

**CITY OF TUCUMCARI
MINUTES
February 25, 2010**

The Tucumcari City Commission met for their Regular Meeting on Thursday, February 25, 2010, 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. Mayor Antonio Apodaca was absent.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Marty Garcia, Finance Manager; Vicki Strand, Deputy Finance Director; Doug Powers, Community Development Director; Yvette Fazekas, Planning and Zoning Administrator; Misty Vick, Grant Writer; Clara Rey, Human Resources Director; Jessica Elebario, Senior Programs Director; Janet Garcia, Laboratory Director and Jason , Police Department Interim Operations Commander.

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

Roll Call

Mayor Pro Tem Witcher asked for Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	No	Yes	Yes

Public Hearing

Commissioner Lumpkin made a motion to open the Public Hearing for Liquor License Application Number A-625879 and Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher asked if anyone in the audience would like to speak in opposition of the liquor license application.

Ms. Bea Laredo approached the podium. City Clerk, Christine Dougherty administered the oath to Ms. Laredo. Ms. Laredo told the Commission that she was in opposition of the liquor license application. Ms. Laredo stated that she did not feel Tucumcari needed another establishment that serves liquor. Ms. Laredo stated that she feels the community already has too many issues with citizens driving while under the influence of alcohol and domestic violence. Ms. Laredo stated that she is not sure if drinking while intoxicated is linked to domestic violence.

Mayor Pro Tem Witcher asked if there was anyone in the audience that would like to speak in favor of the liquor license application. Yvonne Braziel and Yvette Peacock, who are the applicants for the liquor license, approached the podium to speak to the Commission. City Clerk, Christine Dougherty administered the oath to each of the ladies wishing to speak. Ms. Braziel stated that she thinks the granting of the liquor license will be advantageous to the community. Ms. Braziel stated that many travelers come through Tucumcari and want to have a beer or glass of wine with a meal. Ms. Braziel explained that a requirement of the license is for 60% of their sales must be food and 40% can be alcohol. Ms. Braziel speculated that this percentage split of sales will ensure that the alcohol won't be abused. Ms. Braziel stated that customers will likely have a drink with their meal. Ms. Braziel finished by saying that ultimately the granting of this license will help the City as more people will be employed in the long run.

Ms. Yvette Peacock stated that she and Ms. Braziel have been in the liquor business before and they will ensure that patrons drink responsibly.

Mayor Pro Tem Witcher asked if any other attendees wished to address the Commission. Hearing none, Commissioner Lafferty made a motion to close the Public Hearing on Liquor License Application Number A-625879. Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Pro Tem Witcher asked if there were any suggested changes or deletions to the agenda. Being none, the meeting continued as planned.

Introduction of Special Guests

Commissioner Lafferty explained that as a part of the Leadership Tucumcari group, he has been teaching a class to a group of Tucumcarians regarding leadership. Mr. Lafferty stated that the students had been at City Hall since 3 pm today and had participated in a session on governmental budgeting with Ms. Rose and a session on the election process with Ms. Dougherty, among other topics. Mr. Lafferty stated that the students involved in the class are volunteering their time to take the course. Mr. Lafferty introduced the participants. They are:

Garret Baker	R.J. Blea	Pete Deiana
George Guillen	Connie Hamilton	Kimberly Hanna
Joshua Lake	Yolanda Nava	Gordon Runer
Maria Thornton-Rodriguez	John Villalba	

Items from Commissioners

Commissioner Sandoval stated that he hated to see Commissioner Lafferty end his time serving on the Commission.

Commissioner Lumpkin thanked Commissioner Lafferty for his service to the Commission. Mr. Lumpkin stated that Mr. Lafferty has been good for the community and that he will be missed on the Commission.

Mr. Lumpkin went on to thank the Alcohol and Substance Abuse Prevention (ASAP) coalition for holding a dance for Tukumcari students. Mr. Lumpkin stated that the dance was good for the community and that about 60 students attended the daytime event. Mr. Lumpkin said that his son and his friends that were in attendance definitely heard the message about the evils of smoking, drinking and tobacco as they discussed it on the way home from the dance. Mr. Lumpkin stated that he appreciates what the ASAP coalition does for the community.

Mr. Lumpkin also welcomed the leadership students to the meeting.

Commissioner Lafferty had no comments.

Mayor Pro Tem Witcher thanked Commissioner Lafferty for his work and stated that the two have been friends for a long time but have not always seen eye to eye on Commission issues. Mr. Witcher stated that being able to disagree and discuss issues is what makes the Commission work. Mr. Witcher stated that Commissioner Lafferty had done an outstanding job on the Commission.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the February 11, 2010 Regular Commission Meeting. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Approval of Vouchers

Commissioner Lumpkin made a motion to approve the vouchers for payment. Commissioner Lafferty seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	Yes	Yes

Items from Citizens

Mayor Pro Tem Witcher asked if there were any citizens in the audience that wished to address the Commission. Being none, the meeting continued as planned.

City Manager's Report

Ms. Rose called upon Mr. Garcia to give the Financial Report for the month of January. Mr. Garcia apologized for the report not being included in the Commission packets. Mr.

Garcia stated that from now on, the reports will be included in the packets when they are delivered by the City Clerk.

Mr. Garcia explained that there has been a 5.4% increase over the three year average in business activity. Mr. Garcia went on to explain that Gross Receipts Tax continues to be very volatile and difficult to gauge.

Mr. Garcia explained that according to the cash report, things are going well. There are five funds with negative balances, however they are pending reimbursements and approval of budget amendment requests from the Department of Finance and Administration.

Mr. Garcia reported that Department Heads turned in their proposed budgets by the February 15 deadline and he is utilizing them to create a preliminary budget for the 2010/2011 fiscal year.

Mr. Garcia also explained that the administration is meeting regularly to address the audit findings.

Ms. Rose went on to give the remainder of her report. She began by informing the Commission that the New Mexico Municipal League will hold a regional meeting in Tucumcari on March 25 from 10 am to 4 pm at the Convention Center.

Ms. Rose stated that she received a letter from Martha Torrez of the USDA regarding concerns with the Samcon contract for the Wastewater Treatment Plant and the laboratory building. Ms. Rose stated that the Environment Department has granted a one year extension for the variance on the monitor well at the Wastewater Treatment Plant.

Ms. Rose also informed the Commission that phase two of the Wastewater Treatment Plan project should be completed by April. Ms. Rose stated that she had a telephone conference with the contractor for the project and the problems have been worked out.

Ms. Rose reported working on phase three of the Wastewater Treatment Plant and the re-use project. Ms. Rose stated that for the re-use project, a zero percent loan has been granted which requires a payment of \$17,500 per year. Ms. Rose stated that she had run some quick figures on the project and found that the feed lot is using regular water at \$1.86 per 1000 gallons and they have offered to pay more.

Ms. Rose reported that she will be in attendance at an Interstate Streams Commission meeting tomorrow with Quay County regarding Ute Lake water.

Ms. Rose stated that the legislature approved plans for the state cultural affairs to study the possibility of a state rail road museum in Tucumcari. The community of Belen was also vying for the designation and their request was not passed by the legislature. Ms. Rose explained that the main concern is that the museum must be self-sustaining.

Ms. Rose informed the Commission that due to the recent heavy snows, a \$61,000 insurance claim has been filed for repairs to the roof. The City will put the project out to

bid soon. Additionally, emergency repairs had to occur at the Convention Center as the heaters went out and events were scheduled.

Ms. Rose also said that the Community Development building sustained \$22,657 in damages. Repairs will be completed and the insurance deductible is \$2500.

Ms. Rose told the Commission that the Chamber of Commerce will be holding a hospitality training for area hospitality workers. In order to showcase the City's venues, passes to the Historic Museum have been provided for those in the training.

Ms. Rose also reported that Mesalands Community College and the Maternal, Community and Child Health Council are sponsoring a contest in an effort to decrease childhood obesity. It was requested, and the City has provided passes to the swimming pool for those winning the competition.

Ms. Rose also informed the Commission that for the eleventh year, Tucumcari has been designated a Tree City, USA. Ms. Rose went on to say that there are only six communities in New Mexico with this distinction and Tucumcari and San Jon are two of them.

Ms. Rose explained that at the new landfill, work is being done to get approval for construction and debris waste. Ms. Rose stated that the landfill project cost is \$639,000 and the expected cost for cell number one is over \$69,000. Ms. Rose explained that there are \$270,000 in certificates of deposit that she feels should be cashed in to fund the project. Ms. Rose stated that Mr. Garcia advised against this but Ms. Rose feels that the project must proceed. Ms. Rose also said that the more we market our landfill to other communities the more profitable and self-sustaining it will be.

Ms. Rose stated that the street lights on the east end of Route 66 will be on this evening and that she has a meeting scheduled with Xcel Energy for next week. The street light audit is complete and it has been determined that there are 40 lights that the City has been billed for that do not exist. The projected cost to get all the lights back on at the west end of Route 66 is \$70,000.

Ms. Rose clarified that she has heard comments that Tucumcari has not received any American Recovery and Reinvestment Funds however; in reality the City has received approximately \$10 million in stimulus funding.

Ms. Rose stated that she appreciates the work Commissioner Lafferty has done in his seat and that his work will not be forgotten.

Commissioner Lumpkin thanked Ms. Rose for her explanation regarding the stimulus funding and thanked the staff that worked hard to get the monies.

Bids and Contracts

Ms. Garcia, Laboratory Director explained to the Commission that every three years she is given the opportunity to re-bid the contract for micro-biological water testing fees. Ms. Garcia explained that some laboratories in the state charge up to \$40 to test citizens water

so she felt an increase to the City's rate was justified. At the old rate, Ms. Garcia explained, the City realized a profit from testing of approximately \$6880 per year. At the new rate approved by the state, the City should realize a profit from testing in the amount of approximately \$12,040. Ms. Garcia explained that an additional charge of \$5 will be assessed for receipt of samples after business hours. Ms. Garcia also explained that for every 1000 gallons of water sold a fee of three cents is collected that goes to the State.

Ms. Garcia explained that as this is a bid submitted to the State for their approval, no action is required by the Commission.

Ms. Fazekas approached the podium to explain the Governmental Services Agreement for the lighting project at City Hall to the Commission. Ms. Fazekas explained that the agreement is a standard one involving American Recovery and Reinvestment Act funding from the Department of Energy. The funds will be used to install energy efficient lighting at City Hall. Ms. Fazekas explained that all the lighting at City Hall will be updated.

Commissioner Lafferty inquired if a funding match was required. Ms. Fazekas responded in the negative.

Commissioner Lumpkin made a motion to approve the Governmental Services Agreement for a City Hall Lighting Project and Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Ms. Rose stated to the Commission that she has created a new agenda request form which will detail for the Commission what funding is required for each project, from where it will come and include verification that matching funds are available.

Jason Braziel presented the 2010/2011 Law Enforcement Protection Fund Grant to the Commission. Mr. Braziel explained that this grant is issued by the state based on the number of officers employed by the department as well as community population. Mr. Braziel stated that no match or local funds are required by this grant. Mr. Braziel explained that this funding will be used to purchase a new vehicle for the department as well as on education and training. Mr. Braziel stated that the funding is in the amount of \$29,600.

Commissioner Lumpkin made a motion to approve the 2010/2011 Law Enforcement Protection Fund Grant and Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Ms. Misty Vick presented the Community Development Block Grant for the Second Street Project to the Commission. Ms. Vick explained that the bid award for the Second Street project has been received from the CDBG, NM Department of Transportation and the American Recovery and Reinvestment Act. Ms. Vick explained that a \$50,000 City

match is required which will be met in the form of in-kind funding. Ms. Vick stated that the funds have already been spent for engineering with Versatile Construction.

Commissioner Lumpkin made a motion to approve the CDBG contract for Second Street with Versatile Construction. Commissioner Lafferty seconded the motion. Roll Call;

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Ms. Jessica Elebario presented the Nutrition Service Incentive Program Contract Amendment to the Commission. Ms. Elebario explained that this amendment will allow the Senior Programs to increase their commodities budget by \$18,879. Ms. Elebario stated that this increase was anticipated and now can be added to the budget.

Commissioner Lumpkin made a motion to approve the Nutrition Service Incentive Program Contract Amendment and Commissioner Lafferty seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
Yes	Yes	Yes	Yes

Old Business

Ms. Veronica Sandy presented an addition to the City of Tucumcari Safety Manual to the Commission. Ms. Sandy stated that through review of the recently approved Safety Manual, it was discovered that the section on dealing with blood borne pathogens was not included in the manual. Mayor Pro Tem Witcher asked if a section such as this is standard in a safety manual. Ms. Sandy responded in the positive.

Commissioner Lumpkin made a motion to approve the addition to the City of Tucumcari Safety Manual regarding blood borne pathogens and Commissioner Lafferty seconded the motion. Roll Call:

Sandoval	Lafferty	Lumpkin	Witcher
Yes	Yes	Yes	Yes

Ms. Rose then presented the Liquor License Waiver request by Tri-Star/Westcot Incorporated to the Commission. Ms. Rose explained that the Tri-Star Inn wants to open a bar inside their restaurant; however the restaurant is within the 300 foot limit from Mesalands Community College.

Mayor Pro Tem Witcher explained that there was a liquor license held previously by the establishment under different owners and that the current owner had purchased the property before Mesalands Community College decided to erect another campus building.

Commissioner Lumpkin stated that the variance distance is very small that it is measured by the property line, not the building. Additionally, Mr. Lumpkin stated that the variance would be granted for a post-secondary institution which serves adults not youth.

Commissioner Lumpkin made a motion to approve the liquor license waiver request by Tri-Star/Westcot Incorporated and Commissioner Lafferty seconded the motion. Roll Call:

Lafferty	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lafferty thanked everyone for putting up with him. He stated that most of the time, Commission meetings deal with negative issues and he encouraged participants to keep their meetings positive. Mr. Lafferty stated that he came into his position with goals and feels like not many of them have been achieved. Mr. Lafferty stated that one positive decision he felt he was involved in was the hiring of Ms. Rose as City Manager.

Commissioner Sandoval had no comments.

Commissioner Lumpkin thanked City staff for their work and thanked the community members who were in attendance for coming to the meeting and providing input.

Mayor Pro Tem Witcher thanked Commissioner Lafferty and the entire Commission for their work. Mr. Witcher explained that serving in the role of Commissioner does not just require that one show up to meetings; it requires significant reading, committee meetings and study. Mr. Witcher stated that Mr. Lafferty had done an outstanding job in his role.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session pursuant to the Open Meetings Act 10-15-1 (H) (2) Limited Personnel Matters, specifically the City Manager. Commissioner Lafferty seconded the motion. Time noted 6:45 pm. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to re-convene in Regular Session pursuant to the Open Meetings Act 10-15-1 (H) (2) Limited Personnel Matters, where the only item discussed was the City Manager. Commissioner Lafferty seconded the motion. Time noted 7:08 pm. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes

Adjournment

Commissioner Lumpkin made a motion to adjourn and Commissioner Lafferty seconded the motion. Time noted 7:09 pm. Roll Call:

Witcher	Sandoval	Lafferty	Lumpkin
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Yes

Yes

Yes

Yes

James L. Witcher, Sr., Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk