

City of Tukumcari
City Commission Meeting Minutes
December 10, 2015

The Tukumcari City Commission met in a regular meeting on Thursday, December 10, 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 and Ruth Ann Litchfield appeared by phone.

City Staff members present were: Jared Langenegger, City Manager; Dennis Dysart, Finance Director; Ralph Lopez, Project Manager; Mark Martinez, Project Manager; Jason Braziel, Police Chief; Shane Warner, Fire Chief; and Angelica Gray, City Clerk.

Invocation presented by Pastor John Barret, Center Street United Methodist Church and Mayor Lumpkin lead the Pledge of Allegiance.

Public Hearing

Consideration and Act Upon the Tukumcari Columbus Club Liquor License Application #975546- Mayor Lumpkin stated that Columbus Club is seeking a waiver because the premises is within 300 feet of a church. The distance from the corner of the building to the corner of the parking lot of the First Baptist Church is 298.82; making it 1.1 foot too close to the parking lot. As a Commission we have the authority to decide whether or not to waive that 1.1 foot.

Tim Hooten was sworn in and stated that he was representing the First Baptist Church as one of the staff members. He stated that he was requesting that liquor sales be denied, not because of the distance but because of what alcohol can do to relationships. His biggest concern is when people are going to be consuming alcohol and leaving at the same time there are children and youth playing in the First Baptist Church parking lot. He asked who would be regulating whether or not someone is able to drive when they leave the premises. He stated that he knows the argument against that would be there is such a thing as responsible drinking and drinking in moderation, but it is not human nature to do things in moderation. He stated that his request is for the liquor license to be declined mainly for the safety of the church's members, he would hate to see someone get hurt because of what is being offered. He thanked the Commission for letting him voice his opinion.

Commissioner Gutierrez thanked Mr. Hooten for expressing his opinion and asked if he was aware of what the Knights o Columbus were intending to do with their liquor license. Mr. Hooten commented that he understood that the sales would be going to charity. Commissioner Gutierrez stated that the Knights of Columbus is not a bar for everyday sales the license is strictly for events such as a wedding, quincenara, birthday, anniversary and things of that nature. With all due respect there will be no children in the parking lot at 10:00 pm and 11:00 pm; it is no different from the VFW, the Pow Wow or the Elks no one guarantees that people getting into their vehicles haven't consumed an alcoholic beverage. Being realistic no one could monitor who has had a drink. Mr. Hooten stated that he appreciates and understands where Commissioner Gutierrez is coming from but he wanted to stand with his moral convictions.

Mayor Lumpkin stated that the Commission did not need to be sworn in to make a comment because they are sworn in when they start their position.

Matt Bednorz was sworn in and stated that he believes that anyone near the church can drink and can have an accident just like someone coming from the Knights of Columbus but the difference is they won't be open on a Sunday or Wednesday but mostly Saturday night. It is members only and is a controlled environment and security will be present. He stated that he respects Mr. Hooten's opinion but the bar would not be open to the public. They are allowed two public events but are mostly a private bar.

Mayor Lumpkin stated that this has been done twice in the past. This license has not been a problem for anyone in the area. The main points from the comments were who was going to monitor people getting into a car and who will monitor possible abuse of alcoholic beverages. He stated if a business has a license issued by the State you are obligated to follow state law and state law states that you cannot over serve, you cannot drive while intoxicated passed a certain level and you cannot serve to minors, there are other laws but he isn't familiar with all of them. The question of who would monitor those drinking is a very legitimate question and the law itself will be a monitoring authority. The Knights of Columbus is also located near a law enforcement office making it easier for law enforcement to monitor events. In the past they have looked at variances and waivers as creating activities in the City such as economic development activity there is a slight difference since this is a non-profit organization but it could still bring in activity. State law would have to be adhered to and this license can be taken away just as easily as it is awarded if there are infractions so it will be monitored.

Jerry Lopez was sworn in and stated that Knights of Columbus has applied for a private club license; it is not for the general public. This will be for events only, it will not be a seven days a week operation. There was a concern about who would be monitoring the events and people, the Quay County Detention Center will have off duty officers providing security for these events. Operation will only be for five hours of alcohol being served. Following State law there will be an alcohol agent monitoring at all times, at any time someone can come in make sure procedures are being followed. If we fail to follow procedures there will be a penalty, fees to the servers and the establishment. All servers must be alcohol certified; each individual is only certified for two years and then must be recertified. All servers will be alcohol certified and we are even proposing that all security be certified so they are aware of what they need to address. We will not operate on a Wednesday or on a Sunday due to the First Baptist Church having services. Mr. Lopez spoke with Pastor John and explained what their plan is and they are willing to work with them as to not interfere with their activities.

Commissioner Haymaker stated that this is not the first liquor license that the Knights of Columbus has been awarded and their prior licenses have never been revoked and to his knowledge there has never been a problem. He stated that he personally doesn't see a problem with granting them another license; however he is not here to serve his personal opinion but to serve the citizen's of Tucumcari.

Commissioner Haymaker of District One asked for a show of hands of those in favor of granting the waiver. Twelve were in favor and one was against.

Commissioner Gutierrez made the motion to approve the liquor license for the Tucumcari Columbus Club and Commissioner Haymaker seconded the motion. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Recuse	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Commissioner Gutierrez made the motion to accept the agenda as is and Commissioner Mihm seconded the motion. Roll call:

Litchfield	Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Mayor Pro Tem Litchfield welcomed everyone and apologized for not being present in person. She thanked everyone for coming and thanked everyone for their opinions during the public hearing. She wished everyone a Merry Christmas and mentioned the Christmas Cantata is December 18 at the Center Street United Methodist Church and several other churches will be present also. Mayor Lumpkin thanked her for her efforts to be a part of the meeting.

Commissioner Mihm thanked everyone for coming and stated that Arlene Fry was in a horrible accident Thanksgiving weekend. Ms. Fry is the manager of St. Vincent De Paul and there are a lot of people rallying to keep St. Vincent open and tonight all their Christmas stuff will be half off. He asked everyone to keep Ms. Fry and her family in their prayers.

Commissioner Gutierrez welcomed everyone for coming out and thanked those who expressed their opinions and thanked everyone for their patience. She thanked everyone who attended and participated in the Parade of Lights there was a great turn out. On the 12th Santa will be at the Ranch Supply from 10:00 am until 2:00 pm.

Commissioner Haymaker thanked everyone for coming out and thanked all those listening. December 11th at Artspace, Father Mark Lake will be there from 5:00 pm until 7:00 pm. Refreshments will be served and a drum circle will follow.

Mayor Lumpkin stated that on December 4th New Mexico Work Force Connections was at the Depot but was aimed at working with veterans in the community. Those efforts have lead to us having them come down again on January 15th with a veteran’s representative to help anyone who is looking for disability help, school and training. He’d like to see a lot of participation from the public, January 15th at the depot from 10:00am until 4:00 pm.

Approval of Minutes

Commissioner Mihm made the motion to approve the December 3, 2015 Commission Meeting Notes and Commissioner Gutierrez seconded the motion. Roll call:

Lumpkin	Gutierrez	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes	Yes

Commissioner Haymaker made the motion to approve the December 3, 2015 Commission Meeting Minutes and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Gutierrez	Litchfield
Yes	Yes	Yes	Yes	Yes

Proclamations, Memorials or Petitions

Proclamation acknowledging D’Jean Jawrunner- Mayor Lumpkin recognized D’ Jean Jawrunner on her achievement as the 2016 New Mexico Higher Education Art Educator of the Year and presented it to Ms. Jawrunner.

Resolutions

Resolution 2015-38, Open Meetings Act for Year 2016- Ms. Gray presented this item to the Commission. The resolution states that the City Commission will have regular meetings scheduled on the second and fourth Thursday of each month. It also states the requirements of an emergency meeting, regular meeting, special meetings and for closed meetings. This resolution also has the language that allows our board members, Commission, administrative adjudicatory body or other policymaking body to attend a meeting in person, the member may participate by means of a conference telephone or similar communications equipment such as Skype.

Commissioner Mihm made the motion to approve resolution 2015-38 and Commissioner Gutierrez seconded the motion. Roll call:

Mihm	Litchfield	Lumpkin	Gutierrez	Haymaker
Yes	Yes	Yes	Yes	Yes

City Manager’s Report

He thanked Eastern Plains Council of Governments, GTEDC, and the Chamber of Commerce for hosting the Legislative reception that we had on Monday. It went very well and was well attended. He was happy to see all of our legislators there, as well as the legislators from surrounding areas. Our legislators dedicate a lot of time to making New Mexico a better place and they don’t always receive the recognition they deserve. So thank you to them again for listening to us and working with us.

On Tuesday December 15, 2015 we will be hosting a public testing site for the ACT National Career Readiness Certificate at the Convention Center from 9am – 4pm. This will allow any individual from the public an opportunity to test for and earn their National Career Readiness Certificate. The NCRC is a nationally recognized certificate that allows individuals to prove to employers they have the skills and knowledge necessary to be successful in the workforce. Individuals wishing to test for this certificate will need to call and register. The test takes about three hours and there are three subjects that individuals are evaluated in including mathematics, finding information, and reading comprehension. The great thing about the NCRC is that if an individual takes the tests and they don’t do as well as they would have liked, they can work with us and the Workforce Connections to obtain training to improve their scores and test again. We are working to have a public testing site on a regular basis, at least monthly. He encouraged high school students and college students to take the test and get an assessment of where they stand prior to graduation. The scores that you receive can also be utilized to see what professions you may fit into or may help you determine what areas of study you need to focus on. There are several national corporations that utilize the National

Career Readiness Certificate as a prerequisite for their hiring process. Space is limited at the testing site, so we are encouraging people to pre-register. You can contact me at City Hall for more information.

Our Tourism Workgroup has formed a committee that is working to develop a cycling event for the City of Tucumcari. The event will be a Century, or a 100 mile bicycle ride, that will take place on the last Saturday in September in conjunction with Fired Up. The event will start at the Convention Center and go down historic Rt. 66 to San Jon, then will turn south on Hwy 469 to Grady and then head to Ragland on hwy 209 and on back to the Convention Center. We are hoping to make this a well-supported fun ride that will draw cyclists from surrounding states.

He thanked Assistant City Manager Doug Powers, Parks Director Scott Simpson, and Facilities Maintenance Director Chris Gries for all of their hard work in ensuring that we get the City decorated for Christmas. He didn't think that we would be able to get lights in on time, but Doug contacted Frank at Steel Electric and proved me wrong. They were out today working to install the new street light decorations. He thanked them all for their great work, and with that, he wished everyone a very merry Christmas and Happy New Year!

Bids & Contracts

Requesting Approval of Finance Software Contracts between City of Tucumcari and Tyler Technologies for City Modules and Municipal Court Modules- Dennis Dysart presented this item to the Commission. He stated that in the past the Commission has accepted the bid from Tyler Technologies, since then he has been working with the City's attorney and Tyler on a contract. The city has due diligence in reviewing it. With software contracts the terminology is a little different from what he is use to so it was difficult to understand. He is here to ask the Commission to approve both Tyler contracts, both are the same with the exception of the investment summary and the cost of the contract. The reason for the differences is that the City modules and court modules are separate because with the court module we can apply for grants and have the grants awarded to cover the expenses through the law enforcement process.

Commissioner Haymaker made the motion to approve the Finance Software Contracts between City of Tucumcari and Tyler Technologies for City Modules and Municipal Court Modules and Commissioner Mihm seconded it. Roll call:

Haymaker	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

Old Business

Requesting approval of USDA Emergency Warning Siren Grant- Ralph Lopez presented this item to the Commission. He stated that the City of Tucumcari applied for a loan grant amount of \$68,000 for the purchase of emergency sirens to warn citizens in the event of a tornado or other natural disaster. The USDA has received the application and based on the amount we requested the maximum grant amount would be \$37,400 for this project. This leaves \$30,600 that the City would have to provide either by direct payment or loan.

Mayor Lumpkin stated that if the Commission approves this they are basically approving the application for the grant for \$37,400 and the City will be liable for the \$30,600 loan.

Mr. Langenegger stated that there are a couple of options, there is a five year and a ten year period to pay off the loan. Mayor Lumpkin stated if this was approved the Commission still has the option of how to repay it.

Mayor Lumpkin stated in the past it was mentioned if they used existing polls or the existing structure to hold the sirens we wouldn't have to go through the environmental work that is usually necessary when working with a new site. Mr. Lopez commented that he has spoken to Mr. Essex for Xcel Energy and he said that he did not see a problem with using the existing poles and it has not been discussed further. There are enough infrastructures in town that we can find a location for them. At the time that we got estimates for this project and there was possibility if the prices of the sirens didn't change much or ended up being lower there was the possibility of adding a smaller siren for a total of four. They would cover the entire City and some of the outskirts of town.

Mayor Lumpkin stated that in the past they have discussed this in phase one and phase two and phase two would be an additional \$20,000 for the fourth siren. He thanked Mr. Lopez for his work on this and stated this is very important to Tucumcari. We do currently have a warning system but it is dependent on phone lines, cell phones and apps and some people might not have access to those in times of need. This new siren system will fill the gap.

Commissioner Mihm made the motion to approve the USDA Emergency Warning Siren Grant and Commissioner Haymaker seconded the motion. Roll call:

Litchfield	Haymaker	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mr. Langenegger asked if the Commission was leaving it to his and the finance director's discretion to decide what the best method of payment would be. Mayor Lumpkin stated that Mr. Langenegger and Mr. Dysart are more aware of the budget restraints.

New Business

Requesting approval to Accept Change Order #1 for Metro Well Field Water Transmission Line Project- Mark Martinez presented this item to the Commission. He stated this change order would increase both time and also increase the contract price of the project. There is an increase of \$24,532 not including gross receipts tax and \$26,586.56 with gross receipts tax. The reason for this change is due to a misunderstanding with the casing that is going to be ran underneath the railroad crossing. By the permits specifications the casing is suppose to be half an inch thick so that is being addressed. There are some places where the waterline won't go under the existing pipe so we will have to get new fittings to adjust for that. We're also gaining a \$1,000 credit within this lump sum from project signs that aren't needed. The increase in the steel casing is \$5,716. The carrier pipe also needs to be amended. Originally when it was designed there needed to be a certain amount of clearance from the inside carrier pipe to the outside casing, the way it was specified with the joint restraints, it would not meet those specs so inside of using PVC we have to use duct dual iron pipe and also we will have to use a different types of restraint so with that, the change is a \$10,380; in order to allow the new transmission line to go underneath the existing fittings account for the

remainder of the funds. He stated with this change we still have plenty of breathing room as far as money that is budgeted for this project. We are well underneath the budget at this point including this change order, the engineering contract, as well as the contract we have with the company that will be installing the pipe, we will not be affecting the city budget because the bids for this project came in lower than expected. There is a possibility for a few additional change orders.

Commissioner Haymaker made the motion to accept Change Order #1 for Metro Well Field Water Transmission Line and Mayor Pro Tem Litchfield seconded the motion. Roll call:

Lumpkin	Gutierrez	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes	Yes

Requesting Approval of the 2016 Employee Calendar- Mr. Langenegger presented this item to the Commission. He stated this request is to approve the annual calendar which shows all pay periods, pay dates and all holidays. All holidays match with what is in the personnel policy with the exception of one and include: New Years Day, Martin Luther King Jr. Day, Presidents day, and half a day for Good Friday, Memorial Day, Independence Day, Labor Day and for Veterans Day the policy says the second Monday in November but it was asked that we put this Day on the 11th of November which is actually Veterans Day; it continues with Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day and half a day for New Years Eve.

Mayor Lumpkin commented that he knows how hard it is to put these calendars together a year in advance and thanked Mr. Langenegger and everyone else who worked on it.

Commissioner Haymaker made the motion to approve the 2016 Employee Calendar and Commissioner Gutierrez seconded the motion. Roll call:

Haymaker	Lumpkin	Mihm	Gutierrez	Litchfield
Yes	Yes	Yes	Yes	Yes

Public Comments

Russell Braziel- He stated that he was here on behalf of the Chamber of Commerce. He wanted to say thank you to Tucumcari. The Tucumcari Parade of Lights was a success. He stated that he was worried that there wouldn't be a lot of participation. He stated that he wanted to thank a few people from around town: Lowe's Grocery Store for providing fruit for the baskets that went to the children, the Altrusa Club for donating money for the purchase of candy for the children's baskets. He thanked Santa Claus and said he did a wonderful job. There was a big crowd at the Convention Center and it all went smoothly. He thanked all the people for coming, the Tucumcari Police Department for directing traffic, the Fire Department, the Sheriff's Department for directing traffic, DOT and the State Police. He thanked Kmart for allowing the parade to begin there; it was a change from the past years but went very well. This year there were only floats entered into the general and recreational categories, he stated that he hopes to see participation in the religious category in years to come. First place for recreational went to Circa Espresso Bar. Second place went to Brandon Goldston who rode his bicycle in the parade and Mary Puser from Kmart got third place. He also thanked the Roadrunner Lodge for doing the video that can be seen on Facebook. In the general category Jack's Truck Repair got first place, Pacheco Construction took second and Charlie Zaida took third. He thanked the citizens of Tucumcari and the Commissioners and stated he is already looking forward to next year's parade.

Mayor Lumpkin thanked Mr. Braziel and the Chamber of Commerce for their efforts in putting on the parade.

Gail Houser- Friday December 18th from 1:00pm-3:00pm one of the Main Street businesses who has reinvested into their building, Sunrise Medical Group is having an open house for the entire City. It is a chance to see the beautifully renovated building and there will be giveaways. The open house will be held at 220 S. 3rd. he stated that he is impressed that they have decided to rebuild their facility, essentially from the ground up. They have invested heavily into the facility and shown their confidence in remaining in the downtown Main Street district of Tucumcari.

Items From Commissioners

Commissioner Gutierrez wished everyone a Merry Christmas and a Happy New Year, safe travels to anyone who is traveling. She wished everyone a good evening.

Commissioner Haymaker stated that there will be a ribbon cutting at Sunrise Medical. He stated that the agendas take a lot of work and thanked Mr. Dysart for his presentation, Ralph Lopez, Vicki Strand, Mark Martinez for their well done presentations. He thanked City Manager, Jared Langenegger, Angelica Gray and Doug Powers for bringing the agendas to the Commission. He stated they are well written, concise, tabbed and ready to go. He wished everyone a Merry Christmas and a Happy New Year. He thanked Pastor Barrett for his invocation and all other pastors who are willing to come give an innovation.

Commissioner Mihm thanked everyone for being here, wished everyone a Merry Christmas and a Happy New Year. On Tuesday December 15 there will be another testing opportunity for the ACT program, he encouraged all parents to encourage their children to take the test. Just call City Hall to register.

Mayor Pro Tem Litchfield wished everyone a Merry Christmas and apologized for not being at the meeting in person but she didn't want to get anyone else sick. She thanked Doug Powers, Scott Simpson and Chris Gries for the Christmas decorations. Gail Sanders and everyone at the Chamber of Commerce it was a wonderful light parade. She thanked Ms. Gray and everyone who helped decorate for the Employee Appreciation Day dinner and congratulated everyone who won an award, you're all hard workers and we appreciate you very much.

Mayor Lumpkin stated that the meeting schedule had to be switched and the next meeting will be January 14 at 6:00 pm. Ms. Gray stated that the next regular Commission Meeting is scheduled for the 14th but she and Mr. Martinez are working on a special meeting for next week.

Mayor Lumpkin thanked all the volunteers in Tucumcari and thanked everyone who works and gives time to help. He wished everyone a Happy New Year and a Merry Christmas.

Mayor Pro Tem Litchfield asked when the next finance meeting would be. Mr. Dysart stated the Tuesday before the Commission meeting.

Adjournment

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

Mihm	Litchfield	Lumpkin	Gutierrez	Haymaker
Yes	Yes	Yes	Yes	

Meeting adjourned at 7:14 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk