

**City of Tucumcari
City Commission Meeting Minutes
September 11, 2014**

The Tucumcari City Commission met in a regular meeting on Thursday, September 11, 2014 at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were: John Mihm, Ruth Ann Litchfield, Robert Lumpkin, Amy Gutierrez, and Rick Haymaker. Robert Lumpkin appeared by Skype.

City Staff members present were: Charlie Sandoval, Water Supervisor; Vicki Strand, Community Development Director; Angelica Gray, City Clerk; Dennis Dysart, Finance Director; Ralph Lopez, Project Manager; and Jason Braziel, Chief of Police.

Invocation presented by Pastor Eddy Mardis, Father's Forge Church, and Jason Braziel led us in the Pledge of Allegiance.

Consideration of Changes for Deletions to the Agenda

Commissioner Litchfield made the motion to approve the agenda as written and Commissioner Mihm seconded the motion. Roll Call:

| | | | | |
|----------|------|------------|---------|-----------|
| Haymaker | Mihm | Litchfield | Lumpkin | Gutierrez |
| Yes | Yes | Yes | Yes | Yes |

Items from Commissioners

Commissioner Mihm thanked everyone for being here tonight. He stated there is a lot of positive happening in our community and he hopes it continues.

Commissioner Litchfield thanked everyone for coming tonight. She hopes everyone took a moment of silence remembering what happened on September 11 so many years ago.

Commissioner Gutierrez welcomed everyone tonight. She stated the work session went well and received some much needed information.

Commissioner Haymaker thanked everyone for coming and thanked Pastor Mardis for the invocation. He also thanked Russell Braziel with KTNM for being here tonight.

Mayor Lumpkin reminded everyone of the USDA workshop on September 16th beginning at 8:30 a.m. He stated if there are homeowners over the age of 62, and if they qualify, they can receive a \$7,500 grant for home repair.

Commissioner Litchfield added that the freight workshop is in the morning regarding potential jobs in Tucumcari.

Commissioner Lumpkin added that the County asked for a ¼ increase in taxes. He stated this increase is being confused with the change the City commission has discussed regarding Sands Dorsey. He stated the referendum the county is asking for is completely different than the referendum the City has discussed.

Approval of Minutes

Commissioner Haymaker made the motion to approve the Commission Meeting minutes and Commissioner Mihm seconded the motion. Roll Call:

| | | | | |
|---------|-----------|----------|------|------------|
| Lumpkin | Gutierrez | Haymaker | Mihm | Litchfield |
| Yes | Yes | Yes | Yes | Yes |

Proclamations, Memorials or Petitions

Proclamation declaring September 17-23, 2014 as Constitution Week. Ms. Gray read the proclamation and it was accepted by Gigi Parker with DAR.

Proclamation declaring the Month of September as KENW Public Broadcasting Month- Ms. Gray read the proclamation, however there was not anyone available to accept this Proclamation.

Ordinances and Resolutions

Ordinance 1115, First Reading, Ordinance Replacing 5 Miles of Transmission Line – Charlie Sandoval stated the City has worked on this for the last six or seven years. He stated there have been some roadblocks. He stated the line is a 70-80 year old line.

Mayor Lumpkin stated he recommends it be passed.

Commissioner Mihm made the motion to approve the first reading of Ordinance 1115 and Commissioner Gutierrez seconded the motion. Roll Call:

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|------------|---------|-----------|----------|------|
| Litchfield | Lumpkin | Gutierrez | Haymaker | Mihm |
| Yes | Yes | Yes | Yes | Yes |

Ordinance 1116, First Reading, Franchise Granted to SPS – Mayor Lumpkin stated this Ordinance is a contract with SPS/Xcel for twenty five years. It approves a 3% franchise cost, with the possibility of reviewing in 5 years.

Commissioner Mihm made the motion to approve the first reading of Ordinance 1116 and Commissioner Litchfield seconded the motion. Roll Call:

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|------|------------|---------|-----------|----------|
| Mihm | Litchfield | Lumpkin | Gutierrez | Haymaker |
| Yes | Yes | Yes | Yes | Yes |

Ordinance 1117, First Reading, Illicit Synthetic Drugs, Mayor Lumpkin stated there is, by loophole, a synthetic drug that can be legally sold as potpourri and is also being used as a drug. Clovis and Portales have both passed this ordinance.

In addition, the law passed in 2011.

Commissioner Mihm made the motion to approve the first reading of Ordinance 1117 and Commissioner Litchfield seconded the motion. Roll Call:

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|----------|------|------------|---------|-----------|
| Haymaker | Mihm | Litchfield | Lumpkin | Gutierrez |
| Yes | Yes | Yes | Yes | Yes |

Resolution 2014-32, 2014 MAP Resolution – Mr. Lopez presented this matter to the commission. He stated this project is the Whitmore project. He stated that New Mexico Department of Transportation (NMDOT) has granted 75% at \$217,547, with the City matching 25% at \$72,516 for a total of \$290,063. He stated this will continue from Phase 1, which is Park St and almost to Highway 54.

He stated they plan on using the city crew for the milling.

Commissioner Litchfield made the motion to approve the Resolution 2014-32 and Commissioner Mihm seconded the motion. Roll Call:

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|-----------|----------|------|------------|---------|
| Gutierrez | Haymaker | Mihm | Litchfield | Lumpkin |
| Yes | Yes | Yes | Yes | Yes |

Resolution 2014-33, 2015 Coop Resolution – Mr. Lopez presented this resolution to the commission and stated this resolution is needed to apply for the 2015 Coop. He stated the grant is for \$4,980, with NMDOT paying \$33,735 and the City paying \$11,245.

Mr. Lopez stated the City crew will be responsible for the labor.

Commissioner Haymaker made the motion to approve the Resolution 2014-33 and Commissioner Gutierrez seconded the motion. Roll Call:

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|---------|-----------|----------|------|------------|
| Lumpkin | Gutierrez | Haymaker | Mihm | Litchfield |
| Yes | Yes | Yes | Yes | Yes |

City Manager’s Report

Mr. Sandoval stated that Mr. Powers would like to thank the commissioners who attended the NMML conference.

He stated that Mr. Powers is attending the Aviation Conference. He stated the crack seal is taking place at the airport.

He stated that air conditioners at the Del Norte Center are complete and ready to rent. In addition, the final electrical work at the railroad is complete.

In addition, the community development staff had a meeting with the engineer firm and they discussed the Center Tank replacement. It looks like there may be a drinking water funding that we may be able to receive.

Bids and Contracts

Requesting approval of 2014 MAP Agreement – Mr. Lopez stated this agreement coincides with Resolution 2014-32. He reiterated the information he stated from the Resolution.

Commissioner Litchfield made the motion to approve the 2014 MAP Agreement and Commissioner Mihm seconded the motion. Roll Call:

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|------------|---------|-----------|----------|------|
| Litchfield | Lumpkin | Gutierrez | Haymaker | Mihm |
| Yes | Yes | Yes | Yes | Yes |

Requesting approval of 2015 Coop Agreement – Mr. Lopez stated this agreement coincides with Resolution 2014-33. He reiterated the information he stated from the Resolution.

Commissioner Haymaker made the motion to approve the 2015 Coop Agreement and Commissioner Mihm seconded the motion. Roll Call:

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|------|------------|---------|-----------|----------|
| Mihm | Litchfield | Lumpkin | Gutierrez | Haymaker |
| Yes | Yes | Yes | Yes | Yes |

Requesting Approval for Agreement with Forsgren Associates, Inc., for engineering services on Park St., 2014 Coop Project – Mr. Lopez stated this agreement is for engineering services with Forsgren Associates, Inc., where they will design the 2014 Coop project. He stated the State has awarded \$44,980. The cost for engineering services from Forsgren Associates, Inc. is \$4,400.00.

Commissioner Haymaker made the motion to approve the Agreement with Forsgren Associates, Inc., for engineering services and Commissioner Mihm seconded the motion. Roll Call:

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|----------|------|------------|---------|-----------|
| Haymaker | Mihm | Litchfield | Lumpkin | Gutierrez |
| Yes | Yes | Yes | Yes | Yes |

Requesting approval for Agreement with Forsgren Associates, Inc., for engineering services on Whitmore St., 2014 MAP Agreement – Mr. Lopez stated this agreement is with Forsgren Associates, Inc., for the design of Phase 2 for Whitmore St.

Commissioner Litchfield made the motion to approve the Agreement with Forsgren Associates, Inc., for engineering services and Commissioner Gutierrez seconded the motion. Roll Call:

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|-----------|----------|------|------------|---------|
| Gutierrez | Haymaker | Mihm | Litchfield | Lumpkin |
| Yes | Yes | Yes | Yes | Yes |

New Business

Record of Approved Budget – Mr. Dysart stated this is administrative by state statute. It is required that the approved budget that we received from Local Government Division is to be acknowledged and inserted into the minutes.

Ute Lake Gross Receipts Tax/Quay County Election – He stated there has been some confusion. The City has discussed an item to be approved by the citizens to change the definition of a gross receipts tax that is already created and use the money to clean up Sands Dorsey. He stated this will not increase taxes.

He stated the County currently has an election taking place that will be an additional tax. He does not want the people in our community to be confused with these two items.

Public Comments

Kelly McFarland– He addressed his concerns regarding the unnecessary tax increase that has been proposed on the City of Tucumcari by the County government. He stated this tax would increase the taxes to 8.375%, which would put us in the 6th highest tax rate out of over 200 taxing districts. The effect of this tax is to make our businesses in Tucumcari non-competitive with other area businesses in the surrounding area. The reason for this is because they have significantly lower tax rates than we do. He stated that from behavioral economist tell us, the addition of a tax to a product, which increases its total price, influences that consumer's decision on whether or not to buy.

He stated the effect of this on already high tax rates has been devastating to this economy. He stated this tax on the hotel industry, will increase the tax rate to 13.375%. He stated people coming into this community will feel they have been ripped off from this small town.

He understands that the County government is concerned with the way City of Tucumcari operates the emergency center. The County proposed increasing the tax and the cost providing this service to the City of Tucumcari. He stated this is irresponsible government. He proposed the commission request a meeting with the County and work out the issues pertaining to the emergency center.

Yvette Peacock & Yvonne Braziel – Ms. Braziel stated they are the second largest tax payers in the area. She stated they do not need more taxes. She stated we need more important things than to add a tax. She stated we need to do more about drugs, infrastructure, and streets in our town. She wants to know, as a business owner, how is she to respond when people ask her why the tax rate is so high.

Pat Vanderpool – He reinforced the invitation to the commission to attend the USDA Homeowner Workshop on Tuesday, September 16th. He stated they will be covering guaranteed loans, direct home loans from USDA, and a rehab program.

He further added that there are two small businesses coming into Tucumcari. We have been visited by Dr. Dale Haropath from Las Vegas, NM and is a doctor of naturopathy and currently owns Mariposa Herbs in Las Vegas and plans on opening his second store in Tucumcari.

He stated that Kim and Adam Nickel will be opening a manufacturing company in Tucumcari.

Adam & Kim Nickel – They thanked the commission and Pat Vanderpool for their help and support regarding their start up business. Mr. Nickels stated they are in phase 2 of this process. He stated the name of the company is Rugged, Inc.

Mr. Vanderpool stated that it will start with assembly and possibly provide 6 jobs and eventually get into the fabrication which will create more jobs.

Items from Commissioners

Commissioner Haymaker thanked everyone for coming out. He reminded everyone of the USDA workshop on September 16th. He appreciates the hard work Mr. Lopez puts in for our City. He appreciates Mr. Dysart's hard work as well. He echoed what Commissioner Litchfield said regarding the NMML Conference. It was a great conference and appreciates the City for sending them to this conference.

Commissioner Gutierrez stated that Blessings in a Backpack is a great idea. She stated Mr. Legennager has done a great job. There were 100 backpacks distributed last week with a 164 distributed this week. She reminded the commission that Mr. Legennager invited them to help stuff backpacks on September 17th at 7:00 p.m.

She also has had tenants for the housing authority district voice their opinion regarding the maintenance crew. She stated the tenants are very pleased with their work.

She reminded us of the Comedy Jam at the Convention Center on September 20th. In addition, September 27th is the Fired Up event.

She asked everyone to do their due diligence regarding any vandalism and/or fires in town. She stated this is our community and the police would appreciate any phone calls.

Commissioner Litchfield thanked everyone for coming tonight. She also thanked Mr. McFarland and Yvette Peacock and Yvonne Braziel for their comments.

She thanked Ralph Lopez for his hard work.

She appreciates the fire department and police department to keep us safe.

She stated she was on Facebook and it seems like there is city commission bashing. She stated the commission is trying to do the best they can. They all agreed they want to work together with the County however, every time we try to work on something, we get bashed on Facebook, which puts a bad mark on Tucumcari. She asked that we watch our comments regarding Tucumcari.

Commissioner Mihm thanked everyone for coming out tonight. He thanked Mr. McFarland for bringing his concerns to light regarding a tax rate increase.

He thanked Adam & Kim Nickels for choosing Tucumcari. He thinks it's very important that we keep this positive momentum moving forward.

Mayor Lumpkin thanked Commissioner Mihm for helping EDC with bringing the new business to town. He appreciates the fire department and police department for their hard work.

He reiterated that as far as what Mr. McFarland and Ms. Peacock and Ms. Braziel, he said this tax is not City tax. Although, the City will be asking for a referendum, it will be tax free.

Adjournment

Mayor Lumpkin asked for a motion to Adjourn. Commissioner Litchfield made the motion to adjourn and Commissioner Mihm seconded the motion. Roll Call:

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|------|------------|---------|-----------|----------|
| Mihm | Litchfield | Lumpkin | Gutierrez | Haymaker |
| Yes | Yes | Yes | Yes | Yes |

Meeting adjourned at 7:08 p.m.

Ruth Ann Litchfield, Mayor Pro Tem

ATTEST:

Angelica M. Gray, City Clerk