

**City of Tucumcari
City Commission Meeting Minutes
February 13, 2014**

The Tucumcari City Commission met in a regular meeting on Thursday, February 13, 2014, at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were, Ernest Dominguez, Jr., Robert Lumpkin, Amiel Curnutt, and Dora Salinas-McTigue.

City Staff members present were: Doug Powers, City Manager; Charlie Sandoval, Water Dept. Superintendent/Assistant City Manager; Jason Braziel, Chief of Police; Angelica Gray, City Clerk; Vicki Strand, Community Development Director; Kayleen Evans, Project Manager; and Ralph Lopez, Project Manager.

Mark Lake with St. Michael's Episcopalian Church led the invocation and Commissioner Ernest Dominguez led the group in the Pledge of Allegiance.

Consideration of Changes for Deletions to the Agenda

Commissioner Dominguez made the motion to approve the agenda as written and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Lumpkin	Dominguez	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Lumpkin thanked Rotary Club and Quay County Action Group for putting on the Forum. It was well organized. He was pleased with the candidates. He thanked Ron Wilmot for setting up the activity.

In addition, he stated the Chamber of Commerce and Greater Economic Corporation put together gift bags and gave them to our representatives in Santa Fe, which received recognition. He thanked the following businesses for donating these gift bags: Del's Restaurant, Tucumcari Mountain Cheese Factory, Tucumcari Ranch Supply, Kodiak Produce, Mesalands Community College, Chamber of Commerce, Jim Keith, NM Property Group, Carol Keith, Richard Primrose, and Franklin McCasland, along with Dennis Roch. He also stated that John Mihm and Phillip Box put together a letter.

Commissioner Salinas-McTigue stated that while her comments are not as positive as commissioner Lumpkin's, she stated she received a call today from Attorney's General's Office and she was asked to put her comments in a complaint form and she intends on doing that based on what has been happening here in the last few months. She intends to name names, including herself, all the commissioners. She asked City Manager, Doug Powers to put in for his retirement. She believes he deserves to get some rest and enjoy his retirement.

Commissioner Dominguez thanked everyone for coming tonight and also he thanked the two candidates for District 2 for putting in their names for the consideration of appointment.

Mayor Curnutt welcomed everyone for coming tonight. He reiterated what Commissioner Lumpkin stated regarding the forum.

Approval of Minutes

Commissioner Lumpkin made the motion to approve the minutes for January 23, 2014 Commission Work Session and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Commissioner Lumpkin made the motion to approve the January 23, 2014 Commission Meeting Minutes and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Resolutions and Proclamations

Resolution 2014-06 – Application for Financial Hardship – Ralph Lopez stated that New Mexico Department of Transportation has a yearly surplus vehicle and equipment auction. In order to qualify, the City has to show financial hardship. New Mexico Department of Transportation requires a list of equipment that the City needs, financial statement and resolution stating the hardship, in order to qualify for the grant.

Mayor Curnutt asked Mr. Lopez if we can prove that we have a financial hardship. Mr. Lopez stated everything is taken care of with the exception of this Resolution.

Commissioner Lumpkin stated this is a 100% grant.

Commissioner Lumpkin made the motion to approve Resolution 2014-06 and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Resolution 2014-07 – Application of CDBG – Kayleen Evans stated this Resolution is to apply for the Community Development Block Grant funds. We can apply for a grant up to \$500,000 and the City would have a 10% match of what is awarded. If the funds are received, it would be used to complete the Daub's Addition and water project.

Mr. Powers stated this is a project we just completed a few months ago. When we put this project for bid, we needed to make cut backs. The City was forced to patch instead of asphalt. This would give us an opportunity to go back to this area. This area begins at Rock Island to the west and Main Street and to the north.

The connecting water lines needed to be addressed. We received public input and received letters from the citizens supporting this project. The community development council recommended this to the commissioners.

Commissioner Lumpkin stated this is up to a \$500,000 grant and \$50,000 would have to come from our efforts and \$12,400 would be made up with our staff.

Commissioner Lumpkin made the motion to approve Resolution 2014-07 and commissioner Salinas-McTigue seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Resolution 2014-08 –Notice of Regular Municipal Election; Designation of Polling Places; Precinct Board Members, and Election Training for the Precinct Board - Angelica Gray stated that at the last commission meeting, the commission approved the precinct board. This resolution states who the candidates are, where the polling places, precinct workers and election training.

Commissioner Lumpkin made the motion to approve Resolution 2014-08 and Commissioner Dominguez seconded the motion. Roll Call:

Lumpkin	Dominguez	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers stated he received a call from Mr. Robert Mark with Nature conservancy. He has been working with Llano Estacado. They have been contacted about the salt cedars in Tucumcari Lake area and offered to set up a meeting with the City and the stakeholders and try to get funding to deal with the salt cedar issue.

He stated that he went to the convention center for a presentation for the prairie chicken which was educational. He does believe it will be an issue in this area.

Over at the museum, they have finished our painting and patching. We hope to have the museum open next week. He invited everyone to go out and see the difference.

We came in finished and trimmed the trees at the cemetery along with the trees at the Fifth Street and the North side park.

He has been at Kodiak Produce. We cut off the drainage ditches. We contacted them earlier about putting millings in there. He did receive a call and has already visited with Alex Arias, regarding Kodiak. He will coordinate that when there is less traffic.

He visited with Mr. Lopez earlier and it looks like we have installed over 500 meters. It looks like they have replaced the damaged panels at the water tank.

They finished the last of the lights at the west interchange. He has received calls and compliments wanting to thank the commission for stepping up and completing this project. He also visited with David Gonzales and discussed getting a message board, which would help people know there is a downtown area.

The Senior Center is having a valentine's Dance tomorrow. He invited everyone to the dance. It starts at 6:00 p.m.

Commissioner Salinas-McTigue stated the water meters are brass and where are the old meters being sold. She stated that she was told they were selling for \$2.29 a pound. Asst. City Manager and Water Superintendent, Charlie Sandoval, stated he is not sure where the money goes. They are being stored at the planning office. He stated if they can be sold they will probably be sold to the recycling center.

Commissioner Salinas-McTigue stated that Chad's Tree and Shrub Service from Albuquerque was used to trim the trees and bushes at the cemetery plus at north Side Park. She inquired how Mr. Powers came across this company and not a local company. Mr. Powers stated that there were a couple of local people who came in however they never submitted a price. There were quotes from Albuquerque and Clovis and Chad's Tree and Shrub Service was the cheaper quote. They had good reference and they did a great job.

Commissioner Salinas-McTigue inquired if this company was recommended by the Mayor. Mayor Curnutt stated he gave Mr. Powers the name of a company he had used before.

Commissioner Salinas-McTigue asked for a copy of the quotes from the vendors that provided quotes.

Bids and Contracts

Requesting approve of Agreement between County of Quay and City of Tucumcari for Housing Prisoners – Mr. Powers stated this Agreement is between Quay County and City of Tucumcari. He stated City of Tucumcari does not have housing for prisoners. This agreement will be in effect for four years. This is basically the same price that has been honored in the past. The police Chief and himself have looked and compared prices and it seems reasonable. He also stated that if the prices would be individually it would be much higher.

Commissioner Lumpkin thanked Quay County officials for allowing the City to use the jail. The facility saves us from having to build a facility.

Commissioner Lumpkin made the motion to approve the Agreement between Quay County and City of Tucumcari for Housing Prisoners and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Commissioner Salinas-McTigue added that she attended the EPCOG meeting and it was told to her that Artesia gave away equipment the City of Santa Rosa. EPCOG has a list to contact them in case there is an entity and that have money or equipment to give away. She because it is going from a municipality to another, it would not be considered an anti donation.

Request for Approval of Contract with HDR for Wastewater Improvements – Rock Island Lift Station – Mr. Lopez asked for approval for an engineering contract with HDR. This contract is for the improvements of the Rock Island lift station and other projects on an as need basis. The price from HDR is \$49,745 and this is conditional on final approval by the New Mexico Environmental Dept.

Mr. Powers stated this is a Task Order. We will ask for this particular thing to get done at a set price. It will not necessarily address all the issues. He stated he is working with the wastewater treatment plant and they have stated that this lift station is their main priority. With the final approval, the City will be able to use capital outlay funding from last year.

Mr. Lumpkin made the motion to approve the contract with HDR for Wastewater Improvements and Dominguez seconded the motion. Roll call:

Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Commissioner Salinas-McTigue asked before she voted, how much money does the City have available? Mr. Lopez stated this is a \$100,000 grant which is a carryover amount.

New Business

Appointments to Community Development Board – Kayleen Evans requested that the commission appoint Frank Gillard to the Community Development Board. Mr. Gillard had previously served on the planning and zoning board however when his term expired he requested to not renew his service. He is now interested in the community development board.

Commissioner Lumpkin made the motion to approve Frank Gillard to be appointed to the community development board and Commissioner Dominguez seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Appointment of Senior Advisory Board – Angelica Gray stated the Senior Advisory Board currently has four positions vacant. Prior to Ms. Elebario leaving, she asked me to present this to the commission. Ms. Gray stated that if approved tonight, Barbara Weiss, Robert Welch, Linda Moore and Dorothy Martinez would be appointed for a two year term.

Commissioner Lumpkin made the motion to approve Barbara Weiss, Robert Welch, Linda Moore and Dorothy Martinez to the Senior Advisory Board and Commissioner Dominguez seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Items from Citizens

Jimmy Sandoval– He stated that one of the questions about the person who is cutting the trees. For the years I was on the commission, we tried to get people from our community to get these jobs and they were voted out and that's the reason why he never filled anything out for the City of Tucumcari.

He is here as a voting citizen and he has the right to be here whether they want him to be here or not. He wanted to know why is it that Robert Lumpkin is doing all the talking and making all the decisions, he asked where is the Mayor or do we not have one.

He is not happy about the lies that were said about him and that's why he is here tonight.

Regarding micro management, that is exactly what is being done by Mr. Lumpkin. Mr. Maestas has not been to a commission meeting in years. The reason is because he is envious and jealous of him because every time he runs against him he always has a recall against him, all the time. He told nothing but lies about him. The Mayor wanted him out because he does not vote with what the commission wanted and when I make a decision whether yes or no, he sticks to it and does not change his mind.

The commissioners want and the voters wish to be honored and respected because as far as the City and the district became further divided, the damage is already done. He thanked all these fake people for having it done, Ernie Dominguez, Amiel Curnutt and Robert Lumpkin for spreading lies and for having Chris Maestas helping them.

Gary Montano – He made the comment that the Mayor had one or two meetings left. He addressed Mr. Lumpkin by stating that now he has a taste of what it is to be limited to three minutes at the meeting that took place at the Convention Center on Tuesday.

He touched upon the question that was asked by Karen Alarcon in regards to how many department head jobs are there at this time. He stated that no one knew at the time and he is not sure if anyone knows now. It was discussed in the work session that there were 24 department heads. He stated he only sees one showing at every commission meeting and that is Mr. Lopez. He thinks if each representative of each department should be at every meeting. That sounds logical to him. He stated that Mr. Powers cannot speak for 24 departments. He stated he thinks that in the future, it should be something that is behooved by the city council to not mandate it, but seriously stress it, that we have an input. The reason why he asks, is because he requested three documents from the City of Tukumcari under the Freedom of Information Act, and he was given these documents that are fully redacted on a simple question from a department head and everything was marked out; no evaluations in 18 years. He stated he requested information on the city attorney, how long he has been our attorney since 2005 and again everything is redacted. There were no facts, no monetary value, it has all been redacted.

He stated that would point to Lorenzo Emillio's; all the candidates to include Mr. Perea and Mr. Emillio ask for the same thing, transparency in government and public input.

His last thing to discuss and won't let rest is the Sands Dorsey Building. He stated that he received a copy of the fifth survey, which was conducted by WHPacific on May 29, 2009 and he read what he believes is the most important parts of the survey, which stated the following: A second round of soil sampling was conducted in the basement of the Sands Dorsey Building on May 29, 2009. He stated the survey has different numbers which he does not know what they mean; however, he did call the Air Quality Department in Santa Fe today. In addition, the laboratory results indicated that no asbestos was detected in any of the three soil samples, zero. He stated he then conducted more research and he pulled up the NM special appropriation project that was for \$790,035.46 dated June 30, 21 for the industrial park grant. He stated it was the same ideal situation for the train station with lead and asbestos, the same applies to the Sands Dorsey except the Sands Dorsey Building now, after five studies and \$200,000 later, there is no asbestos in that facility. He requests that they continue on to look for Slumming Blight Grants, which Mr. Lopez presented his case today. He stated the commission should throw money at Sands Dorsey and bring it down.

Jean O'Dean- She stated that as a new member of the community development advisory board she submitted a very urgent consideration for urgent emergency and transitional housing and agri-sphere to feed the community as well as a rural clinic to service the medical needs for the City rather than citizens traveling to Albuquerque or Texas.

During the process, she received mixed messages as to whether it could only be on public property. She stated she called the deputy director of the Community Development Grant in the State to get the truth and was informed it could be on private property.

She stated will request an audit of the past Community Development Grants. It appears that just be default it goes to the water, wastewater and garbage infrastructure and doing her comparative analysis to different towns with the rates she was told they and was told they hardly ever get development block grant for water and they must compete with actual community things.

In addition, she has stated her concerns as a citizen with the Mesalands industrial wind turbine. This was documented in the City reports. Since she has not received a response, she has gone to the public health nurse and later referred to the Dept. of Public Health in the State. She went on to read from the official response she received from the Bureau Chief and she would like the commission to take this very seriously; she stated that it is very clear from the document that the City should be involved in where turbines are cited and some of ___ associated by the turbines.

She stated it is a serious public health concern. She will ask the City commissioner to do a resolution or an ordinance to decommission the industrial wind turbine at the Mesalands College as well as along with prevent any wind turbine with a minimum of two miles of the city limits. It is a serious health concern and it can cause heart palpitations to heart attacks as well as damage genes in our bodies because of the noise frequency. At the next work session, she would like to educate the commissioners and that we move forward to empower the citizens to have our right as to where we want these turbines are cited.

Items from Commissioners

Commissioner Dominguez thanked everyone for coming. As for the comments made by Mr. Sandoval they are untrue. He has never spread lies about Mr. Sandoval. He did not have him recalled. It was not him or anybody from District 3 who came into his district to have him recalled as well as District 1.

He stated that in District 3 when his name came up, there were people from other districts that had the recall petitions along with citizens from the county who do not qualify to vote in our city elections.

He has always stated to Mr. Sandoval and anyone else, if he has anything to say he will say it to their face.

When the issues with the city manager came up, he had citizens in District 3 came to him and told him how they felt. The decisions he has made as a commissioner and being appointed a year ago, he made the decisions according to what the majority of our voters wanted. He thinks he has taken Tucumcari forward in his term. He stated that they have, as a commission of five, made accomplishments. He asked that Mr. Sandoval not make comments again because they have always been upfront with each other.

Commissioner Lumpkin stated he has a slight rebuttal to Sands Dorsey survey. He stated there has been money spent on engineers to have this taken care of and it is very difficult. The city does not own the building or the property. The engineering firm the City has and the EPA, have declared Sands Dorsey is contaminated. He stated if this has changed since that engineering survey, he would like to see it and hopefully it has changed.

As far as evaluations, it means assessed value. The department heads evaluate their employees, the City Manager evaluates the department heads and the commission evaluates the city managers. He stated an employee cannot last 20 years on a job and not have positive evaluations. He stated the employee cannot receive all the awards and compliments and all the grants without proper evaluations.

He stated written evaluations are a different thing. He stated if an employee at will employee. An at will employee is at the will of the city manager and the at will

He stated our attorney from the insurance company, stated that at will employees and written evaluations is a risk. For instance, an employee can have a written evaluation and three months later the employee is fired and demoted, then the written evaluation could be used by an attorney to sue the City, which is paid for by the City of Tucumcari. The recommendation from our insurance company is that written evaluations must be handled very carefully and they can also be a liability to the citizens. As far as Mr. Montano's MO, has been to get all the records and the information from staff members or organization in town (Mr. Montano interrupted Mr. Lumpkin by stating he has the proof).

Mayor Curnutt asked Mr. Montano to bring this information to the next work session. Mr. Montano stated citizens cannot speak at work sessions. Mayor Curnutt told Mr. Montano he will meet with him after this meeting.

Commissioner Lumpkin stated that Mr. Montano receives the public information which the employee spends days getting the information together at a cost to the City and at a cost to the citizens. He stated if he pays \$1.00 per page for the information and it takes hours to get the information, the \$1.00 does not cover that cost and therefore the citizens of Tucumcari are paying for that cost.

In Mr. Montano's effort over the years, Commissioner Lumpkin stated he does not see anything that serves the purpose. He stated Mr. Montano is looking for some sort of improprieties.

Commissioner Lumpkin stated that Mr. Montano often brings up that the City has had seven failed audits. Commissioner Lumpkin stated that there were not seven failed audits however we have had audits with findings and the last four audits we have received the highest recommendation that the City can receive from the auditors in the State of New Mexico.

Commissioner Lumpkin explained that written evaluations are not on the contract for our city manager and they are very dangerous.

Commissioner Lumpkin stated there are 24 departments. He asked Mayor Curnutt to not allow Mr. Montano to interrupt him.

Mayor Curnutt stated that Mr. Montano had his time and now he

The website lists that Tucumcari has 24 departments.

Commissioner Lumpkin stated that he also has claimed that the city manager makes too much money (Mr. Montano interrupted again by stated he does) Mayor Curnutt then asked Mr. Montano stop interrupting. Mr. Montano then stated that Commissioner should have three minutes as well.

Commissioner Lumpkin also stated that Mr. Montano is probably being recruited to bring negative things to these meetings and these comments are basically not true. Commissioner Lumpkin stated that Mr. Montano's damaging comments will affect people who want to come to Tucumcari.

Commissioner Lumpkin stated that at one time Mr. Montano's stated that he and his business partners were going to purchase Sands Dorsey (Again Mr. Montano interrupted him by stating that his partners were interested in it.) In addition, he also stated that Mr. Montano found nine grants which were not shared with the commission and he would like for him to share them. Commissioner Lumpkin asked Mr. Montano to not bring these negative comments to light unless he has proof.

He asked Mr. Montano for the people of Tucumcari, to be a better citizen and not be damaging to the progress of Tucumcari.

Commissioner Salinas-McTigue stated that regarding to evaluations; they can work for the good and for the not so good. She stated she has done many evaluations especially when she represented the California State Employees Association, along with grievances. She stated that Lumpkin and Curnutt that since she came into office, she has asked for a grievance procedure that they can put in place and department heads as well as employee can put it in writing and it defuses the situations. She stated evaluations are not just used for the negative; they can be used to tell the employee how they can improve. She stated that after three evaluations, if the employee has not improved then they should have a conversation and give them the opportunity to do the position they are being paid for. She feels strongly that evaluations are a very important part of being a business person. She does not believe they can go an entire year without an evaluation.

Mayor Curnutt thanked everyone for coming tonight. He stated that the commission will now go into executive session. He invited the citizens to stay if they wished.

Executive Session

Mayor Curnutt asked for a motion to convene in executive session pursuant to the Open Meetings Act §10-15-1(H)(2) Limited Personnel Matters and 10-15-1(H)(7) Threatened Or Pending Litigation In Which The Public Body Is Or May Become A Participant.

Commissioner Lumpkin made the motion to move into executive session and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Lumpkin	Dominguez	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Commission moved into executive at 6:54 p.m.

Mayor Curnutt asked for a motion to reconvene from executive session noting that nothing was discussed other than limited personnel matters and threatened or pending litigation in which the public body is or may become a participant.

Commissioner Lumpkin made the motion to reconvene from executive session and Commissioner Salinas-McTigue seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Commission reconvened from executive session at 7:57 p.m.

Mayor Curnutt stated that under 11C action is necessary.

Commissioner Lumpkin made the motion that the City of Tucumcari will establish a community service program. In addition, it shall establish a relationship with a contracted attorney who can be appointed by the municipal judge to represent individuals from whom the municipal judge is considering imposing jail time for non-payment of fines, failure to attend or failure to complete community service and Commissioner Salinas-McTigue seconded the motion. Roll Call:

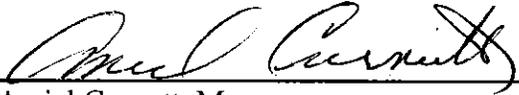
Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Adjournment

Mayor Curnutt asked for a motion to Adjourn. Commissioner Lumpkin made a motion to adjourn and Commissioner Salinas-McTigue seconded the motion. Roll Call:

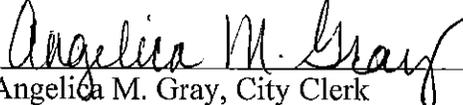
Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Meeting adjourned at 8:00 p.m.



 Amiel Curnutt, Mayor

ATTEST:



 Angelica M. Gray, City Clerk

