

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
October 27, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, October 27, 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 Doug Powers, Interim City Manager; Mike Cherry, Fire Chief/Assistant City Manager; Christine Dougherty, City Clerk/Purchasing Agent; Clara Rey, Human Resources Director; Jason Braziel, Chief of Police; and Vicki Strand, Deputy Finance Director.

Reverend Margot Thompson, of the Center Street United Methodist Church gave the invocation and Mr. Ryan Warner and Mr. Jaxon Arguello led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to the Agenda

Commissioner Curnutt asked that Item A under New Business be removed due to lack of support.

Commissioner Lumpkin made a motion to approve the agenda with the removal of Item A under New Business and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Lumpkin explained that he attended the recent Cemetery Advisory Board meeting and later in the meeting a cemetery ordinance will be considered. Mr. Lumpkin stated that the primary changes revolve around trees, shrubs and extra ornamentation as well as rates. Commissioner Lumpkin thanked the committee for their hard work.

Mayor Pro Tem Apodaca had no comments.

Commissioner Curnutt thanked those in attendance for coming and stated that he appreciates the differing points of view.

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

Approval of Minutes

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

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Abstain	Yes	Abstain	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:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Betty Coslett informed the Commission that she spoke with a lady from Logan and the Logan Cemetery sells plots for \$350 each. She stated that the ordinance that will be considered tonight proposes that same amount for plots.

Toni Leal asked what the status is of the review of water rates but noticed that it is on the agenda for later in the evening so she will wait.

Agnes Jaramillo stated she would like to hear what the Commission has to say about the water rate increase.

Proclamations, Memorials, or Petitions

Mayor Witcher read the National Hospice/Palliative Care Month Proclamation which named November as Hospice/Palliative Care Month.

Mary Jimenez Board President of the Hospice Organization accepted the proclamation with great pride and dignity. Ms. Jimenez stated that Hospice is a great organization and volunteering for them is very rewarding.

Mayor Witcher read the Buddy Poppies Proclamation which named November 5, 2011 Buddy Poppies Day.

Mayor Witcher stated that these are two examples of volunteer groups that do a lot of good and he would like to recognize more volunteers in the future.

Ordinances and Resolutions

Scott Simpson presented the first reading of Ordinance 1090 Amending Municipal Code Regarding Administration of Cemeteries. Mr. Simpson explained that the Cemetery Advisory Board was formed a few months back and has been working to revise the ordinance. The main issues addressed by the board have been regarding decorations. The new wording requires decorations to be above ground so that they do not interfere with the maintenance of the grounds. The other issue addressed was increase of the rates for plots and opening and closing of graves. Mr. Simpson explained that this ordinance has not been updated since 2003.

Mr. Apodaca asked if ordinances are usually done by the Commission as they become law when passed. Mr. Apodaca also asked if the Sexton has the authority to deny any decoration being placed in the cemetery. Mr. Witcher explained that the Advisory Board has simply worked to draft an ordinance that they feel meets the need of the City and the citizens. The Commission has the authority to modify, pass or not pass the ordinance.

Commissioner Sandoval asked for an example of what kind of decorations were in question. Mayor Witcher explained that a family installed a gazebo at their family members' gravesite and it interfered with mowing of the cemetery. Mr. Witcher suggested that cemetery patrons' check with the Sexton before placing any decoration to make sure mowing can occur.

Mayor Pro Tem Apodaca stated that he read in the new version of the ordinance food items are not allowed at the Cemetery. Mr. Apodaca stated that Hispanic communities celebrate Dia de los Muertos where they spend the day with their relatives that have passed and have a meal at their grave site. Mr. Apodaca cautioned that the Commission should look at the cultural difference. Mr. Apodaca said that people in Tukumcari practice this custom. Mr. Simpson stated that the problem is that historically people do not clean up after themselves when they bring food and beverages to the cemetery. Mr. Simpson went on to explain that other changes are that cemetery gates are locked from dusk to six in the morning and a fine has been put in place for damaging a headstone.

Mayor Pro Tem Apodaca stated that the Dia de los Muertos custom has been practiced since the beginning of time. Ms. Coslett spoke from the audience saying that she has seen plastic bottles, paper cups and beer cans at the cemetery. Mayor Pro Tem Apodaca stated that the Sexton can take care of monitoring those that choose to celebrate Dia de los Muertos at the cemetery. Mr. Simpson stated that there may be other religious customs we are not aware of that need to be considered. Mayor Witcher suggested that perhaps the Sexton could approve Dia de los Muertos celebrations on a case-by-case basis. Mayor Pro Tem Apodaca stated that the biggest polluter of the cemetery is the wind.

Commissioner Sandoval stated that he is concerned because he has had many calls from people concerned about the removal of decorations in the children's area of the cemetery. Mr. Sandoval said the cemetery has lots of trash in it and he disagrees with rate increases when the employees aren't taking care of the grounds.

Mr. Simpson stated that the previous City Manager instructed him to follow the ordinance which prohibited decorations on graves and he did so. When the public uproar occurred, Mr. Simpson said he was instructed to stop removing items from graves. Mr. Simpson explained that he is addressing the issues with his employees but reminded the Commission that there are only two employees at the cemetery and he has only been in this job for one year. Mr. Sandoval said that until the employees are straightened out at the cemetery, he will not support a rate increase. Mr. Sandoval went on to say that the employees at the cemetery have no pride in their jobs.

Commissioner Lumpkin explained that many concerns were brought up at a Commission meeting by citizens regarding the cemetery. Mr. Lumpkin said that the new ordinance addressed those concerns. Commissioner Lumpkin stated that the rules on decorations are much more liberal in the new ordinance. He cautioned that when the stricter ordinance was in place, enforcement was not occurring. Mr. Lumpkin explained that there is still another reading of this ordinance and it is much more liberal.

Commissioner Sandoval stated that the Commission is raising prices on everything and getting less work out of the employees.

Commissioner Lumpkin made a motion to approve the first reading of Ordinance 1090 Amending the Municipal Code Regarding the Administration of Cemeteries and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Yes	Yes	Yes

Ms. Dougherty then presented the first reading of Ordinance 1097 Amending Municipal Code Regarding the Cemetery Advisory Board. She explained that the board feels they need to meet monthly as opposed to quarterly and that change must be made through revision of the ordinance governing the board. Ms. Dougherty asked for approval.

Mayor Pro Tem Apodaca made a motion to approve the first reading of Ordinance 1097 Amending Municipal Code Regarding the Cemetery Advisory Board and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mr. Powers then presented Resolution 2011-53, forming a Regional Economic Development Organization. Mr. Powers explained that he has been involved in a North East Planning Organization that about three months ago saw the benefit of forming a regional group to promote the north east corner of the State. Mr. Powers stated that in passing this resolution a representative and an alternate will have to be appointed.

Commissioner Sandoval asked how many entities will be involved in the group. Mr. Powers stated that 27 counties and entities will be involved from Quay, Colfax, Union, Harding and San Miguel Counties.

Mayor Witcher appointed Commissioner Curnutt as the representative to this entity and Commissioner Sandoval as the alternate.

Commissioner Lumpkin made a motion to approve Resolution 2011-53, forming a Regional Economic Development Organization and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mr. Powers presented Resolution 2011-54, Approving Submission of Application to the Water Trust Board. Mr. Powers explained that the easements have been obtained in the re-use project and it is time to place the project out for bid. This resolution approves the application to the Water Trust Board next month for a 90% grant and 10% loan at zero percent interest for the project. Mr. Powers explained that there will be provision to waive the payment if for some reason the City finds itself low on cash. Mr. Powers explained that this is a \$3.5 million project that can be split up into phases.

Mayor Pro Tem Apodaca congratulated Mr. Powers for getting the last hold out on easements for the project. Mr. Powers explained that it was accomplished through teamwork and the project is good for NMSU and the City.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-54, Approving Submission of Application to the Water Trust Board and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Clara Rey presented Resolution 2011-55, adopting the City of Tucumcari Cafeteria Plan. Ms. Rey explained that this is a program we have had in the past but as per IRS code 125, a resolution approving participation in the plan is required. Ms. Rey explained that the plan allows for employees to make their payroll contributions under one or more insurance plans on a pre-tax salary reduction basis.

Commissioner Lumpkin made a motion to approve Resolution 2011-55, adopting the City of Tucumcari Cafeteria Plan and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers called on Mark Lake to make a presentation regarding the Main Street Program. Mr. Lake explained that two and a half years ago, the City embarked in a partnership with in the

amount of \$1.4 million with the Main Street organization with the City serving as fiscal agent. Mr. Lake stated that he has enjoyed working with Mr. Powers and despite their differences of opinion; they have worked things out and made great progress.

Mr. Lake said that he is here on behalf of the sponsors, to extend a personal invitation for the Commissioners to attend the Fired Up events next week in conjunction with the State Centennial. Mr. Lake explained that on November 3 there is an invitation only event at the Depot called Ignite. Additionally, Mr. Lake stated that is the day people can purchase tickets to ride the steam engine train from Dalhart to Tucumcari or Tucumcari to Santa Rosa. Mr. Lake stated that on November 4 at 4 p.m. there will be ribbon cutting at the depot. Mr. Lake said the project has come a long way he looks forward to celebrating the progress.

Commissioner Lumpkin thanked Mr. Lake for his work and said it has been quite an achievement.

Mr. Powers explained that last week he tried to tour each of the City facilities and has been impressed with the staff and their hard work. Mr. Powers said he plans to implement Department Head meetings again as he thinks it is good for the department heads to get together.

Mr. Powers stated that he attended the Infrastructure Finance Conference and made some good contacts there. He was told at the conference that the state plans to fund the remainder of the Airport renovation with matching funds of \$170,000.

Mr. Powers also reported having meetings with HDR on the re-use project. Mr. Powers also attended meetings with HUD, USDA, Wilson and Company, and the NMFA.

Mr. Powers reported that the bull dozer at the landfill has been down for three months and he has been looking for ways to replace the equipment. He found a \$200,000 loan at zero percent interest.

Regarding the Water Trust Board application, Mr. Powers stated that the water system was built in 1939 and needs upgrades.

Bids and Contracts

Ms. Dougherty presented the contract with Tucumcari General Insurance for Insurance Agent of Record Services. Ms. Dougherty explained that the Commission approved the bid from this company and she asked for their approval of the contract negotiated for their services to provide insurance for the City.

Commissioner Lumpkin made a motion to approve the contract with Tucumcari General Insurance for Insurance Agent of Record Services and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. Powers presented the Agreement with Forsgren Associates for Professional Services. Mr. Powers explained that this contract is in lieu of a planning grant from CDBG to update the comprehensive plan. Mr. Powers stated that he sought prices from several companies and this was by far the best offer. Mr. Powers explained that Mr. Donzil Worthington who has worked extensively with the City in the past is now affiliated with Forsgren.

Mr. Lumpkin asked if local companies were contacted for prices on this project. Mr. Powers responded in the positive.

Mayor Pro Tem Apodaca made a motion to approve the Agreement with Forsgren Associates for Professional Services and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher acknowledged reading the minutes of the Lodgers' Tax Advisory Board of September 9, 2011.

Mayor Witcher stated that the Planning Advisory Board minutes were not in his packet. Ms. Dougherty apologized to the Commission explaining that she did not receive the minutes to place in the packet and they will be presented at a later date.

Mayor Witcher then opened the discussion of water rates.

Commissioner Apodaca stated that he voted against the water rate increase for many reasons. First, he felt the budget was unclear in the capital outlay requests. In the past, Mr. Apodaca said the capital outlay requests were divided by department but they were lumped together in this budget and it was difficult to decipher. Mr. Apodaca said he knows we need to increase water rates to provide funding for repair and replacement of infrastructure, but the increase implemented was too high. Mr. Apodaca said that the low water users are paying too much. Mr. Apodaca stated he realizes the City is short staffed, but asked that the issue please be looked at; especially the change of minimum use being lowered from 3000 gallons per month to 2000 gallons per month. Mr. Apodaca stated he is concerned about single parents and the elderly being able to afford these rates as it is very easy to use 2000 gallons in a month. Mayor Pro Tem Apodaca stated he hopes we are on track to look at this with the new City Manager.

Mayor Pro Tem Apodaca also expressed concern regarding those disconnected in recent months. He stated that he asked for information on disconnected customers and was told by staff that 46 customers were shut off for non-payment in July, 76 in August, 59 in September, and 56 in October. Mr. Apodaca explained that no data is kept regarding who is on a fixed income, but he wondered if any of those disconnected were on fixed incomes or single parents. Mr. Apodaca explained that there were 30 people disconnected twice for non-payment in that period and five disconnected three times in the same window. Mayor Pro Tem Apodaca said he understands

there are some abusers of the system, but his concern is for those not abusing the system but are unable to afford the new rates.

Mayor Pro Tem Apodaca stated that he feels the \$25 rate to have a meter checked is too high and discourages people from seeking help from the City. Mr. Powers explained that for no charge, the City staff will gladly go to a customer's home, ask them to ensure that all faucets and other water using appliances are turned off and see if the meter continues to run. If it does run, the staff member will indicate to the customer that there may be a leak somewhere in the plumbing. Mr. Powers went on to say that if a customer feels their meter may be running fast, unjustly charging them for water they did not use, for a \$25 fee, the City will pull the meter, install another so the customer does not have to go without water, and test the meter at the shop. If the meter is found to be running fast, the \$25 will be refunded. If the meter is running accurately or slowly, the \$25 is not refunded. However, as meters are mechanical devices, the tendency is for them to wear down and run slower much more often than to run fast.

Mr. Apodaca then explained that many citizens still have questions about the water rates and asked that any of them present that would like to ask questions be allowed at this time to do so.

Ms. Toni Leal approached the podium and stated that she agreed with Mayor Pro Tem Apodaca. She went on to say that at the last meeting a single mother spoke regarding her water bill that she cannot pay as she works in a minimum wage job. Ms. Leal expressed that it is upsetting that there is no help for this woman and that the City is not willing to help her. Mayor Pro Tem Apodaca stated that Mr. Powers will look into this issue.

Ms. Leal asked if the City employs a grant writer. Mayor Witcher responded in the positive stating the Mr. Powers is the grant writer. Mr. Witcher went on to explain that grant dollars have dried up. Mr. Powers explained that many grants have been awarded to the City in conjunction with big projects to address infrastructure issues. However, Mr. Powers went on to say, most grants require matching funds to be pledged by the City and sometimes we do not have those funds. Mr. Powers explained that the City has relied on the Community Development Block Grant program for years to fund infrastructure projects.

Ms. Dougherty explained that the City does have a payment plan for those who qualify. Mr. Witcher added that a woman who phoned Commissioners to complain about her water bill being high and her water being shut off for non-payment was extended the courtesy of a payment plan, however in the 20 days she had to come in the office and sign the plan, she did not.

Mr. Domingo approached the podium and stated that he has lived in Tucumcari for 31 years. He said he has watched the rail road leave, the truckers leave, and now seen the area suffer from drought. Mr. Domingo stated that he is hoping that somewhere in the budget; perhaps the Golf Course or another department, which the City supports could be used to subsidize the City needs. He stated that this is going to be hard. He also affirmed that the City does have a payment plan because he has used it himself. Mr. Domingo speculated that there will be more cut offs and income for the City will decrease.

Ms. Agnes Jaramillo stated that she has all her 2010 bills and all those for 2011 so far. She stated that when she had three people living in her house her bill was less than it is now when she lives alone. Ms. Jaramillo asked how this could happen and asked if it was voted on for approval. Mr. Witcher responded in the positive saying that the Commission voted on the rate increase. Ms. Jaramillo asked if the public is included in these decisions. Mr. Witcher explained that all ordinances are published prior to the Commission considering them and that the public is welcome at all meetings of the Commission. Ms. Jaramillo asked if the rates are agreed upon and done.

Mayor Pro Tem Apodaca stated that he believes the increase was 30% and that the minimum usage decreased from 3000 gallons per month to 2000 gallons per month.

Mayor Witcher stated that the City Manager will look at the issue and another work session will be held.

Mr. Rod Denton approached the podium and stated that he and his wife own the local dry cleaning business. He speculated that his business, hotels and restaurants will be severely affected by this steep rate increase. Mr. Denton reported that his previous bill was \$590 and his current bill is \$800. He said it will be very hard to pass on this increase to the consumer. Mr. Denton stated that he is concerned that if his business experiences a water leak, he may have to cut jobs. Mr. Denton asked if there is grant money available to make the water delivery system more efficient. Mr. Powers stated that the water system was installed in the late 30's and has served the community well, but it is time to upgrade.

Mr. Witcher commented that we need to replace the Hoover field main line into town as it does have leaks. Mr. Witcher stated that if we can get some money to replace that line, it will save the City money.

Mr. Denton asked when the work session to discuss water rates will be held. It was agreed to hold a work session on Tuesday, November 15 at 9 a.m.

Mr. Tom Dominguez approached the podium and introduced himself as both a citizen and the NM State University Agriculture Agent. Mr. Dominguez explained that his job description is to educate citizens. He offered that through his agency he can help educate citizens on the principles of low water use landscaping concepts known as xeriscaping. Mr. Dominguez offered that the City should consider offering rebates to customers that rid their yards of high water use turf grass for low water use plants. Mr. Dominguez added that drip irrigation saves water as well.

As a citizen, Mr. Dominguez expressed that a 30% rate increase is a lot to ask of citizens. Mr. Dominguez asked where the additional revenue is going as he can not see the results in the community. Mr. Dominguez agreed that the infrastructure is old, but asked why this was not planned for a long time ago. Mr. Witcher explained that that for the eight years he has been on the Commission, there have been efforts made to replace the aging water storage tank, but the money has never been there.

Mayor Pro Tem Apodaca said that the Waste Water Treatment Plant has been a project in the works for a long time and has been completed in stages over time. Mr. Apodaca stated that Commissioners come and go with elections and it takes years to complete projects as we rarely have the revenue to do a large project all at once. Mr. Apodaca stated that the City Commission and the Staff have stayed on top of these needs.

Items From Commissioners

Commissioner Sandoval asked that the representatives of the Cemetery Board address the issue with an area of the cemetery called the flat lands where citizens have requested to be able to place upright headstones so that they can locate the graves of their loved ones.

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

Mayor Pro Tem Apodaca stated that he supported the appointment of Mr. Powers to the position of Interim City Manager because he has the familiarity and expertise in the areas of capital outlay finance, infrastructure capital improvements, community needs, has worked with the NM Department of Transportation Aviation Department as well as in MAP and CO-OP funding. Mr. Apodaca went on to say that Mr. Powers has experience with the Xcel project north of town regarding in particular the zoning and ordinance issues. Mr. Powers also has experience with property annexation, Ute Lake water allocation reservation, the water pipeline that needs replacement and the issues surrounding the Sands Dorsey Building.

Mayor Pro Tem Apodaca asked the Commission to consider waiting until after the March 6, 2012 Municipal election to advertise to permanently fill the City Manager's position. Mr. Apodaca explained that three Commission seats are up for election in March and that is a quorum of the Commission.

Mayor Pro Tem Apodaca went on to say that there is only one local tax option available to the Commission and there are many infrastructure needs. He added that Governor Martinez has talked about the possibility of some capital outlay funds being available but he anticipated that Municipalities will have problems securing these funds as the Governor plans to focus on funding statewide or regional projects.

Mr. Apodaca added that the landfill project has been in the works for 15 years and the City is in need of asbestos permits and equipment to complete the project. Mayor Pro Tem Apodaca stated that Mr. Powers can keep his job because it is too much for someone else and Mr. Powers has the expertise to keep the City afloat. Mr. Apodaca commented that Mr. Powers has good rapport with the media and officials in Santa Fe.

Commissioner Lumpkin thanked those in attendance for coming to the meeting. He also thanked Mr. Powers and the staff for their work and stated that he appreciates the hard work.

Mayor Witcher thanked those in attendance and invited them to come back to another meeting.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting and Commissioner Curnutt seconded the motion. Time noted: 7:32 p.m. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk