

**CITY OF TUCUMCARI
MINUTES
September 10, 2009**

The Tucumcari City Commission met for their regular meeting on Thursday, September 10, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Jim Lafferty, Robert Lumpkin, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Doug Powers, Community Development Director; Roger Hatcher, Chief of Police; and Clara Rey, Director of Human Resources.

Mr. Ray Aragon, Deacon of St. Anne's Catholic Church, gave the invocation and Commissioner Sandoval led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to Agenda

There were no changes or deletions to the agenda.

Items from Commissioners

Commissioners Sandoval and Lafferty had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting and stated that he looked forward to hearing from all of them.

Mayor Pro Tem Witcher had no comments.

Approval of Minutes

Commissioner Lafferty moved that the minutes be tabled until staff could review the recording of the meeting and ensure that the minutes were accurate. Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Lafferty	Lumpkin	Witcher
No	Yes	Yes	Yes

Approval of Vouchers

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

Lafferty	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Items from Citizens

Mayor Pro Tem Witcher asked if any citizens wished to address the Commission.

Mr. Chuck Templeton approached the Commission and stated that he has spoken to them three or four times. Mr. Templeton stated that he would like to get a license to clean up Tucumcari. He stated that he is not seeking a contractor's license. He said he wishes to use local contractors to clean up Tucumcari in order to increase business in the City. Mr. Templeton stated that he has been working on this endeavor for five months and has not satisfactorily had his questions answered.

Mayor Pro Tem Witcher asked Mr. Templeton if he would like to meet with the Commission or with a few of the Commissioners to discuss his issues. Mr. Templeton stated that he would love to meet with the Commission. Mr. Templeton said that his questions have not been answered and ensured that he was not asking for money. Mr. Templeton stated that he wants to help clean up Tucumcari.

Mayor Pro Tem Witcher suggested that the Commission has a work session on Monday, September 14 and he would be glad to meet with Mr. Templeton before that work session at 4:30 pm.

Commissioner Lumpkin stated that he has spoken with Mr. Templeton on two or three occasions and said that he thought he could clarify what his intentions are. Commissioner Lumpkin stated that Mr. Templeton is seeking a large building in the City to divide into smaller sections to house an off-road shop, a Formica countertop business, a deli, and a consignment shop. Mr. Templeton stated that the consignment shop would be helpful in a town of retirees.

Commissioner Lumpkin asked what Mr. Templeton would do if a building large enough could not be located. Mr. Templeton stated that he was willing to utilize several buildings if a large one could not be located. Mr. Templeton stated that he inquired at the Economic Development Office regarding a large building and he was told that the building he inquired about was being held for one large business. Mr. Templeton stated that the population will not increase if the City is not cleaned up.

Commissioner Lafferty stated that he works hard to meet the needs of the citizens. He also explained that he is on the EDC Board and participated in the phone conference with Mr. Templeton. Commissioner Lafferty said that Mr. Templeton did not make any specific requests of the EDC. Commissioner Lafferty asked that Mr. Templeton make a list of his specific needs and the Commission will assure that his needs are addressed. Commissioner Lafferty said the Commission would be glad to help him if he will produce a list of requests.

Commissioner Lumpkin stated that he has always heard praise for the City Manager and the EDC Director. Mr. Lumpkin stated that the Commission will work with Mr. Templeton.

Mr. Templeton asked to be put on the next Commission agenda as he says he can get lots of people to come to Tucumcari and do lots of good.

Mayor Pro Tem Witcher clarified that a meeting on Monday would no longer be necessary as Mr. Templeton was going to supply the City Manager with a list of his requests. Mr. Templeton agreed that no meeting on Monday would be necessary.

Proclamations, Memorials, Or Petitions

Mayor Pro Tem Witcher called Ms. Gigi Parker of the Daughters of the American Revolution to the podium. Mr. Witcher read the Proclamation declaring September 17-23, 2009 as Constitution Week.

City Manager's Report

City Manager, Ms. Bobbye Rose, called upon Chief Hatcher to give the monthly Police Department Report. Chief Hatcher stated that due to a computer upgrade that changed report settings, the Police Department has experienced a glitch with their computer system and were unable to provide the Commission with statistical reports for the month of August, 2009.

Chief Hatcher was able to report that met with the Animal Control department from Clovis and reviewed their Animal Control Ordinance.

Ms. Rose also stated that she spoke with Ms. Leslie King from the State Animal Control Office and that Ms. King has agreed to provide her comments on the draft of the Tucumcari Animal Ordinance.

Ms. Rose stated that Mr. Encinias-Angel, Convention Center Director attended an out-of-town funeral for a family member and could not be present to annotate his report. However, Ms. Rose directed the Commission to the hard copies of the report in their packets. Commissioner Lumpkin commented that the format of the report was pleasing and that Mr. Encinias-Angel did a good job on the report.

Ms. Rose reported that she has received proposed updates to the landfill project from the engineer. She indicated that the updates are bound in a large booklet and she encouraged anyone interested to stop by her office to review the updates. She explained that the proposed updates were not going to impact the permit and the changes are designed to save money. Ms. Rose also stated that the sanitation crew is working to install the fence between the landfill and property adjacent to the landfill that she discussed with them previously.

Ms. Rose informed the Commission that she has spoken to Mr. Olson, a water attorney out of Roswell who is reviewing the contract between the City and Public Improvement District Two at Ute Lake. Mr. Olson cautioned that he did not recommend the automatic renewal of the contract without a negotiation period upon renewal. Mr. Olson further explained that within the contract the price per acre foot is \$125 with a \$25 credit. Ms. Rose checked the minutes of the Commission meeting where this contract was discussed and the price approved by the Commission was \$125 per acre foot of water. Mr. Olson also suggested that the language referring to the water as treated should be removed as it will be non-potable.

Ms. Rose stated that she has been working with Mr. CJ Wiegel on the renewal of the insurance policy which expires in November. Ms. Rose suggested that the insurance should renew in conjunction with the start of each fiscal year. The new insurance expiration will be negotiated so that it comes up for renewal at the beginning of each fiscal year.

Ms. Rose stated that she is scheduling a meeting with the water cooperatives to negotiate their contracts late next week.

Ms. Rose reported that she has been attending meetings once a week at 7 am with representatives from the EDC, Chamber, and County which have been productive and increased communication.

Bids and Contracts

Mayor Pro Tem Witcher called on Mr. Mark Lake of the Mainstreet program to present the draft of the Mainstreet grant agreement. Mr. Lake reported that this version of the agreement contains many changes from the first version. Mr. Lake noted that none of the issues were heavily debated. Mr. Lake has been working with Rich Williams and was happy to report that his work with him has prompted many of the changes that were sought. Mr. Lake said that Megan Behr assures him that the Sands Dorsey project will be removed from the plan.

Ms. Rose stated that the grant is a reimbursable grant, which means the City will have to pay upfront and wait for reimbursement for expenditures associated with this grant.

Commissioner Sandoval asked if the grant agreement included completing the rail depot building. Mr. Lake stated that the depot will not be completely finished with these funds. Mr. Lake said that the Mainstreet program wants the funding to be spent on the depot park. Mr. Lake reported that \$250,000 from the grant can be spent on doors, windows and infrastructure to get water to the building. Mr. Lake also explained that there is \$308,725.48 earmarked for streets, sidewalks, curbs, and gutters. Additionally, Mr. Lake stated that there is \$180,652.00 for soft surfaces including landscaping, irrigation and lighting; and \$140,184.26 for planning and design. Mr. Lake stated that the in-kind match could be met with the federal grant.

Commissioner Lafferty asked if there is enough funding in the federal grant for both sides of funding. Mr. Lake responded in the positive.

Commissioner Lafferty inquired who would be responsible for paying the gross receipts tax. Mr. Lake stated that the City will be obligated to pay the gross receipts tax. However, Mr. Lake stated that there is \$400,000 cash reserve in the EDC tax that can be used for this purpose.

Mr. Pat Vanderpool suggested that the tax could be made the responsibility of the contractors. Mr. Vanderpool suggested that during phase two, bonds could be sold. Mr. Vanderpool also suggested that the depot could be completed with the remaining funds that were not used for construction of a rail spur. Mr. Vanderpool stated that he felt this could be a very good project.

Commissioner Sandoval asked if local contractors would be used. Mr. Vanderpool stated that the project would have to be put out to bid.

Commissioner Lafferty asked Mr. Vanderpool if he was comfortable moving forward with this project and if he was comfortable with the \$400,000 cash reserve being allocated to this project. Mr. Vanderpool stated that he is comfortable but would prefer to use the cash reserve elsewhere if possible.

Mayor Pro Tem Witcher asked if the windows were recently replaced. Mr. Lake responded that only the glass was replaced. Commissioner Lumpkin suggested that energy efficiency grants could be sought to replace the windows. Mr. Vanderpool agreed that seeking energy efficiency grant funding would be a good idea.

Mr. Lake stated that the plan is to get the project started and then seek other funding sources as needed.

Commissioner Lafferty commended Mr. Vanderpool, Mr. Lake and Ms. Rose for their work on this project as considerable progress has been made since the first draft of the grant was received. Commissioner Lumpkin and Mayor Pro Tem Witcher echoed Mr. Lafferty's comments.

Commissioner Lumpkin asked if Ms. Rose recommended approval of this project. Ms. Rose stated that the budget needs to be approved so that Mr. Lake can submit it and pointed out that 10% of the funding must be spent by December so the project needs to begin quickly.

Commissioner Lumpkin made a motion to approve the Mainstreet Grant Agreement Budget. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Ms. Rose then presented the contract with CDM Engineering for Ute Water Planning. Ms. Rose stated that this contract places a lot of responsibility on the City. Ms. Rose explained that she sent this contract to the City Attorney for his review. Ms. Rose expressed concern that the limit of liability is \$50,000. Ms. Rose would like the authority to approve the sub-contractors that will be used in this project. Ms. Rose was also concerned that the contract stated that CDM will retain the plans upon completion of the project. Ms. Rose feels that the City is paying for the project and should own the plans after completion.

Commissioner Lumpkin made a motion to proceed with tasks one and two of the CDM Engineering Agreement for Ute Water Planning with City Attorney approval and with the conditions outlined by Ms. Rose. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

New Business

Mayor Pro Tem Witcher called upon Mr. Pat Vanderpool to present the Economic Development Corporations request for Economic Development Tax funds for infrastructure assistance. Mr. Vanderpool explained that Pat and Dana Benavidez are seeking to open a child care business in Tucumcari on Route 66. The Benavidez's are requesting \$10,000 to improve the building to make it compliant for day care standards. Mr. Vanderpool noted that the Benavidez's are investing \$12,000 and that the EDC Board had approved the request.

Commissioner Lumpkin asked if the building is owned by the City. Mr. Vanderpool responded in the negative and added that the funding will be used for bathrooms and fencing around the play area.

Commissioner Lumpkin asked Ms. Rose what her thoughts were on the request. Ms. Rose stated that she has concerns that the City will invest \$10,000 if this request is approved and the owners have no obligation and can walk away from the project in six months.

Mr. Vanderpool explained that this is an economic development project that will increase jobs in the City by seven and improve a building on Route 66. Mr. Vanderpool stated that he sees no drawbacks to the request and added that it is a small project. Mr. Vanderpool also explained that as a service business, this request qualifies under State and City Ordinances.

Mayor Pro Tem Witcher commented that a day care provider is a much needed service in the area. Mr. Vanderpool agreed that the business would meet a community need. Mr. Vanderpool added that the Benavidez's have been operating a similar business for three years in Portales.

Commissioner Lafferty stated that he has concerns regarding this request's compliance with the City Ordinance. Mr. Lafferty explained that section 8 B of the Ordinance requires a cost/benefit analysis and asked if an analysis had been put together. Mr. Vanderpool responded that a complete cost/benefit analysis had not been completed. Commissioner Lafferty asked if a payroll analysis had been done. Mr. Vanderpool responded in the negative.

Commissioner Lafferty further explained that the Ordinance requires a ten year agreement and a 10% guarantee. Mr. Lafferty asked how the City gets past this if we ignore those rules now and then try to enforce them later. Mr. Vanderpool stated that there is a section of the Ordinance that allows for a shorter project term. Mr. Vanderpool stated that each project has to be evaluated on its own merits.

Commissioner Lafferty asked how the request was getting past the security requirements. Mr. Vanderpool replied that the project would be beneficial in the long term. Commissioner Lafferty stated that the next time the City asks for security or pay back, he does not want this decision to bite the City.

Mayor Pro Tem Witcher asked Ms. Rose if she recommended this request be granted. Ms. Rose stated that she did not feel comfortable making a recommendation as she has

not had time to read it in its entirety and study the applicable ordinance. However, Ms. Rose felt that if Mr. Vanderpool recommended the request, it should be granted. Commissioner Lumpkin asked Mr. Vanderpool if he recommended the request be granted. Mr. Vanderpool responded in the positive.

Commissioner Lumpkin made a motion to approve the Economic Development Corporation's request for Economic Development Tax funds for Infrastructure assistance. Commissioner Sandoval seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	No	Yes

Items From Commissioners

Commissioner Lumpkin thanked all those who were in attendance for coming to the meeting. He also thanked the Convention Center for their report. Commissioner Lumpkin also thanked Pat Vanderpool and Mark Lake for their work on the Mainstreet project. Mr. Lumpkin told Mr. Powers that it was nice to see him back at the meetings. Commissioner Lumpkin also thanked Mr. Aragon for his invocation.

Commissioner Sandoval had no comments.

Commissioner Lafferty stated that his vote of no on the EDC request should not be taken as a vote of non-support for the EDC. Commissioner Lafferty stated that the City has to abide by the Ordinance regarding EDC Tax requests. Mr. Lafferty stated that he is not against Mr. Vanderpool or the EDC.

Mayor Pro Tem Witcher thanked those in attendance for coming.

Adjournment

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

Sandoval	Lafferty	Lumpkin	Witcher
Yes	Yes	Yes	Yes

The meeting was adjourned at 6:47 p.m.

James L. Witcher, Sr., Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk