

CITY OF TUCUMCARI
MINUTES
July 9, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, July 9, 2009 at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Robert Lumpkin, Jimmy Sandoval and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant Manager; Christine Dougherty, City Clerk; Doug Powers Planning and Zoning Director; Marty Garcia, Finance Director; Martin Encinias-Angel, Convention Center Director; and Clara Rey, Human Resources Department Head.

Pastor John Hinze, of First Baptist Church, gave the invocation and Commissioner Sandoval led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to Agenda

Mayor Apodaca asked if there were any changes or deletions to the agenda. Being none, the meeting continued as planned.

Items From Commissioners

Mayor Apodaca asked if there were any comments from the Commission.

Commissioner Sandoval asked when the slide will be installed at the City pool. Ms. Rose commented that Doug Powers will give the Commission an update on the pool project during his report this evening.

Mayor Pro Tem Witcher and Mayor Apodaca had no comments.

Commissioner Lumpkin stated that he appreciated those 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 June 25, 2009 Regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	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
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Yes Yes Yes Yes

Items from Citizens

Mayor Apodaca asked if there were any citizens in the audience wishing to address the Commission.

Katherine Bugg asked for clarification regarding the Executive Session. City Manager Rose responded that as the agenda reads, it is regarding threatened or pending litigation. Ms. Bugg asked for the specific litigation that would be discussed. City Clerk Dougherty responded that as per the Open Meetings Act and the City Attorney, the specific case or cases do not have to be detailed on the agenda. Ms. Bugg persisted and Ms. Rose stated that she had no problem listing the cases, affirming that none of the information is secret in government. Ms. Rose listed the cases to be discussed in the Executive Session as: DFL Properties vs. City of Tukumcari; Montoya vs. City of Tukumcari; City of Tukumcari vs. Roycee Sorenson; Gary Southern Tort Claim; Sammy Quintana vs. City of Tukumcari; Stacy Akin/Donald Martinez on behalf of Kailee Martinez vs. City of Tukumcari; Donald Schutte Tort Claim, Pete Rivera vs. City of Tukumcari.

Ordinances and Resolutions

Mayor Apodaca called upon Bobbye Rose to present Ordinance 1069 for the second reading. Ms. Rose explained that this ordinance increases the salary of the Municipal Judge by 10%. Ms. Rose further explained that this salary increase will not go into effect until after the Municipal Election in March.

Mayor Pro Tem Witcher made a motion to approve the second reading of Ordinance 1069 amending section 2.20.060 of the Municipal Code pertaining to the salary of the Municipal Judge. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin Witcher Sandoval Apodaca
Yes Yes Yes Yes

Mayor Apodaca called on Bobbye Rose to present Ordinance 1070 for the first reading. The Ordinance increases the Judicial Education Fee from \$2 to \$3. Mayor Pro Tem Witcher made a motion to approve the first reading of Ordinance 1070 increasing the Judicial Education Fee. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher Sandoval Apodaca Lumpkin
Yes Yes Yes Yes

City Manager’s Report

City Manager, Bobbye Rose stated that she received a call from Tommy Darnell of Hills Village Water System. She said that Mr. Darnell expressed a desire to modify the agreement between Hills Village and the City for water. However, since the initial phone conversation, Ms. Rose has not heard from Mr. Darnell.

Ms. Rose then called upon Martin Encinias-Angel to give the Convention Center report for the month of June. Mr. Encinias-Angel reported that there were five events at the Convention Center in June with 825 people in attendance. He reported \$2545 collected in rent for the facility and \$2120 in bar sales. Additionally, \$495 was collected in concession sales. At the Del Norte Center, four events were held with 325 people in attendance. For the month of June, \$175 was collected in rent at the Del Norte Center.

Ms. Rose then called on Doug Powers, Community Development Director to give the Commission an update on projects. Mr. Powers reported that the required permits for erection of the slide at the City Pool should be in hand next week. The delay in attaining the permits was due to the slide affecting the turnover rate at the pool.

Mr. Powers stated that he has met with a design team for the new roof at the Railroad Depot and the request for bids is expected to go out next week.

Mr. Powers then explained that the Mainstreet Master Plan contract has been received. The Economic Development office will review the contract and it will be presented to the Commission at the next regular meeting.

Mr. Powers said that the cover for the digester at the Wastewater Treatment Plant is almost completed and work continues on the Date and Elder Street lifts. Currently, Mr. Powers' office is working on obtaining easements on the property owned by Abel Aragon.

Mr. Powers explained that work continues on the new landfill and on closure of the old landfill. Mr. Powers will obtain an updated power estimate. He also explained that an office is needed for the landfill. Mr. Powers stated that the City needs to draw down these funds soon.

Mr. Powers encouraged the Commissioners to go by the Recreation Center and see the improvements the Youth Conservation Corp students have made to the facility. Chris Gries and the students have done a great job.

Mr. Powers reported that funds have been received from the Federal Aviation Administration for the airport.

Mr. Powers reported that the project for the transmission line from Metropolitan Park is nearing 90% completion.

Mr. Powers further stated that the purchases have been made with the recycling grant funds.

Finally, Mr. Powers reported that he has received unofficial notification of \$20 million in stimulus funds for the City.

Ms. Rose informed the Commission that Mr. Perea and the others interested in the Community Garden project will be planting on July 22nd at 8am. Ms. Rose encouraged anyone interested to attend.

Ms. Rose then called on Assistant City Manager, Mike Cherry, to report on the status of the street lights. Mr. Cherry stated that he is working to get the lights back on for the West side of Route 66 Boulevard. Mr. Cherry reported that from the highway interchange to the Convention Center, 104 lights are out. Xcel energy has agreed to change the light heads and install energy efficient bulbs. Mr. Cherry said that 12 lights will remain at the West end of the boulevard and 70 will be eliminated.

Commissioner Sandoval inquired about the East side of the boulevard. Mr. Cherry responded that Xcel energy will be working with Mike Riddle to re-wire the lights and change the light heads.

Ms. Rose reported that she requested an alternate bid package from Consensus Planning for the Sands Dorsey Building. Ms. Rose explained that the building is in the process of being declared a cultural object by the Historic Preservation Office in Santa Fe. At this time, the declaration has not occurred, however the Historic Preservation Office has told the building owner that they will entertain a resolution to declare the building a cultural object.

Ms. Rose reported that the engineers said the City needs to shore up the Sands Dorsey Building but we will be required to go through the Historic Preservation Office before any work is done.

Ms. Rose called on Ms. Dougherty to give the Commission an update on the Historic Museum. Ms. Dougherty explained that the Tukumcari Historic Research Institute (THRI) expressed an interest in continuing to work with the City to run the museum. THRI stated that they will work hard to reduce the budget by monitoring the heating and cooling systems more closely, assisting with maintenance of the grounds, utilizing THRI volunteers to staff the museum some of the time, and to look for ways to reduce the cost of Museum events.

Ms. Rose reported that she is working on a Financial Policies and Procedures Manual, making revisions to the water ordinances, and planning a leadership conference. Finally, Ms. Rose reported that the City received a Certificate of Appreciation from the Economic Development Corporation for sponsorship of the Renew Conference.

Mayor Apodaca asked who would be responsible for paying for a partial demolition of the Sands Dorsey Building. Ms. Rose responded that the City does not have funds to pay for demolition of the building. She further explained that an engineer provided an estimate of \$500,000 to tear the building down. Ms. Rose stated that if the City were to tear the building down a bill would be sent to the owner. If the owner fails to pay the bill, the City would file a lien against the property.

Bids and Contracts

Mayor Apodaca then called on Clara Rey to present the Area Agency on Aging contract to provide services at Senior Centers in Tukumcari, Logan and House. Ms. Rey stated that the contract is a standard one that the City has signed for the last several years. The contract stipulates the services that must be provided and required reporting in exchange for the funding to run the programs. Mayor Pro Tem Witcher made a motion to approve

the Non-Metro Area Agency on Aging Contacts number 2009-10 68040 for fiscal year 2009-2010. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Mayor Apodaca then called on Mike Cherry to present the Joint Powers Agreement (JPA) to provide a consolidated dispatch center for the City of Tucumcari, Quay County, Harding County, Conchas Dam Fire and EMS, Village of Logan, Village of San Jon, and the Village of House. Mr. Cherry stated that the Quay County Commission had already approved the JPA. Mr. Cherry explained that the changes are that the dispatch center will no longer be a part of the Police Department; it will be its own entity with its own budget. The cost of funding the combined dispatch center will be split with the City of Tucumcari and Quay County each paying 45% of the expenses and the remaining 10% to be split by the other entities.

Mayor Pro Tem Witcher asked if Cindy Brashear will still be the Department Head. Mr. Cherry responded in the positive.

Mayor Pro Tem Witcher made a motion to approve the Joint Powers Agreement between Quay County and the City of Tucumcari for consolidated dispatch. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Mayor Apodaca then called on Doug Powers to present the Litter Control and Beautification Grant Agreement. Mr. Powers stated that this is an annual agreement between the City and the New Mexico Tourism Department. The grant is for \$12,000 half of which will be used to pay youth groups to clean up litter in the City and half will be used to purchase items the City needs for beautification purposes. The grant requires a 20% match which the City fulfills through the Code Compliance Officer's time.

Mayor Pro Tem Witcher made a motion to approve the Litter Control and Beautification Grant Agreement between the New Mexico Tourism Department and the City of Tucumcari. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Mayor Apodaca then called on Doug Powers to present the Additional Services Agreement with Wilson and Company for the Second Street Engineering project. Mr. Powers introduced Mr. Donzil Worthington from Wilson and Company to describe the agreement.

Mr. Worthington explained that initially the City wrote a Community Development Block Grant (CDBG) application for \$800,000 for improvements to Second Street from Tucumcari Boulevard to Charles Street. The initial grant was only to replace existing asphalt, 50 feet into each side street, new service lines and new water service equipment. The grant was well written and the project was a good one that was well received.

However, the project was ranked low in the CDBG ranking system. This low ranking was due to the Recovery and Reinvestment fund awards. The project was shovel ready and therefore placed as a high priority for Recovery and Reinvestment monies. Recovery and Reinvestment funds in the amount of \$500,000 were awarded for the project. Additionally, the Department of Transportation called the City Planning and Zoning Office and gave them only a few hours to put together a proposal for additional funding for the project. American Recovery and Reinvestment stimulus funds in the amount of \$1.782 million were awarded making the combined funding \$2.4 million for the project. The Planning and Zoning office and the engineers at Wilson and Company had to move quickly to obtain the funding.

Due to the quick action, the project has been expanded to 15 blocks and 150 feet on each side street. Additionally, the curbs, gutters, and sidewalks will be refurbished. ADA compliant ramps and stubbed sidewalks will be included, ponding will be eliminated, and four more blocks of water line will be replaced. Mr. Worthington also reported that touch read meters, new hydrants, handicapped ramps and new drains will be installed as a part of the project.

Mr. Worthington explained that the additional services agreement is for engineering services for the additional parts of the project, including environmental survey costs and separate tracking for projects. The new project includes four times the original area and three times the linear feet of the original project proposal.

Mayor Pro Tem Witcher stated that when First Street was being refurbished, the heavy traffic and trucks using Second Street caused damage. Mr. Witcher asked that traffic be carefully routed to keep First Street in good shape.

Mayor Pro Tem Witcher made a motion to approve the Wilson and Company Additional Services Agreement for Second Street engineering. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Apodaca
Yes	Yes	Yes	Yes

New Business

Mayor Apodaca explained that although listed as an agenda item, there was no new business to discuss.

At this point in the meeting, a woman in the audience asked if she could be allowed to speak as she was not present at the beginning of the meeting when public comment occurred. Mayor Apodaca agreed to allow this and asked the woman to approach the podium, introduce herself and speak.

Sharon Fitzner stated that she read an editorial on the front page of the Quay County Sun regarding the use of force by the Chief of Police which had no by line. Ms. Fitzner phoned the paper and was told that David Stevens, Editor of the Clovis News Journal and the Editorial Board penned the editorial. Ms. Fitzner stated that she felt the editorial was degrading to the Chief of Police. She further stated that a 14 year old should know to

stop when a Police Officer says to stop. Ms. Fitzner stated that when people make decisions that are against laws, they should know that there will be consequences. Ms. Fitzner said that she felt Chief Hatcher did the best he could and that the parent was unable to control the child. Ms. Fitzner stated that after the parents fail to control a child, the police department is next. Ms. Fitzner further stated that the child was being arrested for domestic violence against her mother and the Police Department has an obligation to act in that instance. Ms. Fitzner explained that she felt the paper owes the City of Tucumcari an apology especially because when an article does not clearly state who wrote it and that it is an opinion, the public is left to take the information as gospel. Ms. Fitzner explained that recently a Tucumcari youth drowning involved drinking and drugs and there was an outcry for Police involvement and now those tables have turned.

Items from Commissioners

Mayor Apodaca called on Commissioner Lumpkin. Commissioner Lumpkin asked if there was anyone else in the audience that would like to address the Commission. He then thanked those that attended the meeting and added that there is no bad input. Commissioner Lumpkin then thanked Donzil Worthington for his work.

Mayor Pro Tem Witcher expressed thanks to Donzil Worthington and Doug Powers for outstanding work. Mr. Witcher stated that our staff is the best in the world. Mr. Witcher further stated that the staff has to put up with a lot and don't receive enough credit. Mr. Witcher said thank you to all the staff.

Commissioner Sandoval had no comments.

Mayor Apodaca stated that the meeting was opened with the Pledge of Allegiance in where it was stated that America provides justice for all. Mayor Apodaca stated that is not always the case and that often people are thought of as guilty before their innocence is proven.

Executive Session

Mayor Pro Tem Witcher made a motion to convene in Executive Session pursuant to the Open Meetings Act NMSA 1978 10-15-1 (H) (7) regarding pending or threatened litigation. Commissioner Lumpkin seconded the motion. Time noted 6:55 p.m. Roll Call:

Witcher	Sandoval	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher made a motion to re-convene after Executive Session pursuant to the Open Meetings Act NMSA 1978 10-15-1 (H) (7) regarding pending or threatened litigation where pending or threatened litigation was the only item discussed. Commissioner Lumpkin seconded the motion. Time noted 7:10 p.m. Roll Call:

Sandoval	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Mayor Apodaca noted that he excused himself from the Executive Session when cases involving the attorney he has hired to defend him in charges stemming from an incident on April 19, 2009 was involved.

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:

Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk