

**City of Tucumcari
City Commission Meeting Minutes
November 19, 2015**

The Tucumcari City Commission met in a regular meeting on Thursday, November 19, 2015 at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: John Mihm, Robert Lumpkin, Amy Gutierrez and Rick Haymaker. Ruth Ann Litchfield was absent.

City Staff members present were: Jared Langenegger, City Manager; Doug Powers, Assistant City Manager; Vicki Strand, Community Development Director; Ralph Lopez, Project Manager; Jason Braziel, Police Chief; and Angelica Gray, City Clerk.

Invocation presented by Tim Hooten, First Baptist Church and Mayor Lumpkin lead the Pledge of Allegiance.

Consideration of Changes or Deletions to Agenda

Mr. Langenegger asked that an Executive Session be added to the meeting pursuant to statute §10-15-1(H) (7), NMSA 1978 regarding threatened litigation after public comments.

Commissioner Mihm made the motion to approve the agenda as amended and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Mihm	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Gutierrez welcomed everyone. She stated the Helping Hands Hospice was having an enchilada fundraising dinner on Friday November 20th from 11 am until 2 pm and again at 5 pm until 7pm at the Elks Lodge. They will be raffling off a quilt made by Dianna Beck from Desert Rose the tickets are \$1 each.

Commissioner Haymaker thanked everyone for attending and those listening at home. He thanked KTNM/KQAY, the Quay County Sun and Tim Hooten for his invocation. He stated that the Artspace poetry meeting that was held last week was a tremendous success and he thanked everyone who came to support them. He stated that Saint Michaels Episcopal was having a benefit soup dinner Friday the 20th. Tickets are still available for \$15 per person but you will be able to keep your bowls which are made by Father Mark Lake.

Commissioner Mihm thanked everyone for coming and also the listening audience. He stated that he is looking forward to the holiday season and hopes everyone has a good Thanksgiving.

Mayor Lumpkin welcomed everyone and stated that there will be an executive session but most of the meeting would be finished prior to the executive session.

Approval of Minutes

Commissioner Mihm made the motion to approve the November 12, 2015 Work Session Meeting Minutes and Commissioner Haymaker seconded the motion. Roll call:

Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Commissioner Gutierrez made the motion to approve the November 12, 2015 Commission Meeting Minutes and Commissioner Haymaker seconded the motion. Roll call:

Lumpkin	Gutierrez	Haymaker	Mihm
Yes	Yes	Yes	Yes

City Manager’s Report

Mr. Langenegger stated that code enforcement has begun to distribute fliers explaining the new Vacant Building Ordinance to properties that may fall under the definition of a vacant building. Just because a property owner receives the notice does not necessarily mean that the property meets the definition. What it does mean is that the property appears to meet the definition. If an owner receives a notice and they feel that their property does not meet the definition of a Vacant Building, they are encouraged to contact me at City Hall and we can discuss their specific situation. A vacant building according to the ordinance is defined as:

A residential or commercial building which is lacking habitual presence of natural persons who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased. Residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property. Multifamily residential property containing five or more dwelling units shall be considered vacant when substantially (60%) all of the dwelling units are unoccupied. Lodging and multi-unit commercial properties shall be considered vacant when substantially (60%) of the units are unfit for use or unoccupied.

This ordinance is in effect to protect the citizens of the city of Tucumcari and to ensure the health and safety of our city. Vacant buildings have the potential to attract vermin, present public safety hazards, increase crime and encourage vandalism, and detract from surrounding property values. This ordinance gives the city a tool to manage vacant properties and ensure that they are kept well maintained and in a manner that does not detract from the safety of the public. We will be working with property owners to begin enforcing the new ordinance in the New Year.

We received a notice from the Solid Waste Bureau from the Environment Department regarding the inspection that was conducted over a month ago. The letter outlined the issues that needed to be corrected and informed us that one of the violations noted on site was not actually a violation. During the inspection, the inspector had informed city staff that we were not permitted to accept scrap metal and cardboard for recycling. They also informed us that we had to have a solid waste

haulers permit for each of our trash trucks. It was our Superintendents understanding that we were in compliance and did not need the permits; however, we complied as requested by applying for the permits and removing our scrap metal and cardboard recycling containers. The notice we received this week informed us that the inspector was incorrect and we do not need haulers permits for a municipal operation and that we are allowed to accept cardboard and scrap metal for recycling. We will put our containers for the recyclables back at the landfill for our citizen's use and we apologize for the inconvenience.

We have a meeting set up with the owners of the Odeon, and the New Mexico Economic Development Department on Monday to discuss the project to make repairs to the historic building. The funding for the project will come from the State LEDA fund and will not cost the City anything. This is a good opportunity to preserve cultural properties within the City. This is made possible by the ordinance that was amended for the LEDA ordinance, which allows us to utilize those funds for cultural properties, farmers markets and MRA properties.

We have been working with Tucumcari General on our workers comp insurance. We did a renewal for all our property insurance. We renewed the workers comp insurance in July after the renewal there was an audit for the previous year's workers comp insurance at that time the auditors notified us that the classification codes were incorrectly entered into the system and in result we were being charged incorrectly for the insurance. At this time they told us we owed another \$7,000 for the previous year's workers comp insurance. After reviewing the audit and the classification codes we felt that was incorrect, we went through the scopes manual which outlines what classification codes should be and wrote some correspondence to the insurance company. CJ and his staff were very accommodating and helped us out by corresponding with the insurance company. As a result we no longer owe \$7,000 and we will be receiving a credit of \$14,000. I want to thank Tucumcari General for their assistance with that and their efforts are much appreciated.

Mayor Lumpkin thanked Tucumcari General Insurance for watching out for us.

Commissioner Gutierrez thanked Mr. Langenegger for his hard work and for always managing to find the City money.

Bids & Contracts

Requesting Approval of 2014 MAP Change Order #5 to add Base Course to the shoulder on the east side of Whitmore Project- Ralph Lopez presented this item to the Commission. He stated that Whitmore is currently completely paved; the only missing exception is the shoulder work that this change order will cover. In-kind has been completed and the 2014 co-op project is part of that which is one block of Park Street that is completed. We have done the milling for 2015 and 2016 portions of the co-op grants and we are hoping to complete all of these projects before December and get completely caught up in all our DOT projects. With the milling we have completed our in-kind portion. The contractor has done the concrete work which was the handicap curb returns for the intersections on Lake Street. This change order is for \$15,939.26 which uses up the remaining

money that was left in the project; this is not for any additional funds or adding anything to the project it will just use up what was left over.

Commissioner Mihm made the motion to approve 2014 MAP Change Order #5 and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Gutierrez
Yes	Yes	Yes	Yes

Requesting Approval of RBC Contract- Mr. Langenegger presented this item to the Commission. He stated that this is a contract to utilize RBC Capital Markets for financial needs. The City has utilized RBC several times in the past and they have done excellent debt analysis. They have helped look through the City’s outstanding debt and find ways we can refinance and save interest on some of those things. They recently did a debt analysis for the City in August. To continue to utilize them and their services they requested that we have a contract in place. The pricing is on an hourly basis or there is pricing if we do a certain size of general obligation bond or IRB. Generally we will be using them for advice on an hourly basis.

Commissioner Haymaker made the motion to approve the RBC contract and Commissioner Mihm seconded the motion. Roll call:

Mihm	Lumpkin	Gutierrez	Haymaker
Yes	Yes	Yes	Yes

New Business

Requesting approval to reschedule the December 17, 2015 meetings to December 3, 2015- Ms. Gray presented this item to the Commission. She stated that during the October 22 meeting the Commission approved to reschedule the December meetings to December 10th and 17th but because there is an election coming up there is an election resolution and an ordinance that need to be approved by December 8th. She is requesting that the December 17th meeting be rescheduled for December 3rd in order to meet all deadlines.

Mayor Lumpkin commented that the change was fine for him. Commissioner Gutierrez stated that she thinks the change will be fine and Commissioner Haymaker stated that he would be glad to make the change.

Commissioner Gutierrez made the motion to approve the request to reschedule the Commission Meeting to December 3rd and Commissioner Haymaker seconded the motion. Roll call:

Haymaker	Mihm	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes

Requesting approval of the CDWI Project- Police Chief Jason Braziel presented this item to the Commission. He stated that this DWI project is the community DWI project. It is a 100% grant for an amount of \$1,213.00. This grant will be used for funding public information and education projects as well as underage drinking prevention. The money could be used for projects including prom or graduation. It also provides overtime funds for shoulder tap operations and enforcement of DWI and other traffic laws.

Mayor Lumpkin thanked Chief Braziel for his work on getting this 100% grant.

Commissioner Mihm made the motion to approve the CDWI Project and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Requesting approval of ENDWI/ Buckle Up/100 Days & Nights Grant- Police Chief Jason Braziel presented this item to the Commission. He stated that these are annual grants to reduce the number of DWIs, un-seat belted drivers and to reduce the number of traffic fatalities or injuries on our streets. This grant also provided funding for saturation patrol projects and officer court functions. The ENDWI amount is \$6,230.00, the Buckle Up is \$2,726.00 and the 100 Days & Nights amount is \$1,610.00. He stated this is also a 100% grant.

Mayor Lumpkin thanked Chief Braziel for his work. Commissioner Haymaker thanked Officer Braziel and the Tucumcari Police Department for the increased presence on Route 66 and everywhere. Chief Braziel stated that they are almost at full staff and it makes a difference.

Commissioner Gutierrez made the motion to approve the grant for ENDWI/Buckle Up/ 100 Days & Nights and Commissioner Mihm seconded the motion. Roll call:

Lumpkin	Gutierrez	Haymaker	Mihm
Yes	Yes	Yes	Yes

Requesting a yearly budget amount for nuisance property cleanup- Mr. Langenegger presented this item to the Commission. He stated that the City is making an effort to clean up the nuisance properties within the City. At the last commission meeting a contract to clean up properties for the City was approved. The City is making an effort to implement the vacant building ordinance, and to implement the weed nuisance ordinance, which comes with a cost to the City. The costs include cleaning up the properties that are considered nuisance properties and the owners failed to clean up themselves. The contractor went and looked at five of the properties which the court made judgments on and has allowed the City to clean the properties. The contractor gave us an estimate of \$5,000 to clean up these five properties. Mr. Langenegger stated that he doesn't believe the amount is excessive, however the properties have been left unmaintained for so long that the amount of weed growth and the litter that needs to be picked up are excessive. Mr. Langenegger wanted to discuss with the Commission the possibility of setting aside a certain amount of money for cleanup projects for maintaining nuisance properties; he suggested \$50,000 for the year. Whenever we clean a nuisance property we do place a lien on that property. If the property is sold the City should collect on that lien. As discussed before, not every property will be sold; we are looking at the possibility of going forward and enforcing liens, asking our attorney to file the liens with the court, force the sale and collect on them. In reality through fees, licenses, and liens we are not ever going to make enough so that we pay for the entire program, it is just a program we have to fund in order to maintain the City to improve the appearance and bring people to the community.

Commissioner Mihm stated that we are basically creating a new line item within our budget and this would be under Code Enforcement. Mr. Langenegger stated that we are setting aside \$50,000 so whenever we do have properties that we need to clean up we can utilize those funds to clean it up or if we have to enforce tearing down buildings. Right now we have a contract in place for cleaning

weeds, litter and wood material. We have approved an RFP that needed changes for asbestos removal. There are several things that money could be utilized for. Mr. Langenegger stated that he doesn't believe \$50,000 will be enough to clean up every property but it will be a good start and it will show some progress, if we continue it year after year we can eventually get to a point where we have a well maintained city.

Commissioner Mihm stated that he believes this is very doable and he thanked Mr. Langenegger for his hard work. He stated he is glad we can move forward and this is something we have to take on when people neglect their property. This is for the beautification of Tucumcari and it is time we start doing something and \$50,000 is a small price to pay.

Mayor Lumpkin asked if the City happens to have properties that need to be worked on can this money be used. Mr. Langenegger stated that he believes that the properties that the City maintains will come out of the budget for those properties. This money would be for nuisance properties.

Commissioner Haymaker thanked Mr. Langenegger for staying the course in the most difficult situation.

Commissioner Mihm made the motion to approve the request of a yearly budget amount for nuisance property cleanup of \$50,000 and Commissioner Haymaker seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Gutierrez
Yes	Yes	Yes	Yes

Public Comments

Jason Braziel- He stated that he would just like to let the Commission know that an officer is graduating from the academy on the 25th. He stated that the Commission is welcome to attend the ceremony.

Mayor Lumpkin asked Chief Braziel to convey his congratulations to the officer.

Executive Session

Mayor Lumpkin asked for a motion to convene in Executive Session pursuant to, §10-15-1(H)(7), NMSA 1978, regarding threatened litigation.

Commissioner Gutierrez made the motion to convene into Executive Session and Commissioner Mihm seconded the motion. Roll call:

Mihm	Lumpkin	Gutierrez	Haymaker
Yes	Yes	Yes	Yes

Commission convened into Executive Session at 6:30 p.m.

Commission reconvened into regular session at 6:48 p.m.

Mayor Lumpkin asked for a motion to reconvene from in regular session and noted that nothing was discussed other than threatened litigation.

Commissioner made the motion to reconvene from Executive Session noting that nothing was discussed other than threatened litigation and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Mihm	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Mihm thanked everyone and the listening audience and wished everyone a great evening.

Commissioner Gutierrez thanked everyone and wished everyone a very safe and happy Thanksgiving and wished safe travels.

Commissioner Haymaker thanked everyone and wished everyone a Happy Thanksgiving and stated that the next Commission meeting would be on December 3rd.

Mayor Lumpkin thanked everyone for coming and reiterated that the next meeting would be on the 3rd and stated that meetings are a little out of order during the holidays.

Adjournment

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

Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Meeting adjourned at 6:49 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk