

CITY OF TUCUMCARI
MINUTES
May 27, 2010

The Tucumcari City Commission met for their Regular Meeting on Thursday, May 27, 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; Dennis Dysart, Contract Internal Control Specialist; Marty Garcia, Finance Director; Yvette Fazekas, Planning and Zoning Administrator; Lorenzo Emillio, Police Administrative Assistant; Clara Rey, Human Resources Director; and Jason Braziel, Chief of Police.

Mr. Lendy Borden, of the Abundant Life Church, gave the invocation and Commissioner Lumpkin led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mr. Witcher informed everyone that he would be reading a proclamation for the VFW Buddy Poppies Day as the next item on the agenda.

Ms. Rose asked that item VII, B be removed from the agenda. Ms. Rose stated that the item, Resolution 2010-24, was no longer needed.

Proclamations, Memorials or Petitions

Mr. Witcher read a proclamation declaring May 28, 2010 as Buddy Poppies Day for the VFW.

Items from Commissioners

Mr. Sandoval asked who will be emptying the blue containers full of recyclable material when they are full. Ms. Fazekas responded that Ed's Recycling out of Clovis will be emptying the containers.

Mr. Curnutt had no comments.

Mr. Apodaca stated that he has been appointed to the New Mexico Municipal Leagues Environmental, Energy, and Natural Resources Committee and will be attending a committee meeting in Santa Fe on Saturday, June 19.

Mr. Lumpkin thanked all those in attendance for attending. Mr. Lumpkin also thanked Mr. Rudy

Apodaca from the VFW for having the proclamation drafted for Buddy Poppies day. Mr. Lumpkin also stated that the budget will be discussed in this meeting and there are extra copies of much of the information for the public if they would like.

Mr. Witcher thanked those in attendance for coming to the meeting.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the May 13, 2010 Regular Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the minutes of the May 13, 2010 Public Hearing regarding street lighting options on West Route 66 Boulevard. Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
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:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
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.

Ordinances and Resolutions

Ms. Rose stated that staff has been working hard to reduce expenses, however the City has taken on debt in order to improve infrastructure. Ms. Rose explained that the City budget will not meet the City code requirements at the current rate structure. In order to recover, Ms. Rose stated that the consensus in the budget workshop was to increase sewer rates by 8% and utilize the proceeds of the Ute water sales to rectify the situation.

Mayor Witcher stated that this will increase the water bill for a household that uses 3000 gallons by \$1.01 per month. Mayor Pro Tem Apodaca stated that if a household uses more than 3000 gallons, their bill will increase by more. Mayor Witcher read the monthly billing examples provided by the finance department which detail the increase by month for residential users to range from \$1.01 to \$4.75 per month.

Mayor Pro Tem Apodaca stated that he cannot support this increase. Mr. Apodaca went on to say that

last year water rates were increased by 8%. Mr. Apodaca stated that he understands that a utility must support itself but instead, the City purchased a \$17,000 car. Mr. Apodaca stated that the funds used for the car should have been saved and used to offset the budget shortfall. Mr. Apodaca said that this increase is going to hurt those on fixed incomes. Mr. Apodaca went on to say that he has spoken to citizens that say this increase will be hard on them.

Commissioner Lumpkin stated that he understands Mr. Apodaca's comments. Mr. Lumpkin then read a list of City departments that are subsidized. The list included; Dispatch, Judicial, Animal Control, Police, Golf, Parks, Recreation, Cemetery, Streets, Library, Economic Development, Museum, Ambulance, Corrections, Airport, and Senior Citizens. Mr. Lumpkin asked rhetorically if the City should stop subsidizing any of these departments. Mr. Lumpkin stated that this is a difficult decision to make. He went on to explain that Ms. Rose has combined some departments and their use of equipment. Mr. Lumpkin said that when things break, the City looks for grant funds or low interest loans. Mr. Lumpkin stated that staff has tried to cut corners and he referenced a handout for the public that detailed cost savings initiatives. Mr. Lumpkin asked if the budget could be balanced without an increase in revenue. Ms. Rose responded in the negative.

Commissioner Sandoval stated that he understands Mr. Apodaca's reasons for not supporting the increase and he also thinks Mr. Lumpkin's comments were good. Mr. Sandoval went on to say that he could not pass this ordinance if it does not create jobs in Tukumcari and felt that the City is not trying to create jobs in the area.

Commissioner Lumpkin stated that almost \$2 million have been invested in the Second Street project and all local contractors are being used. Mr. Lumpkin went on to say that he understands that this issue needs to be discussed. He referenced a bid that the Housing Authority considered today that was awarded to a contractor outside of Tukumcari but due to HUD rules, the local contractor did not qualify. Mr. Lumpkin stated that the housing staff called local contractors and encouraged them to bid on the project and he explained that he wants Tukumcari companies to get bids and provide more jobs in the area. Mr. Lumpkin went on to say that when local companies are paying gross receipts taxes it helps the City.

Mayor Witcher stated that new jobs were not created, but if programs are cut, local jobs would be lost. Mr. Apodaca explained that he never advocated downsizing. Mr. Apodaca stated that he feels attrition is the way to make the payroll smaller. Mr. Apodaca stated again that he feels the \$17,000 vehicle should have not been purchased so that the funds could be used towards the budget shortfall. Mr. Apodaca suggested that a new motor for the existing car could have been purchased and installed by the City mechanic saving \$10,000.

Commissioner Lumpkin made a motion to approve the first reading of Ordinance 1077 Amending Certain Sections of Chapter 13.04 of the Tukumcari Municipal Code. Commissioner Curnutt seconded the motion. Commissioner Curnutt then amended the motion to say that the eight percent sewer rate increase will be re-evaluated in one year. Ms. Rose asked Mr. Garcia to explain the rate covenant. Mr. Garcia stated that by initiating the 8% sewer rate increase, the ordinance dictating rates will be satisfied. However, Mr. Garcia cautioned that the rate covenant must be adhered to each year. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Yes	Yes	No

Mayor Witcher then called on Ms. Rose to present Resolution 2010-25, regarding an agreement between the City of Tukumcari and Mr. Dennis Dysart. Ms. Rose began by saying that in seven out of the last 11 years, the City has received a qualified opinion on the audit. Ms. Rose explained that a qualified opinion is not a good thing. Ms. Rose went on to say that the City needs to be in good shape because of the economic climate. Ms. Rose stated that she will not be satisfied if the findings are repeated in the next audit. Ms. Rose said that the contract for the consultant is good through June 30, 2010 and he will work to resolve the audit issues. Mayor Witcher stated that a qualified audit is not a good thing.

Mayor Pro Tem Apodaca asked why the City pays an outside auditor \$55,000 and now an internal auditor for \$50,000 a year to do the same thing. Mr. Apodaca also wondered if Mr. Dysart will be able to rectify the audit issues independently. Ms. Rose explained that Mr. Dysart can rectify the audit issues. Mr. Apodaca asked about the outside auditor. Ms. Rose explained that an outside auditor is required by law but compliance with rules and regulations is needed in order to keep grant funding flowing. Mr. Apodaca stated that the contract period begins in May and he wondered why it was not considered by the Commission sooner. Ms. Rose explained that was her error but felt it was her right to execute the contract because the funds were in the budget. Mr. Witcher stated that the outside auditor has always commented that Mr. Garcia could use assistance. Mr. Apodaca again questioned if Mr. Dysart will be capable of completing this work independently and inquired about new DFA rules. Ms. Rose responded that rectifying the audit findings will be a team effort and that Mr. Dysart will provide assistance to all departments.

Mr. Lumpkin made a motion to approve Resolution 2010-25 regarding an agreement between the City and Mr. Dennis Dysart. Mr. Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Mr. Garcia to present Resolution 2010-26 amending the 2009-2010 budget for the City of Tukumcari. Mr. Garcia explained that there are many major projects taking place this year and they are too large not to be in the budget.

Commissioner Lumpkin made a motion to approve Resolution 2010-26 amending the 2009-2010 budget for the City of Tukumcari and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose asked Mr. Garcia to give the Financial Report for the month of April. Mr. Garcia apologized that he did not have the monthly budget report prepared but will have it to the Commissioners as soon as possible.

Mr. Garcia went on to report that gross receipts tax is up from the three year average by 5.47% for the month. Retail and food services are up. Mr. Garcia reported that cash balances are holding and that he has been working with the budget, with Mr. Dysart and the department heads.

Mayor Pro Tem Apodaca asked what the legislature is going to do with the gross receipts tax. Mr.

Garcia stated that there is still a hold harmless clause on groceries and medical expenses but the cigarette tax has been taken away. Mr. Apodaca stated that he recently attended the New Mexico Municipal League Budget Committee meeting and that committee members were told to hold on to their cash and spend wisely. Mr. Garcia stated that Tucumcari is one of the few municipalities that is holding on to their gross receipts tax dollars.

Ms. Rose continued with her report by telling the Commission that the pool will open for the season on Saturday and that will be a free admission day.

Ms. Rose also stated that bids have been received on the Convention Center roof in the amount of \$171,072 and the insurance estimate for roof repair was \$58,000. Ms. Rose stated that she is working to resolve this discrepancy.

Ms. Rose stated that there were recently two fires at the 66 Packing Plant. Significant damage was sustained and it appears to be arson.

Ms. Rose informed the Commission that now that the ordinance is being followed and utility customers are being cut off with no second notice, there have been many angry customers. Ms. Rose stated that this information was on the newsletter on the back of the utility bills. Ms. Rose explained that the utility bills are due on the first of each month and not cut off until the 22nd. Red cut off tags are put on the meter not the door because they tend to have trouble with dogs and wind when put on the door. Ms. Rose stated that there have been complaints regarding the reconnect fee being charged before the crews have actually gone to the house to cut the water off. Ms. Rose explained that the costs associated with reconnection are mostly administrative but if the Commission would like to consider changing the policy, it can be discussed.

Mr. Witcher wondered if a flag could be put by the meter indicating that the water had been cut off. Mr. Lumpkin stated that something other than a tag on the meter could be used to notify customers that their water has been cut off. Ms. Rose stated that some water meters are out in a pasture and there is nothing else to attach a cut off tag to. Mr. Garcia explained that the tags are visible without removing the meter lid as they are stuck in the key hole.

Bids and Contracts

Mayor Witcher called on Yvette Fazekas to present the bid evaluation and recommendation of award for landfill cell number one. Ms. Fazekas explained that a bid had been received in the amount of \$581,365.57 and we owe the engineer \$620,719.57. Ms. Rose explained that funds will be transferred from the cash balance to cover the shortfall.

Mayor Pro Tem Apodaca made a motion to accept the bid for landfill cell number one from Pioneer Industries and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	No	Yes	Yes

Mayor Witcher called on Mr. Lorenzo Emillio to present the CDWI grant application. Mr. Witcher thanked Mr. Emillio for his years of service to the City of Tucumcari as he has recently accepted another position with the District Attorney's office. Mr. Emillio explained that what he is presenting is the Community DWI prevention grant program. The County Commission approved the application at

their meeting on Monday and the funds will be used for law enforcement to conduct twelve saturation patrols and two DWI check points. The total being applied for is \$4400 and there is no match. The funds will be split among entities and the amount allocated for the City is \$2965.

Mayor Pro Tem Apodaca asked what will be done about the representatives from the various agencies that have changed, for example Mr. Dennis Roch has resigned from the Tukumcari Public Schools. Mr. Emillio stated that the entities involved will appoint representatives to take the place of those that are no longer with them.

Commissioner Lumpkin made a motion to approve the submission of the CDWI Grant Application and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Apodaca and Commissioner Sandoval wished Mr. Emillio luck in his new position and Commissioner Lumpkin thanked him for his efforts.

Mayor Witcher then called upon Ms. Fazekas to present the recommendation for design professional services. Ms. Fazekas explained that the services are for the creation of a slide show and brochure for the City of Tukumcari to be part of a kiosk at the Convention Center. The project is grant funded through the scenic byways project. The grant was awarded in the amount of \$52,500 with a \$13,125 cash or in kind match. Mr. Sandoval asked if the work will be done here in Tukumcari. Ms. Fazekas responded that the designer has stated she will make at least three trips to Tukumcari.

Commissioner Lumpkin made a motion to accept the Convention Center kiosk design and professional services agreement from Janice St. Marie. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher stated that the budget has been discussed at length and asked if there was a motion regarding the interim budget. Commissioner Lumpkin made a motion to approve the Interim Budget for the City of Tukumcari for fiscal year 2010-2011. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	No	Yes	No

Items From Commissioners

Mayor Pro Tem Apodaca commended Rudy Apodaca of the VFW for his work.

Commissioner Lumpkin stated that he agreed with Mayor Pro Tem Apodaca and thanked Rudy Apodaca for attending the meeting.

Commissioner Curnutt had no comments.

Commissioner Sandoval had no comments.

Mayor Witcher thanked all those in attendance for coming to the meeting.

Adjournment

Commissioner Lumpkin made a motion to adjourn and Commissioner Curnutt seconded the motion.
Time noted 6:55 pm. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk