

CITY OF TUCUMCARI
MINUTES
May 28, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, May 28, 2009 at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum was Jim Lafferty, Robert Lumpkin, Jimmy Sandoval and Jim Witcher. Mayor Apodaca was absent from the meeting due to medical appointments.

City staff members present were Bobbye Rose, City Manager; Christine Dougherty, City Clerk; Mike Cherry, Assistant Manager; Roger Hatcher, Police Chief; Doug Powers Planning and Zoning Director; Yvette Fazekas, Zoning Goddess; Marty Garcia, Finance Director; Vicki Strand, Deputy Finance Director; Cathy Estrada, Code Enforcement Officer; and Ricardo Sanchez, Deputy Streets and Sanitation Superintendent.

Mr. Wesley Stewart, Pastor of Temple Baptist Church, gave the invocation and Commissioner Lafferty led the group in the Pledge of Allegiance.

Consideration of Additions or Deletions to Agenda

Mayor Pro Tem Witcher asked that item IX, A. Finance Report for the month of April, 2009, and item VIII, B. Resolution 2009-17, Adoption of 2009-2010 Budget be moved to be heard immediately after item VI. Mayor Pro Tem Witcher further explained that Gordon Environmental, Engineering firm for the landfill closure will report on the status of the project immediately following the business of Resolution 2009-17.

Items From Commissioners

Commissioner Lumpkin stated that he would like the opportunity to speak after reading of the Proclamation for appreciation of volunteers is read. Mayor Pro Tem Witcher acknowledged this request.

Commissioners Sandoval and Lafferty had no comments.

Approval of Minutes

A motion was made by Commissioner Lumpkin and seconded by Commissioner Lafferty to approve the minutes of the May 14, 2009 Regular Commission meeting. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Abstain	Yes	Yes

Approval of Vouchers

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

Lumpkin	Witcher	Sandoval	Lafferty
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Yes

Yes

Yes

Yes

Items from Citizens

Mayor Pro Tem Witcher asked if anyone in the audience would like to address the Commission. Ms. Amy Sandoval approached the podium and introduced herself. Ms. Sandoval explained that she was representing the American Cancer Society's Relay For Life. Ms. Sandoval explained that the event is held annually to honor those who have battled cancer. Ms. Sandoval asked the Commission to donate \$240 to cover the cost of entertainment items to be used during the all night event.

Mayor Pro Tem Witcher explained that unless Ms. Sandoval's request was listed on the agenda, the Commission would not be able to action upon it. Ms. Sandoval explained that she requested that the Clerk put her request on the agenda; however her request came after this agenda had been published. Mayor Pro Tem Witcher asked the Clerk to put the request on the next agenda and the Clerk so noted.

Finance Report

Mayor Pro Tem Witcher called upon Mr. Marty Garcia to give his Finance Report for the month of April, 2009. Mr. Garcia explained that he supplied the Commissioners with a report the day before the meeting; however he placed a new report at each Commissioners seat just as this meeting began. Mr. Garcia stated that as per Ms. Rose's suggestion, he changed the report format to make it clearer for the reader. Mr. Garcia stated that there is 16.7% of the fiscal year remaining and more than that in budget remaining which is good. He further stated that the EMS, Senior Citizens, the Airport and Convention Center will be over budget for the fiscal year and require assistance from the general fund. Mr. Garcia explained that his recommendations for budget amendment requests were included in his report to the Commission. Mr. Garcia stated that Gross Receipts Tax is up 10% and the retail tax continues to increase.

Commissioner Lafferty noted that ten of the thirty funds in the report have negative cash balances and asked Mr. Garcia is that is normal. Mr. Garcia responded that some of the negative balances will be covered by the general funds. Mr. Garcia stated that transfers are made quarterly and/or annually to cover the negative balances. Mr. Garcia further explained that some of the funds are for programs that operate on a reimbursement basis through grants.

Resolution 2009-17 was then addressed. Mr. Garcia thanked everyone that assisted in the preparation of the budget. He stated that the preparation process occurred later in the year than usual and also seemed to take more time than usual. Mr. Garcia explained that what he provided to the Commission is an interim budget that must be submitted to the state tomorrow. The interim budget is due in Santa Fe by June 1, 2009. Mr. Garcia explained that he had prepared four different versions of the budget due to personnel issues. One version includes a \$.50 raise per hour for all employees as well as a 14% increase in medical insurance premiums. The interim budget also includes a 15% increase in water rates to citizens. Mr. Garcia stated that the resolution is not required to accompany submission of the interim budget. He stated that he only sought a motion to approve the interim budget. He felt a resolution was only required with submission of the final budget which is due in Santa Fe by July 1, 2009.

Mr. Garcia further explained that the Department of Finance Administration (DFA) recommends that all cities consider freezing salaries as well as hiring of non-essential personnel. The DFA also recommends that cities not give their employees raises for the 2009-2010 fiscal year. Mr. Garcia stated

that a survey had been administered to employees to determine if the majority would prefer a raise or for the City to cover the increase in health insurance. Mr. Garcia reported that the majority would prefer that the increase in insurance be covered. Mr. Garcia explained that when broken down by the hour, the insurance rate increase translates to approximately \$.86 per hour per employee.

Mr. Garcia stated that the total budget without grants and projects is \$11.759 million. Mr. Garcia explained that the grants and projects will amount to approximately \$3.7 million. Mr. Garcia also stated that the general fund is approximately \$4.5 million. Mr. Garcia described the major budget changes as the separation of the dispatch department from the police department, the addition of a part-time animal control officer position, the addition of a full-time grant writer, and the proposed 15% increase in water rates.

Mr. Garcia described that he followed the water rate formula and advised that the formula is flawed as it showed a \$700,000 rate short fall. Additionally Mr. Garcia stated that the bond ordinances formula show a \$280,000 short fall in the rate structure.

Mr. Garcia reported that in a recent meeting with RBC Capital and Chris Muirhead, a rate analysis was suggested.

Ms. Rose cautioned the Commission that they are each personally responsible for the budget. Ms. Rose further stated that the formula in the ordinance must be followed. Ms. Rose stated that if the ordinance is not working, it should be changed by the Commission. Ms. Rose recommended that the Commission increase the water rates by 15% but that they very quickly review the ordinance. Ms. Rose further recommended that raises not be given to any employee, the City cover the increased cost of health insurance for employees, and that the Commission review the water rates as soon as possible. Ms. Rose suggested that the Commission approve the interim budget so that it can be submitted to Santa Fe. Ms. Rose further suggested that a budget workshop be held to finalize the budget.

Mayor Pro Tem Witcher stated that it was his understanding that information and data regarding the budget had been received as late as today.

Commissioner Lafferty made a motion to approve the interim budget with employee raises removed and a 15% water rate increase to be included. Commissioner Lafferty asked if the rate increase could occur mid-year. Ms. Rose affirmed that the increase could occur mid-year and explained that the budget may not balance without the 15% water rate increase. Commissioner Lafferty asked if the budget will balance without the raise for employees. Mr. Garcia responded in the negative stating it will impact the budget very little. Commissioner Lafferty inquired how the budget in the water department got to be \$175,000 in the red. Mr. Garcia stated that water use has decreased thus decreasing revenue. Ms. Rose stated that the DFA will not accept the budget if it does not balance. Mr. Lafferty further expressed disappointment that the night before the budget is due; the Commission is discussing a rate increase.

At this time, Mayor Pro Tem asked if there was a second to the motion. Commissioner Lumpkin stated that he wanted to discuss the motion. Commissioner Lumpkin stated that the DFA recommended that no raises be given to the employees. Commissioner Lumpkin expressed concern over this budget including a raise for employees as well as an increase in water rates. Mr. Lumpkin further stated that he felt the ordinance governing water rates should be reviewed and changed. Commissioner Lumpkin also suggested that Mr. Garcia assured the Commission that the budget could be amended at a later date and raises could then be included if the Commission sees fit to do so. Commissioner Lumpkin

expressed concern that budget surprises always seem to fall upon the shoulders of the employees and he would prefer to avoid this scenario. Commissioner Lumpkin stated that if the City can afford to give raises, he would like to do so. Commissioner Lumpkin also stated that he feels the best advice is that given by the staff. Commissioner Lumpkin asked Ms. Rose if the raises could be later added to the budget. Ms. Rose responded in the affirmative. Commissioner Lumpkin seconded the motion.

Mayor Pro Tem Witcher suggested that budget work sessions begin next week.

Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher asked the Commission to consult their calendars to set a date for a budget work session. The Commission decided that Monday, June 8 at 5 p.m. is agreeable for all. Mayor Pro Tem Witcher asked the Clerk to advertise the work session and to remind the Commissioners of the session. The Clerk so noted.

Gordon Environmental Presentation

Keith Gordon and Mike Somebody gave a presentation regarding design improvements to the new landfill that will result in a cost savings of \$2.5 million over the life of the site. The engineers stated that they have completed a cell life comparison study. The current use rate at the City landfill is 30 tons per day. Mr. Gordon suggested that the City increase the tipping fee to \$30 per ton. Mr. Gordon further stated that when the new landfill is opened, the rates will have to be increased in order to maintain the standard of the equipment needed to operate the landfill.

Mr. Gordon suggested that the City work to attract new business to the landfill in order to keep rates low. Mr. Gordon explained that the City landfill currently accepts approximately 20 tons of refuse per day from Quay County and 10 tons per day come from Santa Rosa. Mr. Gordon discouraged the Commission from transferring refuse out of the county because the cost to transfer waste is approximately double what it costs currently to process the waste.

Mr. Gordon reported that the closure plan for the current landfill has been approved by the State Environment Department. An initial letter from the state dated February 19, 2009 gave the City 90 days to provide financial assurance to close the landfill. However, that letter was never sent by the State. A second letter was sent dated May 28, 2009 giving the City 90 days to provide financial assurance to the State.

Mr. Gordon stated that the City has 12 monitoring wells at the old landfill and only six are required to be monitored. This will decrease the cost of lab work. The closure was anticipated to take 18 months. However, it is now estimated that there are two years of life left in the current landfill.

Commissioner Lafferty asked if financial assurances are necessary for the closure of the landfill. Mr. Gordon stated that certified audits to demonstrate financial ability to close in the case of an emergency and that post closure care and monitoring will be required.

Mayor Pro Tem Witcher asked if Gordon Environmental will be available to assist in this audit process. Mr. Gordon responded in the positive.

Proclamations, Memorials, or Petitions

Mayor Pro Tem Witcher read a Proclamation honoring community volunteers that assist with youth programs. Representatives from the City Recreation Leagues and the VFW were present to accept copies of the proclamation.

Commissioner Lumpkin thanked those that give of their time for the youth of the community. Commissioner Lumpkin stated that the soccer leagues, the Elks' Lodge, the churches, various sponsors, baseball leagues, softball leagues, basketball leagues, football leagues, the cheerleaders, and many more give to our area youth and their special work is appreciated. Commissioner Lumpkin also thanked City Clerk, Christine Dougherty for writing the proclamation.

Ordinances and Resolutions

Mayor Pro Tem Witcher called upon Yvette Fazekas to present Resolution 2009-16. Ms. Fazekas explained that the resolution is required in order for the City to apply for cooperative advertising funds for marketing the City via billboards.

Commissioner Lumpkin asked Ms. Rose if she recommends approval of this resolution. Ms. Rose responded in the positive.

Commissioner Lumpkin made a motion to approve Resolution 2009-16, a Resolution regarding approval of New Mexico Department of Tourism Cooperative Marketing Program Application. Commissioner Lafferty seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	Yes	Yes

City Manager's Report

City Manager, Bobbye Rose called on Police Chief, Roger Hatcher to give an update on the changes in animal euthanasia practices.

Chief Hatcher stated that the City will have to become compliant with the new animal euthanasia regulations by June 19, 2009. Chief Hatcher further explained that a veterinarian will be required to supervise the euthanasia. Chief Hatcher stated that he has met with three veterinarians and they find providing this service distasteful as it goes against their intended purpose. However, Dr. Kregg Evetts has indicated that he would be willing to discuss the possibility of contracting with the City for his services. Chief Hatcher informed the Commission that Mike Martinez, Animal Control Officer is scheduled for training in Las Cruces in order to become compliant with the new regulations. Chief Hatcher also requested that a part-time animal control officer position be added to his department as two people are required to euthanize the animals. Chief Hatcher has interviewed and recommended a part-time animal officer to the City Manager and he plans to start that person right away. The Chief stated that he will cover the added salary and related costs by executing a budget amendment request. The new officer will also be sent to training in Las Cruces along with Mr. Martinez.

Chief Hatcher also explained that he has been in communications with several volunteer organizations that work to link pets with adoptive families. However, the Chief stated that these organizations are

primarily interested in pure breed animals and our officer picks up primarily mutts. The Chief stated that Clovis is transitioning to the mandated lethal injection method for animal euthanasia and it would be possible to utilize their veterinarian.

Chief Hatcher also stated that the animal shelter will have to be remodeled and a New Mexico Pharmacy Board application needs to be made. A local pharmacy has agreed to order the required drugs for the City.

Ms. Rose stated that many volunteers have stepped forward and offered their assistance. Ms. Rose also explained that pictures of the animals available for adoption will be posted on the City website and the City is working on a link with the Humane Society for animal adoption procedures. Ms. Rose expressed her thanks to Chief Hatcher for his additional work on this matter.

Chief Hatcher speculated that the next mandate will be that the carcasses of euthanized animals will not be allowed in the landfill and the City may possibly be required to purchase an incinerator to dispose of the carcasses. The Chief additionally stated that the new euthanasia procedures are going to be more difficult for staff to deal with because they will have to be hands on with the animals.

Mayor Pro Tem Witcher informed the Chief that he recently spoke to a citizen that was swindled and she complimented the work of the City's Police Department, in particular the Chief.

Commissioner Lumpkin thanked Chief Hatcher for his work in this matter.

Ms. Rose then informed the Commission of a meeting to be held tomorrow with JCH Pacific regarding the Sands Dorsey building.

Ms. Rose told the Commission that at the next Commission meeting the Main Street Master Plan recommendations for hiring of the planning firm.

Ms. Rose stated that the City has received numerous complaints regarding the burned out street lights around town. Ms. Rose told the Commission that the quote to repair the street lights on the east end of Route 66 Boulevard is estimated at \$60,000. Ms. Rose is looking for funding to pay for these repairs or alternately looking for ways to eliminate some of the lights. Commissioner Lumpkin stated that he feels elimination of some of the unnecessary lighting is wise.

Bids and Contracts

Mayor Pro Tem Witcher called on Ms. Rose to present the Wastewater Reuse Contract. Ms. Rose stated that she visited with Mr. Smith of Liberty Farms and they have determined that the City's property and Liberty Farms are not adjoined properties. Due to this, Ms. Rose recommended that the Commission approve the contract for the sale of wastewater to Liberty Farms with a wording change on page three, section nine to read that the City will be solely responsible for and costs incurred with the easement. Ms. Rose feels that because this line will go to others property as well, the costs should be the City's responsibility. Ms. Rose anticipated that costs would only include the cost to survey the property. Ms. Rose also reported that the City received the temporary discharge permit.

Commissioner Lumpkin made a motion to approve the contract to sell City wastewater with the modification stated by Ms. Rose to section nine. Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher then called on Yvette Fazekas to present Amendment Number One to Grant Agreement for project 08-L-G-4395. Ms. Fazekas stated that this amendment terminates the grant agreement involving \$80,000 that was legislatively appropriated to the City but was intended for the County. Commissioner Lafferty made a motion to approve Amendment Number One to Grant Agreement for project 08-L-G-4395 and Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher then called upon Ms. Rose to present Amendment Number Two to the Golf Professionals Contract. Ms. Rose explained that amendment number one was worded in such a way that payment for services were occurring before services were rendered which is not allowable. Ms. Rose recommended that the amendment be approved as it rectifies the pre-payment issue. Commissioner Lafferty thanked Ms. Rose for catching the mistake. Commissioner Lumpkin made a motion to approve Amendment Number Two to the Golf Professionals and Course Consultant Services Contract and Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher then called upon Christine Dougherty to present the renewal of the Comcast Communications Franchise Agreement. Ms. Dougherty explained that the franchise agreement with Comcast that has been in place for 25 years has expired. Ms. Rose, Ms. Dougherty and Mr. Cherry met with representatives of Comcast and have renegotiated the franchise agreement. Ms. Dougherty explained that the franchise fee is currently at 2.5%. The proposed franchise agreement will increase the franchise fees to 3.5% for the first three years of the agreement and then to 5% for the remaining five years of the agreement. Ms. Dougherty further explained that the federal franchise fee limit is 5%. Commissioner Lumpkin made a motion to approve the renewal of the Comcast Cable Communications Franchise Agreement and Commissioner Lafferty seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	Yes	Yes

New Business

Mayor Pro Tem Witcher asked Cathy Estrada, Code Enforcement Officer to meet him at the podium. Mayor Pro Tem Witcher presented Ms. Estrada with a plaque designating the City of Tucumcari as a Tree City USA.

Ms. Rose then added that she inadvertently forgot to mention that Doug Powers was recently recognized for his excellence in attainment and management of Community Development Block Grant funds. Ms. Rose expressed her gratitude for both Mr. Powers and Ms. Estrada's work.

Mayor Pro Tem Witcher then called upon Christine Dougherty to present the Records Destruction Listing. Ms. Dougherty explained that the Commission previously made a resolution authorizing and

directing the City Clerk to maintain the records maintenance and destruction policy. Ms. Dougherty wanted to make the Commission aware of her intention to destroy records as per the policy.

Items from Commissioners

Commissioner Sandoval congratulated those that recently graduated from area high schools and thanked those that have chosen to continue their education at Mesalands.

Commissioner Lafferty had no comments.

Commissioner Lumpkin also congratulated those that recently graduated and thanked all that attended the meeting. Mr. Lumpkin stated that the Commission loves to hear from the public.

Mayor Pro Tem Witcher commented that the flags at the Recreation center and City Hall are in need of replacement and suggested that the Elks Lodge might be in the position to assist with proper disposal of worn flags and providing new flags.

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Lumpkin and seconded by Commissioner Lafferty. Time noted 7:25 p.m. Roll Call:

Sandoval	Lafferty	Lumpkin	Witcher
Yes	Yes	Yes	Yes

James Witcher, Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk