

**CITY OF TUCUMCARI
MINUTES
December 9, 2010**

The Tucumcari City Commission met for their regular meeting on Thursday, December 9, 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; Dennis Dysart, Finance Director; Christine Dougherty, City Clerk; and Doug Powers, Planning and Development Director.

Mr. Ray Aragon, Deacon from St. Anne's Catholic Church, led the invocation and Ms. Dougherty led the group in the Pledge of Allegiance.

Consideration of Addition and/or Deletions to the Agenda

Mayor Witcher indicated that more time was needed to discuss the ordinances dealing with taxes and therefore, items VII, C and D will be deleted. Mr. Witcher also stated that the wording of item XI should be changed to read that the Commission gives the City Manager the authority to donate land to the Economic Development Corporation.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. He went on to say that he looks forward to hearing everyone's input and that any input is well received. Mr. Lumpkin also congratulated Mr. and Mrs. Vanderpool who were in the audience on the recent graduation of their son, Max Ferren from Air Force Recruit Training.

Mayor Witcher thanked everyone for coming and wished everyone a Merry Christmas and a Happy New Year. He also announced that the next regular meeting of the Commission has been rescheduled to December 30.

Approval of Minutes

A motion was made by Commissioner Lumpkin and seconded by Commissioner Curnutt to approve the minutes of the November 18, 2010 Regular Commission meeting. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Curnutt and seconded by Commissioner Lumpkin to approve the City vouchers. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Richard Tally asked if the tax ordinances would be read this evening. Mr. Witcher responded in the negative.

Ordinances and Resolutions

Ms. Rose explained that tonight is the final reading of Ordinance 1081, an Ordinance creating the Tukumcari Memorial Park Cemetery Advisory Board. Ms. Rose explained that this ordinance creates a five member board. A motion was made by Commissioner Lumpkin and seconded by Commissioner Curnutt to adopt Ordinance 1081. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
No	Yes	Yes	Yes	Yes

Ms. Dougherty explained that this is the final reading of Ordinance 1082, an Ordinance amending Ordinance 1003 governing the Tukumcari Senior Programs Advisory Board. Ms. Dougherty explained that this adds one representative for the Foster Grandparents Program and one representative for the Senior Companion Program. She also stated that because the program serves the County and not just the City that it allows residents outside the city limits to serve on the board.

A motion was made by Commissioner Lumpkin and seconded by Commissioner Curnutt to adopt Ordinance 1081. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Rose presented Ordinance 1085 for the first reading. Ms. Rose explained that this Ordinance modifies the Personnel Policy with a definition of at will employees. Ms.

Rose stated that there are 18 Department Heads that are terminable at will. The Personnel Policy lists five departments with supervisory positions that were never filled. Ms. Rose explained that this is legally confusing. Ms. Rose added that staff is working on rewriting the entire policy.

Mr. Lumpkin stated that he disagrees. He said he feels that at will employees can be terminated for no reason and have no grievance rights. Mr. Lumpkin feels employees should have more rights than that and should be told when they are doing something wrong and it should be documented. Ms. Rose explained that employees are told when they are doing things incorrectly and it is documented. Mr. Lumpkin stated that he would like City employees to have due process. Ms. Rose stated that the revised Personnel Policy is being worked on at this time. She stated that by the next Commission work session, the first section of the policy may be ready for review.

Mr. Apodaca stated that he recalled the revised organizational chart was not approved. Ms. Rose explained that the ordinance was approved that went along with the organizational chart that was not approved. Mr. Lumpkin stated that employees should have the right to appeal. Ms. Rose stated that by statute, some employees must serve at will. Ms. Rose stated she will discuss this with the City Attorney. Ms. Rose also explained that employees are worked with, told when they are doing something wrong and disciplined with expectations for improvement made clear.

Mayor Witcher asked if the ordinance could be modified on page 16 in the second paragraph by adding the words due process before termination to resolve the issue. Ms. Rose said that she will check with the attorney.

Mayor Pro Tem Apodaca made a motion to table Ordinance 1085, an Ordinance amending Section 2.64 of the Tukumcari Municipal Code regarding Personnel Policies; specifically employment status. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Ms. Rose presented Ordinance 1086 for the first reading. She explained that this Ordinance amends Section 2.64 of the Tukumcari Municipal Code regarding Personnel Policies; specifically observed holidays. Ms. Rose explained that this revision changes the days that holidays are observed putting the City's schedule in line with the County.

Mayor Pro Tem Apodaca made a motion to approve Ordinance 1086 which amends Section 2.64 of the Tukumcari Municipal Code regarding Personnel Policies; specifically observed holidays. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mr. Dysart presented Resolution 2010-47 amending the 2010-2011 budget of the City of Tucumcari. Mr. Dysart explained that the Department of Finance and Administration suggested some changes to the budget and this budget amendment resolution reflects those suggested changes. Mr. Witcher asked if the budget is still balanced. Mr. Dysart explained that the budget shows a deficit due to funds received in the previous fiscal year.

Commissioner Lumpkin made a motion to approve Resolution 2010-47 amending the 2010-2011 budget for the City of Tucumcari. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose asked Mr. Dysart to give a Financial Report. Mr. Dysart directed the Commission to the one page summary that was provided in their packets. He explained that the deficit shown is due to the expenditures made in the Wastewater Treatment Plant project. He explained that the revenue for these expenditures has not come in yet.

Ms. Rose reported to the Commission that the property at 1101 W. Railroad that has been leased to BOC since 2003 will soon be vacated. BOC asked Ms. Rose if they could break the lease on the property with three months notice.

Ms. Rose also informed the Commission that the contract for property lease to the Unity Group expires at the end of the year. Ms. Rose went on to say that the current lease is for \$1 per year for the Alcoholics Anonymous group to use the building. The City provides insurance and the Unity Group reimburses the City for the insurance expense.

Mayor Witcher added that the Unity Group takes good care of the building and that their program is valuable. Mayor Witcher, Commissioner Lumpkin and Commissioner Curnutt agreed that it is a good program and to extend the lease contract.

Ms. Rose reported that there are still issues with the Library roof. She explained that there are leaks around the air conditioning units and staff is working with the insurance company to resolve the problems.

Ms. Rose reported that she continues to meet with the Wednesday morning Working Group and finds these meetings to be productive. Ms. Rose attended the Housing Authority Audit exit conference on November 29. The Housing Authority is no longer a troubled authority and the audit findings were limited. The auditors gave the Housing Authority a non-qualified opinion which Ms. Rose reported is excellent.

On November 30 Ms. Rose met with the Mayor, Mark Lake and Pat Vanderpool regarding options for the Sands Dorsey. Limited funding seems to be available for tear down but some funds may be available to revitalize the site. Tax Credits could assist in

this project. NMFA may not lend funds to tear down the building and HUD and USDA have also confirmed that they will only lend on a revitalization project.

Ms. Rose reported preparing a PowerPoint presentation for the Town Hall Meeting. Not all the information was covered in the Mayors presentation. Ms. Rose has a copy of both if anyone is interested in reviewing.

On December 6 Ms. Rose met with the EDC and Mesalands to discuss partnership ideas.

On December 7, Ms. Rose attended a public meeting with Lt. Governor Elect Sanchez and then a private dinner with Mr. Sanchez, representatives from the County, EDC and Mesalands College were also in attendance.

On December 8, Ms. Rose attended a lunch meeting with Becky Gear who is a lobbyist working with the Mackey Group.

Ms. Rose explained that she and Mr. Sandoval will tour his district on December 10.

Ms. Rose stated that at the Town Hall Meeting last Thursday, several citizens inquired about the City's health insurance benefit. At one time, the City paid 100% of the health insurance and the employee paid all the vision and dental. Last year the benefit package was changed to the City picking up 95% of the health insurance which included vision and dental. The more affordable plan made the cost approximately the same to the City. The employees paid 5% of the premium.

The citizens wanted to know some details about this issue. The City's portion of health insurance based upon fiscal year 2009-2010 was \$909,614. Total full time salaries are \$3,162,229 making the health benefit 28.76% of total salaries. There are 92 employees are taking the health care benefit. Only full-time employees are eligible for the benefit.

Ms. Rose stated that this is a very generous benefit package for employees. If the Commission reduces this benefit, it will likely reduce salaries. If employees have to pay more for the insurance, they are likely to drop the benefit, saving the City money but in the long run, could cost the City more in indigent funds.

Commissioner Lumpkin asked if the insurance company has inspected the Library roof. Ms. Rose responded that the contractor that installed the roof did not obtain a performance bond and the insurance company is doing what they can to help with the issue.

Commissioner Lumpkin commended the Housing Authority for no longer being designated a troubled agency.

Mayor Pro Tem Apodaca commented that he saw the letter the Mayor wrote that was published on the back of the last utility bills sent out by the City. Mr. Apodaca inquired if any Commissioner can publish a letter containing their views on the utility bills without approval from the Governing body. Mayor Pro Tem Apodaca stated that if this is the

case, he would like the same opportunity to state why he opposes the tax measures. Ms. Rose responded in the positive saying that any Commissioner can have this opportunity. Ms. Rose went on to say that in the future, this needs to be reconsidered. Mr. Apodaca agreed that this could get nasty. Ms. Rose said that the City Commission needs to make decisions together. Mr. Apodaca stated that the publication of the letter gives the impression that the entire Commission is in favor of the tax measures.

Bids and Contracts

Ms. Dougherty presented the contract between the Convention Center and 505 Underground Design for website services. Ms. Dougherty explained that this is a renewal of a contract for design and maintenance of the Convention Center website.

Commissioner Lumpkin made a motion to approve the contract between the Tukumcari Convention Center and 505 Underground Design for website design and maintenance and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Old Business

Ms. Rose presented the SPIRIT of Highway 54 invoice for 2010 dues. Ms. Rose explained that this group has been stagnant and the dues are unbudgeted and recommended that approval to pay not be granted.

Mayor Pro Tem Apodaca made a motion to table the SPIRIT of Highway 54 dues for 2010 and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mr. Dysart presented the final budget for fiscal year 2010-2011 as approved by the DFA. Mr. Dysart explained that upon approval from the DFA, the local governing body is required to approve the budget as well.

Commissioner Lumpkin made a motion to approve the final budget of the City of Tukumcari for 2010-2011 as approved by the DFA and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

New Business

Mr. Pat Vanderpool, Executive Director of the Tukumcari Economic Development Corporation asked the Commission for a donation of property. Mr. Vanderpool stated

that he recommends the donation of 112.38 acres of land to the EDC for the development of renewable energy projects. Mr. Vanderpool directed the Commission to a map in their notebooks which details the location of the property to which he is referring and noted that it is adjacent to the City Cemetery. Mr. Vanderpool cited Ordinance 972 which gives the Commission the authority to donate land to the EDC. Mr. Vanderpool went on to explain that a buffer will be reserved on the west side of the property for future cemetery growth. Mr. Vanderpool went on to say that should the property be used by a business that will use water beyond average business use; approval from the City will be secured.

Mayor Pro Tem Apodaca suggested that a clause be added stating that if nothing is developed on the land in the next five years, the property will revert to the City. Mr. Vanderpool stated that he would be happy to add that clause.

Mayor Witcher, Commissioner Curnutt and Commissioner Sandoval each stated that they agreed with this idea. Commissioner Lumpkin thanked Mr. Vanderpool for his efforts to develop Tucumcari.

Commissioner Lumpkin made a motion to give the City Manager the authority to donate the 112.38 acre piece of land outlined in the map, adjacent to the cemetery to the EDC with a clause added to the agreement that if nothing is developed on the land in five years, the property reverts back to the City. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Lumpkin thanked everyone in attendance for coming to the meeting. Mr. Lumpkin also encouraged citizens to call their Commissioners with their thoughts.

Mayor Pro Tem Apodaca had no comments.

Commissioner Curnutt thanked those in attendance for coming to the meeting.

Commissioner Sandoval stated that he and the City Manager will be touring District Two and talking to business people.

Mayor Witcher wished everyone a Merry Christmas and thanked them for coming to the meeting.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session to discuss matters as provided for under New Mexico Statutes pertaining to open meetings

referencing section 10-15-1 H (7) 1978, related to threatened or pending litigation. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Time noted 6:43 p.m.

Commissioner Lumpkin made a motion to re-convene in Regular Session after Executive Session where the only matters discussed were as provided for under New Mexico Statutes pertaining to open meetings referencing section 10-15-1 H (7) 1978, related to threatened or pending litigation. Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Time noted 6:55 p.m.

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Lumpkin and seconded by Commissioner Curnutt. Time noted 6:56 p.m. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Amiel Curnutt, Commissioner

ATTEST:

Christine Dougherty, City Clerk