

CITY OF TUCUMCARI
MINUTES
May 14, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, May 14, 2009 at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, Robert Lumpkin, Jimmy Sandoval and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Christine Dougherty, City Clerk; Mike Cherry, Assistant Manager; Roger Hatcher, Police Chief; Clara Rey, Human Resources Director; Joe Ramirez, Wastewater Superintendent; Max Jimenez, Parks Superintendent; Charlie Sandoval, Water Superintendent; Alex Madrid, Streets and Sanitation Superintendent; and Doug Powers Planning and Zoning Director.

Mr. Bob Welch, Deacon of St. Anne’s Catholic Church, gave the invocation and Commissioner Sandoval led the group in the Pledge of Allegiance.

Consideration of Additions or Deletions to Agenda

Mayor Apodaca asked if there were any additions or deletions to the agenda. There were none, and the agenda was adopted as written.

Items From Commissioners

Mayor Pro Tem Witcher stated that the Main Street Program has been granted \$1.4 million and suggested that perhaps some of this money could be used for the Sands Dorsey Building and for Veteran’s park as both are in the Main Street District.

Commissioners Sandoval, Lafferty, and Mayor Apodaca had no comments.

Commissioner Lumpkin thanked those in the audience for attending the meeting.

Approval of Minutes

A motion was made by Commissioner Witcher and seconded by Commissioner Lumpkin to approve the minutes of the April 23, 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 Lafferty to approve the City vouchers. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Presentation of Plaque to Water Department

Mayor Apodaca presented a plaque to the Water Department for being a finalist in the New Mexico Rural Water Association’s Drinking Water Taste Contest.

Items from Citizens

Mayor Apodaca inquired if anyone in the audience wished to address the Commission. Being none, the Mayor continued with the agenda.

Proclamations, Memorials, or Petitions

Mayor Apodaca read a Proclamation honoring the Tucumcari High School Wrestling Team. Three of the wrestling team members placed at the State Wrestling Competition. The three were, Ryan Fought, Raymond Jimenez, and Leroy Sena.

Mayor Apodaca read a Proclamation declaring May 17-23 National Public Works Week. Bobbye Rose thanked the Public Works Superintendents and staff members that were present for their hard work. Ms. Rose explained that without the work of the Public Works Departments, the City could not run.

Ordinances and Resolutions

Mayor Apodaca called upon Christine Dougherty, City Clerk to present Resolution 2009-13. Ms. Dougherty explained that the resolution designates new staff as approved signatories for the City’s Certificates of Deposit. The Resolution was drafted at the manager’s request changing signatories to Bobbye Rose, Mike Cherry, Marty Garcia and Vicki Strand.

Commissioner Lumpkin made a motion to approve Resolution 2009-13 designating signatories on Certificates of Deposit. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Bobbye Rose, City Manager to present Resolution 2009-14, a resolution affirming the City of Tucumcari’s intent to reimburse itself with proceeds of a loan agreement with the New Mexico Finance Authority. Ms. Rose explained that this resolution was drafted because the City fronted the funds to pay for a Vactor truck for the Water department. The resolution affirms that the City will reimburse itself for this expenditure once loan funding is secured.

Commissioner Lumpkin made a motion to approve Resolution 2009-14 affirming the City of Tucumcari's intent to reimburse itself with proceeds of a loan agreement with the New Mexico Finance Authority. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Christine Dougherty, City Clerk to present Resolution 2009-15. Ms. Dougherty explained that this resolution is executed annually and affirms the City's intent to participate in the programs of the Eastern Plains Council of Governments for the 2009-2010 fiscal year.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-15, an agreement approving participation in the programs of the Eastern Plains Council of Governments for fiscal year 2009-2010. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager's Report

City Manager, Bobbye Rose called on Police Chief, Roger Hatcher to give the Police Department report for the month of April 2009.

Chief Hatcher stated that although the City was led to believe that an extension to become compliant with the new animal euthanasia regulations was going to be extended, the City only has until June 19th to become compliant. Chief Hatcher explained that he is coordinating this effort and will report back to the Commission on the progress.

Chief Hatcher provided each Commissioner with the Police Department statistics for the month of April.

Bobbye Rose then reported to the Commission that requests for bid for removal of the Sands Dorsey Building will be published on May 20th. Ms. Rose indicated that additional funding may be necessary to abate the building.

Ms. Rose then informed the Commission that Cathy Estrada held the Clean Up day which was very successful. Additionally, Ms. Estrada invited children from the Head Start program to assist her in planting flowers in front of City Hall as a beautification project. The children enjoyed themselves and planted lots of colorful flowers in the planters at City Hall. Ms. Rose further challenged the Commissioners and citizens present to participate in the Great American Clean Up to be held in Tucumcari Saturday morning, May 16 at 8:00.

Ms. Rose reported attending the Main Street meeting that was held on May 7th. The State gave the community a six month extension to become prepared to be a Main Street Community. Ms. Rose said that the Requests for Proposal for the Main Street Master Plan will be reviewed soon.

Ms. Rose further reported that citizens have approached her with plans for a Community Garden to be planted on Seventh Street. Ms. Rose stated that the 4-H Program has agreed to install the drip line, RCD will put down the weed barrier fabric and she recommends that the City cover the cost of water.

Ms. Rose also reported her attendance at a meeting regarding the economic stimulus funding. It appears the City is slated to receive \$8 million from the US Department of Agriculture. However, it has not been determined how much of this funding will be in the form of a grant and how much will be in the form of loans.

Ms. Rose has scheduled a meeting for May 20th with Chris Muirhead, bonding attorney and Paul Cassidy of RBC Capital Markets to review the City's outstanding debt and to summarize the borrowing capacity.

Ms. Rose provided the Commission a listing of the personnel comings and goings. She further explained that exit interviews will be mandatory with all departing employees in order to determine the reasons why employees choose to terminate their employment.

Ms. Rose also explained some changes she has implemented in the organizational chart. These changes include naming Mike Cherry Assistant City Manager, adding Administrative Assistant to Christine Dougherty's title, changing Marty Garcia's title to Finance Manager, and changing Clara Rey's title to Human Resources Director.

Ms. Rose stated that the City has received a grant in the amount of \$20,000 to purchase a recycling trailer.

Miscellaneous items Ms. Rose reported included:

- The improvements to the swimming pool are almost complete.
- The Municipal Golf Course was vandalized and the damage amounted to approximately \$10,000.
- Max Jimenez is installing a drip system at Dunn Park.
- Borden Environmental has been awarded the contract for the landfill and transfer station.
- The speed of the library computers should be improved when eRate funds are received.

- Xcel energy expects the cost to repair the street lights on the East end of Tucumcari Boulevard to be \$60,000.

Commissioner Lafferty stated that the budget calendar shows that the budget should be complete by the middle of May. Ms. Rose stated that the City is behind schedule on budget preparation. Ms. Rose assured the Commission that next year, the budget schedule will be followed. She also stated that a date for the budget workshop will be set tonight.

Commissioner Lafferty asked if a copy of the preliminary budget will be provided to the Commissioners in advance of the workshop. Mr. Garcia responded that a copy will be provided to them tomorrow.

Mayor Apodaca stated that at the April 23 meeting, Mr. Garcia explained that there have been some cash flow problems at the Senior Citizens Programs and with the EMS program. Mayor Apodaca inquired if those programs will eventually be self sufficient. Mr. Cherry responded that EMS will never be self sufficient. Mayor Apodaca asked if the Medicare reimbursements have improved. Mr. Cherry stated that Medicare reimbursements are getting better and are over 50% now. Mayor Apodaca asked if EMS is collecting enough to reach a break even point. Mr. Cherry said no, but the amount the City has to subsidize the program has decreased.

Clara Rey stated that she and Suzann Martin are looking closely at the finances for the Senior Centers. Ms. Rey is in hopes that the City will not have to subsidize the Senior Centers at all in the next fiscal year.

Commissioner Lafferty thanked staff for providing the Commission with the notes from the Department Head meeting.

Commissioner Lumpkin thanked Ms. Rose, Mr. Garcia and all the staff for their work on the budget and for working to obtain other sources of funding.

Old Business

Mayor Apodaca called upon Bobbye Rose, City Manager to discuss the employee vacation roll-over requests. Ms. Rose explained that at the last Commission meeting she asked the Commissioners to approve vacation roll-over for the Police Department due to lack of staff. Ms. Rose informed the Commission that other departments have made the same type of requests and she provided the Commission with a list of those requests. Ms. Rose denied some of the requests immediately because she felt the justification was not adequate. Ms. Rose requested that the Commission grant her the authority to approve or disapprove these requests on a case-by-case basis. Ms. Rose further stated that she will conduct exit interviews with employees that are leaving to help uncover problems in departments that might be leading to the build up of vacation time. Ms. Rose also stated that she would like to change the Personnel Policy to give her the authority to do this in the future.

Mayor Pro Tem Witcher and Commissioner Lumpkin both stated that they agreed with Ms. Rose's request. Commissioner Lafferty stated that he felt the new policy should read as per Ms. Rose's request.

Commissioner Lumpkin made a motion to give the City Manager the authority to approve or deny vacation roll over requests from the current fiscal year to the next fiscal year. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca acknowledged reading the minutes of the Tukumcari Senior Citizens Advisory Board for the following dates: December 17, 2007; March 27, 2008; June 16, 2008; and September 25, 2008.

Mayor Apodaca then called on Ms. Rose to discuss the temporary rate for wastewater reuse along existing lines. Ms. Rose stated that the City needs to set a rate for reuse of wastewater and suggested that \$1.86 per acre foot of water for the feed lot is her recommended price.

Mayor Pro Tem Witcher stated that right now the City receives nothing for its wastewater and recommended that the City charge twice Arch Hurley's rate. Commissioner Lafferty suggested that the City commit to the rate determined at this meeting for three years. Mr. Lafferty further stated that Jack Smith will pay for the infrastructure to get the water to his farm but would like a ten year commitment. Mr. Lafferty called upon Mr. Smith, who was in the audience, to suggest how the City determine a rate for the water. Mr. Smith said he did not know how to determine the rate. Commissioner Lumpkin stated that this is a pilot program and there are many unanswered questions.

Mayor Pro Tem Witcher stated that the wastewater has to be discharged in a gated, locked area. However, he commented that when the system is upgraded, the gate and lock will not be required.

Joe Ramirez, Wastewater Superintendent was in the audience and suggested that the Commission carefully set the term of the temporary rate. He also cautioned that permits are needed that are not yet in place. Mayor Pro Tem Witcher stated that he feels committing to the rate for three years is a temporary agreement.

Mayor Apodaca felt the Commission needs more information to make a decision. He stated that the City could end up in court over this issue due to the historical nature of the wastewater use. Commissioner Lumpkin stated that he does not want the discharge of wastewater to the Breen Ranch to discontinue.

Commissioner Lumpkin also stated that Mr. Smith of Liberty Farms needs access to the water quickly in order to start planting on his farm this spring. He suggested an

emergency permit. He further stated that the Arch Hurley irrigation canal is empty and the feed he will supply to the feed yard is badly needed.

Mayor Apodaca stated that assisting the community is not the issue; the Commission wants to support the community. Mayor Apodaca expressed that his concerns surround the lack of information to make an informed decision.

Commissioner Lumpkin asked if there was still time for Mr. Smith to get his crops planted. Commissioner Lafferty stated that a rate for the water has to be set in order for the City to sell the water. Commissioner Lafferty stated that the City can not tell Mr. Smith to plant his crops without the guarantee of a rate for the water he will purchase. Commissioner Lafferty said he saw no logic in selling the water for twice the Arch Hurley rate. He further stated that the Arch Hurley rate is based on some criteria and thought the City should have criteria for setting a rate as well.

Commissioner Lafferty made a motion to sell wastewater to Liberty Farms for \$10 per acre foot for the term of one year with a limit of no more than 100 acre feet per year. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

New Business

Mayor Apodaca called upon Christine Dougherty, City Clerk regarding the appointment of members to the Tucumcari Recreation Advisory Board. Ms. Dougherty explained that there are three openings on the Board and there are three current members that have written letters asking that they be allowed to continue to serve on the Board. The three people are Wayne Ferguson, AC Chavarria and Amy Sandoval.

Mayor Pro Tem Witcher made a motion to appoint all three candidates wishing to continue their service on the Recreation Board to new terms. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca stated that a representative and alternate must be appointed to the Eastern Plains Council of Governments. Commissioner Lumpkin made a motion to appoint Jim Witcher as the voting delegate to the Eastern Plains Council of Governments. Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher then made a motion to appoint Bobby Rose at the alternate to the Eastern Plains Council of Governments. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then stated that a date needs to be determined for a budget hearing. Mayor Pro Tem Witcher made a motion that a budget hearing with staff be held May 18 at 6:00 p.m. Commissioner Lafferty seconded the motion. Roll Call;

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval thanked Bobby Rose for her involvement in the community.

Commissioner Lafferty had no comments.

Commissioner Lumpkin thanked all those that attended the meeting.

Mayor Apodaca stated that he received a call from an employer asking if he was responsible for terminating a former employee. Mayor Apodaca stated that he alone does not possess that much power over any City employee.

Mayor Pro Tem Witcher had no comments.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 7:10 p.m. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk