

City of Tucumcari
Special City Commission Meeting Minutes
October 29, 2015

The Tucumcari City Commission met in a Special Commission meeting on Thursday, October 29, 2015 at 5:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: Ruth Ann Litchfield, Robert Lumpkin, and Rick Haymaker. Amy Gutierrez was absent and John Mihm was in attendance at 5:08 p.m.

City Staff members present were: Jared Langenegger, City Manager; Mark Martinez, Project Director; and Angelica Gray, City Clerk.

Consideration of Changes or Deletions to Agenda

No changes or deletions were made to the agenda.

Mayor Pro Tem Litchfield made the motion to approve the agenda and Commissioner Haymaker seconded it. Roll call:

Haymaker	Litchfield	Lumpkin
Yes	Yes	Yes

New Business

Requesting approval of Resolution of support for Senior Grant Application – Mr. Langenegger presented this item to the Commission. He stated that this resolution is to give him authority to sign the senior grant application. It was decided to just apply for the City of Tucumcari’s Senior Center. The deadline for the RFP is tomorrow and the resolution needs to go along with it.

Mayor Lumpkin stated that the prices for the meals have decreased, last year it was \$5.25 per meal and next year it’ll be \$4.00 a meal. We started working with EPCOG, Eastern Plains County of Governors, we have asked them for a resolution to bring attention to this subject they are also wanting to share this subject with all the other Councils of Governors in the state and possibly with the Municipal League. The goal is to get the price for the meals back to what it was. He stated he understands needing to have cut backs at the state level but he believes the seniors aren’t a good place to do that. Previously they were able to subsidize House Senior Center for \$24,000 and Logan for \$14,000 but now we will only be working with our own Senior Citizens Center. He complimented Mr. Langenegger on dealing with this matter, he stated it was a very delicate matter but he handled it very well. The City will still have that subsidy and that revenue going out till the first of July of next year.

Commissioner Haymaker made a motion to approve the resolution of support for Senior Grant Application and Commissioner Mihm seconded the motion. Roll call:

Litchfield	Haymaker	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Requesting approval of Response to RFP for Senior Services- Mr. Langenegger presented this item to the Commission. He stated that the subsidy was cut a bit. The budget is completed for the RFP. The budget for last fiscal year the City was subsidizing the seniors program by \$101,000. When putting together the numbers it was tricky trying to get everything to match because the congregate meals was subsidized at \$4, home delivered meals are subsidized at \$6 and transportation at \$10. When going through with that reduction the city subsidy for congregate will still has to be at \$62,711 and the subsidy for home delivery will have to be at \$23,433 for a total of \$86,144 so there is a small savings of \$15,098 from this year’s subsidy to next year’s subsidy. The budget is only an estimate in the past we have been budgeting for all three senior centers and combining them, making it difficult to split out the costs and just Get Tucumcari. We are still hoping we can get those costs down some more and get some more savings but having the lower subsidies and the lower reimbursement rate doesn’t help either. The total budget is put together for the center with in-kind, state, federal, NSIP, donations came out to \$437,137. For the documentation on the grant as far as the responses to questions we have that at about 90% complete and should be completed by tomorrow in time to submit. It is an online submission so it’s fairly easy to submit.

Commissioner Mihm made the motion to approve the response to RFP for Senior Services and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Lumpkin	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes

Requesting approval of 2014 MAP Change Order 4 to finish the remaining project- Mayor Lumpkin stated that at the last City Commission meeting it was mentioned that the project was going to reach about half way down the block it was agreed to continue down to the end of the block and this is the appropriation that it would take to get it done.

Mayor Pro Tem Litchfield made the motion to approve 2014 MAP Change order 4 to finish the remaining project and Commissioner Mihm seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Litchfield
Yes	Yes	Yes	Yes

Approval on amended changes to contract with Tucumcari General Insurance- Mr. Langenegger presented this item to the Commission. He stated that on the official service contract that was approved last Commission meeting, paragraph four stated that “the contractor will accept the standard commission levels or comparable fees as necessary paid by the insurance company. These fees will be the responsibility of the insurance carrier based on current market of municipal insurance industry.” There was a sentence after that that said insurance carrier would disclose to the City what those levels were. He visited with Mr. Wiegel and there was a bit of a concern that if he were to disclose those commission levels that it would become public record and may have an effect on his business. Whenever we purchase a vehicle, whenever we have a contractor come in and do work for us we don’t ask them what their profit margin is so it’s only right that we don’t ask our insurance carrier what their profit margin is. Our insurance is based on the best coverage for the least amount of premium and the insurance commissions don’t have an impact on that on what we are getting through TGI. Mr. Wiegel spoke to Mr. Knudson about his concerns and stated he

understood and it was agreed to take that out of the contract. Mr. Wiegel and Mr. Lafferty came into the office this week and presented the insurance proposals for this year. A lot of work was done to select the best carrier for the City. Three different options were presented; they looked at Travelers, New Mexico Self Insurers Fund which is the Municipal League and One Beacon. Looking at the premiums Travelers came out at \$328,901, Self Insurers at \$352,903 and One Beacon \$328,825. Self Insurers Fund didn't have the same coverage as Travelers or One Beacon, in their quote they had left out insurance for the Housing properties which would bring that quote up another \$8,994 they also did not have a liquor liability coverage which is needed for the Convention Center and to purchase that separately would be another cost of about \$1,000. We would also have to make a tail purchase, basically on our professional liability insurance if we switched from Travelers to Self Insurers, Self Insurers would start November 1st of when we purchased it so anything that happened before that point would not be covered under their insurance. For example if last week we fired someone incorrectly and we started insurance next week and if that person were to sue based off of that incident that happened the week before Self Insurers would not cover that so we would have to purchase a tail cost from Travelers to cover us from everything up to the point where Self Insurers took over. That cost would be about \$9,525 so the total cost in reality for Self Insurers premium would be closer to \$372,000.

He discussed with Mr. Wiegel employment practices and law enforcement deductibles those things had been as high as \$25,000 in the past some instances where the City had issues with wrongful terminations, the issue with having such high deductibles it's easier to settle and pay them less than the deductible of \$25,000 then it is to fight the suite. They brought those deductibles down to about \$15,000 which is a significant decrease and as we move forward getting further away for the instances we had in the past they'll work to bring those deductibles down even further.

The insurance for One Beacon was about \$76 less than Travelers as far as premium costs. We decided we would like to go with Travelers based on the fact that the deductibles are lower. We also have a history with Travelers and \$76 on a large contract isn't that much of a difference.

Mayor Lumpkin stated that he was here when some of the action that Mr. Langenegger spoke of in terms of settling rather than going to court because it was cheaper to settle then to bring it to court, it wasn't really in our hands in every case the insurance company dictated to us that we would settle rather than go to court. He asked if we had any more say in these kinds of situations or if it still worked the same way. Mr. Langenegger stated that it would still work the same way. Mayor Lumpkin said that he didn't necessarily disagree with those chooses because it was the least expensive way to deal with it, however, it made the City look at fault. Mr. Langenegger stated that is an issue whenever we do settle whether we're wrong or right we still look wrong. He stated that he really appreciates Mr. Wiegel and his staff for their effort in putting this information together. This is about \$53,000 less than last year so it is a savings in our budget for this year; he attributes that to TGI's staff and their hard work.

Mr. Wiegel thanked him for the compliment but stated that a lot of it has to do with the City's record and what Mr. Langenegger has been able to accomplish while he has been here. It has been a good claims year, the last couple of years things have been getting better and better. All those factors combined drive the price down and obviously they wanted to keep the City's business, TGI did too but they didn't have a lot of input on price. Travelers recognized the achievements and what has been accomplished and this is the reward for it. Not only the employment practices liability and the errors in admissions, property, liability, auto and all those things have all been favorable claims.

Mayor Lumpkin said some of those can be attributed to luck but some credit has to be given to the City Managers they have done a good job.

Mayor Pro Tem Litchfield made to motion to approve the amended changes to the contract with Tucumcari General Insurance and Commissioner Mihm seconded the motion. Roll call:

Mihm	Litchfield	Lumpkin	Haymaker
Yes	Yes	Yes	Yes

Requesting approval to reschedule meetings for November 26th and December 24th holidays-

Ms. Gray presented this item to the Commission. Mayor Lumpkin stated that every year around the holidays the meetings have to be moved around because at times holidays fall on the meeting day or other activities interfere.

Ms. Gray stated that currently there is a Commission meeting scheduled for November 12th and November 26th. The November 26th meeting falls on Thanksgiving so she suggested moving it to November 19th.

Mayor Pro Tem Litchfield stated that she would be gone the 12th and 19th and she didn't want to miss two meetings in a row and asked if it would be possible to have a meeting on a Tuesday night instead of a Thursday night.

Ms. Gray stated that the only problem with having a meeting on a Tuesday night would be getting the packet together and the department heads getting the information prepared.

Mayor Lumpkin stated that in the past during the holiday season this has happened Commissioners would have to miss meetings. He stated that only three Commissioners are needed for a quorum. A lot of times if there is a lot of discussion we have called Commissioners and the City Managers spoke to them about what was coming up so they would know what was happening. He stated that Mayor Pro Tem Litchfield took over for him before when he was gone and she has been very loyal to meetings and coming home on time when visiting family. He stated that if she couldn't be there the Commission would understand.

Ms. Gray stated that last July they amended the Open Meetings Act to add that Commissioners could appear by phone, which gives Mayor Pro Tem Litchfield another option. Mayor Pro Tem Litchfield commented that she would be in other meetings giving reports so she wouldn't be available to appear by telephone.

Mr. Langenegger suggested November 20th and stated there would be no point in having two meetings so close together. Ms. Gray suggested November 23rd. Mayor Pro Tem Litchfield stated they should just leave it for the 19th because she would be also being out of town for Thanksgiving. Commissioner Haymaker stated that there is an Artspace event scheduled for the 20th.

Ms. Gray stated that the December meetings are scheduled for the 10th and the 24th which would conflict with Christmas Eve. She proposed to reschedule the meeting for December 17th.

Commissioner Mihm made the motion to approve rescheduling meetings for November 19th and December 17th and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin
Yes	Yes	Yes	Yes

Discussion of Commission/Judicial Pay Raises- Mayor Lumpkin stated that the County's wages are going to be above \$15,000 per year, other Commissions in the State are above what we acquire. This raise is not for the current Commission, it will not take effect until after the next election for each position. We are asking for a raise for the position not ourselves. The Municipal Judge has been passed over for the last two City raises. Mr. Langenegger stated that the judge's salary is set by ordinance so the Commission would have to vote for that as well.

Mayor Lumpkin stated that it was suggested a \$1,000 raise per year per Commissioner, which would raise the budget by \$5,000. This increase would raise the Commission's salary to \$4,600 per year from \$3,600. The Mayor's position from would increase from \$4,800 to \$5,800. Mr. Langenegger indicated that would work well with the budget, it wouldn't have a big impact on it. It is for the future not for the current Commission. He suggested even looking at \$1,500 and trying to get within line because every time this opportunity is passed up we get further behind. This Commission has met much more than normal and he wanted to compliment the Commissioners on their hard work. He feels that this current Commission has accomplished much more due to all Commissioners willing to work hard.

Mayor Pro Tem Litchfield stated that in her opinion the raise should only be \$1,000.

Mayor Lumpkin stated that with only a \$1,000 it would be easy to figure out and as mentioned before it would work well with the budget. Mr. Langenegger stated that the budget could support \$1,500 also, it would be an additional \$7,500 per year but he doesn't see an issue with that amount.

Commissioner Mihm stated that he thinks the \$1,000 is more than adequate and is a sufficient raise.

Mr. Langenegger stated that this item did not need to be put up to vote. He would draft an ordinance and present it at the next Commission meeting for approval. He also stated as far as the judicial pay raise he does not have a dollar amount at this time but he would like to look at a 15%-20% increase at least. As mentioned before there have been several pay raises that have been passed over and he believes 15%-20% would be a reasonable increase.

Discussion and possible approval of SPIRIT 54 membership- Mayor Lumpkin stated that in the past the Commission has been a member of SPIRIT 54 and membership is \$1,198 a year. The main objective for SPIRIT 54 has been to make Highway 54 a four lane highway all the way to El Paso most of it is now four lanes. We haven't gotten much benefit for what we have been putting into it. They are currently building a bridge between Tucumcari and Logan, it was mentioned that the bridge would also be four lanes. He personally went to the bridge and it is only two lanes.

Mr. Langenegger mentioned that Quay County and the EDC pay dues for membership as well. Mayor Lumpkin stated that the Commission is involved with the EDC and basically the Commission is paying for two memberships. The dues are based on the population and Logan does pay dues. He stated that he doesn't personally see the City gaining anything from the membership. SPIRIT 54 lobbies every year in Santa Fe and Washington to talk about making 54 into four lanes, but there has been no progress.

Commissioner Haymaker made the comment that this was a tough choice because it is good representation. Mayor Lumpkin stated that we would be paying twice because EDC does pay dues. He asked if the EDC dues were based on the population of Quay County or the population of Tucumcari. Commissioner Mihm commented that he believes there is a 501(C)(3) paying into it but he doesn't believe the EDC is paying \$1,198.

Mr. Langenegger stated that Mr. Taylor definitely has a lot of passion for the project, he has put a lot of effort into it and he has made good strides in other states. He has made progress in Kansas and Oklahoma but essentially with these dues we are paying for someone to lobby for us and he believes we can do a good job of lobbying for ourselves. We are members of Municipal League, EPCOG, NERPO, NEEDO and we have an EDC. As long as we're involved and keeping contact with these organizations we can accomplish the same thing if not more. While SPIRIT 54 might have our interests in mind they also have Logan's, Kansas, and Oklahoma's as well. Another concern is that it was mentioned that Mr. Taylor would be retiring and he was the main gentleman that ran the organization so there is some concern of who will take over and how dedicated they would be to the project that makes him leery of continuing support.

Commissioner Haymaker asked if there is a way to make EDC's contribution read as both EDC and City of Tucumcari, to show that the City does participate.

Mayor Pro Tem Litchfield stated that she was worried of how it would look to Logan because the City decided to stop running their senior center and now we no longer going to help them with the 54 project. Commissioner Haymaker stated we could say we will continue to participate through our contribution to the EDC. He stated that the Commission does a lot of things that the public isn't aware of and it would be good if we took any opportunity to unveil the truth. Commissioner Mihm stated that would be a good conversation to have with Mr. Vanderpool.

Items from Commissioners

Mayor Pro Tem Litchfield asked is it not in our contract with the Convention Center that we aren't allowed to serve any liquor as long as there is gambling going on. She stated she wasn't trying to get anyone in trouble but she just didn't want to see the Convention Center lose its license. She just wants us to be more aware and avoid situations that could potentially cause trouble but there was a recent event that had gambling while liquor was being served. Commissioner Haymaker commented that during Rockabilly Artspace was asked to remove their raffle bucket when there was alcohol being served. Mr. Langenegger stated that he wasn't too familiar with the alcohol laws but he would definitely look into it.

Mayor Lumpkin thanked the Commission for their attendance for this special meeting.

Adjournment

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

Litchfield	Haymaker	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Meeting adjourned at 4:45 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk