

CITY COMMISSION
Minutes
November 12, 2009

The Tucumcari City Commission met for their regular monthly meeting on Thursday, November 12, 2009 at 6:00 p.m. at Tucumcari City Hall. Members present constituting a quorum included Antonio Apodaca, Jim Witcher, Jim Lafferty, Robert Lumpkin, and Jimmy Sandoval.

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

City staff present were Bobby Rose, City Manager, Clara Rey, Deputy City Clerk, Marty Garcia, Finance Director, Vicki Strand, Deputy Finance Director, Charlie Sandoval, Water Superintendent, Jessica Elebario, Senior Programs Director, Misty Vick, Grant Writer, Linda Moore, Museum Attendant, Martin Encinias-Angel, Convention Center Director and Roger Hatcher, Chief of Police.

Consideration of Additions/Deletions to the Agenda

Item B under New Business, Heartland Institute Leadership Tucumcari Program was moved to be presented before Ordinances and Resolutions.

Item A under Ordinance and Resolutions, Ordinance 1071, third reading, Amending Certain Sections of Chapter 6.04 of the Tucumcari Municipal Code Pertaining to Animal Control was deleted.

There was a correction on Item X-B. The agreement is for the Second Street Project, not for the Wastewater Project.

Items from Commissioners

Commissioner Lumpkin thanked everybody for coming.

Commissioner Witcher stated that at the last Commission meeting there was discussion regarding the need for extra money for the street projects. He stated that Ms. Rose said that we need to try to find the money, however, as everybody knows the State of NM tried to take money from the municipalities. He stated that Commissioner Lafferty had also stated that we need to find ways to look to the future. Commissioner Witcher proposed that if the commission passed an ordinance of ¼% tax increase that it would raise approximately \$240,000.00 which could be designated for whatever is needed. He stated that the best part of this proposal would be that it would be paid mostly by the tourists. He didn't feel that it would impact residents, as you would have to purchase a large amount before feeling the increase. He also stated that the purse strings of both the State of NM and the federal government are getting tighter. He went on to say that we currently have to borrow money to keep things running, but what happens if we have a huge problem and cannot pay for it.

He also shared that the Employee Appreciation will be taking place on November 13, 2009 and he thinks that next year the Commission should volunteer to cook and serve the meal.

Commissioner Lafferty stated that although he had no comments, he did wish to respond since his name was mentioned. He stated that he never proposed raising taxes, as we already have the highest tax in the state. He didn't feel that raising taxes is not an option. He stated that better management of what we have is what we need to do. He also stated that he was unaware that an Employee Appreciation was taking place.

Commissioner Sandoval had no comments.

Mayor Apodaca reported that he had visited with Doug Powers, Community Development Director, who recently had surgery, and that he planned to go back to visit again.

Commissioner Witcher stated that he would like the wastewater reuse and the ¼% tax increase on the next agenda for consideration.

Approval of Minutes

A motion was made by Commissioner Witcher and seconded by Commissioner Lafferty to approve the minutes from the October 22, 2009 regular meeting. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Abstain	Yes	Yes	Yes

Approval of Vouchers

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

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Items from Citizens

None

Proclamations

Mayor Apodaca read a Proclamation declaring November 2009 as National Hospice Month and presented it to Mr. Tom Anderson and Mr. Bill Greenfield. Mr. Anderson thanked the commission for the wonderful proclamation and state that there are many wonderful people working with Hospice. He invited everybody to go out and support the fund raising efforts by attending the Enchilada Dinner at the Elks on the 20th and/or

purchasing raffle tickets for a beautiful quilt donated by the QuayZ Quilters. He also stated that there are still spots available for the “Eyes on 66 Project.”

Mayor Apodaca called on Mr. Dennis Roch, who began his presentation by thanking the Commission for all they do on behalf of the City. He gave a handout to the Commission and explained that awhile back, the Heartland Group was contracted to conduct a Town Hall Meeting seeking direction for the City. He stated that the Leadership Development Committee was formed as a sub-group. He stated that from this group there will be a program designed to equip and power projected leaders. He stated that often times it is the same group of people involved in different programs, and this training will help in growing leaders. He stated that he was not attending to ask for anything from the commission, he just wanted to inform them of what is taking place. He also stated that individuals may be nominated, or may nominate themselves. The cost is \$200.00 per person, and perhaps businesses might be willing to pay for their employees to attend. He thanked the commission for their time and support and stated that this is an exciting venture.

Ordinances and Resolutions

Mayor Apodaca called on Mr. Pat Vanderpool, from the Economic Development Corporation to present Ordinance 1073, Approving an application for local economic development assistance in connection with a day care facility.

Mr. Vanderpool stated that he did not have any new information to provide, however, he did attend the NM Rural Development Meeting and stated that they are supportive of growth and reorganization. He stated that approval of this ordinance builds the economy and helps to provide an education for children.

Commissioner Sandoval stated that the day care is located in a good spot because it is located near both the high school and college, where many children’s daycare is paid for by the state, and the location also allows easy access for parents to their children during the day.

Commissioner Lafferty asked whether this ordinance is presented with the amendments and the 10 year provision, and asked whether Mr. Vanderpool felt comfortable that they will be able to get their funding back should it fail. Mr. Vanderpool responded in the affirmative.

Commissioner Lumpkin stated that a day care facility is always in need in any community, and it adds jobs.

Commissioner Lumpkin made a motion, seconded by Commissioner Witcher to approve Ordinance 1073. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on City Manager, Bobby Rose, who requested approval of Ordinance 1074 relating to the NM Uniform Traffic Ordinance establishing a Penalty

Assessment Program. Ms. Rose stated that this ordinance follows state guidelines, and requested approval.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve Ordinance 1074. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Misty Vick, Grantwriter, who presented Resolution 2009-39, authorizing the assignment of official representatives and signatory authorities for loan agreement between the City of Tucumcari and the NM Environment Department. Ms. Vick stated that these documents are for the third phase of the Wastewater Treatment Facility Project, and this ordinance establishes who may sign the paperwork and grant agreement documents.

Commissioner Lumpkin made a motion, seconded by Commissioner Witcher to approve Resolution 2009-39. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Duane Moore, from the City Museum Advisory Board, to present Resolution 2009-40 regarding the establishment of new museum attendance fees. Mr. Moore stated that it has probably been 10 – 15 years since the fees have been increased, and stated that they are requesting that the fees be increased to be comparable to what other museums charge. He requested the following: That the adult admission fees be changed from \$2.50 to \$5.00 for adults; from .75 to \$1.00 for children ages 6-15; and from \$1.00 to \$4.00 for senior citizens.

Commissioner Witcher asked whether there is a discount rate for buses. Mr. Moore responded that there is not a discounted fee, however, the driver does get free admission with the group.

Commissioner Sandoval asked whether or not there is billboard advertising for the museum. Mr. Moore stated that there are several billboards which advertise the museum.

Commissioner Lumpkin stated that he has heard lots of good things about the museum from visitors, and thanked the staff and volunteers for what they do.

Commissioner Lumpkin made a motion, seconded by Commissioner Witcher to approve Resolution 2009-40. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Mayor Apodaca called on Ms. Rose for her to present the City Manager's Report. Ms. Rose called on Chief Roger Hatcher to present the Police Department Report of October 2009.

Chief Hatcher reported that they had a pretty good month, with 574 calls. He also reported that agents from DEA have been working on a case for approximately 4 months, and some arrests were made. He reported that the Animal Control Officer is out on medical leave, and asked that he be kept in everybody's thoughts. He also reported that is the reason the numbers are down in that department.

Chief Hatcher also reported that every agency has to have a Bias Based Policy Profiling Policy by December 31st. He stated that he has been working with thought the Police and Sheriffs Assn. as well as the Association of Counties. He stated that each officer will need to be trained to ensure that all citizens of Tucumcari and the State of NM are not being profiled, and any and all complaints will be investigated.

Commissioner Witcher asked whether this item needed to be approved, and Mayor Apodaca stated that it needs to be approved by the Commission if it is going to be included in the Police Department's Standard Operating Procedures. There was some discussion regarding the fact that Chief Hatcher thought that these type of policies could be approved by the City Manager, and did not need to go before the Commission for approval. Mayor Apodaca stated that they are a policy making board, and therefore, any policies should come before them for approval.

Commissioner Lafferty stated that he seemed to remember that there may have been some sort of time frame, and asked that it please be brought back to the Commission.

Ms. Rose called on Martin Encinias-Angel to present the Convention Center report for October 2009. Mr. Encinias-Angel went over the income received for the month at both the Convention Center and the Del Norte Center, including the bar and concession revenue. Commissioner Lafferty asked where the concession revenue came from and whether this may be competing with local business. Mr. Encinias-Angel replied that it was a breakfast which included pre-packaged items like muffins, bagels, juice, etc. There was nothing cooked or served. He also stated that the MCCCH Council does not pay for rental of the facility, however, they purchase tea, coffee, etc. from the Convention Center.

Commissioner Lafferty asked about whether concession is within the normal guidelines for the Convention Center, and asked what procedures would be used if a renter like the Rattler Reunion requested the same. Mr. Encinias-Angel stated that when he was hired as the Convention Center Director in March that the contract with NM State Parks was already signed and agreed and that he honored the agreement, which included a continental breakfast.

Commissioner Lafferty raised a question regarding security at the Convention Center and who is responsible for paying the officers. There was some discussion regarding this issue, and Clara Rey reported that she is currently working with the City's insurance agent to ensure that the City, the officers, and everybody concerned is adequately and legally covered and that liabilities, if any, are clearly spelled out. Commissioner Lafferty stated that he felt if the City is requiring officers then the City should be responsible to

furnish those officers. Ms. Rey stated that once the information from the insurance company is received, as well as the information from Alcohol and Gaming, that a new agreement will be presented for approval.

Ms. Rose reported that Charlie Sandoval had received a special award at the Infrastructure Conference for exemplary service to the municipality. She read the nomination to those present, and stated that this is the second time a City employee has received this award. Mr. Sandoval addressed the commission and stated that although his name is on the award, that it was a group effort which included many other City employees and on his own and their behalf he was honored.

Ms. Rose reported that she attended the Housing Authority Resident Council Meeting and the meeting went well. They would like to put the Angel Tree in City Hall once again this year, and she felt that it is a good community project, where citizens take an angel from the tree with the name of a child, and purchase a gift for those children who may not otherwise have a very good Christmas.

Commissioner Lafferty stated that, as requested by Wilhemina Martin, Housing Authority Director, which he would like to recognize Ms. Rose for her active role in assisting Ms. Martin.

Ms. Rose stated that the Monthly Department Head Meeting Reports were included in their board packets.

Ms. Rose also reminded the Finance Committee that they are scheduled to meet on November 20th, that City Offices will be closed on November 26th and 27th; that she and some others will be attending the NM Municipal League's Managers/Human Resource/Finance meeting on December 2nd – 4th.

She stated that she continues to research viable options for the Sands Dorsey Building. She stated that she had contacted the engineers yesterday, but had not heard back from them. She stated that she will need some direction from the commission regarding whether they want her to move forward with options or move forward with demolition.

There was some discussion regarding the option to increase gross receipts tax or re-designating Ute Lake water. If the choice is to re-designate, the question would need to be included in the next election.

Ms. Rose reported that there had been a request to lease some land West of town, however, in visiting with Charlie Sandoval, Water Superintendent, it would probably affect the water system, and his opinion should not be allowed as it could create problems.

Ms. Rose stated that the worker's compensation insurance has gone done, and that we will be aggressively working on keeping employees safe with safety trainings.

She also stated that there is a motel who currently owes approximately \$65,000.00

in lodger's tax. She also reported that the City has tried to work with the proprietor of this motel, and set up a contractual agreement, which they have yet to make payments on. A second lien will be filed.

Ms. Rose also reported that there are a couple of businesses who owe past due landfill fees, and payment is being pursued. She stated that all staff members have been instructed to work harder at collecting what is owed to the City of Tucumcari.

Bids and Contracts

Mayor Apodaca called on Marty Garcia, Finance Director to present approval of the Co-Op Marketing Grant Agreement for billboards. Mr. Garcia stated that Yvette Fazekas, Grantwriter, was unable to attend and that he was presenting for her. He asked for approval of the agreement in the amount of \$7,150.00.

Commissioner Lafferty asked if the amount was the same as last year. Mr. Garcia stated that the amount requested was the same as last year, \$14,000.00, however, the amount awarded is the \$7,150.00 as everything at the state level is being reduced.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve the Co-Op Marketing Agreement. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Misty Vick to present the agreement for engineering services with Wilson and Company, Amendment number two, for the 2nd Street Project.

Ms. Vick reported that this agreement would allow for additional design and construction for infrastructure. Commissioner Lafferty pointed out the amended amount is \$17,500.00 not \$65,000.00 Commissioner Sandoval wanted to know when the project would get started. Ms. Vick replied that it will begin as soon as it is approved by NMDOT.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve the Agreement for Engineering Services. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Misty Vick, Grantwriter, to present the NMED Budget Form, Certification of Disbarment and Intent to meet Federal Cross-Cutters for Clean Water State Revolving Loan Program. Ms. Vick stated that they are aggressively getting projects funded. She stated that these forms need to be completed to finish the agreement on the 3rd phase of the Wastewater Treatment Plant, and requested approval.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve the forms as presented. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
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Yes Yes Yes Yes Yes

Ms. Rose stated that she will be visiting with the Engineers to ask for them to write to the Governor regarding the 9 contracts which are currently in place, but need funds obligated. She stated that DFA needs to approve the contracts per obligation.

Mr. Lafferty asked projects may we not be able to hang on to. Ms. Vick stated that the Landfill Project, and the Industrial Park Improvements might be in jeopardy. She reported that she had been to Santa Fe where they were able to voice some ideas and receive alternatives. She stated that if the contracts do not meet the obligations of the grants they will not be approved.

Ms. Rose stated that if Ms. Vick were not at the Community Development Office, we would be in big trouble.

Ms. Rose also stated that there has been a verbal obligation of \$400,000.00 to \$500,000.00 for a shovel ready project. She reported that in the case of the landfill, the hut was moved to a different location because of the location of the cell which is being enlarged. She stated that approval for the planning part of the grant has been approved, however, the construction has not.

Mayor Apodaca called on Chief Hatcher to present the Project Agreement between the NM Department of Transportation Traffic Safety Bureau and the City of Tucumcari. Chief Hatcher stated that this is a standard agreement for ODWI funds, and there are no matching funds required and he requested approval.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve the project agreement. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Clara Rey to present the ARRA Nutrition Contract and Notification of Grant Award. Ms. Rey stated that this contract would increase the Senior programs budget for fiscal year 2009-2010. With approval, there will be an increase of \$4,946.00, broken down by \$3,314.00 for home-delivered services, and \$1,632.00 for congregate services.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to approve the project agreement. Commissioner Lumpkin stated that he didn't know very much about this, and asked for a recommendation from Ms. Rose. Ms. Rose stated that she recommended approval. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Ms. Rose asked Clara to report on the phone call she received from the Governor's office earlier in the day. Before proceeding, Ms. Rey apologized and introduced Jessica

Elebario, who has recently been hired as the Senior Programs Director. Ms. Elebario was welcomed to the City.

Ms. Rey reported she had received a phone call from Governor's office asking how services would be impacted should there be a 7.6% budget cut for the 2010-2011 fiscal year. The current state budget appropriation is \$253,959.00 and based on that amount, it would mean a decrease of \$19,300.89. The representative asked how this would affect services. She stated that we would have to do an assessment, however, we would probably be looking at reducing full time employees to part time status, reducing the hours of operation, would probably have to begin a "waiting list" for home delivered services, as well as look at decreasing transportation services.

Old Business

Mayor Apodaca acknowledged receipt of the Tukumcari Planning Commission minutes for February 24, 2009. Although there were additional minutes on the agenda, he stated that he had only received the February minutes in his packet. Ms. Rose shared her minutes with him.

New Business

Mayor Apodaca stated that there are 3 vacancies on the Tukumcari Public Library Advisory Board which need to be filled.

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to appoint the three who applied, Jannie Bahrs, Norene Hendrickson and Amy Sandoval. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca stated that the next scheduled meeting is for November 26th, which is Thanksgiving, so the meeting needs to be rescheduled. After discussion, and the fact that the commission is required to meet twice a month, Commissioner Witcher made a motion, seconded by Commissioner Lumpkin that the 2nd meeting in November be moved to November 19, 2009 at the regularly scheduled time. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca stated that the 2nd scheduled meeting for December falls on Christmas Eve, and needs to be changed. Commissioner Witcher made a motion, seconded by Commissioner Lumpkin that the 2nd meeting in December be moved to December 17, 2009 at the regularly scheduled time. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca called on Linda Moore, Museum Attendant, to present the request to modify the Tukumcari Historical Museum Hours. Ms. Moore requested that the employees at the Museum be exempted from observing the holidays listed in the Personnel Ordinance, except for Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Day. She requested that they be allowed to work the regularly scheduled open hours on the other holidays since the museum may be visited more frequently during those times. She stated that the city also had two snow days last year, where visitors were stranded, and could have visited the museum had it been opened. She also reported that they had to turn visitors away the day City offices were closed half day for the Air Show. She stated that she felt that being open these extra days would increase attendance. She also reported that attendance has already increased, and that she feels it will continue increasing. Commissioner Witcher suggested that they coordinate to determine when they might be able to be open. Commissioner Lafferty inquired as to what impact this might have on the budget regarding the fact that they would then be required to be paid at holiday pay rates. After some discussion, Ms. Rose stated that she, Ms. Moore and Ms. Dougherty will meet together to review and discuss this matter further. Commissioner Witcher asked Ms. Moore to notify the police department if they were going to be open on holidays, so that they would patrol the area.

Items from Commissioners

Commissioner Lumpkin thanked everyone for their hard work. He also asked the people in the Sands Dorsey area to be patient, and that he felt that we have been going in opposite directions, and asks that we do not delay. The building was deemed unsafe and it was said that it could fall, then it was challenged. Although this is a controversial issue, we need to keep moving to make it safe for all concerned. He also reported that he attended the Veteran's Day Assembly at the Cemetery and extended his appreciation to the staff and the cemetery for their work and cooperation. He thanked Mayor Apodaca for taking time out of his schedule to visit an employee in the hospital. He thanked Mr. Sandoval for his hard work and welcomed Ms. Elebario to the city.

Commissioner Witcher stated that there is currently a position from the Planning and Zoning Commission which needs to be advertised.

Commissioner Sandoval asked that we all remember to throw our garbage in trash cans, as it makes the city look bad to have trash on the streets.

Executive Session

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin that they convene in Closed Executive Session to discuss matters as provided for under NM Statutes pertaining to Opening Meetings Referencing Section 10-15-1 (H) (7) relating to pending or threatened litigation. Specifically, Rivera vs City of Tukumcari, DFL vs City of Tukumcari, Montoya vs City of Tukumcari, Quintana vs City of Tukumcari, City of Tukumcari vs Sorenson Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Commissioner Witcher made a motion, seconded by Commissioner Lumpkin that they return from Executive Session provided for under NM Statutes pertaining to Open Meetings Referencing Section 10-15-1 (H) (7) where the only items discussed were pending or threatened litigation. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Adjournment

With no further business, Commissioner Witcher made a motion, seconded by Commissioner Lumpkin to adjourn. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

The meeting adjourned at 8:15 p.m.

Antonio Apodaca, Mayor

ATTEST:

Christine Dougherty, City Clerk