

CITY OF TUCUMCARI
MINUTES
August 12, 2010

The Tucumcari City Commission met for their Regular Meeting on Thursday, August 12, 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; Clara Rey, Human Resources Director; Doug Powers, Community Development Director; Dennis Dysart, Finance Director; and Jason Braziel, Chief of Police.

Pastor Ms. Margot Thompson, of the Center Street Methodist Church, gave the invocation and Commissioner Sandoval 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 thanked all those in attendance for coming to the meeting. He commented that Ms. Thompson's invocation was also very nice. Mr. Lumpkin went on to discuss the Rattler Reunion that was held recently by the host class of 1980. Commissioner Lumpkin explained that there was much volunteer work put into the event and he appreciated that work. He added that well over 500 people were in Tucumcari for 2-3 days for the event.

Mayor Pro Tem Apodaca had no comments.

Commissioner Sandoval asked where the Sands Dorsey project currently stands. Ms. Rose responded that grant funding is still being sought for the project.

Commissioner Curnutt had no comments.

Mayor Witcher stated that starting in September, the first Commission meeting of the month will be preceded by a Commission Work Session. He explained that these work sessions will be for the Commission to gather information. Mayor Witcher went on to say that these are open sessions and the public is welcome to attend.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the July 22, 2010 Regular Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the minutes of the July 29, 2010 Public Hearing and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the minutes of the July 29, 2010 Special Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
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:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items From Citizens

Ms. Stephanie Jones approached the Commission and stated that on July 28, she called Mr. Encinias-Angel, Convention Center Director and asked to rent the Del Norte Center. She stated that Mr. Angel responded that he knew who she was before she stated her name and did not want to do business with her. Ms. Jones said that Mr. Angel thought she was someone else. Ms. Jones called the City Clerk and relayed her complaint regarding how she was treated. She explained that Ms. Dougherty asked how the City could make it right and win her business. Ms. Jones stated that she no longer wished to rent any facility from the City for her function.

Mayor Witcher thanked Ms. Jones for her comments and explained that the issue will be addressed if it had not already been addressed.

Ordinances and Resolutions

Mayor Witcher called on Mr. Mike Cherry to present Ordinance 1079, a Franchise Agreement between the City of Tucumcari and Plateau Telecommunications. Mr. Cherry explained that Plateau Telecommunications is planning for future growth and asked the City to execute this agreement. Mr. Cherry went on to explain that Plateau is asking all the cities in which they currently do business with to execute similar agreements. Mr. Cherry also stated that the City Attorney reviewed the document and recommends that the Commission approve the Franchise Agreement.

Commissioner Sandoval inquired about Plateau Telecommunications plans for growth. Mr. Cherry explained that they plan to install fiber optics and provide new services. Mr. Sandoval asked if the service will be better than what customers currently have available. Mr. Cherry responded in the positive. Mayor Witcher asked if other companies will still be able to come in to the city and provide the same kinds of services. Mr. Cherry again responded in the positive.

Mayor Pro-Tem Apodaca made a motion to approve the first reading of Ordinance 1079 Establishing a Franchise Agreement with Plateau Telecommunications. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Rose to present Resolution 2010-37. Ms. Rose explained that the City has a safety deposit box at Citizen's Bank and she does not know the contents of the box. Ms. Rose stated that the only persons with permission to access the box are no longer employed by the City. Resolution 2010-37 designates those current City employees with permission to access the box. Ms. Rose went on to say that those people are: Bobbye Rose, Mike Cherry, Dennis Dysart and Vicki Strand.

Commissioner Lumpkin made a motion to approve Resolution 2010-37, Designating those Granted Access to the Safety Deposit Box at Citizens Bank. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Rose to present Resolution 2010-38, determining the persons with permission hold a City of Tucumcari Visa Credit Card issued from Citizens Bank. Ms. Rose explained that the credit card is used primarily for making hotel reservations that employees then pay with per diem. Mayor Pro Tem Apodaca asked if the City must pay interest when using the card. Ms. Dougherty explained that interest is only charged if the balance is not paid in full each month and the City policy is to pay the bill in full each month. Mr. Apodaca asked how the card works. Ms. Rose explained that often when a hotel reservation is made for an employee, the hotel will often not hold the room without a credit card number and some employees are required to travel for their jobs and do not have personal credit cards. Mayor Witcher went on to say that many hotels will not take checks. The resolution grants this permission to Bobbye Rose, Dennis Dysart and Christine Dougherty.

Commissioner Lumpkin made a motion to approve Resolution 2010-38 Designating those Granted Permission to Hold a City of Tucumcari Visa Credit Card and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose began by calling on Ms. Clara Rey to explain the voucher report. Ms. Rey explained that due to changes in the Finance Department, she has been assigned as Interim Supervisor over the accounts payable and receivable clerks. Ms. Rey stated that she contacted the NM Municipal League regarding

the proper ways to pay city bills. Ms. Rey explained that there are two ways that the league said are proper. One is for the City Commission to authorize payment of each bill before payment and the other is for staff to pay the bills and then have the City Commission approve the payments after the fact. Ms. Rey went on to explain that both methods have been used by our Finance Department. She stated that some bills are paid ahead of time and some are paid after Commission approval. Ms. Rey asked for direction from the Commission regarding how they prefer the bills to be paid.

Commissioner Lumpkin asked Ms. Rey which way she thinks is best. Ms. Rey explained that bills will be paid more quickly if checks are cut and mailed as the bills are received. Ms. Rey stated that currently a Department Head orders the goods or services, signs the paperwork authorizing payment along with writing the correct line item to pay the bill from, a check is cut, the check is mailed, and the paperwork is placed in the alphabetical sorter for the Commission to review before the next meeting. After Commission approval, the paperwork is filed. Mayor Witcher stated that sometimes the goods or service provider needs payment right away. Mr. Witcher went on to say that as long as the funds are in the budget, he feels Commission approval after the fact is fine. Ms. Rose added that when bills have been received, the goods or services have already been received and need to be paid for in a timely manner.

Mayor Pro Tem Apodaca asked how the method of bill payment works with the accrual method of accounting used by the City. Ms. Rey stated that payment of bills does not have anything to do with the method of accounting. Commissioner Lumpkin asked if payment as bills are received will keep the vendors happy. Ms. Rey responded in the positive. Ms. Rose stated that the method of paying the bills as they are received will be followed until the next meeting and then it will be officially approved as the method for payment.

Ms. Rose went on to remind the Commission that there will be a Board of Finance meeting on August 27th at 10 am and all Commissioners are encouraged to attend. Ms. Rose also stated that the Board is required to meet at least one time per year and this has not happened since she has been with the City. Ms. Rose asked which Commissioners plan to attend and what they would like to discuss. Mayor Witcher stated that he would like to use the meeting time as a general overview of how things are going in the Finance Department. Mayor Pro Tem Apodaca stated that he will be in attendance and asked that the Clerk remind the Commissioners of the meeting.

Ms. Rose then called on Mr. Dennis Dysart to give the Finance Report. Mr. Dysart stated that at the Board of Finance meeting on August 27th he will discuss the Cities investments. He went on to ask the Commission to think about what they would like to see in the finance reports. Mr. Dysart stated that the Financial Statements will include the accrual process. Mr. Dysart stated that he is working to clean up the books. Mr. Dysart stated that he is also ensuring that he will meet the state requirements with timely submission of quarterly reports.

Mr. Dysart explained that tonight's report will contain the 2009-2010 Annual Report. Mr. Dysart explained that the Annual Report contains the budget and the actual numbers. Mr. Dysart pointed out the control numbers that tell you at a glance how the budget finished the year. Mr. Dysart stated that the 2009-2010 fiscal year ended \$2.9 million favorably and with a \$400,000 deficit. Mr. Dysart explained that the deficit was due to grant funds that were received later. In fact, Mr. Dysart went on to say, a \$400,000 grant funds check was received on July 2 and therefore unable to be posted in the 2009-2010 fiscal year.

Mayor Witcher stated that although each Commissioner is assigned to particular City Committees, all

the committee meetings are advertised and therefore any Commissioner can attend. Mr. Dysart added that he would like to see all the Commissioners at the Finance Board meeting.

Ms. Rose detailed a few items coming up on her calendar. She will attend the State Main Street meeting in Albuquerque on Saturday, August 14. She added that she will be in attendance at the New Mexico Municipal League Conference September 1-3 in Taos and at the Clean Line Energy meeting on September 9 at 2 pm in the Tukumcari Convention Center.

Ms. Rose went on to say that the Historic Preservation Office has withdrawn their option to move the Five Mile Park playground equipment to the Historic Museum. Due to the many changes in their directives, Ms. Rose invited the Historic Preservation staff to come to Tukumcari, discuss the options and tour the park. Ms. Rose stated the meeting will be sometime next week and she will inform the Commission of the date and time when set.

Ms. Rose also reported that there has been some discussion of giving away free rounds of golf in order to promote tourism. Ms. Rose explained that government is not allowed to give anything away for free and therefore this will not be an option.

Ms. Rose reported that there will be a meeting with the landfill engineers on Friday at 10 am to discuss how to proceed as the construction crew hit rock much sooner than expected in the digging process. Additionally, Ms. Rose stated that some issues regarding the liner for the landfill will be discussed as some of the liner is no good and there is some discrepancy regarding exactly how much liner was received by the City.

Mayor Witcher stated that he reads in the Department Head reports that employees from the Laboratory and the Wastewater Treatment Plant have been working to assist each other and he thinks this is great.

Commissioner Lumpkin stated that the cross-training, sharing of equipment, and sharing of personnel are great efforts to streamline procedures.

Bids and Contracts

Mayor Witcher called on Ms. Christine Dougherty to present the two bids for City properties. Ms. Dougherty explained that several lots without houses did not sell in the last bid process and she previously sought direction from the Commission on how to proceed. She was given the approval from the Commission to advertise and again open up the bid process for the lots. Ms. Dougherty explained that two bids were received; one on each of two properties and she is asking the Commission to award the bids to each of the bidders.

Mayor Pro Tem Apodaca made a motion to award bids on city owned properties to the sole bidders. Ms. Antonia Lopez Urrea's bid for \$1000 for the lot located at 413 N. Third and Ms. Urrea's bid for \$1000 for the lot located at 419 N. Third were the respective bids. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called upon Mr. Doug Powers to present the Contract for Engineering Design Services at the Airport. Mr. Powers directed the Commission to their packets where a breakdown of

scores for each of the engineering firms submitting bids was detailed. Mr. Powers stated that WH Pacific was ranked the highest by the rating and ranking committee.

Mayor Witcher stated that the City has worked with this firm in the past and asked Mr. Powers if there had been any problems with the firm. Mr. Powers responded that there have been no problems with the firm and added that they were highly ranked. Mr. Witcher asked what the project at the Airport will be. Mr. Powers responded that the plans are to extend the runway, address snow removal, improve the runways, improve the lighting and to improve the terminal building. Ms. Rose added that \$150,000 was lost last year because no projects were ready at the Airport and she did not want this to happen again.

Commissioner Lumpkin asked if the criteria used for evaluating the engineering firms was the same for all companies. Mr. Powers responded in the positive. Commissioner Lumpkin asked if locals were notified of the opportunity to bid. Mr. Powers responded in the positive and stated that his staff phoned Engineers Incorporated to inform them of the opportunity to bid.

Commissioner Lumpkin made a motion to Award the Contract for Engineering Design Services for the Tucumcari Airport to WH Pacific and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Abstain	Yes	Yes

Mayor Witcher then called on Mr. Dysart to present the Audit Contract. Mr. Dysart stated that the State of New Mexico oversees budgets of municipalities and the processes of managing those budgets. The City is required to submit an audit annually that is conducted by an independent audit firm. Mr. Dysart stated that usually a three year audit contract is executed and approved by the State. Mr. Dysart went on to explain that the three year contract with the audit firm the City has been using expired with last year's audit being the third and final audit in the contract. However, the opportunity to submit a bid to perform audit services was not advertised. Mr. Dysart contacted the State and due to the tight timeline in submission of the audit, the State agreed to allow the City to use the same firm for another year. Mr. Apodaca asked if the bid process will be opened up next year and Mr. Dysart responded in the positive. Mr. Lumpkin asked if local accounting firms will be contacted next year and given the opportunity to bid. Mr. Dysart responded in the positive.

Commissioner Lumpkin made a motion to approve the one year audit contract and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher called on Ms. Rey to present the utility bill adjustment for the Elks Lodge. Ms. Rey directed the Commissioners to the updated agreement on their desks. She explained that the City Attorney had recently reviewed the agreement and suggested some changes. The updated version with changes highlighted is what the Commissioners see on their desks. Ms. Rey went on to explain that in 2006 the Elks Exalted Ruler brought a problem in the Lodge's water bill to the attention of the City. Ms. Rey was recently assigned to research the problem and now knows what happened and the exact amount the Lodge was over billed. Ms. Rey explained that the Lodge installed a water meter on their

side of the line to better calculate how much water was being used at their swimming pool. Ms. Rey went on to say that a meter reader inadvertently began reading both the City meter at the Lodge as well as the meter installed by the Lodge. Thus, billing the Lodge twice for the gallons used in the pool. Ms. Rey contacted Triadic, the billing software company and with their help, has determined the amount over billed to be \$8,933.76. The agreement defines the dollar amount, assigns the over billed amount of \$8,933.76 as a credit on the Lodge's water bill and describes that the City meter only will be read each month. The amount to be billed to the Lodge each month will be deducted from the credit until the entire amount is exhausted upon which the Lodge will be responsible for paying the billed amount again. Commissioner Lumpkin stated that he knows resolving this issue took a lot of work and he thanked those who did so. He also stated that the Elks are very grateful to the City and they have stated that the City employees have been helpful.

Commissioner Lumpkin made a motion to approve the Elks Lodge Utility Bill Adjustment approving a credit in the amount of \$8933.76 to the Tucumcari Elks Lodge for over billing of water. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher opened the discussion of the Personnel Policy revisions. Mayor Pro Tem Apodaca stated that the language in the Personnel Policy he spoke of in a previous meeting which said, "A majority of the City Commission upon finding that it is the best interest of the City of Tucumcari to hire or rehire any individual, may do so upon a majority vote of the commission, which such rehiring is deemed necessary to comply with any rule, statute, contract, or court order. If applicable, the Commission shall consider whether the provisions of Criminal Offenders Employment Act 28-1-4 NMSA, 2000 (Repl. Pamp) should apply." was repealed in 2008. Mayor Pro Tem Apodaca stated that he feels it is time to review the policy and the regulations. Mr. Apodaca went on to say that he believes some issues that have come up recently need to be addressed in the policy. Mr. Apodaca stated that the use of tasers puts the City in a liability situation. He went on to recount a March 2010 incident where a woman in Taos was handcuffed and tased five times. Mr. Apodaca stated that he believes tasers should be designated as a last resort instead of a compliance aid by officers. Other issues Mayor Pro Tem Apodaca would like to see addressed in the policy include body art and the dress code.

Mayor Witcher asked Mr. Jason Braziel, Chief of Police if tasers are considered deadly force. Mr. Braziel responded in the negative. Mayor Pro Tem Apodaca stated that handcuffing and tasing a woman five times is inappropriate and he would like to see a policy that provided guidance for use of tasers. Mayor Pro Tem Apodaca also stated that the City Commission is responsible for setting policy. Mr. Apodaca also stated that he would like to see Spanish speaking in the office place addressed in a policy.

Mayor Witcher stated that he would like the staff to recommend changes to the policy and then the Commission can hold a work session next month to review the policy and recommended changes. Mayor Pro Tem Apodaca stated that the City Commission should meet and review the policy and receive input from the staff. Mr. Apodaca went on to say that the policy revisions will not happen overnight and that he anticipates the process to take a month or two to complete. Mayor Pro Tem Apodaca stated that in 2008 the Commission rubber stamped the updated policy because the changes were not highlighted for them.

Ms. Rey asked Mr. Apodaca if he was satisfied with the documentation provided to the Commission on

how the personnel policy was changed over the years. Mayor Pro Tem Apodaca stated that he was satisfied but with no basis for comparison from one version to the next, it was difficult to make the changes in the past.

New Business

Mayor Witcher appointed Mr. Mark Lake to serve as a Quay County representative on the Eastern Area Workforce Development Board. Mayor Witcher went on to say that the seat on the Board has been vacant since Ms. Ditto vacated the seat and he was glad to see Mr. Lake, a pottery business owner, fill the spot.

Items From Commissioners

Commissioner Sandoval encouraged those present to make time to go to the Five Mile Park meeting with the Historic Preservation Office and he will do the same.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca stated that he hopes the issue of developing the Tucumcari Lake project does not die. He encouraged those involved to continue to study the issue.

Commissioner Lumpkin thanked those in attendance for coming to the meeting. He went on to explain that sometimes the City acquires property and opens it up for bid. He went on to say that the bid timeline is advertised and those interested should watch the paper.

Mayor Witcher thanked those in attendance for coming to the meeting.

Executive Session

Mayor Witcher stated that the next item on the agenda is to convene in Executive Session and he asked for a motion to do so.

Commissioner Lumpkin made a motion to Convene in Executive Session to discuss matters as provided for under NMSA Open Meetings Act Referencing Section 10-15-1 H (7) 1978, Threatened or Pending Litigation. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Time noted was 6:55 p.m.

Commissioner Lumpkin made a motion to Re-Convene in Regular Session following Executive Session where the only matters discussed were as provided for under NMSA Open Meetings Act Referencing Section 10-15-1 H (7) 1978, Threatened or Pending Litigation. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Time noted was 7:28 p.m.

Adjournment

Commissioner Curnutt made a motion to adjourn and Commissioner Lumpkin seconded the motion.

Time noted 7:30 pm. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	No

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk