

CITY OF TUCUMCARI
MINUTES
August 13, 2009

The Tucumcari City Commission met for their regular meeting on Thursday, August 13, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jimmy Sandoval, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry Fire Chief/Assistant City Manager; Christine Dougherty, City Clerk; Roger Hatcher, Police Chief; Vicki Strand, Deputy Finance Manager; Yvette Fazekas Planning and Zoning Administrator; Misty Vick, Grant Writer; and Martin Encinias-Angel, Convention Center Director.

Jim Witcher, Minister of the First Christian Church, gave the invocation and Commissioner Sandoval led the group in the Pledge of Allegiance.

Consideration of Deletions to Agenda

City Clerk, Christine Dougherty, asked that Item A under Bids and Contracts and Item A under New Business be heard immediately following Items from Citizens as the same person is presenting both items and has family obligations to attend to.

Approval of Minutes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the July 23, 2009 Regular Commission meeting. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the July 30, 2009 Special Commission meeting. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	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:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mayor Apodaca asked if any citizens wished to address the Commission. Being none, the meeting continued.

Bids and Contracts

Mayor Apodaca called upon Mr. Warren Frost to discuss with the Commission the sale of a portion of the City's bulk allocation of Ute Lake water. Mr. Frost stated that around four years ago, the Commission executed an agreement with Ute Lake Ranch to sell 3750 acre feet of water over a period of years.

Mr. Frost went on to explain that eighteen months ago a Company out of Colorado and Canada purchased 800 acres of land from Ute Lake Ranch. Karma, the Company, has spent in excess of \$30 million on infrastructure to develop Public Improvement District Two (PID Two) at Ute Lake Ranch. Karma has built and opened the first nine holes of the golf course. The company wishes to now construct the second nine holes of the golf course, however they only want to proceed if they are ensured that they have enough water for the project and to maintain the greens.

Currently, Karma is being supplied potable water from the Village of Logan. Mr. Frost explained that there are some issues between the Village of Logan and the Ute Lake Golf Course. Karma would like to purchase 500 acre feet of water from the City of Tucumcari. Karma is prepared to offer the City \$125 per acre foot of water which will amount to \$50,000 per year once all the water is used annually. The contract will have to be approved by the Interstate Streams Commission before it will be valid.

Mayor Apodaca asked what the allocation of water from Ute Lake is to the City of Tucumcari. Ms. Rose responded that it is 6000 acre feet. After some discussion, it was determined that initially, 3750 acre feet were negotiated for sale to the Public Improvement District One (PID One), the original Ute Lake Ranch developers. This contract would allocate another 500 acre foot to PID Two which would leave 1750 acre feet from the total 6000 allocation for the City of Tucumcari.

Mr. Frost further explained that the contract for the sale of water between the City of Tucumcari and the PID One has provisions that if Ute Lake Ranch does not use up to a certain amount of water, every five years they will forfeit some of their allocation. Mr. Frost was not certain of the figures in this provision, but wanted the Commission to be aware that all of the water may not be used by the PID One. Commissioner Lumpkin recalled that the contract with PID One was originally drafted with the intention of supplying enough water for the entire 18-hole golf course. Mr. Lumpkin went on to state that if PID One is no longer building the course, they are likely to use less water than intended and some of the water should come back to the City of Tucumcari as per the agreement.

Mayor Pro Tem Witcher explained that the City currently has plenty of underground water. If the city ever needs more water, the Ute Lake Ranch contract states that the City can buy potable water from Ute Lake Ranch. Mayor Pro Tem Witcher stated that purchasing that water will be less expensive than cleaning our own lake water.

Commissioner Lumpkin asked if the Commission could approve this contract with the provision that the City Attorney still needs to review the finalized agreement. Mr. Frost agreed that the City Attorney should review the contract and he did not anticipate any problems.

Commissioner Lafferty stated that the Interstate Streams Commissions support of this is questionable because they are traditionally against too many users of Ute Lake Water. Commissioner Lafferty said that the Commission can commit 500 acre feet of water but there are other issues to consider. Mr. Lafferty said that the offer Mr. Frost is making is for the City to receive 500 acre feet of uncleaned

water from PID Two. The PID One agreement says that the City will receive all 6000 acre feet in treated form. Mr. Lafferty felt all were in agreement that the PID One contract may not come to fruition.

Mr. Frost stated that the Interstate Stream Commissions stance is that the PID One agreement is not valid because they have yet to approve the agreement. Mr. Frost further stated that the Interstate Streams Commission likes the PID Two agreement because it is statutorily arranged by the City Commission.

Mayor Apodaca asked for clarification on Recital B of the draft contract regarding the reference to the 1862 Development. Mr. Frost clarified that the name of the golf course is 1862 as that was the year the area was settled.

Mayor Pro Tem Witcher made a motion to approve the sale of 500 acre feet of water from the City's Ute Lake allocation to the Public Improvement District Two at Ute Lake Ranch for \$125 per acre foot upon approval of the City Attorney, the City Manager, and the Interstate Streams Commission. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

New Business

Mayor Apodaca called again on Warren Frost to discuss the bulk water sales contracts with the three water cooperatives. Mr. Frost stated that he was the attorney representing the Hills Village Water Cooperative and the Mr. Tim O'Quinn was present as well representing the RAD Water Cooperative.

Mr. Frost went on to explain that there are three water cooperatives in the Tucumcari area serving rural water user. In the 80's, Mr. Frost said there was a court ordered formula for figuring the price of water sold put in place in a lawsuit brought against the City of Tucumcari by the Liberty Mutual Domestic Water Cooperative. After some years, Liberty renegotiated the price they were willing to pay the City for water. This change was reflected in the execution of a new water sales contract between Liberty and the City. Mr. Frost stated that RAD and Hills Village cooperatives were unaware of this change and continued to pay for water as per the court ordered formula. Mr. Frost said that with the City's recent water rate increase, and the increase to the bulk users' rates, it came to the attention of the cooperatives that the Liberty cooperative was paying between 17 and 18 cents less per one thousand gallons of water than RAD and Hills Village. Mr. Frost stated that understandably, RAD and Hills Village are not happy about this.

Mr. Frost went on to say that over the years with different City Commissioners and City Managers, the percent increases of water rates have fluctuated and is not anyone's fault. Mr. Frost said that with the most recent rate increase, RAD and Hills Village are paying more per thousand gallons of water than Liberty and they feel this is unfair. Mr. Frost asked that each of the three cooperatives be charged the same amount for water and that the three contracts each have the same expiration dates so that they can be re-negotiated together.

Mayor Pro Tem Witcher asked if it was legal to calculate the water rate without using the court ordered formula. Mr. Frost stated that if both parties involved agree, and it does not affect any other parties, it is legal to use means other than the court ordered formula to calculate the price of water.

Commissioner Lumpkin asked how the cooperatives rates compare to the City users' rates. Ms. Rose stated that they are about half the cost of City rates. Mr. Frost stated that the cooperatives pay a reduced rate because delivery and maintenance is easy for the City. He explained that the City has only to get the water to one meter for each of the three cooperatives and there is no end user billing for the City to handle.

Commissioner Lafferty asked what the proposed change will save RAD and Hills Village in their water purchase prices. Mr. Frost stated that Liberty's rate is \$1.83 per one thousand gallons and the rate for RAD and Hills Village is \$2.19 per one thousand gallons. The difference is 36 cents per one thousand gallons.

Commissioner Lumpkin asked when the Liberty contract will expire. Ms. Rose stated that the RAD contract was signed on November 21, 2002 and is in effect for ten years. She further explained that she did not have the Liberty contract in front of her but would be happy to get it if the Commission so desired.

Mayor Pro Tem Witcher asked what the RAD and Liberty total gallon usage amounts are each month. Ms. Rose stated that Hills Village uses about three million gallons a year. She further explained that RAD uses around 30 million gallons per year and Liberty uses around 10 million gallons per year. Mr. Witcher asked what this change will cost the City in revenue. Mr. Lafferty stated that he calculated the decrease in revenue from the Liberty contract will be \$152 per month to the City. Mr. Frost speculated that in total, the changes will cost the City less than \$1000 per month in lost revenue.

Mayor Apodaca asked Mr. Lafferty if these changes are in line with his previous request that the bulk water users pay close to what City users pay. Mr. Lafferty responded that he feels the City is not charging the water cooperatives enough and he feels the water users inside the City are bearing the expense for water users outside the City. Mr. Lafferty further stated that the real questions are if it is ok to charge each cooperative a different rate and whether or not the court order must be followed. Mr. Lafferty also said he is in support of a unified price that the City enforces.

Ms. Rose expressed concern that the Liberty contract says that they will be charged the least amount of any rate increase imposed by the City. Mr. Lafferty also stated concern that the Finance Department will have to adjust the budget as per this decrease in revenue.

Commissioner Lafferty made a motion to adjust the three bulk water user contracts so that each was being charged the current rate enjoyed by Liberty Mutual Domestic Water Cooperative and that each contract bear the Liberty expiration date. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. O'Quinn asked if this discussion would freeze the imposed rate increase for Hills Village and RAD. Mayor Pro Tem Witcher stated that will be the case. Commissioner Lafferty added that any payments already made at the increased rate will not be refunded, however from this day forward; the re-negotiated rate will be utilized.

Proclamations, Memorials, or Petitions

Mayor Apodaca then called Mr. Chris Sandoval, Exalted Ruler of the Tucumcari Elks Lodge to the podium while he read the Proclamation Declaring August 15, 2009 Elks Lodge Number 1172 Centennial Day.

Ordinances and Resolutions

Mayor Apodaca then called on Ms. Rose for the final reading of Ordinance 1069 Amending Section 2.20.060 of the Tucumcari Municipal Code Pertaining to the Salary of the Municipal Judge. The ordinance increases the Municipal Judge’s salary to \$14,355 per year effective March 9, 2010.

Mayor Pro Tem Witcher made a motion to approve the final reading of Ordinance 1069. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Ms. Rose to present Ordinance 1070, increasing the Judicial Education Fee from \$2.00 to \$3.00 effective July 1, 2009. Mayor Pro Tem Witcher made a motion to approve Ordinance 1070 and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Ms. Rose to present the first reading of Ordinance 1071, amending certain sections of Chapter 6.04 of the Tucumcari Municipal Code Pertaining to Animal Control. Ms. Rose asked Chief Hatcher and Christina Fleming to present the Ordinance.

Chief Hatcher thanked Ms. Fleming for her assistance in drafting the new ordinance. The Chief stated that the ordinance needed to be updated in order to comply with the new animal euthanasia regulations. Chief Hatcher said that the changes to the ordinance were; the definitions, how animals are taken in, and the fines for animals held in the shelter. Chief Hatcher further stated that the shelter will be moving towards being an adoption shelter rather than a kill shelter.

Ms. Fleming stated that by adding the word adoption to the ordinance should assist in securing funding for the shelter. She also added that the fine structure didn’t make sense and is worded now where responsible pet owners are rewarded with lower fines and those that are irresponsible will pay higher fines. Ms. Fleming said that the ordinance now encourages owners to spay and neuter their animals through a decrease in license fees for those that are sterilized and an increased license fee for unsterilized pets. Ms. Fleming said that an adequate fee of \$100 will now be collected towards spay or neuter of an animal upon adoption. Ms. Fleming further added that the previous ordinance contained no consequences for irresponsible animal breeders. The new ordinance requires a breeders license to be obtained by anyone giving away or selling pets.

Chief Hatcher added that pet owners of animals with licenses that are at large will be cited. He explained that in the past, owners would not pick their animals up from the shelter in order to avoid tickets and fines. Chief Hatcher explained that no animal will be released from the shelter without being spayed or neutered.

Ms. Fleming said that she would like to encourage area veterinarians to tattoo the bellies of animals

that have been spayed or neutered for easy identification. Ms. Fleming stated that since the changes to the animal euthanasia regulations have been in place, animal adoptions from the Tukumcari shelter have increased. She explained that animals have been transported by volunteers to Albuquerque and Santa Fe for adoption.

Mayor Pro Tem Witcher asked if the breeders' license requirement would extend outside the City limits. Chief Hatcher responded in the negative. Ms. Fleming added that reputable breeders will not have an issue with the \$100 license fee. Commissioner Lafferty stated that the ordinance states animals must be in the shelter at least three days but not more than five days. He questioned how this small window of opportunity would facilitate adoption. Ms. Fleming said that the volunteers have been working to get animals out of the shelter on their fifth day of confinement. She said the long term plan is to have a center with 501(C) (3) status where animals can be sheltered indefinitely.

Ms. Rose stated that Ms. Fleming and other volunteers have been paying out of their own pockets to get animals to other shelters where they have a better chance of being adopted.

Commissioner Sandoval asked if this ordinance is a new one or one that has been re-worked. Ms. Fleming responded an animal ordinance has been in place for quite some time and this is merely a re-worked version of the existing ordinance.

Mayor Pro Tem Witcher made a motion to approve the first reading of Ordinance 1071 Amending certain Sections of Tukumcari Municipal Code 6.04 pertaining to Animal Control. Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Vicki Strand, Deputy Finance Director to present Resolution 2009-28, a Budget Amendment Request for the 2009-2010 Budget of the City of Tukumcari. Ms. Strand explained that this amendment moves funds within the Lodgers' Tax Promotion fund to cover the allocations approved by the Commission in the July 30, 2009 Special Meeting.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-28, a Budget Amendment Request for the fiscal year 2009-2010 City Budget. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Misty Vick, Grant Writer to present Resolution 2009-29, Adopting a Residential Antidisplacement and Relocation Assistance Plan and Certification whereby Complying with the City of Tukumcari's Community Development Block Grant (CDBG) Program. Ms. Vick explained that this resolution is required for compliance in current and future CDBG projects. Commissioner Lumpkin made a motion to approve Resolution 2009-29. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Ms. Vick then presented Resolution 2009-30, A Resolution Adopting a Citizens Participation Plan and

Certification Whereby Complying with the City of Tucumcari's CDBG Program. Ms. Vick explained that this resolution is also required for compliance in current and future CDBG projects. Commissioner Lumpkin made a motion to approve Resolution 2009-30 and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Vick then presented Resolution 2009-31, A Resolution Adopting a Section Three Plan and Certification Whereby Complying with the City of Tucumcari's CDBG Program. Ms. Vick explained that this resolution is also required for compliance in current and future CDBG projects. Ms. Rose commented to the Commission that by approving this resolution, the Commission is agreeing that all City position openings will be advertised in the local paper and that preference will be given to lower income persons living in the City. This means that if two equally qualified persons apply and one is a resident of the City and one is not, the resident will be hired. Commissioner Lumpkin made a motion to approve Resolution 2009-30 and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Ms. Vick then presented Resolution 2009-32, A Resolution by the Tucumcari City Commission Establishing a Fair Housing Policy within the City Limits of the City of Tucumcari, New Mexico. Ms. Vick explained that this resolution is also required for compliance in current and future CDBG projects. Commissioner Lumpkin made a motion to approve Resolution 2009-30 and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

City Managers Report

Police Department Report

Ms. Rose called on Roger Hatcher, Chief of Police to give his monthly report. Chief Hatcher stated that with the return of Officer Dennis Garcia, the Police Department is now fully staffed. He stated that four officers are attending the academy. One officer is slated to graduate in September and the three others will graduate in December. The Chief also said that one officer that has been on injured reserve will be back to full duty on August 19.

Chief Hatcher stated that in the recent Kenneth Mills trial, Mr. Chandler and Mr. Reed prosecuted a fine case and the department was happy to see Mr. Mills receive a 133 year sentence for his crimes. Chief Hatcher said his prayers go out to the family of the victim and he hoped that the sentence served justice in some small way for the family.

Chief Hatcher also stated that a recent assault case has turned into a homicide case as the victim has passed away in the hospital.

The Chief was also very happy to report that due to a tip by a Clovis citizen, Moses Earl Ingram was captured and is now back in the Quay County Detention center. He hoped this provides some relief to the victim of Mr. Ingram's crime.

Chief Hatcher thanked Mike Martinez, Animal Officer and Ms. Fleming for their work on the animal ordinance. He went on to thank the officers for their work in the month of July.

The Chief also stated that his department is accepting applications for a part-time Animal Officer and that interviews will occur next week. Chief Hatcher also explained that the funding from the state to assist communities with animal euthanasia has been exhausted. However, the Chief has found a veterinarian willing to assist the City.

Commissioner Lumpkin and Mayor Pro Tem Witcher thanked Chief Hatcher.

Convention Center Report

Ms. Rose then called upon Martin Encinias-Angel, Convention Center Director to give his report. Mr. Encinias-Angel reported that in the month of July, 2009 there were eight events held at the Convention Center with attendance of 1888 people, \$1190 collected in rental fees, \$6193 collected by the bar, and \$70 collected in concession sales. Mr. Encinias-Angel further reported that at the Del Norte Center in the month, five events were held, \$125 was collected in rental fees and \$125 was refunded in deposits. Both facilities increased their attendance and revenues compared to the same month in the previous year. Mr. Encinias-Angel referenced the event calendars for the months of August and September in the Commission packets with many events scheduled.

Local Government Leadership Program

Ms. Rose referenced the information in the Commission packets regarding a local government leadership development program to be held in Santa Fe March 18-20 and in Albuquerque May 20-22. She stated the cost of the program is \$500 and that she would like the Commission to approve her to attend. She also encouraged the Commissioners to attend. Mayor Apodaca asked if this was training organized by the New Mexico Municipal League. Ms. Rose explained that this training is in cooperation with the School Board Association and the Association of Counties. The Mayor stated that he graduated from the League's Municipal Officers Leadership Institute and found it very beneficial.

Community Visioning Meeting

Ms. Rose then asked Mr. Mark Lake, Mainstreet Director to report on the Community Visioning session. Mr. Lake stated that the Mainstreet planning efforts have been kicked off in the last two days beginning with the Community Visioning meeting that drew 40-50 people. He stated that it was clear that the community is behind the railroad depot as a main project for Mainstreet. He stated he is working on ways to keep the enthusiasm high until the next meeting in November.

Mr. Lake stated he received an email from Megan Behr, grant administrator for Mainstreet stating concerns that a conflict of interest might exist if downtown property owners serve on the task force for Mainstreet. Mr. Lake stated that several property owners serve on the task force; however he does not foresee this being a problem.

Mr. Lake stated that the grant agreement states \$125,000 is to be spent on the Sands Dorsey Building. Mr. Lake is concerned that the funding comes with a mandate on how it is to be spent. He wondered if the task force determines that no funding should be spent on the Sands Dorsey would that money flow to another project. Ms. Rose pointed out that task number two in the grant stated that no money can be used in the demolition of the Sands Dorsey building.

Commissioner Lafferty stated he is concerned because the Governor promised the City \$4 million for

the Mainstreet project and only \$1.4 was allocated. He was also concerned that the state Mainstreet office is dictating how the money can be spent. Mr. Lafferty stated he feels the grant is not written for the Citizens of Tucumcari. Mr. Lafferty also expressed concerns regarding who is allowed to serve on the task force.

Ms. Rose expressed concern that task number two involving the Sands Dorsey building has a deadline of December 30, 2009. If no money is spent on the Sands Dorsey building, Ms. Rose wondered if the money could be used on another task and if the deadline follows use of the funds. Commissioner Lafferty agreed that this wording appears to be an effort to control the City's actions.

Other

Ms. Rose informed the Commission that she looked at the Barnes Street drainage issue and it appears that the water is going to a flood plain area and needs to be rectified. She plans to go to RC&D to get a plan with the County and the State to deal with the drainage issue.

Ms. Rose reported her attendance at the recent Lodgers' Tax Board Meeting and the Economic Development Meeting. She also reported that she and Christine Dougherty met with Dr.'s Barry and Gallatin regarding the City's Memorandum of Understanding with Mesalands Community College and that the MOU will be presented at the next Commission meeting.

Ms. Rose reported that she received a survey from the Legislative Finance Committee regarding the City's Capital Outlay expenditures. She reported that of the \$200,000 allocated in 2006 for the landfill project, \$43,000 is left and it needs to be spent. None of the \$250,000 allocated in 2007 for the landfill has been spent. In 2007 \$100,000 was allocated for the City pool and \$72,405 of that is left and will be expended shortly. Also the \$80,000 Infrastructure grant showed as unspent in the report but Ms. Rose believes that to be the funds that the Commission returned to the County.

Ms. Rose reported that the slide at the pool is going up at this time. She further reported that Carlos Romero of the Environment Department sent her a timeline of the events for the slide project. On June 9 Design Plus made initial contact. On July 9 the process was re-started. On July 23, a variance was granted and on July 24 a permit was issued. Ms. Rose said she wanted to personally apologize to Carlos Romero for an mis-information that was given. Mr. Romero was in the audience and stated that he appreciated Ms. Rose's apology and said is always willing to work with the City.

Ms. Rose also informed the Commission that the leadership group formed as a result of the Heartland survey would like to see a youth representative serve on the City Commission. Ms. Rose further informed the Commission that the auditors will be in the office next week.

Ms. Rose stated that Commissioner Lafferty and she discussed a recent Commission discussion regarding reduced dumping rates for cleanup along Route 66 and First Street. She explained that a plan was to be executed by the Planning and Zoning Department and that it was not done. Ms. Rose stated that such a plan would violate the anti-donation clause and wondered how the Commission suggested she proceed.

Mayor Apodaca stated that the City should not violate the anti-donation clause. Commissioner Lafferty explained that the issue began when the public schools demolished the Granger school building and requested reduced dumping fees for the rubble. Commissioner Lafferty stated that due to the fee break extended to the public schools, he said the Commission acted in a good faith effort to offer reduced dumping costs for Route 66 and First Street building owners to demolish unsightly buildings.

Commissioner Lafferty suggested that the Code Enforcement Officer could provide reduced dumping information to building owners receiving citations.

Mayor Pro Tem Witcher suggested that the reduced fees be extended City wide. Commissioner Sandoval and Mayor Apodaca agreed. Mayor Pro Tem Witcher suggested that if an owner of a dilapidated building should tear down the building and clean the lot the City could waive all dumping fees associated with the cleaning. Ms. Rose expressed concern that hazardous materials are not allowed in the landfill and that the old landfill is scheduled to close in only six months and a waiver of fees might rush the closure process unnecessarily. Mayor Pro Tem Witcher asked if the new landfill will have sections specifically for hazardous waste. Ms. Rose responded in the positive.

Ms. Rose then gave an overview of what each Department Head detailed in their monthly report to the Commission.

Old Business

Mayor Apodaca acknowledged reading the minutes of the Tucumcari Lodgers' Tax Advisory Board for the April 3, 2009 and June 5, 2009 regular meetings. The Mayor also acknowledged reading the April 23, 2009 Special Meeting minutes of the Tucumcari Lodgers' Tax Advisory Board.

New Business

Mayor Apodaca called on Mr. Franklin McCasland and Mr. Pat Vanderpool to present the Amended by-laws of the Economic Development Corporation. Mr. McCasland reported that the by-laws have been changed at the August 10th Annual Meeting and that it will impact the City. Mr. McCasland stated that Mr. Lafferty's term on the EDC board as a business representative has expired. The EDC by-laws read that the City Manager and the Mayor have seats on the EDC board. The amended by-laws now read that the City Manager and the City Commission's designee have seats on the EDC board. As Mr. Lafferty has served for some time, Mr. McCasland suggested that the Commission appoint Mr. Lafferty as the designee to fill the City's appointed seat on the board.

Mr. Vanderpool further explained that two private sector positions had been filled on the board by Nancy English and David Essex, both whom will serve two year terms.

Mayor Pro Tem Witcher made a motion to appoint Mr. Jim Lafferty to the Economic Development Board. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mr. McCasland also reported that the EDC has been approached by Children's Haven about opening a day care center in Tucumcari. He stated that at the next meeting, the Commission should expect to see an EDC proposal for infrastructure improvements in the amount of \$10,000 for a building for the day care. Mr. McCasland stated that the day care center will employ six people with an annual payroll or approximately \$93,000.

Mr. McCasland further reported that there has been an individual asking the City, the EDC and the County to engage in unethical and illegal practices. He stated that his door is always open to discuss these issues and warned that the individual may place advertisements regarding their requests of the

City, EDC and County.

Items From Commissioners

Commissioner Lumpkin thanked all those in attendance. He also thanked Ms. Fleming for her assistance on the Animal Ordinance and added that in addition to her full-time teaching job and volunteer work, Ms. Fleming writes a monthly column in an equine magazine. Commissioner Lumpkin also complimented Chief Hatcher in his department's good job apprehending dangerous people. Commissioner Lumpkin also thanked Mark Lake of the Mainstreet program and the EDC Board for their work.

Commissioner Sandoval had no comments.

Mayor Pro Tem Witcher had no comments.

Commissioner Lafferty asked that the City Manager bring the PID One from Ute Lake Ranch representatives back to the table to determine where they are in their project and determine their water needs. He suggested that all the options be explored.

Regarding the drainage issue on Barnes Street, Mr. Lafferty suggested that it sounds similar to the drainage problem at the Microtel and encouraged that both issues be considered together. Commissioner Lafferty also asked that as a member of the Finance Committee, he be included in the opening meeting with the auditors. Commissioner Lafferty also stated that the EDC by-laws were not changed so that he could keep his seat on the board; they were changed so that new blood could be enjoyed on the board and he thanked everyone for supporting him.

Mayor Apodaca thanked Clara Rey and Christine Dougherty for their assistance with his retirement problem. He explained that as an employee of the school system he is a member of ERB and as a Commissioner, he contributes to PERA. Mayor Apodaca's situation is a precedent setting one because he is considered an employee served by PERA due to his service as a Commissioner. Mayor Apodaca stated that elected officials are excluded from the mandate to contribute to PERA as a public employee. The Mayor chose to contribute on his own volition not knowing it would cause problems upon his retirement from ERB. The Mayor, Ms. Rey and Ms. Dougherty continue to work with ERB and PERA to resolve this issue and plan to educate other public elected officials so that they do not encounter the same type of problem.

Adjournment

Mayor Apodaca asked for a motion to adjourn the meeting. Mayor Pro Tem Witcher made a motion to adjourn and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 7:47 p.m.

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk