

CITY OF TUCUMCARI
MINUTES
June 10, 2010

The Tucumcari City Commission met for their Regular Meeting on Thursday, June 10, 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; Clara Rey, Human Resources Director; Jason Braziel, Chief of Police; Misty Vick, Grant Administrator; and Jessica Elebario, Senior Programs Director.

Mr. Jim Witcher, of the First Christian Church, gave the invocation and Commissioner Lumpkin led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

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

Items from Commissioners

Commissioner Lumpkin stated that the Mother Road Rally was held recently with 350-400 people in attendance and this is good for local businesses. Mr. Lumpkin went on to state that Tucumcari Main Street held a "Paint the Town" event in which 30 people participated. Mr. Lumpkin said that two more painting dates will be set. Mr. Lumpkin thanked the First National Bank, Randy and Susan Lease, the City of Tucumcari, and the McMullen Fund for hosting a movie Under the Tucumcari Stars to be held June 17th. The movie, "Cloudy with a Chance of Meatballs" will begin at 8:30 pm and will have a concession stand.

Mayor Pro Tem Apodaca stated that he has been working to find information for Commissioner Sandoval regarding resident preference when hiring contractors. Mr. Apodaca stated that there is a statute which allows for a preference to be given to New Mexico contractors by awarding them a 5% score increase on their proposals. This provision is only utilized when out of state contractors have submitted bids. Mayor Pro Tem Apodaca is working with the New Mexico Municipal League to propose a resolution to the legislature that will provide for a local preference. Mr. Apodaca stated that he understands projects create only short term employment but, we need to show the locals we are trying.

Commissioner Curnutt had no comments.

Commissioner Sandoval stated that we need to work with the Federal government to see on what we can spend our grant funding.

Mayor 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 27, 2010 Regular Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
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:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items From Citizens

Mayor Witcher asked if there were any citizens wishing to address the Commission.

Ms. Judy Aragon approached the podium and informed the Commission that she and her husband, Charlie have been lifelong residents of Tucumcari and have owned CA Electric for the past 25 years. Ms. Aragon stated that her purpose in addressing the Commission is the low bid public bidding process. As taxpayers, the Aragon's want to be assured that bidding processes are adhered to and as contractors they want to be assured that the bidding process is fair and open to qualified bidders.

Ms. Aragon went on to say that if their business loses a bid to another qualified business they understand but she does not feel confident that the City of Tucumcari is following the procedures set forth in statute. Ms. Aragon expressed concern that heating and cooling units are being installed at the library through an exception known as an emergency situation. Mr. Aragon has worked on the units for the past three years and was told that funds were not available to replace the units. Ms. Aragon feels that now the situation is going to be resolved, the bidding process is not being made available.

Ordinances and Resolutions

Mayor Witcher called on Ms. Rose to present Resolution 2010-27. Ms. Rose explained that this resolution is a budget adjustment to correct a budgeting error in the funding the City is giving to the Main Street project. Ms. Rose went on to say that \$25,000 was budgeted for Main Street, however the allocation they were expecting was \$28,000. This resolution adds \$3000 to the line item to pay Main Street. Ms. Rose added that the Main Street program has asked for \$30,000 from the City in the next fiscal year.

Mayor Pro Tem Apodaca asked if this budget amendment is for the current fiscal year. Ms. Rose responded in the positive.

Commissioner Lumpkin made a motion to approve Resolution 2010-27, Adjusting the budget of the City of Tukumcari for the fiscal year 2009-2010. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Abstain	Yes	Yes	Yes	Yes

Mayor Witcher then called upon Mr. Marty Garcia to present Resolution 2010-28. Mr. Garcia explained that this is a lengthy budget amendment resolution. Mr. Garcia went on to explain that this resolution transfers funds within departments and an approval from the DFA is not required. Mr. Witcher asked if this is simply a housekeeping measure. Mr. Garcia responded in the positive.

Mr. Apodaca asked if this budget amendment increases any staff salaries. Mr. Dysart responded that there are a few instances in this resolution where funds are being moved from full-time salary line items to part-time line items, but there are no increases in salary included. Mr. Apodaca explained that he understands that when employees complete training, they are sometimes afforded a salary increase, but he wanted assurance that this budget amendment did not increase any employee's salary. Mr. Dysart responded in the negative. Ms. Rose added that one salary is being increased by \$53.98 because it was initially under budgeted.

Mr. Dysart explained that when cleaning up the budget for the end of the fiscal year, he stayed away from salaries. Ms. Rose explained that the budget amendment included a salary increase in the newly combined Recreation/Parks/Cemetery department due to the new department head.

Mr. Garcia explained that the swimming pool staff salaries had been budgeted in the part-time line item and this resolution shifts them to regular salaries. Ms. Rose pointed out that the Senior Citizens budget for salaries is decreasing.

Commissioner Curnutt made a motion to approve Resolution 2010-28, Adjusting the Budget of the City for Fiscal Year 2009-2010. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Abstain	Yes	Abstain	Yes

Mayor Witcher asked Mr. Garcia to present Resolution 2010-29, a Budget Amendment Request for fiscal year 2009-2010 for the City of Tukumcari. Mr. Garcia explained that the changes in this request are those that must go to the Department of Finance Administration for approval. Mr. Garcia explained that this resolution increases the budget and the revenue. Mr. Garcia went on to say that with the retirement of the department head in the Parks and Recreation Department, payout of accrued leave required more funds than budgeted. Additionally, Mr. Garcia stated that additional projects and grants must be accounted for in the budget.

Mayor Witcher asked if this budget amendment impacts the 2010-2011 budget. Mr. Garcia responded that this does not impact the 2010-2011 budget. Mayor Pro Tem Apodaca asked for an explanation regarding the increase of \$19,000. Mr. Garcia explained that the increase is due to the retirements and

accrued leave pay outs.

Commissioner Lumpkin made a motion to approve Resolution 2010-29, a Resolution Adjusting the Budget of the City of Tucumcari for fiscal year 2009-2010. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Abstain	Yes	Abstain	Yes	Yes

Mayor Witcher called on Ms. Rose to present Resolution 2010-30. Ms. Rose explained that the Commission had previously approved a financial policy and she was requesting that an update be approved with this resolution. Ms. Rose directed the Commission's attention to page three of the policy where the final submission date to the DFA be changed from June 30 to July 31. Ms. Rose stated that this is necessary so that adjustments can be made after the fiscal year closes. Ms. Rose also stated that on page three a line was added giving the City Manager the authority to approve changes to line items within a department. Ms. Rose explained that as long as there is no increase and funds are only being moved within a department, the City Manager can approve changes.

Commissioner Lumpkin asked for clarification that the changes the City Manager will be approved to make will not change the overall budget figures, simply move funds within departments. Ms. Rose responded in the positive. Mayor Witcher asked that when these changes occur, the Commission be notified with a memo. Ms. Rose assured the Mayor the Commission will be updated.

Commissioner Lumpkin made a motion to approve Resolution 2010-30 Enacting Formal Financial Policies for the City of Tucumcari. The motion was seconded by Commissioner Curnutt. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose directed the Commission to the department head reports in their notebooks.

Ms. Rose also reported a meeting today with Nancy Arias and Joe Rey of Aging and Long Term Service, with Commissioner Lumpkin, Mayor Witcher and staff. The purpose was to explore funding options for a new senior citizens facility while staying within the current funding for the center. This project is on the current ICIP plan but years down the road. Since the ICIP hearings will begin very soon, Ms. Rose recommended that we include one of the hearings at the Senior Citizens center to determine if there is a need for a new facility and have the Commission determine as a whole if this is a project in which we want to proceed within the next fiscal year.

Ms. Rose went on to report recent developments in the racino licensing issue. Ms. Rose stated that Raton has asked for a continuance of the disciplinary hearing that was scheduled for next week. The Racing Commission has a policy to automatically grant one continuance so there will be no hearing next week. Hopefully next month, we will know more about the process.

Ms. Rose went on to report that she has received several complaints about Construction Industries by contractors in town. They are reporting that they are having difficulty in getting permits and inspections and that when they are inspected they want one thing completed, they get that done and

then they find something else. This is causing major delays in projects. The NM Municipal League had this as a priority a few years back and she plans to talk to contact Construction Industries and see if we can have a meeting between them and the contractors to identify problems and concerns.

Ms. Rose also informed the Commission that there has been some damage sustained to the roof at the Community Development building. The damage has caused problems inside the building. Insurance did not pay for the roof but did pay for the repairs for inside. Insurance paid \$19,157.00. With those funds we will be removing and replacing the flat roof using local contractor, Marty's Roofing in the amount of \$15,006.60 and use the remainder to repair the sloped roof over the shop area. We will make the repairs to the inside of the building with city crews.

Ms. Rose detailed the complaints she has received from citizens and how she has resolved the issues.

Ms. Rose also stated that Commissioner Sandoval requested that she check on employees to assure that they are arriving to work on time and not leaving early. Ms. Rose explained that she did some checking and found several employees working while on vacation and while ill. She also reported many employees coming in to work early and working late. Commissioner Sandoval suggested that Ms. Rose check on departments unexpectedly.

Ms. Rose then called on Ms. Misty Vick to give a project report. Ms. Vick reported that all the water renovations on the Second Street project are complete and the final CDBG portion will be paid soon. Ms. Vick also reported that the American Recovery and Reinvestment Act portions of the project are up-to-date.

Ms. Vick reported that tremendous progress has been made at the Wastewater Treatment Plant. Also, Ms. Vick explained that in the water re-use project, permits are being acquired and the contract will be executed soon.

Mr. Mike Cherry reported that the internet service provider at the Library was changed last week and service is now being provided through digital satellite link. Mr. Cherry stated that there have been some problems installing the new system but it is now working fine. The speed is five times as fast.

Mr. Cherry reported that the freezer at the Senior Center stopped working and it was repaired the same day using a local contractor.

Commissioner Lumpkin stated that during public comments, Judy and Charlie Aragon had some questions and he would like to address them. Mayor Witcher commented that it would be out of order to do so at this time. Mayor Pro Tem Apodaca suggested that the issue be placed on the next agenda.

Ms. Rose reported that the air conditioners at the Library have stopped working. Ms. Rose declared this an emergency situation as the weather was over 100 degrees and patrons and staff were very uncomfortable in the building. Ms. Rose stated that an emergency purchase can be made when the health and welfare of the public is impacted. New cooling units have been ordered and the City is currently waiting on parts to complete the replacement.

Commissioner Lumpkin stated that local contractors are always asking if the City advertises locally when looking for bidders on projects. Mr. Lumpkin stated that the City does advertise locally.

Commissioner Sandoval stated that the air conditioning units at the Library have been failing for the

past two years. Mr. Aragon, who was still in the audience, added that he has worked on the units many times and stated that although the units are older, he was always able to get them functioning. Mr. Aragon stated that there was never any funding to replace the units. Mr. Aragon was concerned how the situation became an emergent one. Commissioner Lumpkin stated that he does not want Mr. Aragon to feel frustrated and would like to be able to answer him.

Mayor Witcher stated that emergencies come up and the bid process can take too long in these situations. He suggested utilizing a list of contractors to call in an emergency situation that rotates. Mayor Pro Tem Apodaca suggested that all three of the heating and cooling contractors could be called. Mayor Witcher stated that the law must be adhered to in these situations.

Ms. Rose explained that she determined the situation to be emergent due to the health, safety and welfare of the public. Ms. Rose went on to explain that Mr. Aragon had a contract with the City and terminated the contract saying he did not want to work for the City any longer.

Mayor Pro Tem Apodaca stated that in the last meeting Commissioner Sandoval asked who will be emptying the recycling containers and Mr. Apodaca wondered if quotes were obtained for that service. Ms. Fazekas stated that she did get quotes and the local contractor does not have the capacity to pick up the containers. Commissioner Sandoval said that the local contractor should be asked if he can get the appropriate equipment to pick up the containers. Commissioner Curnutt added that the local contractor would have to obtain a trailer and wench at the cost of \$60,000 to \$70,000.

Commissioner Sandoval asked where the court violation fine funds are deposited. Mr. Garcia responded that court costs and jail costs are deposited into the general fund while automation, education and lab fees go to the State. Commissioner Sandoval inquired how much of the money stays here in Tucumcari. Mr. Garcia stated that he estimates \$50,000 to \$60,000 per year stays here.

Bids and Contracts

Mayor Witcher called on Ms. Yvette Fazekas to present the Litter Control and Beautification Grant Agreement. Ms. Fazekas stated that this is a standard agreement from the Tourism Department. The grant agreement provides \$12,000 to employ youth to clean local streets. Additionally, Ms. Fazekas explained that the funds are used to purchase trash receptacles, equipment and advertising.

Mayor Pro Tem Apodaca made a motion to approve the Litter Control and Beautification Grant Agreement and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Jessica Elebario to present the Foster Grandparent Contract Number 11-624-4000-0086. Ms. Elebario explained that this contract is to take back management of this program beginning July 1, 2010. Mayor Witcher stated that the foster grandparents that participate in the program love their work and the stipend is only a token for their efforts.

Ms. Elebario stated that each foster grandparent works 15 hours per week and is paid a stipend for their time. Ms. Elebario explained that the goal of the program is to benefit the children that are served. Commissioner Sandoval asked if Ms. Elebario could look into a program for biological grandparents to help their own grandchildren. Ms. Elebario responded in the positive.

Commissioner Lumpkin made a motion to approve the Foster Grandparent Contract Number 11-624-4000-0086 with the Non-Metro Area Agency on Aging and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then asked Ms. Elebario to present the Senior Companions Contract Number 11-624-4000-0087. Ms. Elebario explained that this contract is to take back management of this program beginning July 1, 2010. The object of the program is to go into the homes of other seniors to assist them so that they can stay in their homes longer and avoid going into assisted living situations. Commissioner Lumpkin asked if this is all grant funding and Ms. Elebario responded in the positive.

Commissioner Lumpkin made a motion to approve the Senior Companions Contract Number 11-624-4000-0087 and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Misty Vick to present the project work release authorization for the Tucumcari Depot Restoration Project. Ms. Vick explained that this is a task order for Wilson and Company Engineers to replace the windows and doors at the depot utilizing historic consultants.

Mayor Pro Tem Apodaca made a motion to approve the Tucumcari Depot Restoration Project Work Release Authorization and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	No	Yes	Yes

Mayor Witcher then asked Ms. Vick to present the Main Street Grant Amendment Number Two. Ms. Vick explained that this amendment provides a time extension. She went on to explain that more time is needed to design the walkway.

Commissioner Lumpkin made a motion to approve the Main Street Grant Amendment Number Two and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then asked Ms. Vick to present the CDBG Grant. Ms. Vick explained that this grant is for the 2010 Third Street project. She went on to say that it will be about three months until the project is put out to bid and she is aware of three local contractors that are interested in the project.

Mayor Pro Tem Apodaca made a motion to approve the 2010 CDBG Grant Agreement and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher acknowledged reading the April 16, 2010 minutes of the Library Advisory Board.

New Business

Commissioner Lumpkin made a motion to approve Liquor License Transfer #2662 for the Wescot Inc/Caravan Express Grill and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca stated that he will be working to draft language for a resident preference for local contractors. Mr. Apodaca stated that he will bring the language before the Commission for their blessing before he pursues it at the state level.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. He then asked the City Manager if citizen concerns can be addressed right away when they are brought up in Public Comments.

Ms. Rose explained that the answer may not always be known and may require investigation. Commissioner Lumpkin asked that the City look into answering concerns. Mayor Witcher stated that follow up must occur for calls and inquiries of concerned citizens. Commissioner Lumpkin stated that concerns should be brought to the attention of the Commission and assured the audience that the Commission is open and trying to do all they can to assist the public.

Mayor Witcher said that the Commission will look into anything the citizens bring to them and thanked all those in attendance for coming to the meeting.

Commissioner Lumpkin went on to say that the staff works hard to answer complaints and bringing complaints forward helps the Commission do a better job. Commissioner Lumpkin thanked the staff for handling concerns.

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