

**CITY OF TUCUMCARI
MINUTES
June 16, 2009**

The Tucumcari City Commission met for their regular meeting on Tuesday, June 16, 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; Mike Cherry, Assistant Manager/Fire Chief; Christine Dougherty, City Clerk; Roger Hatcher, Police Chief; Doug Powers Planning and Zoning Director; Yvette Fazekas, Zoning Administrator; Marty Garcia, Finance Director; Vicki Strand, Deputy Finance Director; Suzann Martin, Senior Programs Director; Martin Encinias-Angel, Convention Center Director; and Mary Ann Molinas, Library Director.

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

Consideration of Additions or Deletions to Agenda

Mayor Apodaca asked that the presentation by Ms. Cathy Estrda; item VIII B, be removed from the agenda.

Items From Commissioners

Mayor Apodaca asked if there were any comments from the Commission. Commissioner Lumpkin thanked all those who were in attendance at the meeting.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the May 28, 2009 Regular Commission meeting. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Abstain	Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the City vouchers. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mayor Apodaca asked if there were any citizens in the audience wishing to address the Commission. There were none.

Ordinances and Resolutions

Mayor Apodaca called upon Bobby Rose to present Ordinance 1068 for the first reading. Ms. Rose explained that this ordinance amends the previous City Ordinance outlining water rates. Ms. Rose pointed out that Ordinance 1068 changes the percentage collected from utilities to 130% from the previous 175% of annual principal and interest on outstanding bonds and other obligations payable from the revenues thereof.. Additionally, the ordinance increases commercial and residential water rates by 8%.

Additionally, the new wording provides a water rate increase for the co-ops and hydrant users to \$2.19 per on thousand gallons.

Commissioner Lafferty expressed opposition to the hydrant rates being tied to Cause number CV-86-0109.

Mayor Pro Tem Witcher made a motion to approve the first reading of Ordinance 1068, an ordinance amending certain sections of Chapter 13.04 of the Tucumcari Municipal Code pertaining to public services for water and Sections of Chapter 13.08 pertaining to sever use. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Abstain	No	Yes	Yes	Yes

Mayor Apodaca then called upon Mike Cherry, Assistant City Manager/Fire Chief to present Resolution 2009-18, a resolution authorizing the execution and delivery of a loan agreement and intercept agreement between the City and the New Mexico Finance Authority for a fire truck. Mr. Cherry reported that passage of the resolution is the next required step in order to acquire the new fire pumper truck. Mr. Cherry further explained that the intercept agreement means that the loan payment will be taken immediately and electronically out of grant funds.

Commissioner Lumpkin asked Ms. Rose if she recommended passage of this resolution. Ms. Rose recommended passing the resolution and added that the rate was good.

Commissioner Lumpkin made a motion to approve Resolution 2009-18 authorizing the execution and delivery of a loan agreement and intercept agreement between the City and the New Mexico Finance Authority for a fire truck. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

City Manager's Report

City Manager, Bobbye Rose presented a plaque to Doug Powers and the Planning and Zoning Department for Outstanding Service and Dedication to the Community Development Block Grant Program. Ms. Rose congratulated Mr. Powers on receipt of this award and reported to the Commission that Mr. Powers is currently working with over \$16 million in various grant programs in his department.

Ms. Rose then called upon Mr. Encinias-Angel to give the Convention Center report. Mr. Encinias-Angel detailed the events and amounts collected for events in March, April and May at both the Convention Center and the Del Norte Center.

Commissioner Lumpkin commented that although the rental fees seem to be low, he knows people are using the Center. He added that many out-of-town people have attended events at our Convention Center and comment on how well the Center is maintained.

Ms. Rose then called on Police Chief, Roger Hatcher to update the Commission on the status of the animal euthanasia changes. Chief Hatcher explained that the state has agreed to provide cities with a veterinarian who will provide animal euthanasia services temporarily while cities work to meet the new standards. Chief Hatcher reported that the gas chamber will still be used for euthanasia of animals other than cats and dogs. The Chief also stated that he has been looking into the feasibility of purchasing a portable office building. Chief Hatcher explained that the portable building could be used for the new euthanasia by injection program and could be relocated if necessary. A portable building would provide the means for locking up the drugs necessary for the injections.

Mayor Apodaca inquired if there will be renovations to the existing animal control building. Chief Hatcher explained that heating and cooling in the euthanasia area are now required as well as barriers separating the euthanasia area from the rest of the building. The Mayor stated that the Chief should work to ensure that the changes to the buildings will work in the future. Chief Hatcher stated that he thought a portable building would be a good choice so that it could be moved if necessary. The Chief further explained that he has located buildings that will meet the needs of the department ranging in price from \$6400 to \$7200.

Commissioner Sandoval asked Chief Hatcher if he knew of other ways to control the animal populations. The Chief responded that spaying and neutering need to occur more often and that the City might want to consider increasing the fines associated with animals at large. The Chief also suggested that requiring spaying and neutering before an animal will be returned to its owner might be required. The Chief also stated that kennel requirements might be enacted for those with more than two dogs. The Chief also explained that he is investigating the ways to increase adoptions of animals. Mayor Pro Tem Witcher suggested that fees for adoption might include the cost to spay or neuter an animal. Commissioner Lafferty suggested that the City should look for humane funding to help defray the expenses associated with running an adoption center.

Bids and Contracts

Mayor Apodaca called upon Chief Hatcher to report on the Agreement For Housing Prisoners between the City of Tucumcari and Quay County.

Chief Hatcher reported that this agreement is primarily the same as the previous agreement; however it now has language regarding female juveniles. Chief Hatcher explained that there are no facilities in the County equipped for housing female juveniles and the new agreement states that female juveniles must be transported to an appropriate facility.

Commissioner Lumpkin asked Ms. Rose if she recommended approval of this agreement. Ms. Rose stated that she does recommend approval. Commissioner Lumpkin made a motion to approve the Agreement for Housing Prisoners between the City of Tucumcari and Quay County and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Mr. Powers to present the bids for the Main Street Master Plan. Mr. Powers explained that numerous bids were received to provide the City with a Master Plan for the Mainstreet Program. Mr. Powers reported that a committee of reviewers narrowed the bids down to the top three. The top three proposals were then rated on pre-determined criteria. The results of the ratings were included in the Commissioners packets and showed that Consensus Planning received the highest overall score from the review committee.

Mayor Pro Tem Witcher made a motion to approve the award of bid for the Mainstreet Master Plan to Consensus Planning. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Ms. Fazekas to present the New Mexico Environmental Department Solid Waste Bureau Project Number 09NT-21 Grant Agreement. Ms. Fazekas reported that this grant is for \$20,000 and is for recycling efforts and containers. The grant agreement includes a provision that \$5000 is to be spent promoting the recycling program. Mayor Pro Tem Witcher suggested that advertisement for the program be included in future water bills.

Commissioner Lumpkin made a motion approve this grant agreement and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Fazekas was asked to continue and present the American Recovery and Reinvestment Act of 2009 Cooperative Project Agreement. Ms. Fazekas explained that this agreement is between the City and the New Mexico Department of Transportation in the amount of \$1.7 million for improvements to Second Street in Tucumcari. Ms. Rose added that this is 100% grant funding and recommended approval of the agreement.

Commissioner Lumpkin made a motion to approve the American Recovery and Reinvestment Act of 2009 Cooperative Project Agreement. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Apodaca called upon representatives of the Relay for Life program to address the Commission. Michael Williamson, co-chair of the event asked the Commission to provide \$240 in funding to cover the cost of entertainment items for children that were in attendance at the event. The event was held recently to raise money for cancer research and to celebrate those battling the disease.

Ms. Rose suggested that the money could be taken out of the legislative contract services line item, but expressed concern that giving the group the financial assistance could set a precedent.

Commissioner Lafferty explained that later in the meeting the Elks Lodge is scheduled to approach the Commission and ask for funding for the Independence Day fireworks display. He asked the Commission to think carefully about precedent setting decisions. Commissioner Lafferty further explained that this request is not an appropriate one for the Lodgers' Tax Board, but wondered if all those turned away by the Lodgers' Tax Board would now come to the Commission for financial assistance if the Relay for Life request is granted.

Mayor Pro Tem Witcher stated that he was concerned with the request coming after the money had been expended.

Commissioner Lumpkin stated that he was concerned which scenario would create more issues; granting the funding or not granting the funding. Commissioner Lumpkin made a motion to approve the Relay for Life Program request for funding. The motion died for lack of a second.

New Business

Mayor Apodaca called upon Ms. Suzann Martin to present the candidates for appointment to the House Senior Center Advisory Board. Ms. Martin explained that there are three openings on the Board and three applications have been received.

Commissioner Lumpkin made a motion to appoint Judy Morrow, Senith "Shug" Block, and Doris Lee to the House Senior Center Advisory Board. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Ms. Molinas to present the proposal for Library Fine Amnesty period. Ms. Molinas explained that she requests the Commission grant a one month amnesty period for library fines. She further explained that amnesty from fines has not been granted in over ten years. Ms. Molinas further explained that when economic times are difficult, library usage historically increases. Ms. Molinas explained that she would like to clear old fines off the books and encourage library patrons to bring back materials that have been out for some time. She also wanted to encourage those that are not using the library due to past due fines to come back to the library.

Mayor Pro Tem Witcher made a motion to approve a one month Library Fine Amnesty period and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on City Clerk, Christine Dougherty to present the request for City Property Quit Claim Deed. Ms. Dougherty explained that a piece of property that the City previously filed a lien against and subsequently foreclosed upon was inadvertently sold to the highest bidder by the State Tax Assessor. The City took possession of the property days before the Tax Assessor sold the property. Amatron Ventures, the company that purchased the property from the State, called to inquire why they were not receiving tax bills on the property. This call led to Ms. Dougherty's investigation of the issue. Due to the fact that the City lien amount and taxes paid amounted to only \$91.33, Ms. Dougherty requested that the Commission allow her to Quit Claim Deed the property to Amatron Ventures.

Mayor Pro Tem Witcher made a motion to approve the Quit Claim Deed of property located at 402-408 South Second Street in Tucumcari to Amatron Ventures. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Ms. Rose to present the SPIRIT of 54 Membership Application. Ms. Rose stated that membership dues are \$.20 per capita. Mayor Pro Tem further stated that the SPIRIT of 54 group intended to make Highway 54 four lanes from Kansas to Mexico. There being no further information on the SPIRIT of 54 group, Commissioner Lafferty made a motion to table the issue and Mayor Pro Tem Witcher seconded. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Chris Sandoval, Exalted Ruler of the BPOE Number 1172 to address the Commission. Mr. Sandoval and Mr. Phillip Griggs addressed the Commission regarding the Independence Day fireworks display. Mr. Griggs stated that in previous years, the Elks had been granted half the cost of the fireworks display from the City for providing the fireworks show. In years past, Mr. Griggs explained that the cost of the show had been \$5000. He further stated that the cost of providing a show of

the same size has increased to \$5800. Mr. Griggs requested that the City provide \$2800 to the Elks for the cost of fireworks and for putting on the show for the City.

Mayor Pro Tem Witcher asked Ms. Rose if this had been budgeted. Ms. Rose explained that \$3000 had been budgeted for the annual fireworks display. Mayor Apodaca stated that providing this funding would set precedence and that the Commission must treat everyone equally.

Mayor Pro Tem Witcher made a motion to grant the BPOE Number 1172's request for funding in the amount of \$2800 for the Independence Day fireworks display.

Mayor Apodaca stated that the Relay for Life Program and the Fireworks display are both good programs. The Mayor explained that he felt the denial of funds for the Relay for Life set precedence. Mr. Apodaca stated that the Commission needs to be fair. He also stated that we are planning to increase water rates and wondered how this could be justified. The Mayor further stated that consistency is important and funding one program and not another is not consistent.

Commissioner Lafferty stated the function of the Relay for Life group is important. He also stated that because of the burn ban instated this year, providing a fireworks display might discourage citizens from using fireworks of their own which could start fires. Commissioner Lafferty also explained that many other cities fund the entire cost of an Independence Day fireworks display and that we are lucky to have an organization that is willing to split the cost with us and put on the show.

Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	No

Items from Commissioners

Commissioners Sandoval, Lafferty and Mayor Pro Tem Witcher had no comments.

Commissioner Lumpkin thanked all those who attended the meeting and stated that any input from the public is good input.

Mayor Apodaca thanked the staff for working hard to find ways to decrease the need for a water rate increase. He stated he was pleased that the proposed 15% increase had been decreased to an 8% increase. The Mayor also congratulated the Planning Department on receipt of the plaque earlier in the meeting.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 7:02 p.m. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
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Yes

Yes

Yes

Yes

Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk