

CITY OF TUCUMCARI
MINUTES
April 22, 2010

The Tucumcari City Commission met for their Regular Meeting on Thursday, April 22, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Amiel Curnutt, 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, Planning and Zoning Administrator; Misty Vick, Grant Writer; Dennis Dysart, Contract Internal Control Specialist; Marty Garcia, Finance Director; Vicki Strand, Deputy Finance Director; and Jason Braziel, Chief of Police.

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

Roll Call

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin	Apodaca
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Witcher asked if there were any suggested changes or deletions to the agenda. Mr. Apodaca indicated that item X, C should be removed and put on the next agenda so that everyone will have time to review the ordinance.

Mr. Cherry indicated that Ms. Rose is en route from a meeting with the Governor in Santa Fe and will arrive shortly. He asked that her report be held until the end of the meeting to ensure her enough time to arrive.

Items from Commissioners

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. He also noted that there were many youth in the audience and he was pleased to see so many of them.

Mayor Pro Tem Apodaca had no comments.

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Witcher had no comments.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the April 8, 2010 Regular Commission Meeting. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin	Apodaca	Sandoval
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

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

Witcher	Lumpkin	Apodaca	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Items From Citizens

Mayor Witcher asked if there were any citizens wishing to address the Commission. Being none, the meeting continued.

Proclamations, Memorials, or Petitions

Mayor Witcher read a proclamation in appreciation of the Silver Star Families of America and in honor of their commitment to our wounded, ill injured and dying Armed Forces members and veterans. The proclamation declared May 1st as the permanent and official Silver Star Service Banner Day.

Mayor Witcher read a proclamation in conjunction with the New Mexico Route 66 Association declaring July 23-25 Route 66 Days.

Mayor Witcher read a proclamation declaring the month of May 2010 as Parents Who Host, Lose the Most: Don't Be a Party to Teenage Drinking.

Bids and Contracts

Mr. Cherry presented the Fire Protection Fund Distribution annual grant application. Mr. Cherry explained that this application has to be submitted in order to participate in the grant program and that the grant provides all the operating funds for the department.

Commissioner Lumpkin made a motion to approve the Fire Protection Fund Distribution and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Misty Vick presented contract Amendment Number Three for the Contract with Wilson and Company for the Second Street water and street improvements. Ms. Vick explained

that the amendment consists of the full time construction costs for the Department of Transportation for the duration of the project.

Commissioner Lumpkin made a motion to approve Amendment number three for the contract with Wilson and Company for the Second Street water and street improvements. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher	Lumpkin
Yes	No	Yes	Yes	Yes

Misty Vick then presented the CDBG extension request. Ms. Vick explained that this extension is required in order to complete the final closeout of the paperwork.

Commissioner Lumpkin made a motion to approve the CDBG Planning Grant Extension Request and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin	Apodaca
Yes	Yes	Yes	Yes	Yes

Old Business

Mr. Cherry presented the options for rectifying the lack of street lighting on the west end of Route 66 Boulevard in the City. Mr. Cherry explained that for the last 18 months the street lights on the west end of the boulevard have not been working because the wiring is very old technology. Mr. Cherry stated that in working with Xcel Energy, staff has three options to choose from in order to get lighting back on in the area.

The first option would be to replace all the wiring to the light poles and use the same light heads that are currently on the poles. The construction cost for this project would be approximately \$100,000 and the annual energy cost will be approximately \$20,000.

Option number two would include replacing the wiring and installing new low voltage light heads. Xcel energy would provide the new light heads in this option. The construction cost would again be approximately \$100,000 to re-wire the light poles. However, the low voltage light heads will decrease the annual energy cost to approximately \$15,000.

The third option is to abandon 70 of the existing lights which are in areas where no businesses are located and keep 36 light poles in operation. The 36 lights would include the Convention Center and three lights at each existing business on the boulevard. This option would involve no construction costs and the annual energy cost will be approximately \$5200.

Mr. Apodaca asked what Xcel Energy recommends. Mr. Cherry stated that Xcel Energy recommends option three. Mr. Witcher offered that option three would include lights at the Paradise, Redwood Lodge, and the Convention Center. Mr. Apodaca asked if the business owners on the west end had been consulted regarding these options. Mr. Apodaca stated that the business owners need to feel comfortable with the option chosen. Mr. Cherry stated that he had not spoken to the west end business owners and that his

goal was simply to quickly get some lights back on so the west end of the boulevard is no longer dark.

Mr. Cherry explained that on the map provided to the Commissioners, the yellow coded lights are the lights that option three proposed to keep and the blue lights are those that are proposed to be abandoned. Mr. Apodaca asked why the old truck stop that is no longer open would still have lights. Mr. Cherry explained that the truck stops proximity to the highway interchange is the reason the lighting would be maintained there. Mr. Witcher added that he feels lights are needed there to draw tourists off the interstate and that they will see the lights further down the road and continue into town.

Mr. Lumpkin stated that the earlier concern was people would get off the interstate on the west Route 66 exit and the darkness would discourage them and they would turn around and bypass Tucumcari. Mr. Lumpkin stated that a sign was discussed that would direct motorists into town. Mr. Lumpkin expressed concern about the lack of lighting at the present time and also about the \$100,000 price tag attached to lighting options one and two. Mr. Lumpkin was also concerned about the high energy costs of options one and two. Mr. Lumpkin stated that option three will provide lighting to all businesses and there could be a sign installed. Mr. Lumpkin added that if new businesses go in on the west end, additional lighting could be added. However, because of the rail road tracks and the canal, Mr. Lumpkin stated that there is not much room for new businesses. Mr. Lumpkin stated that he did not see how options one or two were good options.

Mr. Lumpkin made a motion to approve option three for the west end of Route 66 Street Lighting options. Mr. Witcher stated that perhaps the Lodgers' Tax board could provide a sign directing motorists into town. A second to the motion was slow in coming, and Mr. Lumpkin rescinded his motion. Mr. Lumpkin then made a motion to table the issue and Mr. Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Lumpkin	Apodaca	Sandoval
Yes	No	No	Yes	Yes

Mr. Cherry offered that a public hearing could be held in order to obtain the input of citizens and the business owners on the west end of the boulevard. Mr. Apodaca stated that he did not second Mr. Lumpkin's original motion because he feels the business owners need to be on board with the decision. Mr. Witcher suggested that a public hearing could be held before the next regular Commission meeting at 5pm. Mr. Apodaca agreed to this as a viable option. Mr. Witcher suggested that notice of the hearing should be included in the utility bills.

Mr. Lumpkin asked where the funding for the wire and materials will come from if an option including replacement of those components is approved. Mr. Cherry responded that is unknown at this time. Mr. Curnutt asked what the cost of option three will be. Mr. Cherry responded that Xcel Energy will bear the cost of the light heads and any wiring used in option three. Mr. Lumpkin added that summer travel season is fast approaching and he would like to see the project completed soon. Additionally, Mr. Lumpkin stated that lighting the street should help attract new business to Tucumcari.

Mr. Leo Thrasher represented Main Street and presented the Engineering Proposal for Main Street Road Improvements. Mr. Thrasher explained that the Commissioners were provided the engineers proposal in their packets. Mr. Thrasher said that the project will start at Main and Second Streets where the entrance to the Rail Road Depot lies. Mr. Thrasher added that the State Cultural Affairs Officer is studying the viability of having the National Rail Road Museum in Tucumcari. Mr. Thrasher stated that the water lines were replaced in January and the next step is to renovate the area. Mr. Thrasher explained that this proposal is piggy backing on the Cities current Second Street project which affords considerable savings.

Mr. Thrasher added that sidewalks will be replaced with colored and stamped concrete. The sidewalks will also include trees with metal grates and electrical outlets. The project also includes new pavement to the old Rail Road Avenue and speed bumps. The total cost is \$402,709 which saves about 50% by piggy backing with the Second Street project. Mr. Thrasher added that the funds need to be expended by July 2011. Mr. Thrasher stated that he is working with the Department of Transportation and the expenditures have already been approved and they are working to have the funds released. Mr. Thrasher added that the Depot roof has to be replaced and the parking lot needs to be re-designed. Mr. Thrasher also stated that he is working with Union Pacific Rail Road to move their equipment yard away from the depot. Mr. Thrasher further stated that the Main Street Board and the Steering Committee both recommend this proposal be accepted.

Mayor Witcher asked if the roof and the parking lot were included in the proposal. Mr. Thrasher responded that those elements were not included in the proposal.

Mayor Pro Tem Apodaca made a motion to approve the Engineering Proposal for Main Street Road Improvements and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Lumpkin	Apodaca	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose called upon Marty Garcia, Finance Director to give the monthly Financial Report. Mr. Garcia reported that Gross Receipts are down 2.83% from the three year average. Mr. Garcia reported that construction receipts are down but he anticipates that they will increase due to the many projects around town. Mr. Garcia reported that retail is up 20% which is a strong, good sign. Mr. Garcia stated that he is keeping a close eye on Gross Receipts Tax as it is the lifeblood for the general fund.

Mr. Witcher commented that in the months of January and February the weather was bad which could be the reason construction fell off and tourism was slow.

Mr. Garcia added that a copy of the DFA quarterly report was included in the Commissioners packets. Mr. Garcia directed the Commissioners attention to the recap page which he stated is the same as the DFA budget report which consolidates the budget to two or three pages.

Regarding the cash balance, Mr. Garcia stated that a few funds are in the red as he is waiting for the DFA to approve the budget amendment resolution that was recently submitted.

Mr. Garcia noted that the General Fund is down \$100,000 when compared to this time last year but at this time last year the Small Cities Assistance Grant had already been received and it has not yet been received this year.

Mr. Garcia added that 30% of the budget funds remain with 25% of the fiscal year remaining which is a good sign. Mr. Garcia reported work on the budget for the next fiscal year continues as does work on eliminating the audit findings. Mr. Garcia concluded by saying that caution has to be exercised as the State reports that the sky is falling.

Ms. Rose then began her report to the Commission by explaining the latest developments regarding the contract for the purchase of re-use water between the City and Mr. Jack Smith, owner of Liberty Farms. Mr. Apodaca stated that he felt the discussion was inappropriate as it did not appear on the agenda. Ms. Rose stated that it was part of her manager's report.

Ms. Rose went on to discuss the budget schedule with the Commission. Ms. Rose explained that each Department Head submitted a proposed budget and Mr. Garcia has used those to prepare a preliminary budget. Each Department Head will be meeting with Mr. Garcia and Ms. Rose on April 26 and 27 to discuss the preliminary budget. On April 30, the Management Team will meet to finalize the budget that will be recommended to the Commission. On May 6, a budget workshop will be held at 9 am with the Commission and the Department Heads which will continue on May 11 if the time is needed. The final budget will be approved at the May 13 Commission Meeting.

Mayor Witcher asked that the budget process include the possibility of a special election to propose the re-allocation of Municipal Gross Receipts Tax funds question to the voters.

Ms. Rose directed the Commissioners to the two memos included in their materials from the Local Government Division. The memos deal with budget issues and the state of the economy.

Ms. Rose then reported that the City of Tukumcari is the first entity to pull water out of Ute Lake and is selling it to Twelve Shores Golf Club at \$125 per acre foot with a \$25 reservation fee and required operations and maintenance costs. Ms. Rose stated that this is a great accomplishment and that Senator Hardin will be in Logan on May 12 to visit Twelve Shores and hear the Counties push to pave Mine Canyon Road. Ms. Rose plans to attend and to fully support the project.

Ms. Rose informed the Commission that there will be a mandatory pre-bid meeting for the first cell at the landfill on April 28 at 10 am.

Ms. Rose then clarified an item from her daily diary supplied to the Commissioners at the previous meeting. Mr. Apodaca was approached by a local business expressing concern

that children were requesting use of the restroom inside the business. The business owner asked if the City would consider placing a portable restroom in the area. Mr. Apodaca was not proposing this idea, simply passing along the concern of the business owner. Ms. Rose stated that she does not feel this is feasible at this time.

Ms. Rose then informed the Commission that she and staff met with Jane Lucero, Airport Development Administrator who advised that the airport will be losing \$150,000 in May. The funds are received annually and can accumulate for three years in order to complete major projects. The City hired an engineer to develop larger projects, however we failed to get a project completed this year. Ms. Lucero stated that it is not favorable to revert funds. There are two options, the City can revert funds to the federal government or can allow another airport in the state to have the funds. Ms. Rose stated that the Santa Fe airport can use the funds. Mr. Witcher asked if the Commission needs to vote on this reversion. Ms. Rose stated that the City Attorney only has to sign in order to give the funds to the Santa Fe Airport.

Ms. Rose stated that the City will advertise an RFP for a new airport engineering firm, will hold further meetings with Ms. Lucero and will apply for state grant funding to obtain a bat wing mower. Ms. Lucero told Ms. Rose that Tucumcari has the best small airport manager in the state and that our airport is a jewel known across the country.

Ms. Rose informed the Commission that there will be a meeting for those involved with the community garden on Friday, April 23 at 9 am at the NRCS office. Ms. Rose and Mr. Sandoval will be in attendance. Ms. Rose stated that the City provided the water for the garden last summer at a cost of \$450. Ms. Rose stated that she will look for other ways to pay for the water but would like to provide it if other funds are not available.

Ms. Rose also reported that she will meet with an animal volunteer group on Friday, April 23 at 11 am. A memorandum of understanding regarding the roles of the city and the volunteer groups will be discussed.

Ms. Rose informed the Commission that a bid opening was held for the re-roof of the Convention Center. No bids were received. Ms. Rose stated local contractors were contacted to no avail. Ms. Rose said that the project will be re-bid and if no one responds, a price will be negotiated with someone as the procurement code allows after two bid attempts.

Mr. Powers announced that the City was awarded the full \$500,000 CDBG Grant which requires a \$50,000 local match. The funds will be used to replace water lines and street on Third. The project was highly rated and awarded in the first round.

Ms. Rose reported that the Mayor signed the Letter of Intent and the Request for Obligation of Funds for the \$1,178,375 USDA grant for the Waste Water Treatment Plant. This grant can only be expended when other USDA funds are expended. Ms. Rose said that the request to use the funds for the Date Street project has been rejected. The Date Street project will be funded with rail spur funds in the amount of \$254,000. Ms. Rose stated that the contingency on the waste water treatment project is low so the City has asked that the administration building be removed from the plan, saving \$150,000 in construction costs that can be used for facility repairs. Mr. Powers has

investigated the possibility of an alternate energy source for the project. Mr. Powers has visited with Richard Rose at the NMED who is very interested in the possibility of alternative energy as New Mexico needs the green credits. The reconstructed wastewater plant is expected to increase energy costs by \$8000 per month which has Ms. Vick looking for additional grants for energy costs and for energy saving projects.

Ms. Rose went on to explain that the Waste Water Plant project is an approximately \$9,000,000 project with most of the funds coming in the form of reimbursable grant. A copy of a cancelled check is required by NMED for reimbursement. Ms. Rose is working on this as it will put the City in a significant cash flow problem.

Ms. Rose added that the City contributed to the committee that was working to get a racino in Tucumcari. Ms. Rose stated that \$3231.66 remains in the fund which is held by the Village of San Jon. Current news articles report that Raton may not meet their deadline to open a casino. Ms. Rose mentioned this to the Governor in her meeting today. The Governor stated that he realizes Raton is in trouble and that Tucumcari is in line for the last racing license if Raton cannot meet their obligations. Ms. Rose stated that she wishes no ill on Raton, but wanted to know if Tucumcari could still be considered.

Ms. Rose reported that a new phone system has been ordered for City Hall and should be installed by June 1. Also, the library internet issue should be handled in three to four weeks.

Items From Commissioners

Mayor Witcher asked each Commissioner if they had any comments. Commissioner Sandoval stated that he was glad to hear that the library internet problem is going to be fixed.

Commissioner Curnutt thanked all those in attendance for coming to the meeting.

Mayor Pro Tem Apodaca stated that he was recently at a meeting for the Eastern Area Workforce Development Board in Santa Fe and Tucumcari needs to recommend someone from the public sector to the board. Mr. Apodaca stated that this needs to happen as the spot has been vacant for some time.

Mr. Apodaca apologized for interrupting Ms. Rose's report but stated that he believed if a vote was needed on an issue, the public needs to be informed that the Commission will be considering the issue.

Commissioner Lumpkin thanked those in attendance for coming to the meeting. Mr. Lumpkin stated that the City has received \$11 million in grants and complimented the staff on this. Mr. Lumpkin also congratulated staff on their efforts which resulted in all local contractors completing the work on the Second Street project.

Mayor Witcher thanked those in attendance for coming and stated that the City has the finest staff of any City and stated that the staff is appreciated.

Executive Session

Commissioner Lumpkin made a motion for the Commission to convene in closed Executive Session to discuss matters as provided for under New Mexico Statutes pertaining to open meetings referencing section 10-15-1 H(2), limited personnel matters, specifically the City Managers Annual Review. The motion was seconded by Commissioner Curnutt. Time noted was 7:06 pm. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion for the Commission to re-convene in Open Session after meeting in Closed Executive Session as provided for under New Mexico Statutes pertaining to open meetings referencing section 10-15-1 H(2), limited personnel matters, where the only matters discussed were the City Managers Annual Review. The motion was seconded by Commissioner Curnutt. Time noted was 7:20 pm. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin	Apodaca
Yes	Yes	Yes	Yes	Yes

Adjournment

Mayor Pro Tem Apodaca made a motion to adjourn and Commissioner Lumpkin seconded the motion. Time noted 7:22 pm. Roll Call:

Curnutt	Witcher	Lumpkin	Apodaca	Sandoval
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk