

**CITY OF TUCUMCARI  
CITY COMMISSION MEETING MINUTES  
April 28, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, April 28, 2011, 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/Fire Chief; Christine Dougherty, City Clerk/Purchasing Agent; Clara Rey, Deputy City Clerk/HR Director; Dennis Dysart, Finance Director; Doug Powers, Planning and Development Director, Vicki Strand, Assistant Finance Director; Scott Simpson, Parks, Cemetery and Recreation Superintendent; Viki Riddle, Housing Authority Director, Alex Madrid, Streets and Sanitation Superintendent; and Jason Braziel, Chief of Police.

Mr. Wesley Stewart, Pastor of Temple Baptist Church gave the invocation and Mr. Pat Vanderpool led the group in the Pledge of Allegiance.

**Consideration of Changes or Deletions to the Agenda**

Mr. Witcher asked if there were any changes to the agenda. There were none.

Commissioner Curnutt made a motion to approve the agenda and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

**Items from Commissioners**

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

Mayor Witcher thanked everyone present for coming to the meeting.

**Approval of Minutes**

Mayor Pro Tem Apodaca stated that on page nine of the minutes of the April 14, 2011 meeting in the second paragraph a motion was made by Commissioner Lumpkin not to pay SPIRIT dues. Mr. Apodaca stated that he voted no on this question and the minutes reflected that he voted yes.

A motion was made by Commissioner Lumpkin to approve the minutes of the April 14, 2011 Commission meeting with the change suggested by Mr. Apodaca and the motion was seconded by Mayor Pro Tem Apodaca. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

**Approval of Vouchers**

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

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

**Items from Citizens**

Several citizens spoke in opposition of the proposed budget cuts in the Recreation Programs. Those that spoke were; Diana Dominguez, Shannon Arellano, Angelica Gray, Gary Montano, Eva Lane, Clair Strong, Stanley Ingram, Don Schutte, Ruth Nelson, and Gary Hatterman.

The citizens that spoke agreed that the children in the community need activities to keep them busy, fit and out of trouble. The citizens also questioned how the participant fees and business donations for recreation programs were being used. Gary Montano requested a copy of the 2010-2011 budget and questioned salaries as well as many line items; speculating that the funds for recreation programs could be found elsewhere in the budget.

Mayor Witcher explained that the proposed budget will not do away with sports programs, it eliminates the City funding for uniforms and pay for officials. Mr. Witcher said that the Recreation Center will remain open, fields will be maintained, but parents will have to organize and provide officiating.

Ms. Rose explained that the City subsidizes the Recreation Center \$218,752 per year. The tax on cigarettes collected by the State used to funnel to the Recreation Program but the State has eliminated that subsidy. Ms. Rose then detailed the other proposed cost savings measures in the Recreation Program. Ms. Rose also explained that she checked with the cities of Clovis and Portales and one provides funding for sports leagues and one does not fund recreation programs.

Clair Strong asked that the decision be tabled until the budget could be reviewed and a meeting with concerned parents could be held.

After much discussion and a lengthy question and answer period, Ms. Rose detailed many cost savings measures already taken by the City including combining the

supervisory positions in several departments, several vacated positions that will not be filled, and positions that have been eliminated. Ms. Rose stated that there have been increases in many expenses out of the Cities control including electricity, gas and other supplies as well as several unfunded mandates. The increased expenses equate to \$995,384 and the cuts made are \$248,000 leaving the general fund short by over \$500,000.

After more discussion, it was decided that the Commission will hold a budget work session on Tuesday, May 9, 2011 at 9 a.m. which will reconvene at 5:30 p.m. on the same date to discuss the recreation budget.

At 7:30 p.m. the Mayor closed the public comment session and announced that there will be a 15 minute break.

At 7:45 p.m., the meeting reconvened.

### **Proclamations, Memorials, or Petitions**

Mayor Witcher Proclaimed the month of May 2011 to be “Parents Who Host, Lose the Most: Don’t be a party to teenage drinking” month. This proclamation was presented to the MCCH Council Substance Abuse Committee representative, Noreen Hendrickson.

Ms. Hendrickson thanked Mayor Witcher and gave pens as a token of appreciation to the legislative and executive branch representatives at the meeting.

Mayor Witcher then Proclaimed April 30, 2011 as “Comcast Cares Day” in the City. The proclamation was presented to Spenser DeBord and Ramona Baca of Comcast Communications.

Mr. DeBord thanked the City for allowing Comcast to participate for so many years and help the youth and the community. He detailed the many projects that have been completed at the ball fields by the volunteers and thanked the Fire Fighters 501(c)3 for being the fiscal agent of the funds Comcast donates.

### **Ordinances and Resolutions**

Ms. Rose presented Resolution 2011-20, increasing landfill tipping fees from \$35 per ton to \$36 per ton. Ms. Rose explained that this change will increase revenues by an anticipated \$11,000 per year.

Commissioner Lumpkin made a motion to approve Resolution 2011-20 increasing landfill tipping fees and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Abstain

Ms. Rose presented Resolution 2011-21, the CDBG Fair Housing resolution. Ms. Rose stated this is a requirement of CDBG in order to be eligible for their grant funds.

Commissioner Lumpkin made a motion to approve Resolution 2011-21, the CDBG Fair Housing Resolution and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented Resolution 2011-22, Approving Participation in the EPCOG Programs. Ms. Rose stated that she does not recommend paying the \$1841 dues as we did not pay them last year and the budget is tight. Mr. Apodaca said he agrees with the City Manager as things seem to be running fine without participation in the EPCOG programs. He added that the funds could go towards the recreation programs instead.

Mayor Pro Tem Apodaca made a motion to disapprove Resolution 2011-22 and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented Resolution 2011-23, Regarding the funding for recreation leagues. Mr. Apodaca said that he had a problem with the wording “non-essential” as the Commission had never voted on labeling programs essential or non-essential. Mr. Witcher said that he felt the wording was only used for the resolution. Mr. Apodaca thought a better word could be found.

Commissioner Curnutt made a motion to table Resolution 2011-23 and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented Resolution 2011-24, Determining Obsolete Vehicles for Sale. Ms. Rose explained that the vehicles listed have been found to no longer be of use to the City and will be sold by sealed competitive bid. Mr. Apodaca asked how much the City will save on insurance when these vehicles are eliminated. Ms. Rose responded that as these vehicles have not been in use, they are no longer insured so the savings have already been realized.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-24, Determining Obsolete Vehicles for Sale and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

## **City Manager's Report**

Ms. Rose began by explaining that at our last work session we reported on some of our expenditures that we will face this year and ideas on how to trim the budget. These included cuts in services, cuts in spending and increase in fees. With the cuts placed into the budget we still find that General Fund will be \$500,000 short.

The City will be bidding out the scales for the landfill next week.

The commission approved the several projects at the airport and we will be issuing Task Orders for those projects. They are:

1. State DOT 95% Grant, 5% Local – Terminal Rehab Design Phase @ \$63,000 - \$59,850 State, \$3,150 Local – General Fund
2. Federal 95%, State 2.5% and City 2.5%. Airfield pavement maintenance preparation of Construction Package - Cost \$36,500 - Federal \$33,820 State and Local is \$1,340.
3. Airport Master Plan. Federal 95%, State 2.5% and City 2.5% - Cost \$128,475 Fed \$122,051 - State and Local \$3,212.

Water Reuse Project The Contract Agreement and Right of Way Agreement for the Water Re-use Project at NM State University Agricultural Science Center will be on the next agenda. Doug attended the Water Trust Board Meeting in Santa Fe last week and they approved the amendment to the project to include the holding pond on City property for the Water Reuse Project.

Water / Electronic Meters – On April 18<sup>th</sup>, staff met with Western Industrial about Electronic Meters. We calculated our water loss in March and it showed a 50% water loss. Acceptable ranges are 10 – 15%. We are pumping and treating 50% more water than we are being paid for. We will have NM Rural Water Association or the Rural Community Assistance help us with a water audit. We did send off meters to check them for accuracy and found a water loss of about 35% in those meters as they are running slow or do not detect low water uses. We did apply for funding for new electronic meters and the water storage tank and have been rated high. With the energy efficiency and water conservation portion of the grant, we expect to have a 75% grant for this project. We are also working closely with the RCAC – Rural Community Assistance Corp. on our Asset Management.

We are also working with NM Rural Water Association on revisions to our wastewater ordinance and best practices to implement with the Cheese Factory and any other industrial users.

Ms. Rose attended the Historic Museum Annual meeting at the Elks Club. The speaker was Johnny Meir, Route 66 Historian who is interested in moving to Tucumcari and then later that week attended chamber after hours at the museum. The museum is looking great, the fire house repairs have been made and they are working on installation of the playground equipment from Five Mile Park.

Last Night Vicki Riddle and Ms. Rose attended on Online Housing Training for Board Members and found it very useful.

Today we had Mandatory Defensive Driving Course for employees and then met with Staff regarding budget issues.

April 29<sup>th</sup> – Board of Finance meets at 10:00.

May 2<sup>nd</sup> – Tuesday we will have an audit exit conference with the auditors. We will advertise and invite all the commissioners to attend this meeting.

Mr. Apodaca asked how many water meters have been replaced in the last five years through construction projects. Mr. Powers responded that approximately 750 meters have been replaced. Mr. Apodaca asked what those new meters tell us about our water. Mr. Powers stated that no study has been done. Mr. Dysart stated that he looked at the section of Second Street that has new meters and found that billing has increased 18% in that area. Mr. Apodaca encouraged a study of all 750 new meters to get a good sampling of the Cities approximately 3000 meters. Ms. Rose said Mr. Dysart studied 97 meters.

### **Bids and Contracts**

Mr. Cherry presented the Joint Powers Agreement with the Energy, Minerals and Natural Resources Department Forestry Division. Mr. Cherry stated this is a new agreement which enables the emergency departments to participate in disaster funding.

Mayor Pro Tem Apodaca made a motion to approve the Joint Powers Agreement with the Energy, Minerals and Natural Resources Department Forestry Division and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Ms. Rey presented the contract extensions for Tucumcari Oil Company. She explained that there are two different contracts, one for fuel supply and one for propane and tanks. Ms. Rey explained that the City also has fuel credit cards through the State contract with Wright Express and employees are encouraged to shop for the lowest price fuel. Both sources for fuel are for discounts off the price, not a set price as fuel prices fluctuate.

Mr. Apodaca asked if bids were solicited for these services. Ms. Rey explained that this went out for bid some time ago, Tucumcari Oil was the winning bid and the contracts contain provisions for extension and that is what she seeks approval for this evening. Mr. Apodaca stated that prices should have been sought from other stations. Ms. Rey explained that Wright Express cards can be used at any station.

Commissioner Lumpkin made a motion to approve the extension of the Tucumcari Oil Company Contract for diesel, gasoline, hydraulic fluid, anti-freeze and oil. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Commissioner Lumpkin made a motion to approve the extension of the Tucumcari Oil Company Contract for propane and propane tanks. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented the State Aviation Grant. She explained that the grant is for \$15,000 with a \$1500 City match. Ms. Rose asked that the full 10% match be put into the budget.

Commissioner Lumpkin made a motion to approve the State Aviation Grant and that the required matching funds are put in the budget. Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mr. Mark Lake of the Main Street Program presented the project bid for the Rail Road Depot Project. Mr. Lake explained that this project is for heating, cooling, electrical, plumbing and to refurbish the west end of the depot building. Mr. Lake stated that five bids were received and the lowest was disqualified because it was incomplete. The next lowest bid was received from a local contractor, Diamond Y. Mr. Lumpkin complimented Mr. Lake for his work on this project. Mr. Sandoval asked if Diamond Y was the only local contractor contacted. Mr. Powers responded that Daniel Construction, Steel Heating and Cooling, and CA Electric all picked up plans for the job. Mr. Powers added that Steel is a subcontractor slated for use by Diamond Y. Mr. Apodaca asked who owns Diamond Y and Mr. Powers responded that the owner is Cody Young.

Commissioner Lumpkin made a motion to approve the bid for the Rail Road Depot Project from Diamond Y and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Abstain	Yes	Yes

Mr. Lake then presented the contract for the Rail Road Depot Project with Diamond Y. Mr. Lake explained that the grant for this project has some critical time restraints and he will be pushing hard so that no funds are returned. Mr. Lumpkin asked if these funds are use or lose. Mr. Lake responded in the positive.

Commissioner Lumpkin made a motion to approve the contract with Diamond Y for the Rail Road Depot project and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Abstain	Yes	Yes	Yes

Ms. Rose then presented the Economic Development Services Agreement. Ms. Rose explained that the contract expires on June 1 and there are several projects in the works as well as a donation of land for these projects. Ms. Rose recommended renewing the contract for four more years and to decrease the funding amount from \$83,000 to \$53,000. Ms. Rose added that \$20,000 comes from Economic Development Tax.

Mr. Apodaca stated that he is concerned that sometimes too much funding is allocated for local programs and we end up tying the hands of the director with no money for recruitment. Mr. Apodaca suggested that we provide incentives for recruiting business and spend less on existing business.

Commissioner Sandoval asked what new things are being worked on through the EDC program and why we should renew the contract. Ms. Rose explained that the contract is not with Mr. Vanderpool but with the Greater Tukumcari Economic Development Corporation and that she was instructed to bring the contract to the Commission at a reduced rate.

Mr. Vanderpool stated that he is bound by non-disclosure clauses but in the last five months he has pursued four leads from the state. He responded to an aviation project that would bring 35-50 jobs, a lead that would employ 20 people in year one and 300 by year three that is in need of a 10,000 square foot building, a wind project requiring a 75,000 square foot building that would employ 50 people in year one and 300 people in year three, and a project requiring a 6000 square foot building where skilled workers are not required. Mr. Vanderpool also explained that he is working on a major wind project, a solar project, revitalizing the day care center, and bringing the closed dental office back locally. He is also working with two private companies that do recycling and a man out of Denver who is interested in opening a tortilla factory in Tukumcari. He went on to say that he has had three new contacts in the last ten days. Three local businesses have closed in the last 18 months due to subjective interpretations, in Mr. Vanderpool's opinion.

Mr. Lumpkin stated that he has worked with Mr. Vanderpool on projects and his help has been invaluable. Mr. Vanderpool added that many corporations inquire about youth opportunities when they investigate our community. Mr. Vanderpool said he would work to find corporate sponsors that might be willing to fund recreation programs.

Commissioner Lumpkin made a motion to approve the EDC Services Agreement at \$58,000 per year for four years and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Rose then presented the Financial and Compliance Audit Services evaluation results for approval. Ms. Rose explained that the proposals were rated by a committee and the committee recommends that the Audit contract be awarded to Griego Professional Services.

Mayor Pro Tem Apodaca made a motion to approve the Financial and Compliance Audit Service contract be awarded to Griego Professional Services and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	No	Yes

**Items from Commissioners**

Commissioner Lumpkin thanked everyone for attending and added that any input helps the Commission make decisions. He added that the animal ordinance from the state increased the cost of animal euthanasia and this is a huge burden on the City. Mr. Lumpkin asked that the City construct a resolution to be presented to the new governor and the state representatives to ask them to look at the possibility of studying the impact on small communities since there was no funding to enforce this mandate. Mr. Lumpkin said he would like to see this on the next agenda.

Mayor Pro Tem Apodaca had no comments.

Commissioner Curnutt thanked everyone for coming and said he hoped the Commission could make everyone happy but knew that was unlikely.

Commissioner Sandoval said that the City has been moving in reverse for quite a few years. Mr. Sandoval asked what was happening at Tucumcari Lake, Five Mile Park and with the abandoned buildings around town. He stated that it is difficult to bring business to the Community when it looks like it does and said more effort needs to be put into clean up. Mr. Sandoval went on to say that if the City is not clean, we will not attract tourists and without tourists we have nothing.

Mr. Witcher asked Mr. Lake to discuss what will be happening in town on May 14. Mr. Lake said that May 14 is the Great American Cleanup and that in addition to City wide cleanup, there will be maintenance projects at the parks and fitness course and there will also be paint the town project going on at a gas station on Route 66. Mr. Witcher stated that another project will be done soon after as well. Mr. Witcher added that one gas station per month will be painted for the next several months. Mayor Pro Tem Apodaca suggested that work at Veterans Park could stand some help too.

Mr. Vanderpool stated that the new Secretary of Tourism wants to hold a Tourism Summit in Tucumcari in June.

**Adjournment**

There being no further business, a motion to adjourn was made by Mayor Pro Tem Apodaca and seconded by Commissioner Curnutt. Time noted 8:36 p.m. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

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James L. Witcher, Sr., Mayor

ATTEST:

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Christine Dougherty, City Clerk