

CITY OF TUCUMCARI
MINUTES
July 22, 2010

The Tucumcari City Commission met for their Regular Meeting on Thursday, July 22, 2010, 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; Christine Dougherty, City Clerk; Clara Rey, Human Resources Director; Doug Powers, Community Development Director; Dennis Dysart, Finance Director; Yvette Fazekas, Planning and Zoning Coordinator; and Jason Braziel, Chief of Police.

Reverend Jim Witcher, of First Christian Church, gave the invocation and Commissioner Apodaca led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Witcher asked if there were any changes or deletions to the agenda. Mayor Witcher stated that Department Head Reports under the City Manager's Report will not be heard at this meeting.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Mayor Pro Tem Apodaca stated that in the June 24, 2010 meeting he made a comment that he felt was not accurately reflected in the minutes. Mr. Apodaca went on to explain that he was not present at the last meeting where those minutes were approved and he wished to clarify his comment for the record.

Mr. Apodaca said that on June 24, 2010 he stated that he found notes he had taken from a 2005 City Commission meeting in which the personnel policy was discussed. Mr. Apodaca recalled that an amendment to the personnel policy was discussed when the Public Safety Communication System was consolidated in the county. Mr. Apodaca stated that he was not sure if the commission took action on the amendment. However, Mayor Pro Tem Apodaca stated that if action was taken, he would like to request a copy of the personnel ordinance amendment. If action was not taken, Mr. Apodaca asked that the issue be placed on the agenda for discussion and action.

Mr. Apodaca clarified that the amendment read:

“A majority of the City Commission upon finding that it is the best interest of the City of Tucumcari to hire or rehire any individual, may do so upon a majority vote of the commission, which such rehiring is deemed necessary to comply with any rule, statute, contract, or court order. If applicable, the Commission shall consider whether the provisions of Criminal Offenders Employment Act 28-1-4 NMSA, 2000 (Repl. Pamp) should apply.”

Mr. Apodaca went on to say, the amendment must be done by way of an ordinance change and he would still like to see it on the agenda for discussion and action at the next meeting. Mr. Apodaca also added that the language above was suggested by the City Attorney.

Mayor Pro Tem Apodaca also commented that he believes that the resolution he presented to the New Mexico Municipal League’s resolutions committee regarding resident preference will receive support if it is written for professional services only and includes a sunset clause. Mr. Apodaca explained that he is unable to attend the resolutions committee meeting tomorrow and therefore is going to drop the issue.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting and stated that any input is good input.

Mayor Witcher thanked those in attendance for coming.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the July 8, 2010 Regular Commission meeting and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Abstain

Mr. Apodaca stated that he was unable to attend the July 8 meeting due to health reasons.

Approval of Vouchers

Commissioner Lumpkin stated that he reviews the vouchers for payment every two weeks at the commission meetings. He explained that it is a major task for staff to prepare the vouchers and they are always up to date. Mr. Lumpkin stated that he appreciates the work that goes into preparation of the vouchers.

Commissioner Lumpkin made a motion to approve the vouchers for payment. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Items From Citizens

Mayor Witcher asked if there were any citizens wishing to address the Commission.

Jesus Sena approached the podium and stated that it is his opinion that the City is committing a felony

by not picking up all residents garbage twice a week. Mr. Sena explained that citizens pay for pick up two times a week and his dumpster is sometimes missed. Mr. Sena explained that if 10-15 residents' garbage is missed that is \$250 in services missed and that equates to felony charges. Mr. Sena stated that there are residents that plan to call the FBI to investigate this issue.

Mayor Witcher thanked Mr. Sena for his comments. Mr. Witcher went on to say that should Mr. Sena encounter any problems with trash pick up, he should call City Hall. Mr. Sena responded that this problem has been going on for 31 years.

Commissioner Lumpkin stated that Ms. Rose will work on this issue and call Mr. Sena back when she has a solution.

Ordinances and Resolutions

Ms. Rose presented Ordinance 1078 for the second and final reading. Ms. Rose explained that this ordinance adopts the New Mexico Uniform Traffic Ordinance which will cause the City of Tucumcari to enforce the same traffic laws the state enforces.

Commissioner Lumpkin made a motion to approve Ordinance 1078 adopting the New Mexico Uniform Traffic Ordinance and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Rose to present Resolution 2010-31, a Resolution Designating Signatories on Banking Accounts. Ms. Rose explained that at all institutions the City banks at, she would like to have four approved signatories which will include the Mayor, the Mayor Pro Tem, herself, and the Finance Director. The signatories will have the authority to transfer funds amongst savings accounts, certificates of deposit and have the ability to access account information. Additionally, Ms. Rose explained that she would like the Deputy Finance Director to have access to account information only.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2010-31 Designating Signatories on Banking Accounts and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Yvette Fazekas to present Resolution 2010-32, approving the submission of a Re-Leaf Planting Program Application. Ms. Fazekas explained that she plans to submit a grant application for \$6000 with a 20% in-kind match which will provide the funding to plant 60 trees at the softball fields.

Mayor Witcher asked if this resolution is standard procedure. Ms. Fazekas responded in the positive. Commissioner Lumpkin asked if this is an application for grant funding and Ms. Fazekas responded in the positive.

Commissioner Lumpkin made a motion to approve Resolution 2010-32 which approves the submission of a Re-Leaf Planting Program Application and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Ms. Fazekas then presented Resolution 2010-33 which gives permission for her department to submit an application to the Youth Conservation Corp. for a project next summer. Ms. Fazekas explained that the project for next summer will employ six youth ages 16-25 and one crew leader age 21-25. The project will be for making improvements at City parks and a total of \$36,500 will be applied for. Mayor Witcher commented that this has been an outstanding program for the City for years.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2010-33 approving the submission of a Youth Conservation Corp. grant application and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

City Managers Report

Ms. Rose reported that the Historic Preservation Office changed their minds about putting the bath house rubble in the pool at Five Mile Park. They did approve the City to hold on to the refuse at the site until the new landfill is ready to accept waste. Ms. Rose reported the other actions that will be taken are; to erect an interpretive sign with photos and text depicting the original use of the area on site and at the Museum by January 1, 2011, publish a story in the Quay County Sun about Five Mile Park and send it to the Historic Preservation Office and to our local libraries by September 30, 2010, preserve the photos of the site in book form to be placed at the museum and library, relocate, restore and preserve the vintage playground equipment to the Museum, and make an official request to the Cultural Properties Review Commission to remove the site from the historic register since the integrity has been comprised and no longer meets the register listing criteria. Last, they want the City to give away the adobe bricks but Ms. Rose would like them to confirm that if this is a violation of the anti-donation clause.

Ms. Rose reported that there were meetings of the Gaming Commission on July 20th and of the Racing Commission on July 21st. Ms. Rose spoke to County Commissioner McCasland who attended the meeting and he said there is a clause in the agreement that states if there are problems, the racing commission and the licensee must agree on an arbitrator and plead their case before them and they will determine if Raton was in violation and did not meet the deadlines. Mr. McCasland stated this should delay the process two to three months.

Ms. Rose reported that Channel 10 from Amarillo was in Tucumcari for their Summer Celebration Tour on Monday and the event was very successful. The visitor’s bureau counted 1165 in attendance but estimated there were more attendees.

Ms. Rose also reminded the Commission of upcoming meetings:
 6:00 - July 29th - Ute Water Hearing and Budget Hearing – final adoption
 10:00 – July 23rd - Ute Water Commission Meeting

Commissioner Lumpkin asked if Raton is appealing the Racing Commissions decision. Ms. Rose responded in the positive.

Bids and Contracts

Mayor Witcher called on Ms. Fazekas to present the Professional Services Agreement with Janice St. Marie. Ms. Fazekas explained that the City went out for bids on the production of a kiosk at the Convention Center depicting Historic Route 66 in Tucumcari for tourists. The project also includes the production of a brochure for use in recruiting tourists to the area. Ms. Fazekas explained that the grant is in the amount of \$52,500 with a \$13,125 match which will come from Lodgers' Tax funds for a total project of \$65,625.

Commissioner Lumpkin made a motion to approve the Professional Services Agreement with Janice St. Marie for a kiosk and brochure depicting Route 66 in Tucumcari. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Clara Rey to present the Memorandum of Understanding (MOU) between the City of Tucumcari and the Eastern Plains Community Action Agency. Ms. Rey explained that this MOU details the responsibilities of each party in the Foster Grandparents Program.

Commissioner Lumpkin made a motion to approve the MOU between the City of Tucumcari and the Eastern Plains Community Action Agency regarding the Foster Grandparents Program and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Rey then presented the MOU between the City of Tucumcari and Tucumcari Elementary School regarding the Foster Grandparents Program. She explained that this MOU is the same as the one she just presented except it is with another agency.

Mayor Pro Tem Apodaca made a motion to approve the MOU between the City of Tucumcari and the Tucumcari Elementary School regarding the Foster Grandparents Program and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher acknowledged that the minutes of the June 18, 2010 Library Advisory Board indicated they did not meet due to lack of a quorum.

New Business

Mayor Witcher explained that Quay County appointed Ms. Judy Ross to serve as their representative on the Library Advisory Board and the Commission must also confirm this nomination.

Mayor Pro Tem Apodaca made a motion to appoint Judy Ross to serve as the Quay County Representative on the Tucumcari Library Advisory Board and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Witcher explained that at the New Mexico Municipal League Conference, the annual business meeting will be held and the Commission must appoint a voting delegate and alternate. Mayor Witcher appointed Mr. Antonio Apodaca, Mayor Pro Tem as the voting delegate and Mr. Amiel Curnutt, Commissioner as the alternate.

Mayor Witcher then called on Ms. Clara Rey to present the Senior Center Meal Donations/Fee for Service proposal. Ms. Rey explained that for those eating lunch at the Senior Center that are age 60 and above, a donation is accepted for the meal. Participants often ask how much they should donate and a suggestion has been given in the past. Ms. Rey explained that the cost to provide the meals has increased and therefore the suggested donation should increase to \$2. Ms. Rey went on to say that for those ages 60 and over, service is never denied regardless of their ability to give a donation. Additionally, Ms. Rey explained that for participants under age 60, the cost to serve a meal has increased to \$8 and that cost is passed on to those under age 60.

Commissioner Lumpkin stated that there has not been an increase in the senior meal prices in four years and no one over age 60 is denied a meal. Mr. Lumpkin went on to say it is a great program.

Commissioner Lumpkin made a motion to approve the Senior Center Meal Donation/Fee for Service Rate and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Rey then presented the Senior Companion Program Policy Manual. Ms. Rey explained that this manual is required by the program and provides policies and procedures for those participating. Commissioner Lumpkin commended Ms. Rey stating that the manual is well put together and said that he appreciates the work that went into putting it together.

Commissioner Lumpkin made a motion to approve the Senior Companions Program Policy Manual and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Rey then presented that Foster Grandparent Program Policy Manual. Ms. Rey explained that this is required by the program and provides policies and procedures for those participating. Commissioner Lumpkin stated that he appreciates the effort and explained that the manual covers many questions one might have regarding the program. Commissioner Lumpkin made a motion to approve the Foster Grandparent Program Policy Manual and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin thanked those who entered the meeting late for their attendance. He stated that he recognized many faces and said he appreciates their input in the meeting. Mr. Lumpkin went on to say that another Renew Conference was held on Monday in conjunction with the Channel 10 news coverage of the area. Mr. Lumpkin thanked all the volunteers that helped put on those events and stated he was impressed that over 1100 people were in town for the events.

Mayor Pro Tem Apodaca had no comments.

Commissioner Curnutt had no comments.

Commissioner Sandoval had no comments.

Mayor Witcher stated that the flag erected by the Fire Department at the Channel 10 event was off center. He went on to say that was a private joke between himself and Mr. Cherry.

Executive Session

Mayor Witcher stated that the next item on the agenda is to convene in Executive Session and he asked for a motion to do so.

Mayor Pro Tem Apodaca stated that before the Commissioners convene in Executive Session he would like to state that he feels it is critical that he is sincere and open about any relations between himself and Mr. Garcia. Mr. Apodaca stated that it is without question, impropriety, or conflict of interest is absolutely not present. Mr. Apodaca went on to say that his relationship with Mr. Garcia has, at all times, been on a professional basis.

Commissioner Lumpkin made a motion to Convene in Executive Session to discuss matters as provided for under NMSA Open Meetings Act Referencing Section 10-15-1 H (2) 1978, Limited Personnel Matters and Referencing Section 10-15-1 H (7) 1978, Threatened or Pending Litigation. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Time noted was 6:32 p.m.

Commissioner Lumpkin made a motion to Re-Convene in Regular Session following Executive Session where the only matters discussed were as provided for under NMSA Open Meetings Act Referencing Section 10-15-1 H (2) 1978, Limited Personnel Matters and Referencing Section 10-15-1 H (7) 1978, Threatened or Pending Litigation. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Time noted was 7:20 p.m.

Adjournment

Commissioner Curnutt made a motion to adjourn and Commissioner Lumpkin seconded the motion.
Time noted 7:23 pm. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk