, 2009
- Tucumcari Lodgers' Tax Board Minutes of February 10, 2009

New Business

Mayor Apodaca called upon Commissioner Lumpkin to present the EDC's request for \$10,000 sponsorship of the Renewable Energy Conference.

Commissioner Lumpkin explained that this conference was held for the first time last year in Tucumcari. He explained that the Rural Alliance assisted with the funding for the first conference. The conference organizers were required to return all profits to the Rural Alliance. Last year, Mr. Lumpkin reported that 450 people attended the conference. Mr. Lumpkin stated that the new energy transmission lines are a result of last year's conference. Mr. Lumpkin stated that this year's conference will focus on three areas; wind energy, solar energy, and land owners participation in alternative energy endeavors. Mr. Lumpkin informed the Commission that a solar energy firm is planning to locate between Springer and Raton. Mr. Lumpkin also stated that the \$10,000 sponsorship money will be used as seed money to build the conference. Mr. Lumpkin further explained that any money earned by the conference this year will stay in Tucumcari. Mr. Lumpkin predicted that 1000-1200 attendees are expected at the conference this year.

Mayor Apodaca commented that if the conference can begin to pay for itself, the Citizens of Tucumcari are the winners.

Commissioner Lafferty asked if the EDC has the money to fund this endeavor. Ms. Strand responded that the Economic Development Corporation has \$20,000 in the capital outlay line item.

Mr. Lumpkin made a motion to approve the \$10,000 sponsorship for the Alternative Energy Conference. Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Mayor Apodaca then called on Interim City Manager, Mike Cherry to present the approval of a capital outlay purchase for a cemetery tractor. Mr. Cherry explained that the cemetery has a late 1970's model tractor that they use for digging graves that is in very poor condition. A specific type of tractor is required to dig the graves so that surrounding graves are not disturbed in the process of digging new ones. Commissioner Sandoval asked what year the tractor the department would like to purchase was made. Mr. Cherry responded that it is a model 2001 tractor with approximately 3000 hours of use logged. Commissioner Lumpkin made a motion to approve the purchase. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Mayor Apodaca called again on Mr. Cherry to present the Volunteer Firefighters Annual Public Employees Retirement Board Report. Mr. Cherry explained that this report is due each year to the Public Employees Retirement Board and requires that the number of volunteer firefighters and the hours they have logged be reported. Commissioner Lumpkin made a motion to approve this report and Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Mary Ann Molinas, Librarian to present to the Commission regarding the appointment of a Quay County representative to the Public Library Advisory Board. Ms. Molinas explained that the Quay County Commission appointed Judy Ross to again serve a one year term as the Quay County representative on the Public Library Advisory Board. Ms. Molinas asked the City Commission to also approve Ms. Ross to serve on the Advisory Board.

Commissioner Lumpkin made a motion to appoint Judy Ross to serve as the Quay County representative on the Public Library Advisory Board. Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Items From Commissioners

Mayor Apodaca asked Commissioner Lumpkin if he had any comments. Commissioner Lumpkin thanked Mike Cherry for his service as Interim City Manager and stated that he looks forward to working with Bobbye Rose. Mr. Lumpkin also thanked the Citizens of Tukumcari.

Mayor Apodaca gave the floor to Commissioner Sandoval for his comments. Commissioner Sandoval stated that he would like to echo Commissioner Lumpkin's comments.

Mayor Apodaca then asked Commissioner Lafferty if he had any comments. Commissioner Lafferty extended a special thanks to Mike Cherry for serving as Interim City Manager and commented that a lot rested on Mr. Cherry's shoulders during his time as Interim Manager.

Commissioner Lafferty also expressed some concern over the Commission making decisions with a lack of information. Mr. Lafferty stated that when staff is requesting that money be expended, the details of the line item the money will come from should be in front of the Commission so that they can make an informed decision. If this occurs, Mr. Lafferty stated that any questions asked will not sound negative. Mr. Lafferty asked that all the tools to make sound decisions be included in the Commission packets.

Commissioner Lafferty again thanked Mr. Cherry and welcomed Bobbye Rose. Mr. Lafferty also thanked City Staff for tolerating the situation while the Commission changed the leadership at the City.

Mayor Apodaca also thanked Mike Cherry for serving as Interim City Manager. The Mayor also commented that City Staff pulled together and ran things well during the transition period.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session regarding limited personnel matters pursuant to NMSA 1978, section 10-15-1(H)(2). Commissioner Lafferty seconded the motion. Time noted: 7:15 p.m. Roll Call:

Lafferty	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to reconvene after executive session and stated that the only discussion was regarding the City Managers contract pursuant to NMSA 1978, section 10-15-1 (H)(2). Commissioner Sandoval seconded the motion. Time noted: 7:43 p.m. Roll Call:

Apodaca	Lumpkin	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Commissioner Lumpkin then made a motion to award a contract to Bobbye Rose to serve as Tukumcari City Manager. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Lafferty and seconded by Commissioner Lumpkin. Time noted: 7:45 p.m. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin
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Yes

Yes

Yes

Yes

Jim Witcher, Mayor Pro-Tem

ATTEST:

Christine Dougherty, City Clerk