

**CITY OF TUCUMCARI
MINUTES
January 27, 2011**

The Tucumcari City Commission met in their regular meeting on Thursday, January 27, 2011, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were; Antonio Apodaca, Amiel Curnutt, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager/Fire Chief; Christine Dougherty, City Clerk; Doug Powers, Planning and Development Director; Jason Braziel, Chief of Police; Yvette Fazekas, Planning and Zoning Administrator; Linda Moore, Museum Head Attendant; and Clara Rey, Human Resources Director.

Mr. Fred Caton, of the Devine Connection Church led the invocation and Mr. Witcher led the group in the Pledge of Allegiance.

Consideration of Addition and/or Deletions to the Agenda

Mr. Witcher noted that there were two items numbered VII on the agenda and the first one, Consideration of Racetrack Development Agreement needs to be removed. Mr. Witcher also noted that Item XI, C should be noted as Resolution 2011-7.

Commissioner Curnutt made a motion to approve the amended agenda and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	Yes	Yes

Items from Commissioners

Mayor Pro Tem Apodaca had no comments.

Commissioner Sandoval stated that a few weeks ago he and Ms. Rose toured the City including his district, the cemetery, and along Highway 54. Mr. Sandoval felt it was a good visit and hopes that some work can be done on the roads in district two. Mr. Sandoval also noted that his district is a flood area and the drainage system is poor. He hopes that work to improve these issues can be done in the future.

Commissioner Curnutt thanked those in attendance for attending the meeting and also thanked Mr. Caton for providing the invocation.

Mayor Witcher thanked those in attendance for coming to the meeting. Mr. Witcher also stated that he had spoken with Antonio Pacheco who has noticed an increase in graffiti in

town and would like to establish a graffiti removal committee. Mr. Witcher stated that he and the City Manager are looking into this idea.

Approval of Minutes

A motion was made by Commissioner Curnutt and seconded by Commissioner Sandoval to approve the minutes of the January 13, 2011 Regular Commission meeting. Roll Call:

Witcher	Apodaca	Sandoval	Curnutt
Yes	Abstain	Yes	Yes

Approval of Vouchers

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

Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Items from Citizens

Mayor Witcher asked if there were any citizens wishing to address the Commission. Being none, the meeting continued.

Ordinances and Resolutions

Ms. Rose presented Ordinance 1087 explaining that the City Commission appointed three members to the Tucumcari Memorial Park Cemetery Advisory Board who have had their first informal, organizational meeting. There was discussion of the Cemetery serving the entire county and representation on the Advisory Board should be reflective of that. Ms. Rose stated that this is the first reading of this ordinance and she recommends that the Commission approve the ordinance which provides for County representation on the board.

Commissioner Curnutt made a motion to approve the first reading of Ordinance 1087, Amending Ordinance 1081 pertaining to the Tucumcari Memorial Park Cemetery Advisory Board. The motion died for lack of a second.

Ms. Rose then presented Resolution 2011-5 approving the Aviation Grant Agreement Application for Pavement Maintenance. Ms. Rose explained that this grant is through the New Mexico Department of Transportation and is 95% grant funds. The funds will be used for pavement maintenance at the Airport and for the development of an Airport Master Plan. The grant is for \$422,000 and the City match is \$11,050. Ms. Rose stated that the match is in the budget and she recommends that the Commission approve the resolution.

Commissioner Curnutt made a motion to approve Resolution 2011-5, Aviation Grant Agreement Application for Pavement Maintenance and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	Yes	Yes

Ms. Rose then presented Resolution 2011-6, Aviation Grant Agreement Application for Terminal Renovations. Ms. Rose explained that this is a State project for \$300,000 with the City's share being \$15,000. The funds will be used to replace the heating and cooling units as well as the windows. Ms. Rose stated that the match is not in the budget. Ms. Rose explained that the Airport is in dire need of improvements and this is a good opportunity to make those updates and recommends that the Commission approve the resolution.

Mayor Pro Tem Apodaca asked Ms. Rose to be more specific about the match not being in the budget. Ms. Rose explained that the matching funds are not in the budget as it was not known about at the time the budget was drafted, however she recommends approval and stated that the match can come from either excess airport funds, the EDC fund, or the emergency fund.

Mayor Witcher explained that the heater is very old at the Airport and needs to be replaced. He said that the City has never had the funds before and this is the first opportunity since he has been on the Commission to make improvements at the airport. Mr. Apodaca stated that he understood but would like to know exactly where the matching funds will come from before he is comfortable voting for the resolution. Ms. Rose explained that the emergency fund has \$400,000 in it and this is \$15,000. Mr. Apodaca expressed concern that the emergency fund might be needed for other uses. Ms. Rose agreed but felt this is a wise use of the funds. Mayor Pro Tem Apodaca asked if the remainder of the funds will come in the form of a grant. Ms. Rose responded in the positive saying that the grant is for \$300,000 and the City match is \$15,000.

Commissioner Curnutt made a motion to approve Resolution 2011-6, Aviation Grant Agreement Application for Terminal Renovations. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Witcher	Apodaca	Sandoval	Curnutt
Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose began her report with information on a Joint Powers Agreement creating the Ute Reservoir Regional Water Board which will include Tucumcari, Logan, San Jon and Quay County. The purpose is to utilize and distribute the water from Ute Reservoir as all entities have a common interest in the contract with ISC and URWC. Ms. Rose stated

she will present this again in the final form very soon. Ms. Rose asked the Commission to look this over and let her know if there are any concerns.

Ms. Rose reported that the entrance audit meeting was held on the 24th. Ms. Rose anticipates that the City will still have existing audit findings this year but that we are making significant improvements.

Ms. Rose explained that the Water Department discovered a cement sewer pipe that collapsed and about two blocks of line will need to be replaced. This will require tearing up streets. The City currently has a contractor in town doing pipe bursting which is done without tearing up the streets. Mr. Sandoval will be pricing this repair for pipe bursting and replacement by his crews. The department has about \$80,000 in cash balance from last year but the cost is unknown. This must be done and may require funds from the emergency fund.

Ms. Rose then informed the Commission about a situation at the Golf Course. The City has two Governmental Liquor Licenses, one at the Golf Course and the other at the Convention Center. The license at the Golf Course expires on May 2nd. The cost of renewal is approximately \$1,500 per year. Ms. Dougherty found that only city employees are allowed to serve alcohol at the Golf Course and the Golf Pros are contractors so we are in violation of the regulations. An invitation for bids to lease the liquor license at the golf course was advertised and we did not get any responses.

Rex Maddaford, Golf Pro says they use the license specifically for their tournaments but that anyone holding a Dispenser's License can obtain a Picnic License for those events. If the City drops the license, we can get it back at any time but we have to go through the entire application process again. We can suspend the license but still would have to pay the annual fees. Ms. Rose wants the Commission to have time to think about this issue, but recommends that we drop the government liquor license at the Golf Course.

Mr. Apodaca stated that he recalls voting in favor of obtaining a liquor license at the Golf Course as the Commission was told it would increase traffic at the course. Ms. Rose told the Commission that she will have profit and expense reports from the Golf Course for the Commissioners at the next meeting.

Ms. Rose then gave an update on the water re-use project. The project is a Water Trust Board Project with \$1.4 million in grant funding and a 20 year loan for \$350,000 at zero percent. The loan payment will be \$17,500 per year. The Waste Water Plant produces approximately 750,000 gallons per day or 2.3 acre feet per day. In a year, the plant produces 839.5 acre feet. Ms. Rose anticipates there will be adequate funds for this project.

With Commission approval, a four acre foot retention pond will be constructed on city property with an eight inch distribution line. This will give the City the ability to provide constant water flow. The City will start getting the easements to cross property lines for

the project. The City has visited with the land owners and problems are not anticipated. An Environmental Assessment must be completed, but this should take very little time.

The plan is to take the line to the New Mexico State University Agricultural Science Center. This will provide a unique opportunity in New Mexico to test crops year round with adequate water supply and work jointly with this governmental entity. NMSU will pay \$30.00 per acre foot for 150 acre feet per year. This will be a total of \$4500.00 a year. A 20 year agreement will be drafted wherein they agree to pay whether they use the water or not. NMSU's permit application is close to completion. EDC has guaranteed us \$7500.00 in order to make our loan payments.

Ms. Rose stated that Mr. Sandoval inquired about places to deposit used oil. Ms. Rose informed those in attendance that used oil can be taken to the City Street Shop and left for no charge.

Ms. Rose informed the Commission that there are a few lodging entities in the City that are not remitting Lodgers' Tax payments in a timely manner. Ms. Rose informed the Commission that State Statute 3-38-17.3 states that, the District Attorney in Quay County may assist the City with issuance of a Writ of Mandamus to enforce the payment of the Lodger's Tax Act. The City is also entitled to recover attorney's fees from the business that is not paying Lodgers' Tax and they face the prospect of either having their doors closed or paying the same in full. Ms. Rose has contacted the District Attorney's office and believes the City can get this achieved with their assistance.

Ms. Rose explained that the Sanitation Department should have the protective soil layer installed at the Landfill next week and we will then move to survey cells C and D. The Survey for cells C and D will cost \$1,300. Groundwater Sampling and Reporting for new Landfill will cost \$32,000 per year. Groundwater Sampling and Reporting for new Landfill will cost \$32,000 per year.

Ms. Rose reported finding a potential funding source for a portion of the Sands Dorsey Remediation. The building owner has given Ms. Rose the Power of Attorney to work with the NMED to complete the three phase process. The first phase involves a due diligence environmental document. The second phase is performance of a contamination assessment, and phase three is site remediation assessment. When all three phases are done a request for funds can be processed. At this time, funds are available for 2011 or 2012.

Ms. Rose received a call from Janet Brooks, Targeted Brownfields Assessment Coordinator from the Environmental Protection Agency, Region Six. Ms. Rose recommends that we ask for targeted assessments at the old police department building next to City Hall and other vacant city buildings. Ms. Rose suggested that we try to get other building owners to get the same assessment. Ms. Rose reported that one motel owner said last week he just wanted to donate his property and walk away.

The City works as partners with the NMED and normally gives the first right of refusal on any assessment projects to them. Currently, both EPA and NMED have assessment funding. The agencies will consider any of our potentially hazardous buildings including gas stations prior to the City taking them over so we have an idea of our risk and hopefully, they will remediate the building and then the City will need to do the disposal.

Ms. Rose asked if the Commission would like her to proceed with this project. Mayor Witcher stated he would like Ms. Rose to continue with this project.

Ms. Rose has been working with the Small Business Development Center to offer training for local businesses to assist them in responding to City requests for proposal. The training is scheduled for the afternoon of February 22nd at the Convention Center. Mayor Witcher suggested that this be advertised in the water bill.

Ms. Rose reported that work continues with the USDA and the Rural Community Assistance Program on the rate study and asset management programs. The goal is to ensure at the end of the training City staff is able to accurately determine what our rates should be and be able to justify them to our citizens. We must have this completed prior to April so it will work out nicely with our next budget cycle.

Ms. Rose then reported on cost savings ideas and areas where cuts might be made. Ms. Rose has instructed staff to travel only when necessary, to cut back on overtime, and to continue to look for ways to cut expenses. Staff has been investigating a management company run the Convention Center. Ms. Rose reported that we are short staffed at EMS and Kalon Lafferty has had to go back on shift in order to keep the ambulances going. Staff will be checking on contracting this service out and visiting with the Hospital to see what other options we have. If none exist, we must bring the wages up to retain our staff. The entry level pay for EMS is \$7.50 per hour. However, in Hobbs the starting level is \$13.01. Our staff is exhausted.

Mayor Pro Tem Apodaca stated that the Ambulance Service has always been a drain on the budget. He asked for the annual cost to the City. Ms. Rose responded that she will get those figures for the Commission.

Ms. Rose stated that staff is investigating options for electronic water meters which could read all the meters in town in four minutes instead of our current manual system which takes 20 to 30 days. Our meter company will come and pull 25 meters from our system and send them for testing. They have found over time, meters do not read accurately and water revenues are lost due to the slow meters. The meter company feels we can do a financial benefit analysis to predict what we are losing in water sales. It is possible that electronic meters could pay for themselves.

Ms. Rose reported that staff will also investigate a supervisory control and data acquisition (SCADA) system that would auto monitor our pumps, wells and other water equipment instead on having staff go around and manually turn them on and off.

Utilizing electronic meters for the new reuse water project is also a money savings possibility. Ms. Rose is also evaluating whether vacant positions need to be filled. Sometimes this will affect the service so these will be brought to the attention of the Commission. Ms. Rose is also investigating the ramifications of residential trash pick up at one time per week instead of two.

Ms. Rose stated she feels the City is at a point that we need to increase revenues or decrease services. She hopes to discuss this at the work session in two weeks as these are Commission decisions that need to be made.

Ms. Rose reported numerous needs; the roof and an HVAC unit at the Library need to be replaced, aging equipment and infrastructure that is essential needs to be repaired and/or replaced, staff have not received raises in a long time and we are beginning to lose some of them for better paying jobs. Staff doesn't see a brighter future in Tucumcari. We can not afford to lose our certified personnel.

Ms. Rose reported the Mayor had a call from an elderly woman who walks at the Recreation Center in the mornings. The woman stated that people are playing basketball which makes her nervous that she will get knocked down. The Mayor has suggested we set aside a few hours in the morning where only walking is allowed. Ms. Rose asked for Commission opinion on this issue. Mr. Apodaca stated that he recalls hours such as this used to exist. He also mentioned that he too received calls on this issue and safety is important. Commissioner Sandoval added that he received calls on this issue as well.

Ms. Rose concluded her report by giving important upcoming dates.

February 10, 2011	Ms. Rose will give a presentation to Rotary Club
February 15, 2011	Quay Days in Santa Fe
February 22-23, 2011	Annual Municipal Day – NMML, La Fonda
March 19, 2011	Legislative Session Ends

Bids and Contracts

Mayor Witcher then called on Ms. Fazekas to present the recommendations for the Rail Road Depot Roof project. Ms. Fazekas stated that the low bid was from Nambe Construction for \$153,999 and that the New Mexico DOT has approved the bid. Ms. Rose added that when she spoke to Mr. Lumpkin on the phone this afternoon he asked her if local companies were contacted regarding this project. Ms. Rose said they were and that she recommends approval of this bid.

Commissioner Sandoval asked if only one local contractor responded to the RFP. Ms. Fazekas responded in the positive stating that all local contractors were contacted and only one responded. Mr. Sandoval said that the community does not trust the City Commission anymore.

Commissioner Curnutt made a motion to approve the Rail Road Depot Roof bid from Nambe Construction and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher
Yes	No	Yes	Yes

Ms. Rose then presented the Memorandum of Agreement between the Federal Aviation Administration (FAA) and the City of Tucumcari. Ms. Rose explained that the FAA leases space at the Airport at no cost which will expire in December of 2013. Ms. Rose stated that the City has to have the FAA at the Airport and she recommends approving this MOA.

Commissioner Curnutt made a motion to approve the Memorandum of Agreement between the FAA and the City of Tucumcari and Commissioner Sandoval seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

New Business

Mayor Witcher stated that he asked for staff to investigate a panhandling ordinance. Mr. Witcher stated that at the I-40 off ramps at First Street and Mountain Road there have been panhandlers recently. Mr. Witcher stated he feels this practice is hazardous and distracting. He stated that staff is working with the Police Department on this ordinance and he would like to see it on the next agenda. Mayor Pro Tem Apodaca asked for clarification on this issue. Mayor Witcher stated that there have been people at the interstate exits begging for money and he feels it is inappropriate.

Mayor Pro Tem Apodaca stated that he feels the problems may be due to mental illness. He foresees the panhandlers being picked up by the police, put in jail, unable to pay their fines, and then will simply return to panhandling. Mayor Pro Tem Apodaca stated that he feels treatment is necessary to resolve this issue. He went on to say he would support the ordinance if treatment was afforded the offenders. Mr. Apodaca stated that locking up the offenders is not a solution and the City will be stuck paying the bill for incarceration.

Mayor Witcher then called on Ms. Linda Moore, Museum Head Attendant to present the request for change in hours of operation and entrance rates at the Historic Museum. Ms. Moore stated that one of the part-time Museum employees was transferred to the Streets Department. In evaluating the budget, Ms. Moore suggested that perhaps this position not be filled and Museum hours be cut slightly to decrease expenses. Ms. Moore proposed that the Museum hours be changed to Tuesday through Saturday from 9 a.m. to 3 p.m. Ms. Moore also suggested that a group rate be instituted. Ms. Moore proposed that for parties of ten or more, adults pay \$3 each and children pay \$1 each for admission to the museum. Ms. Rose stated that she recommends that the part-time position at the Museum not be filled.

Ms. Moore stated that for only two hours per day an attendant will be alone at the Museum. Mayor Witcher asked if the Museum has received calls from out of town

parties interested in the museum inquiring about a group rate. Ms. Moore responded in the positive.

Mayor Pro Tem Apodaca made a motion to approve the Museum request for a group rate and a change of hours of operation. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Sandoval
Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Fazekas to present the Application to Vacate a Recorded Plat. Ms. Fazekas stated that the County Commission met and recommended the withdrawal of the re-plat by Troy Brake for Hills Village Subdivision Unit Two. Ms. Fazekas stated that this does not impact the City. She explained that it will only impact the property owner's property taxes. Ms. Fazekas went on to explain that the City is the adjacent property owner and the property is within three miles of the City Limits, which is why the County requires the City Commission to vote on this issue. Ms. Fazekas stated that there have been two public hearings on this issue and the County has had to table the issue until the City votes on the proposal.

Mayor Pro Tem Apodaca made a motion to approve the Application by Troy Brake to Vacate the recorded plat for Hills Village Subdivision Unit Two by approving Resolution 2011-7. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

Mr. Witcher asked Ms. Fazekas to continue and present the Appointment to the Planning and Zoning Advisory Board. Ms. Fazekas explained that since Mike Burns' resignation from the Planning and Zoning Advisory Board, there have not been any applicants to fill the vacancy. Ms. Fazekas reported recently receiving an application from Mr. Tom Sullivan who is the Business Manager at the Tucumcari Schools.

Mayor Pro Tem Apodaca made a motion to appoint Mr. Tom Sullivan to the Planning and Zoning Advisory Board and Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

Items from Commissioners

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

Commissioner Sandoval also thanked those in attendance for coming to the meeting.

Mayor Pro Tem Apodaca stated that he has been absent from some of the recent meetings due to personal problems and he welcomed himself back.

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

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Curnutt and seconded by Mayor Pro Tem Apodaca. Time noted 6:42 p.m. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk