

**CITY OF TUCUMCARI
MINUTES
October 8, 2009**

The Tucumcari City Commission met for their regular meeting on Thursday, October 8, 2009, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, Robert Lumpkin, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Marty Garcia, Finance Manager; Doug Powers, Community Development Director; Yvette Fazekas Planning and Zoning Administrator; Patty Lopez, Police Sergeant; Clara Rey, Human Resources Director; Cathy Estrada, Code Enforcement Officer; and Alex Madrid, Streets and Sanitation Superintendent.

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

Roll Call

Mayor Apodaca asked for Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
No	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Ms. Dougherty stated that the agenda states tonight is the second reading of Ordinance 1073 and this is actually the first reading. Also, Ms. Dougherty indicated that the Tucumcari Public Library Advisory Board Minutes are for July 13 and not July 17 as listed.

Items from Commissioners

Commissioner Lumpkin stated that he attended the Rotary Air Show and would like to commend those involved in the show. Mr. Lumpkin also stated that Rotarians from New Jersey traveled to Tucumcari to assist in putting on the show. Mr. Lumpkin stated that the Rotary club arrived at the airport at 6 a.m. on show day and stayed late to cleanup. Commissioner Lumpkin stated that he would like to see a Proclamation given for the Rotarians efforts.

Commissioner Lumpkin and Mayor Pro Tem Witcher had no comments.

Approval of Minutes

Ms. Rose stated that the minutes of the September 24, 2009 Regular Meeting needed to be changed on page four. She explained that the amounts for the loan and grant funding

for the wastewater treatment plant were transposed and need to be changed. Ms. Dougherty made a note of this.

Mayor Pro Tem Witcher made a motion to approve the minutes of the September 24, 2009 meeting with the changes suggested by Ms. Rose. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Approval of Vouchers

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

Apodaca	Lumpkin	Witcher	Lafferty
Yes	Yes	Yes	Yes

Items from Citizens

There were no citizens present wishing to address the Commission.

Ordinances and Resolutions

Mr. Powers presented Ordinance 1072 for the second reading. Mr. Powers explained that this is a \$100,000 loan at zero percent interest for a 20 year term. Mr. Powers stated that this is required in order to be eligible for the \$1 million grant for the Wastewater Plant project.

Mayor Pro Tem Witcher made a motion to approve Ordinance 1072 authorizing entering into a loan agreement with the New Mexico Environment Department for the purpose of obtaining Wastewater Construction Loan Funds in a principal amount not to exceed \$100,000. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Mr. Pat Vanderpool then presented Ordinance 1073 approving an application for local economic development assistance in connection with a day care facility. Mr. Vanderpool stated that this was approved at a previous meeting with some questions. Mr. Vanderpool explained that the project participation agreement has been amended with a cost/benefit spreadsheet. Mr. Vanderpool stated that he feels this proposal is more in compliance than the City has ever been.

Commissioner Lumpkin asked how many jobs the facility will create. Mr. Vanderpool responded that in the first year, six individuals will be employed and three positions will be added in year two for a total of nine jobs.

Commissioner Lumpkin made a motion to approve Ordinance 1073 approving an application for local economic development assistance in connection with a day care facility and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Lafferty	Apodaca	Lumpkin
Yes	No	Abstain	Yes

Mayor Pro Tem Witcher asked for clarification on this motion. Ms. Dougherty stated that the motion does not pass.

Yvette Fazekas then presented Resolution 2009-37 changing the scope of work for Department of Transportation Municipal Arterial Project 7637(902). Ms. Fazekas stated that this resolution was originally passed on August 27, 2009 however; the DOT required that it be formatted differently.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-37 changing the scope of work for Department of Transportation Municipal Arterial Project 7637(902) and Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose called on Sergeant Patty Lopez to give the Police Department report for the month of September 2009. Ms. Lopez explained that there had been 677 calls for service during the month which is down from August.

Ms. Dougherty referred to the Convention Center report in the Commission packets. Ms. Dougherty explained that Mr. Encinias-Angel was unable to attend the meeting. There were no questions regarding the Convention Center report.

Ms. Rose stated that she received a call from Santa Rosa regarding transport of their refuse again to the City Landfill. Santa Rosa had been taking their waste to Vaughn; however the Vaughn landfill has been closed. Ms. Rose said that Santa Rosa, Vaughn, and Guadalupe County all want to bring their trash to the City Landfill beginning immediately. Ms. Rose stated that the feasibility study completed by the engineers suggest that \$27 per ton of refuse be charged. Ms. Rose would like to negotiate at that price until the end of the year.

Mayor Pro Tem Witcher made a motion to allow the City Manager to negotiate contracts for landfill use at \$27 per ton with Santa Rosa, Vaughn, and Guadalupe County. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Ms. Rose informed the Commission that she has scheduled a meeting on October 15 at 5:30 p.m. with the water cooperatives to re-negotiate their contracts for purchase of water.

Regarding the Animal Control Ordinance, Ms. Rose stated that she will have a meeting with Chief Hatcher and Animal Officer, Mike Martinez and provide recommendations to the Commission at the next meeting.

Ms. Rose also reported that she attended a meeting on Tuesday regarding the Wastewater Treatment Plant and that the project is entering the environmental phase. Ms. Rose asked for clarification from the Commission on their suggestions for re-use water sales. Commissioner Lafferty questioned if there will be enough flow to provide all users their requests.

Ms. Rose explained that the resolution for USDA funds needs to be changed. She will meet with Paul Cassidy regarding the changes and the feasibility of making the payment.

Ms. Rose informed the Commission that the court gave the City authority to clean up the Relax Inn located on Route 66 Boulevard. Ms. Rose explained that there is \$10,000 in Economic Development funds earmarked for cleanup. Ms. Rose stated that she will provide quotes for clean up for the property at the next meeting.

Ms. Rose stated that she met with Ken Hughes regarding the energy grant. During the Infrastructure Conference, Mr. Hughes will provide training on the energy grant. Ms. Rose stated that she feels confident that the City will be awarded these grant funds in order to replace the lighting at City Hall.

Ms. Rose also reported that she and Charlie Sandoval met with Tank Maintenance Company regarding the water tank on Center Street between Fourth and Fifth Streets. Ms. Rose stated that the tank was inspected and is quite deteriorated. The tank no longer meets OSHA standards. Ms. Rose cautioned that the City will have to plan for the costs to repair the tank.

Ms. Rose reported that the Department of Transportation project that re-paved First Street with USDA funds has never been billed and therefore never paid for. Mr. Gray said he will send the bill so that the USDA funds will not be lost.

Ms. Rose informed the Commission that the Senior Citizen Center will be audited on Monday at 9 a.m. The audit will occur at the Senior Center. Mr. Witcher and Mr. Lumpkin will attend the audit.

Ms. Rose also informed the Commission that CDM will hold a project kick-off meeting for the Ute Lake Water Planning project on October 27th at 10 a.m. This will be during the Infrastructure Conference and CDM will provide lunch.

Ms. Rose explained that she met with David Essex of Excel Energy regarding the street lights. The street light audit has been completed. Mr. Essex said that the City was being charged for 40 lights that they cannot find. Excel energy will rebate the overpayment to

the City. Also, Ms. Rose reported that 70 lights on West Route 66 Blvd. will be refurbished.

Ms. Rose informed the Commissioners that the Governor called a special legislative session to begin October 17 to balance the budget which is short \$600 to \$700 million. Ms. Rose stated that she has spoken to Senator Hardin and Representative Roch regarding the possibility that the hold harmless clause for gross receipts taxes on food and medical expenses for the City may be eliminated. This would result in a loss of \$316,000 per year for the City if it is taken away.

Ms. Rose asked the Commission if they will approve of reading ordinances only two times each instead of three. Mayor Apodaca, Mayor Pro Tem Witcher and Commissioner Lumpkin stated that they had no problem with this idea. Commissioner Lumpkin asked if a third reading could be requested if necessary. Ms. Rose responded in the positive.

Mayor Apodaca asked if anyone has looked into Superfunds, USDA funding, or Brownfield grants for the Sands Dorsey building. Mr. Powers stated that the Rural Enterprise Grant funding is very limited. Mr. Powers went on to say that Brownfield grants still look like a good avenue for the project. Mr. Powers also informed the Commission that HUD has some new money that might be an option.

Bids and Contracts

Mr. Mark Lake presented the Main Street Project budget. Mr. Lake explained that he had been contacted by the State Main Street office and they want the budget approved and sent to them. Mr. Lake also stated that due to the special legislative session, the State office advised that the budget be developed and approved for all the grant funds. Mr. Lake said that the task force met and there are not solid numbers on the depot project. Mr. Lake said the task force suggested that all \$495,000 unbudgeted dollars be put towards the depot project. Mr. Lake stated that if there are funds left over after the depot project is completed; the Princess Theatre project can be looked at. Mr. Lake said that the grant manager said this plan for the funding is acceptable. Mr. Lake requested that the Commission approve this budget.

Mayor Apodaca stated that Lydia Fazekas asked him to find out if Main Street funds could be used for purchase of a gazebo at Veteran's Park. Mr. Lake stated that the gazebo has been considered. Mr. Lake stated that other funding will be sought if Main Street monies can't be used for the gazebo.

Commissioner Lumpkin stated that the depot project is not the depot alone. The project includes benches, lighting and a park. Mr. Lumpkin stated that the depot project could be a nice addition to the City. Mr. Lumpkin stated that the local Veterans group asked if they could take over the protocol for flying the United States flag and the POW flag at Veterans Park. Mr. Lumpkin said that this decision needs to be made later.

Commissioner Lumpkin made a motion to approve the Main Street budget and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Sergeant Patty Lopez presented the Enforcing Underage Drinking Laws Grant to the Commission. Ms. Lopez explained that this funding provides over-time pay for officers to enforce the underage drinking laws. The grant requires, according to Ms. Lopez, that the Police Department send representatives to ASAP meetings, and that they conduct three events to dissuade underage drinking, and provide two compliance checks. Ms. Lopez explained that the department conducts shoulder tap operations and attends MIP trainings in association with this grant. Ms. Lopez explained that the grant is for \$2500 per year and will expire on May 31, 2010.

Commissioner Lumpkin stated that he would like to commend the Police Department for their work in this area.

Mayor Pro Tem Witcher made a motion to approve the Enforcing the Underage Drinking Laws Grant and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Lafferty	Apodaca
Yes	Yes	Yes	Yes

Ms. Rose presented the lease with Versa Tech for City property. Ms. Rose explained that the existing lease has expired and that she obtained an appraisal from a realtor that the Worley Mills building should lease for \$1500 a month. Ms. Rose stated that Versa Tech also wishes to lease the asphalt plant and that property should lease for \$200 per month. Ms. Rose said that the drafted lease has a provision to increase the rent due to inflation. Ms. Rose also explained that the lease requires Versa Tech to maintain the property, be mindful of environmental concerns, comply with labor laws, and pay the utilities.

Ms. Rose stated that there have been problems with this contract in the past. Ms. Rose also explained that staff is in the process of going through all the contracts to make sure they are up-to-date and in compliance.

Commissioner Lafferty suggested that the Risk Manager could be scheduled to inspect leased City properties on a quarterly basis.

Mayor Pro Tem Witcher made a motion to approve the lease for City property with Versa Tech holding them harmless for all past debt to the City. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Old Business

Mayor Apodaca acknowledged reading the minutes of the Tucumcari Public Library Advisory Board for both July 13, 2009 and August 21, 2009.

New Business

Clara Rey explained to the Commission that there are three openings on the Tucumcari Senior Citizens Advisory Board and six people have applied for the seats. Ms. Rey stated that she had no recommendations for the Commission and asked that they decide who to appoint to the Board.

Commissioner Lumpkin stated that there are six good applications with three of the applicants currently serving on the board. Mr. Lumpkin stated that he would like to see the three currently serving on the board continue to stay active. Commissioner Lumpkin made a motion to appoint Ms. Bivens, Ms. Gohlson and Ms. Laredo to the Tucumcari Senior Citizens Advisory Board. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Code Compliance Officer, Ms. Cathy Estrada explained to the Commission that the annual Trek for Trash event will be held soon. In conjunction with the cleanup, she would like to request a free dump day. Mayor Pro Tem Witcher made a motion to approve Trek for Trash free dumping for both commercial and residential customers on Friday, October 23 and Saturday, October 24, 2009. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Lafferty
Yes	Yes	Yes	Yes

Sergeant Patty Lopez presented the Young Citizens Award Nominees to the Commission. Ms. Lopez explained that for 15 years the 21st Century Conference for Law Enforcement has been held and recognizes young people for their contributions to their communities. Chief Hatcher has nominated three young men from Tucumcari for this distinction. Should these young people be selected as recipients of these awards, Chief Hatcher requests that travel expenses for the three young men and their parents be covered by the City. Mayor Pro Tem Witcher stated that he felt it was fine to use the narcotics funds for this purpose and made a motion to do so. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Mr. Thomas Even of the Lodgers' Tax Board informed the Commission that additional street pole banners have been purchased advertising local attractions. Mr. Even stated that Richard Talley is the chair of the advertising committee and that these banners were purchased with cooperation of the Chamber of Commerce. Lodgers' Tax funds were used to purchase the banners. Mr. Even said that he will work with the City Clerk to coordinate hanging of these banners which advertise the Train Depot, Historic Museum, Murals, Golf Course, Airport, Boating and Fishing, and other attractions in the area. Mr.

Even also explained that the banners come with a one year warranty and that a few tattered Tucumcari Tonight banners will be repaired under warranty.

Mr. Even stated that this is the second phase of an overall advertising campaign designed to get travelers to spend more time in the City. The third phase will incorporate directional signs to all the attractions. Mr. Even stated that coordination with the City Street Department and the DOT will have to occur in order to hang the directional signs.

Mayor Pro Tem Witcher thanked Mr. Even and stated that he liked the banners.

Items From Commissioners

Commissioner Lafferty had no comments.

Commissioner Lumpkin stated that he will work towards getting a Proclamation drafted for the Rotary Air Show efforts. Mr. Lumpkin also thanked those in attendance for coming to the meeting and stated that he likes the new sign pole banners.

Mayor Pro Tem Witcher stated that there are construction signs just outside of town on Highway 209 that need to be removed. Mr. Witcher also commended Sergeant Lopez for her presentations at this meeting.

Mayor Apodaca stated that a letter needs to be drafted to the Legislature stating that if the hold harmless clause for gross receipts tax on food and medical expenses is lifted, it will create a hardship for the City. Ms. Rose stated that she will have a letter drafted tomorrow.

Mayor Apodaca stated that Judge Dominguez likes the red chair that they both use in the Chamber. Mr. Apodaca said he is more comfortable in the black chair and he would be willing to have a coin toss to determine which chair they will both use so that chairs do not have to be moved for each meeting. The Mayor stated that he calls tails if a coin toss occurs.

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:

Apodaca	Lumpkin	Witcher	Lafferty
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