

City of Tukumcari
City Commission Meeting Minutes
April 14, 2016

The Tukumcari City Commission met in a regular meeting on Thursday, April 14, 2016 at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: John Mihm, Ruth Ann Litchfield, Robert Lumpkin, Amy Gutierrez and Ralph Moya.

City Staff members present were: Jared Langenegger, City Manager; Mark Martinez, Project Manager; Clara Rey, Senior Center Director; Corporal Kenny Fernandez, Tukumcari Police Department; Pete Rivera, Deputy Police Chief; Officer Tyler Marney, Tukumcari Police Department; and Angelica Gray, City Clerk.

Invocation presented by Rick Haymaker and Commissioner Mihm lead the Pledge of Allegiance.

Mayor Litchfield stated that the proclamations would be presented first in case anyone receiving a proclamation had any other engagements.

Proclamation, Memorials or Petitions

Proclamation declaring April 14-16 as Rawhide Days- Mayor Litchfield presented the proclamation to Karen Alarcon.

Proclamation honoring the achievements of Tukumcari FCCLA- Mayor Litchfield presented the proclamation to Mrs. Jodi Lamm. She stated that they were very proud of Tukumcari's youth and all their accomplishments.

Proclamation honoring the achievements of Elks Lodge #1172- Mayor Litchfield presented the proclamation to Rick Korn.

Public Hearing

Ordinance 1136, Second Reading, an Ordinance adding Chapter 5.30 of the Tukumcari Municipal Code to include Rummage, Garage and Yard Sales and providing for enforcement and penalties in the City of Tukumcari, New Mexico- Mayor Pro Tem Lumpkin stated that the Commission understands that garage sales are a very large and important part of Tukumcari and sometimes they are necessary for families to get by, we also understand that garage sales can be a nuisance to the neighbors if they are occurring a lot and that needs to be addressed. He stated that it would be appropriate to discuss this further and consult with citizens on the matter and listen to what they have to say.

Commissioner Moya stated that there was a lot of misunderstandings regarding the ordinance, there is no fee for the permits. There are a few situations where garage sales are being ran as a retail store, there is a difference between a retail store and a garage sale. Mr. Langenegger stated that when implementing this ordinance the main thing the Commission wanted was to prevent people from operating a second hand store/business within the City of Tukumcari without obtaining a business

license and without paying gross receipts tax, this isn't fair to the other businesses in town that have a license and are paying their gross receipts tax.

Anyone wanting to speak was sworn in at this time.

Dena Mericle- She stated that she'd like to thank the Mayor, City Manager and the Commission for allowing everyone to come and give their opinions. She stated that she has nearly three hundred signatures with both the online petition and the hard copy. The overwhelming consensus is an opposition to the ordinance as it's currently written. The primary problem is people running second hand stores within commercial and residential zones but then calling them yard sales and she agrees that the issue needs to be corrected. She was informed that some problems with garage sales in residential areas are blocked driveways and children wandering into other yards, these are problems that she understands need to be addressed but she feels that there are already other laws addressing these and it might be a matter of enforcing them. She apologized for the rude comments that were on the online petition, there were also comments that were offensive towards people that attend garage sales. She stated that she feels that the permit is very limiting if someone wanted to have an impromptu sale the permits prevent that. This permit will harm the economically disadvantaged, we aren't a real wealthy community and this can stop them from getting things they need. There is a great differentiation between going to buy a storage unit, getting an income and avoiding taxes and having a sale to get diapers, formula or the elderly that are living on a fixed income. She hates to see those suffer because of the few that are taking advantage and not getting a business license. She's had to get furniture and clothes for her children because she couldn't afford to go to retail stores but she was passionate about going to yard sales to find what her family needed in order to present themselves in a nice manner even though they were economically disadvantaged. It is a burden to just have four sales a year because there are situations where families might need to have one. She thanked the Commission for thinking about this and for the opportunity to amend the ordinance.

Christian Mericle- He stated that most of the comments were people from Tucumcari, their location comes from their IP address that is assigned by their internet provider. There are parts of the ordinance that he and his family agree with, those operating as a second hand store should become actual business entities and follow the regulations. The size of the signs is small and might make it hard for others to read, but there is no reason to have a sale and leave your signs out as it becomes an eye sore. Four yard sales a year is limiting but if we all work together we can find a good compromise, not everyone will be 100% happy with the number.

Robert Roarke- He stated that he is opposed to garage sales on a continuous basis because he has a neighbor that has one every weekend, it causes congestion, unwanted people in the neighborhood and trespassing. The City is cheated out of gross receipts tax, a business license and other things. There are plenty of store fronts that are vacant, these people need to go ahead and lease those properties, have a business and do it legally. There are a number of sites online that you can sell your stuff that's legal, what they're doing isn't. There are many more people in his district that are opposed to garage sales as well.

Toni Leal- She stated that she has submitted a petition against the yard sales that has over three hundred-fifty signatures. Commissioner Moya asked what she thought were the reasons why these people didn't agree with the ordinance. Ms. Leal stated that one reason is today the permits are free but what if later there is a charge. Mayor Litchfield stated that if it's in the ordinance then its free, there would have be another ordinance to change that. Ms. Leal stated there are a lot of concerns.

There isn't a lot going on in Tucumcari, this is a social thing. She agrees that the community has to come in and state what is they want and work together to come up with something that's okay for everyone. Mayor Pro Tem Lumpkin stated he spoke about working with the community, leave your phone number if you'd like to help.

Commissioner Gutierrez asked Ms. Leal if it aggravates her, as a business owner that is paying gross receipt taxes that someone else is doing the same on regular basis but isn't paying taxes? Ms. Leal stated it doesn't aggravate her because she used to have garage sales every week because her sister was on dialysis and she used that money to take her back and forth. She stated there was no limit for garage sales. Mr. Langenegger stated that there are not any city laws but there is a state statute that states if you have a regular sale at your premise you're responsible for paying gross receipts tax and one that states if you have an occasional sale you're exempt from gross receipts. Ms. Leal stated that it is the person's responsibility and has nothing to do with the City Ordinance. Mr. Langenegger stated that it has something to do with the City budget because if people are operating a business without paying gross receipts tax then we don't have funds to fix our roads, have activities for the youth, bring in new businesses, have code enforcement or do any of the things that the City is suppose to do, so it does affect the City and the citizens. Ms. Leal stated she understands and that's why she thinks it's a good idea to sit down with the community and define a garage sale. Mr. Langenegger stated that there are a lot of things going on this month and in May, so there is stuff for the citizens to do. Ms. Leal stated that garage sales are some people's way of socializing and some may be not want to attend other events.

Lynn Rogers- She stated her main concern was the permit, she doesn't like the word permit because this is something everyone should be allowed to do. She agrees that the citizens and Commission should get together and have a meeting.

Mayor Pro Tem Lumpkin made the motion to postpone the second reading for further discussion and amendments if necessary and Commissioner Moya seconded the motion. Roll call:

Litchfield	Moya	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mr. Langenegger stated that there was a change to item 8B to say "requesting consideration of Change Order #5".

Mayor Pro Tem Lumpkin made the motion to approve the agenda as amended and Commissioner Gutierrez seconded the motion. Roll call:

Lumpkin	Gutierrez	Litchfield	Moya	Mihm
Yes	Yes	Yes	Yes	Yes

Approval of Minutes

Commissioner Mihm made the motion to approve the March 24, 2016 Commission Meeting Minutes and Commissioner Gutierrez seconded the motion. Roll call:

Moya	Lumpkin	Mihm	Gutierrez	Litchfield
Yes	Abstain	Yes	Yes	Yes

Commissioner Mihm made the motion to approve April 7, 2016 Special Commission Meeting Minutes and Commissioner Gutierrez seconded the motion. Roll call:

Mihm	Litchfield	Lumpkin	Gutierrez	Moya
Yes	Yes	Yes	Yes	Abstain

City Manager’s Report

Mr. Langenegger thanked everyone for coming, for putting the petition together and everyone that gave their opinions.

Mainstreet Property Assessments - In working with Tucumcari Mainstreet, we have scheduled staff from the State Mainstreet organization to give us an assessment of the Princess Theater on Monday April 18, 2016. The gentleman working on the project will take a tour of the building and provide us with an assessment as to whether the building should be restored or removed. One of the individuals Elmo Baca has done some assessment work on the Princess previously and has a good understanding of the building and its possibilities. We know that prior to any interior work being completed we must replace the roof, which we have received bids for ranging from \$50-\$100,000. Once we have an assessment and cost estimates, we will have to make a determination as to whether it is worth the City restoring the building.

Xcel Energy Saving rebates- I had a meeting with Bernice Saucedo from Xcel Energy on Thursday April 7, 2016 regarding energy saving rebate option that they provide. The main topic that Ms. Saucedo wanted to discuss was our wastewater plant. However, we are already in the process of completing an energy audit through the Energy Conservation Division for our wastewater plant. Last year, I had Bernice look at the lighting in the Library and she informed me that she could take that assessment and provide us with some bids for replacement with LED lighting. In addition, Bernice informed me that Xcel had energy rebates that they offer for new roof installation. I have asked Doug and Chris to work with our roofing contractor at the Senior Center to provide Xcel information regarding the new roof to see if we qualify for any rebates. Xcel has also started a new program that we will be looking into where they will provide an assessment of buildings and provide recommendations for energy savings. This assessment costs up to \$500 for each building, however, while they are doing the assessment, they will install programmable thermostats, CFL light bulbs and do a tune up of the AC and heating units.

EPCOG- Commissioner Lumpkin and I attended an EPCOG meeting in Clovis yesterday. At the meeting there was discussion of the water assessment project that the COG had completed on wells in Curry and Roosevelt County. Commissioner Lumpkin requested the COG’s assistance in completing a similar study for Quay County to help us better understand our water availability.

TAP/RTP Grants- The DOT has opened the TAP/RTP grant for applications. These grants are focused on completing pedestrian/bike improvements on streets and roadways as well as providing recreational trails. I will be reviewing the grants to determine if we are able to apply and utilize either. I would like for us to utilize the TAP grant to improve sidewalks and pedestrian access in the Mainstreet area. I would like to utilize the RTP grant to develop recreational trails for pedestrians and bicycles at Five Mile Park.

Mayor Pro Tem Lumpkin stated that there was another grant they looked at called the Wellness Rides, which gives rides to people that need them to go to doctor appointments. Commissioner Moya stated that the trails are very popular and are great for exercise.

Bids & Contracts

Requesting Approval of Sanction Agreement and MOU between City of Tukumcari and Tukumcari Senior Programs & NM Senior Olympics, Inc./Quay County Senior Olympics- Clara Rey presented this item to the Commission. She stated that there were five people that have qualified for the games to be held in July.

Mayor Pro Tem Lumpkin made the motion to accept the Sanction Agreement and MOU for the NM Senior Programs & NM Senior Olympics and Commissioner Gutierrez seconded the motion. Roll call:

Moya	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

Requesting Approval of MOU between City of Tukumcari and Outdoor Classroom- Mr. Langenegger presented this item to the Commission. This is a cooperative effort between Canadian River SWCD, City of Tukumcari, Tukumcari Public Schools and the Outdoor Classroom Committee. The property is owned by the City of Tukumcari but a lot of the decisions such as what to plant, the development and the grant writing have gone through the SWCD and the Nature Conservation Service. This facility is an excellent resource for the City. It is utilized for Earth Day, 4-H, and FFA. The reason for the MOU is SWCD would like to apply for some grants to help improve the facility and bring in new things, a lot of the grants won't be accepted unless they have an agreement from the property owner and everyone involved.

Both Mayor Litchfield and Mayor Pro Tem Lumpkin stated that being teachers they have had the opportunity go to the Outdoor Classroom for Earth Day and it is a great experience and the students learn a lot.

Mayor Pro Tem Lumpkin made the motion to approve the MOU between the City of Tukumcari and the Outdoor Classroom and Commissioner Mihm seconded the motion. Roll call:

Moya	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

New Business

Requesting Approval of Contract for Employee at Senior Center- Mr. Langenegger presented this item to the Commission. When the City took over the Senior Center they took it over from the

County and took the responsibility for Tucumcari, Logan and House. There was a lot of discussion that the citizens of Tucumcari shouldn't be paying for activities outside of the City, so this year when applying the Commission decided just to operate the Tucumcari Center. This agreement will go into effect July 1, 2016. We had a Senior Services Director who oversaw all facilities and each site had its own site manager. The director was responsible for coordinating between the facilities and acted as a liaison for the state. With the move to one center there is no need for a director because there is still a site manager but we do need someone who knows what's required from the state, someone who can keep us in compliance with AAA and still serve as a liaison but we don't foresee that being a full time position. This contract would come into effect July 1st with Clara Rey to serve as a consultant to the City to keep us in compliance. This position would be twenty hours a week.

Mayor Pro Tem Lumpkin stated that we wanted to clarify that when the Commission decided to no longer be responsible for House and Logan they traveled to the towns and helped them obtain support to ensure they didn't lose their senior center. He thanked Clara Rey for her work.

Mayor Pro Tem Lumpkin made the motion to approve the contract for Clara Rey and Commissioner Mihm seconded the motion. Roll call:

Litchfield	Moya	Gutierrez	Mihm	Lumpkin
Yes	Yes	Yes	Yes	Yes

Requesting Consideration of Change Order #5 for Metro Well Field Water Transmission Line Project- Mark Martinez presented this item to the Commission. The contractor requested an increase to the completion day of forty-seven days. The only justification from the contractor for the request was an unforeseen permit issue that has not caused any delays to the project. It was deemed that it was unjustified to ask for this amount of time. Based on the recommendation of the engineer and the City Attorney he suggests that change order #5 not be approved.

Mayor Pro Tem Lumpkin made the motion to not approve the time extension and Commissioner Mihm seconded the motion. Roll call:

Moya	Lumpkin	Mihm	Gutierrez	Litchfield
Yes	Yes	Yes	Yes	Yes

Discussion & Approval of Promotional Video- David Brenner presented this item to the Commission as Chairman of Lodger's Tax Board. The board is looking for more ways to promote Tucumcari as a tourist destination. One way is to promote Tucumcari as a brand. KC Keefer, a producer has put together a proposal. Mr. Keefer stated that the goal is to increase tourism and overnight stays. The project would consist of two, thirty second broadcast quality promotional videos for Tucumcari Tourism and also include a two minute broadcast quality video that can be utilized during longer opportunities along with a thirty second radio spot. All four finished pieces will include a message with a call to action at the end to direct to viewer where to go next, such as a website. Once the concept is approved it becomes a commissioned project.

Mayor Pro Tem Lumpkin made the comment that the demo being presented was not the finished product. There has been a lot of work going in to who will be in the video. Mr. Keefer stated that the demo uses the actual music and the voice talent that will be on the final product.

The Commission viewed the video at this time.

Mayor Litchfield commented that it was very good. Mayor Pro Tem Lumpkin commented that he loved the music and the voice. Commissioner Moya asked what the project would run. Mr. Brenner stated that the project is projected to run at \$9,300. Commissioner Moya asked if that money would be coming from the Lodger's Tax Fund, Mr. Brenner stated that they do not have that in the promotional budget for this year. Mayor Pro Tem Lumpkin stated that there is money left over in the administrative side of the budget and they feel that it's a good expense.

Mayor Pro Tem Lumpkin made the motion to support the project and Commissioner Mihm seconded the motion. Roll call:

Mihm	Litchfield	Lumpkin	Gutierrez	Moya
Yes	Yes	Yes	Yes	Yes

Public Comments

Dean Missildine- He stated that he and a few other citizens are concerned about the patching because eventually they will be undone and asked if there would be real streets with the grant that the citizens voted on. Mr. Langenegger stated that the referendum that was voted on would take affect July 1st and then the money could be utilized. There is currently a project for chip seal we are waiting for the contract. There have been a few weather delays and the project will be on second to tenth street up to Washington. This won't be to do patches but to place a chip seal over the existing roads. It will be a long process to pave over the streets. We have received bids, for one block it'll cost \$80,000 and there are ninety-five blocks in Tucumcari.

Patsy Gresham- She thanked Mr. Keefer and the Lodger's Tax Board because tourists are using online services to plan their vacations so if they'll be able to look at Tucumcari and plan to stop. It will bring more people to the town other than hoping they'll stop because they saw a billboard. She thanked the Commission for helping promote tourism in a bigger way.

Gary Montano- He asked who is responsible for providing enforcement and penalty in the City of Tucumcari if you violate an ordinance. Commissioner Moya stated either the police or code enforcement. Mr. Montano referred to 9.04 of the Municipal Code regarding offenses of deadly weapons and asked who is responsible for enforcement and penalty is someone discharges a firearm within city limits. Commissioner Moya stated that if it's a city ordinance it would be the city police.

Rick Haymaker- Stated that he wanted to publically thank the Commission for supporting Arts and Culture in Tucumcari by attending numerous events. He stated it's a rare thing to have a Commission actively participate in arts events.

Items From Commissioners

Commissioner Moya asked Mr. Montano what was the reason for bringing the gun ordinance to the Commission. Mr. Montano stated on October 1, 2015 there was an incident involving his step-son, Mayor Litchfield stated that they could not discuss this incident because they were under litigation. Mr. Montano stated that there was another incident where a gun was discharged and a Tucumcari man was arrested the other person involved has not been arrested. Commissioner Moya stated that he thinks they are moving in the right direction with the garage sale ordinance with accommodating the public.

Commissioner Gutierrez thanked everyone for attending and for voicing their opinion whether they were for or against the ordinance. We will revisit it and consider changes to suite everyone’s desires. She encouraged everyone to participate in the different events going on in town and wished everyone a good evening.

Commissioner Mihm thanked everyone for coming. He stated he hopes to see a lot of local participation in Rawhide Days and wished everyone a happy and safe weekend.

Mayor Pro Tem Lumpkin thanked the citizens of Tucumcari, the staff, the Commissioners and Mayor for the support, kind words and prayers for him and his family during last week’s meeting, it meant a lot to him.

Mayor Litchfield thanked everyone for coming, we had a good discussion on the yard sale ordinance, and there was a lot of positive input that we can work with. She appreciates everyone’s comments and the Commission’s input. She wished everyone a good and safe weekend.

Adjournment

Mayor Litchfield asked for a motion to Adjourn. Commissioner Mihm made the motion to adjourn and Commissioner Gutierrez seconded the motion. Roll call:

Moya	Mihm	Litchfield	Lumpkin	Gutierrez
Yes	Yes	Yes	Yes	Yes

Meeting adjourned at 7:37 p.m.

Ruth Ann Litchfield, Mayor

ATTEST:

Angelica M. Gray, City Clerk