

**CITY OF TUCUMCARI**  
**MINUTES**  
**January 14, 2010**

The Tucumcari City Commission met for their Regular Meeting on Thursday, January 14, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, Robert Lumpkin, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Christine Dougherty, City Clerk; Marty Garcia, Finance Manager; Vicki Strand, Deputy Finance Director; Clara Rey, Personnel Director; and Janet Garcia, Laboratory Manager.

Mr. Eddy Mardis, of the Fathers Forge Church, gave the invocation and Commissioner Lumpkin led the group in the Pledge of Allegiance.

**Roll Call**

Mayor Apodaca asked for Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

**Consideration of Changes or Deletions to Agenda**

Mayor Apodaca asked if there were any changes or deletions to the agenda. Ms. Rose stated that Mr. Muirhead and Mr. Harrigan have not arrived as of yet and therefore, the reading of Ordinance 1075 may have to be postponed until they arrive.

**Items from Commissioners**

Mayor Pro Tem Witcher thanked all those in attendance for coming and stated that it was nice to see so many smiling faces.

Commissioner Lumpkin thanked those in attendance for coming and sent his love to the survivors in Haiti.

Commissioner Sandoval said Happy New Year to all.

Mayor Apodaca stated that he will be in attendance at the Eastern Area Workforce Development Board Meeting next week. The Mayor also stated that the budget is tight and he recalled that about two years ago, the Commission gave themselves a pay raise. He stated that he was interested in pursuing the idea of giving up the increase and reverting to the previous amount of pay. Mayor Apodaca asked if the other Commissioners would be willing to have the item on the next agenda for discussion.

Mayor Pro Tem Witcher stated that only two of the Commissioners received raises and those were only for two years. Mayor Apodaca stated that perhaps Commissioners could give up their pay increases on a volunteer basis.

**Approval of Minutes**

Mayor Pro Tem Witcher made a motion to approve the minutes of the December 17, 2009 Regular Meeting. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

**Approval of Vouchers**

Commissioner Lumpkin made a motion to approve the vouchers for payment. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

**Items from Citizens**

Mr. Tom Anderson approached the Commission as a patron of the Senior Center. Sue Gholson approached with him as a member of the Senior Citizens Advisory Board. The pair requested support for their effort to seek grant funds for a billiards table. Mr. Anderson thanked Clara Rey and Jessica Elebario for their fine efforts in running the Center. Mr. Anderson introduced fellow pool players, Tom Fry, Joe Redde, and Lorenzo Calbert. Each of these men plays pool regularly at the Senior Center and believes a new table is in order for the center. Mr. Anderson explained that the pool players from the Tucumcari Senior Center have been state champions in pool at the Senior Olympics.

Mr. Anderson stated that about two dozen people regularly use the pool table at the center. Mr. Anderson went on to say that he had spoken to CJ Wiegel about the possibility of applying for McMullen funds to purchase a pool table. Mr. Wiegel informed Mr. Anderson that applications for McMullen funds must be made by a legal entity. Mr. Anderson asked for the City to support the application for \$2700. Mr. Anderson stated that the application would in no way jeopardize the City or any future requests for funding.

Ms. Gholson stated that there are 10 men that play pool every day and a better table would increase the people utilizing the center and requested backing for the application.

Mayor Pro Tem Witcher stated that the request could be put on the next agenda. He also encouraged the pool players to seek donations from local service clubs.

Clara Rey approached the podium and explained that she has some hesitancy surrounding the request for funding from the McMullen fund. Ms. Rey stated that in the past, staff had been cautioned to request only what the City really needs. Ms. Rey also explained that another Senior Center has been contacted and they are considering donation their

pool table to the Tucumcari Center. Ms. Rey went on to say that Jessica Elebario had located a new table that was less expensive. Ms. Rey was also concerned that the program is only funded for meals and transportation and all the energy of the staff is currently being used to bring the Center into compliance.

Ms. Rey also stated that the reason the pool players were being asked to leave at 3 pm each day is because the Center closes at 3 pm and the rules are being enforced.

Ms. Rose stated that the Village of San Jon will consider donating their pool table at their next Commission meeting. Additionally, Ms. Rose personally owns a snooker table she is willing to donate.

Commissioner Lafferty stated that he would like to clarify that the Commission cautioned staff on making requests to the McMullen Foundation for items that the city already collects taxes to pay for.

Ms. Rey explained that there is no Senior Citizens money for this purpose.

Mr. Lafferty speculated that the City Recreation Department might be able to fund the purchase. Mr. Lafferty suggested that the item be put on the agenda for consideration.

Ms. Gholson suggested that the seniors could fund raise and some of the cost could be covered by the City. Mr. Anderson stated that the seniors were interested in the opportunity for the grant and wanted to ask the City for nothing.

Mr. Calbert stated that the McMullen Foundation indicated that the chances of the request getting funded were good. Mr. Calbert said that he contacted the Brunswick Corporation and was told that if the purchase is made by a legal entity, they are willing to drop the price from \$3500 to \$2700.

### **Ordinances and Resolutions**

Chris Muirhead of the Modrall Firm and Erik Harrigan of RBC presented Ordinance 1075. Mr. Muirhead explained that the USDA requires that the City pledge funds for repayment of the loan for the Wastewater Plant project. Mr. Harrigan stated that the City pledged revenues for the \$8 million sewer project. Mr. Harrigan went on to explain that the rate structure did not provide enough revenue to close the loan. The Gross Receipts Tax is pledged to pay the debt service on bonds. There are options the City has to consider in order to repay the loan. Decreasing operating costs, increase sewer rates, a combination of both of the aforementioned, or rededicate the ¼% Ute Lake Water tax funds to the project.

Mr. Witcher asked Mr. Garcia how much a 5% increase would raise the average customers' rate. Mr. Garcia explained that what is required to meet the needs is a 15% sewer rate increase. Mr. Witcher asked how much the increase would need to be if it were system wide. Mr. Garcia stated that a 5% increase in system revenue would be smaller for citizens. Mr. Garcia stated he would like to see the system revenue pay the debt. Mr. Garcia also stated that increasing taxes is an option although not as desirable.

Mr. Muirhead stated that the debt is pre-payable at anytime. Mr. Harrigan added that if the Gross Receipts Tax was re-dedicated to the Joint Utility, it would meet the 130% rate covenant requirement. Mr. Muirhead explained that this Ordinance does not encumber the Ute Lake tax and that there are two separate 1/16% Gross Receipt Taxes being discussed.

Mr. Garcia stated that if the Commission decides to increase revenues to repay this debt, an average customers bill will increase somewhere between \$2.50 and \$2.70 per month.

Ms. Rose asked for the annual debt payment amount. Mr. Harrigan responded that the annual debt payment is \$91,000 at a very attractive rate of 2 ¼%. Mr. Harrigan went on to explain that the City is not obligated for the debt until the loan is closed. Mr. Harrigan added that even passing the ordinance does not obligate the City.

Mr. Witcher asked when a rate increase would have to go into effect in order to make the first loan payment. Mr. Harrigan responded that the increase would have to go into effect in July of 2010. Mr. Harrigan explained that the RUS is very accommodating to communities. He added that if the Commission approved a rate increase in order to satisfy the debt, the loan will close even if the rate increase has not gone into effect yet.

Commissioner Lafferty made a motion to approve the first reading of Bond Ordinance 1075 contingent upon staff bringing funding options to the Commission before the second reading and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Christine Dougherty, City Clerk then presented Resolution 2010-01, the Open Meetings Resolution for calendar year 2010. Ms. Dougherty explained that this is a standard resolution required by statute and defines when Commission meetings will be held and how the public will be notified of such meetings.

Mayor Pro Tem Witcher made a motion to approve Resolution 2010-01 and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Veronica Sandy, Risk Manager, then presented Resolution 2010-02. Ms. Sandy explained that this resolution presents a revised version of the City's Safety Manual. Ms. Sandy explained that a committee of various Department Heads worked together to revise this manual.

Commissioner Lafferty stated that the manual states that a monthly safety meeting is to be held and he wondered if this was happening. Ms. Sandy responded that these meetings are held by each department and Ms. Rose stated that in the monthly Department Head meeting, safety issues are also covered.

Mr. Lafferty stated that the manual also mentions pre-trip vehicle inspections and he wondered how these are conducted. Ms. Sandy responded that a form exists which spells out the steps for the inspections.

Mayor Pro Tem Witcher asked Ms. Rose if she recommended that this resolution be passed. Ms. Rose responded in the positive. Ms. Rose also stated that she wanted to commend Ms. Sandy, Ms. Rey and the other Department Heads that worked on this project.

Mayor Pro Tem Witcher made a motion to approve Resolution 2010-02, the City of Tucumcari Safety Manual. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented Resolution 2010-03, a Resolution regarding credit card use. Ms. Rose explained that this Resolution allows certain staff to use the City credit card for specific purposes. Mayor Pro Tem Witcher made a motion to approve Resolution 2010-03 and Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

### **City Manager's Report**

Ms. Rose reported that the funding for the landfill has been released by the state. However, she explained that this may change with the legislative session. Ms. Rose explained that the project will go out to bid soon. Ms. Rose also stated that there are not enough funds to complete the project as planned. The scale plaza and the pit for construction and debris may not be funded appropriately. Ms. Rose said she will look into using City crews on parts of the project in order to cut costs. Ms. Rose stated that she has discussed this with the Sanitation Superintendent and he felt winter would be the best time to utilize his crews for this work.

Ms. Rose then informed the Commission that Ms. Rey will begin publishing a City newsletter called "In the City" that will be printed on the backs of water bills. Ms. Rey informed the Commission that they should let her know if they have any ideas for items to go in the newsletter. Ms. Rey also informed the Commission that she will provide copies of the newsletter to them before bills are mailed so that they know what is in the letter.

Ms. Rose informed the Commission that the boiler at the library is not operating and it is anticipated that replacement will cost around \$20,000. Ms. Rose stated that USDA funds, energy efficiency grants and emergency funds will all be explored as options for funding this project.

Ms. Rose reported that she met with the State Engineers Office and they advised that they will inspect the Ute Lake Ranch Golf Meter to make sure it meets their specifications.

Ms. Rose reported that all staff evaluations have been completed.

Ms. Rose said that she serves on the Eastern Plains Council of Governments and the alternate position is vacant. She asked the Commission to consider who they would like to appoint as an alternate to attend the meetings.

Ms. Rose then gave the Commission an update regarding her calendar events. She also explained that either at a Special Meeting or the next Regular Meeting there will be a mid-year budget review.

It was the consensus of the Commission that a work session should be held for the mid-year budget review. It was decided to hold the work session on Tuesday, January 19 at 6:00 pm.

Ms. Rose informed the Commission that the Tri-Star Inn is upset about the lights on the west side of their building coming down. Ms. Rose stated that she will meet with Xcel Energy next week and a direction will be determined. Commissioner Lumpkin asked if there will be an energy savings and Ms. Rose responded in the positive.

Commissioner Lafferty stated that he has seen people get off the interstate on the west Route 66 Boulevard exit, see that the truck stop is dark and they turn around. Mr. Witcher stated that guard lights would provide light and some energy savings. Ms. Rose stated that Xcel estimates \$70,000 to repair lights on the west end of town. Mr. Lafferty asked if there will be an option to leave some of the lights on. Ms. Rose stated that there will be more information to discuss at the next meeting.

Mayor Apodaca asked for a report on the status of Guadalupe County's use of the City landfill. Ms. Rose stated that it is still unclear if the Vaughn landfill will be closing. Ms. Rose stated that Santa Rosa has indicated that they would like to resume bringing their trash to the Tucumcari landfill.

### **New Business**

Mr. Powers presented the Capital Outlay Request Form for the 49<sup>th</sup> Legislature. Mr. Powers explained that the state requested that the City put together a proposal. Mr. Powers explained that the City landfill was the project of choice. Mr. Powers speculated that there would be no money and the landfill project is already underway.

The Commissioners decided that this did not need to be voted on at this time.

Mayor Apodaca told Mr. Powers that he was glad he was back at work.

### **Bids and Contracts**

Mr. Mark Lake presented the new grant agreement for the Main Street project. Mr. Lake explained that this agreement is for the main street master plan. He explained that as a result of the special legislative session, the remainder of the allocation would be funded through severance tax bonds. Mr. Lake said that new grant contracts had to be executed because of this. Mr. Lake said that there is \$18,112 left in our project.

Commissioner Lafferty made a motion to approve the State of New Mexico Economic Development Grant Agreement for the Main Street Project. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. Ed Dubois of HDR Engineering presented the bids for phase three of the wastewater treatment plant project. Mr. Dubois stated that there were four bids opened on January 12, 2010. The low bid was submitted by Samcon, Inc. and was for \$6,191,503.55. Mr. Dubois went on to say that the laboratory at the plant will be completed with a grant from the USDA for \$550,000.

Commissioner Sandoval asked if this is the last phase of the wastewater treatment plant. Mr. Dubois responded in the positive.

Mayor Pro Tem Witcher made a motion to Approve Phase Three Wastewater Treatment Plant Bid with Samcon, Inc. contingent upon USDA and NMED approval. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	No	Yes	Yes	Yes

Ms. Dougherty presented the Operating Agreement between the Tucumcari Historic Research Institute and the City. Ms. Dougherty explained that this agreement has been in negotiations for some time now and consensus has finally been reached. Mayor Pro Tem Witcher made a motion to approve the Tucumcari Historic Museum Operating Agreement with the Tucumcari Historic Research Institute and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Ms. Rose then explained that Mr. David Foote has requested in writing that his land lease with the City for land near the airport be terminated. The lease contains provisions for termination with proper notice. Mr. Lumpkin explained that Mr. Foote has had trouble utilizing the land to it's fullest potential due to the lack of water from the Arch Hurley Conservancy District. Commissioner Lumpkin made a motion to terminate the lease with Mr. Foote and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Janet Garcia presented the quote for removal of old chemicals from Safety Kleen Company. Ms. Garcia stated that the chemicals are no longer used and quite old and should not be moved to the new lab building. Ms. Garcia discovered that one chemical in the lab is radioactive and the price to remove that chemical is not included in the quote. Ms. Garcia spoke to Safety Kleen and they speculated that removal of the radioactive

chemical would increase the price by \$8000. Commissioner Lafferty asked if Safety Kleen is the only company that can remove the chemicals. Ms. Garcia responded in the negative.

Mayor Pro Tem Witcher made a motion to table the discussion until further information is gathered. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Ms. Dougherty explained that Mr. Cherry was unable to attend the meeting and asked her to present the E-911 Project 07-E-14 Grant Amendment Number Three for him. Ms. Dougherty stated that there was an error in the previous version of the grant and this amendment corrects the error. Mayor Pro Tem Witcher made a motion to approve the E-911 Project 07-E-14 Grant Amendment Number Three and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

### **Items From Commissioners**

Commissioners Lafferty and Sandoval had no comments.

Mayor Pro Tem Witcher and Commissioner thanked those in attendance for coming.

### **Executive Session**

Mayor Pro Tem Witcher made a motion to Convene in Executive Session pursuant to NMSA Open meetings Section 10-15-1 H(2) 1995, related to limited personnel matters; specifically the City Managers Quarterly Review. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Time noted 7:16 pm.

Commissioner Lumpkin made a motion to reconvene in Regular Session after Executive Session pursuant to NMSA Open meetings Section 10-15-1 H(2) 1995, related to limited personnel matters where the only item discussed was the City Managers Quarterly Review. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Time noted 7:47 pm.

### **Adjournment**

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

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

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

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Antonio Apodaca, Mayor

ATTEST:

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Christine Dougherty, City Clerk