

**CITY OF TUCUMCARI
MINUTES
August 26, 2010**

The Tucumcari City Commission met for their regular meeting on Thursday, August 26, 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; Dennis Dysart, Finance Manager; Doug Powers, Director of Planning and Development; Yvette Fazekas, Planning and Zoning Administrator; Alex Madrid, Streets and Sanitation Superintendent; Jessica Elebario, Senior Programs Director; Steve Stephenson, Airport Manager; Scott Simpson, Parks, Cemetery and Recreation Director; and Jason Braziel, Chief of Police.

Mr. Eddy Mardis, Pastor of the Fathers Forge Church, gave the invocation and Mr. Lumpkin led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin	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. Ms. Dougherty asked that item IX, C be moved to be heard immediately after Considerations to Changes in the agenda as Ms. Elebario, the presenter, is ill. Additionally, Ms. Dougherty stated that Comcast Communications would like to make a presentation and she asked that be heard immediately following Ms. Elebario's presentation.

Bids and Contracts, Item C

Ms. Elebario explained that when Senior Programs across the state do not expend all their allocated funds, the funds are made available to programs that request additional funds. Ms. Elebario stated that these funds are ARRA monies and will cost the program nothing to accept.

Commissioner Lumpkin made a motion to approve ARRA funds for revenues and expenses for Senior Programs. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Comcast Presentation

Mr. Simpson stated that for five years Comcast Communications has helped the City by making their Comcast Cares project one that benefits the City. In April of this year, the Comcast Cares project installed sprinklers at the softball fields. Mr. Spenser DeBord of Comcast stated that 250 volunteers helped with the project in April and 100% of the local Comcast employees participated. Based on the number of volunteers, Comcast Communications donated \$4300 to the Recreation Department to use as desired. Mr. Simpson stated that the funds will go towards repairing the bathrooms at the ball fields.

Mayor Witcher thanked Comcast for all they do for the community. Mr. Simpson stated that the improvements to the ball fields over the years have been immense due to the help from Comcast. Mr. DeBord thanked the Elks Lodge for their \$1000 donation towards the effort last year.

Items from Commissioners

Commissioner Lumpkin thanked those that worked at the ball fields as the fields provide recreational opportunities for area families and youth. Mr. Lumpkin went on to say that the Daughters of the American Revolution (DAR) held a workshop at the Tucumcari Convention Center over the weekend. Mr. Lumpkin welcomed the DAR to the Convention Center and reported that 72 were in attendance.

Mayor Pro Tem Apodaca stated that a few weeks ago Senator Bingaman was in Tucumcari and Mr. Apodaca made a point of bragging about the City Planning Department. Mr. Apodaca stated that due to the foresight of the department in their long-range planning efforts, many projects were shovel ready and therefore received American Recovery and Reinvestment funds.

Commissioner Curnutt had no comments.

Commissioner Sandoval had no comments.

Mayor Witcher thanked Mr. Lumpkin for standing in for him and welcoming the DAR participants. Mr. Witcher went on to say that he missed the DAR event because he was out of town as his daughter was having a baby. Mr. Witcher went on to thank the staff members that covered for him at meetings while he welcomed his new grandbaby. Mr. Witcher stated that the City has the best staff in the world.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the August 12, 2010 Regular Commission Meeting. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

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

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mayor Witcher asked if any citizens wished to address the Commission. Being none, the meeting continued as planned.

Ordinances and Resolutions

Mayor Witcher called on Mr. Mike Cherry to present Ordinance 1079, establishing a franchise agreement between the City and Plateau Telecommunications. Mr. Cherry explained that this is the final reading of the Ordinance and it provides Plateau the right of way for their franchise.

Commissioner Lumpkin made a motion to approve the final reading of Ordinance 1079 and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then called on Ms. Yvette Fazekas to present Resolution 2010-39. Ms. Fazekas explained that the resolution is a standard one which accepts participation in the Municipal Arterial Program (MAP). Ms. Fazekas explained that the project will be on Campbell Street from Second Street to Eleventh Street. She went on to say that the total project will be \$257,111.00 with 75% of that being the DOT's share and 25% the Cities share. Ms. Fazekas explained that the City share will be provided via in-kind services.

Mayor Pro Tem Apodaca made motion to approve Resolution 2010-39 and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Ms. Fazekas then presented Resolution 2010-40 accepting participation in the 2010-2011 CO-OP Program. Ms. Fazekas explained that this project will be on North Fourth Street from Campbell to Heman. Ms. Fazekas stated that the total project will be \$51,195.00 with 75% being the DOT's share and 25% the Cities share.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2010-40 and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

City Manager’s Report

Ms. Rose began her report by calling on Mr. Dennis Dysart to present three items to the Commission. Mr. Dysart began by reminding the Commission of the Board of Finance meeting to be held on Friday, August 27 at 10 am in City Hall. Mr. Dysart stated that the meeting had been appropriately advertised, so all Commissioners are welcome to attend.

Mr. Dysart went on to report that July 2010 Gross Reciepts Taxes were filed in a timely fashion with no penalty or interest. However, October 2009 through June 2010 were not submitted in a timely fashion and penalties and interest will have to be paid.

Mr. Dysart also reported that the cost to the City to accept credit card payments has increased to approximately \$1000 per month. Mr. Dysart explained that last year \$5000 was budget to cover these expenses. Mr. Dysart asked the Commission to give this issue some thought and then the discussion regarding weather to continue to accept credit cards or not can be discussed at a later date.

Ms. Rose detailed some water issues including her attendance at a Ute Water meeting on August 19. She went on to say that the Interstate Streams Commission (ISC) agreement with the City expires on December 31 and changes are expected to be proposed. Ms. Rose will be in attendance at the next ISC meeting on August 27.

Ms. Rose also explained that on August 20 the Historic Preservation Office and representatives from the National Park Service were in Tucumcari to discuss Five Mile Park. The representatives were surprised when they toured the park to find it in much worse shape than they expected. The Historic Preservation representatives agreed to allow the playground equipment to be moved to the Historic Museum provided a mural depicting the park in its glory days be commissioned at the museum. Also, the playground equipment has to be returned to Five Mile Park if the park is ever restored. The Historic Preservation office did not agree to allow the pool to be filled. They suggested that volunteers be sought to clear the vegetation at the park and keep the grounds maintained.

Ms. Rose reported that she had a conference call with Ed Dubois regarding the Wastewater Treatment Plant. Mr. Dubois informed Ms. Rose that the Water Trust Board will not allow ponds. Ms. Rose plans to meet with several people that have property near the plant to see if they will utilize the overflow water.

Ms. Rose also had a conference call with Paul Karas of CDM regarding the intake structure at Ute Lake. She stated that the project will be negotiated and built as needed.

Ms. Rose also informed the Commission that there will be a class for Department Heads and Directors held on August 30 on asset management. The class will be held at the Convention Center from 9:30 to 3:00 pm and the Commission is encouraged to attend.

Ms. Rose also stated that she will attend the New Mexico Municipal League Conference in Taos September 1-3.

Ms. Rose also informed the Commission of a September 9 Clean Line Energy meeting to be held at the Tucumcari Convention Center at 2 pm.

The Canadian River and Southwest Quay Soil and Water Conservation districts will have a meeting at 10:00 am on September 16 to discuss the Environmental Quality Incentive Program and Wildlife Habitat Incentive Program. The meeting will be held at the Tucumcari Convention Center and Ms. Rose will be in attendance.

Ms. Rose reported having a conversation with Mike Creapeau regarding the landfill project. The original plans included a fence along the east side of the access road and Mr. Creapeau feels this may no longer be necessary.

The City applied for the Solid Waste Facility Grant Fund for Scales for the landfill but the application was denied.

Ms. Rose also reported that several staff members at City Hall had been out sick recently. Staff has been cross-training to cover for each other and are doing the best they can to stay on top of all duties.

Ms. Rose explained that there are still seven full-time and seven part-time employees that are being paid below \$8.56 per hour. She would like to discuss this issue with the Commission. Mayor Witcher stated that this will be discussed at the Finance meeting tomorrow.

Ms. Rose also stated that the City has been awarded \$25,000 in a hardship grant from the state for equipment. Ms. Rose explained that each piece of equipment acquired with the funds must be below \$5000.

Ms. Rose reported that New Mexico Mutual Loss Prevention inspected three departments and were pleased with what they observed. In the Laboratory many of the old chemicals had been removed, the Waste Water Treatment Plant was in good shape and the Housing Authority was found to be in good order. Ms. Rose explained that regular safety meetings have improved overall safety.

Ms. Rose informed the Commission that Ms. Elebario has been asked by the Area Agency on Aging to serve on a committee to develop a manual for the state. Ms. Rose stated that she is pleased to see staff going above and beyond to share their talents.

Mayor Pro Tem Apodaca stated that at the last meeting the safety deposit box at Citizens Bank was discussed. He asked if the staff has learned the contents of the box. Ms. Rose responded that the box has not yet been opened and informed the Commission that there is also a box at Wells Fargo Bank and the location of the keys is unknown at this time.

Mr. Apodaca also stated that he came to City Hall to attend the meeting with the Historic Preservation Office but he was unable to wait on them as they were late arriving.

Bids and Contracts

Mayor Witcher called on Mr. Doug Powers and Mr. Steve Stephenson to present the Engineering Services Agreement for the Tukumcari Municipal Airport. Mr. Stephenson explained that a four year master plan must be executed for the airport. Mr. Stephenson went on to say that several proposals for the engineering services were received and a committee selected WH Pacific as the best proposal.

Commissioner Lumpkin made a motion to approve the Engineering Services Agreement for Airport with WH Pacific and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	No

Mayor Witcher then called on Mr. Mark Lake to present the Owner-Architect Agreement for Rail Road Plaza Park Improvements with Wilson and Company. Mr. Lake stated that five proposals were submitted and the rating and ranking committee found the proposal from Wilson and Company to be the best.

Commissioner Sandoval asked when the City acquired the depot building. Mr. Lake responded that the City acquired the building in 2002. Mr. Sandoval asked when the building will be ready to open again. Mr. Lake explained that \$1.4 million has to be spent by June to complete the planning process. Once the planning is complete, the project will go out to bid. Mr. Powers added that the financing is in place and the fine tuning of the project vision is all that remains.

Mr. Sandoval asked if the building will be ready next summer. Mr. Lake stated that he hoped that would be the case but he has been trying to spend wisely. Mr. Sandoval stated that the number of years on the project has him worried. Mayor Witcher stated that it has only been two years that the project has been actively worked. Mayor Pro Tem Apodaca stated that Bettie Ditto is surely smiling in heaven as she was very involved in getting the Depot building donated to the City.

Ms. Rose stated that she commends Mr. Lake as Tukumcari was recently named a certified Main Street Community.

Mayor Pro Tem Apodaca made a motion to approve the Owner-Architect Agreement for Rail Road Plaza Park Improvements with Wilson and Company and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	No	Yes

Mr. Witcher then called on Mr. Stephenson to present the New Mexico DOT Grant for consumable items at the airport. Mr. Stephenson explained that this is a brand new grant for \$5000 to be spent on items that are used at airports. He went on to explain that the City match is 10%.

Commissioner Lumpkin made a motion to approve the New Mexico DOT Grant for consumable items at the airport. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Christine Dougherty to present the Park Use Agreement with the Tucumcari Farmers Market. Ms. Dougherty explained that the Farmer's Market uses Wailes Park during the summer months to hold their market. The City has had an agreement with the market to ensure they provide liability insurance and leave the park in good condition after each use. Ms. Dougherty explained that the agreement had expired and a new one has been executed and she asked for Commission approval.

Mayor Pro Tem Apodaca made a motion to approve the Park Use Agreement with the Tucumcari Farmers Market and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Ms. Yvette Fazekas to present the recommendation for award for lighting at City Hall. Ms. Fazekas explained that the City received ARRA funds to improve the energy efficiency of the lighting at City Hall. Two bids were received, both of them from local contractors. Ms. Fazekas explained that Steel Heating was the low bidder. Mayor Pro Tem Apodaca asked if the City has a prior contract regarding lighting and energy efficiency. Ms. Fazekas explained that a contract with Honeywell was in place some years ago. Mayor Witcher stated that the contract was not fulfilled and settled out of court. Commissioner Sandoval stated that he would like to see the specifications and costs. Ms. Fazekas stated that both bids are available for review.

Commissioner Lumpkin made a motion to approve the City Hall lighting agreement with Steel Heating and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	No

Mayor Witcher called on Ms. Fazekas to present the MAP Agreement with the NM DOT for the Campbell Street Project. Ms. Fazekas explained that the project will be on Campbell Street from North Third Street to approximately Ninth Street. Commissioner Sandoval asked how the condition of the streets is evaluated. Ms. Fazekas stated that the pavement was evaluated by a consultant.

Mayor Pro Tem Apodaca made a motion to approve the MAP Agreement with the NM DOT for the Campbell Street Project and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Witcher then asked Ms. Fazekas to present the CO-OP Agreement with the NM DOT for North Fourth Street. Ms. Fazekas explained that this project will improve North Fourth Street from Campbell to Heman. Mayor Pro Tem Apodaca stated that there is a new home in that area and it is looking very nice.

Mayor Pro Tem Apodaca made a motion to approve the CO-OP Agreement with the NM DOT for North Fourth Street. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Witcher asked Ms. Rose to present the Monitoring Agreement with Gordon Environmental. Ms. Rose explained that the groundwater at the new landfill must be monitored in order to move on with the project. The price quoted by Gordon Environmental is \$49,000 which is below the amount required for bids.

Commissioner Lumpkin made a motion to approve the Groundwater Monitoring Agreement with Gordon Environmental and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Old Business

Mayor Witcher acknowledged reading the July 16, 2010 minutes of the Library Advisory Board.

Commissioner Sandoval asked why the internet bill is so high at the Library. Mr. Cherry responded that the bill is actually \$100 less per month since the change to DSL service.

Items From Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Commissioner Lumpkin stated that the staff is efficient and does a great job. He thanked staff for their work and stated that it is appreciated. Mr. Lumpkin also thanked all those in attendance for coming to the meeting, thanked Ms. Fazekas for all the help at the ball fields with the YCC Program. Mr. Lumpkin also thanked Mr. Dysart for his report.

Mayor Pro Tem Apodaca stated that he sometimes gets fixated on the past but recalls that some time ago a pot hole repair machine was purchased jointly by the City and the County and he wondered where that machine is today. Mayor Witcher stated that he recalled the oil used by the machine is very costly and grant funds to purchase the oil could not be secured. Mr. Witcher went on to say that if the City budget was flush the machine could be used. Mr. Alex Madrid was in the audience and stated that the machine is at the City barn. Mayor Witcher stated that the machine is paid for. Mayor Pro Tem Apodaca stated that the machine should be used.

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.

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 (7) 1978, Threatened or Pending Litigation and section 10-15-1 H (2) regarding Limited Personnel Matters. Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Time noted was 6:52 p.m.

Mayor Pro Tem Apodaca 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 (7) 1978, Threatened or Pending Litigation and section 10-15-1 H (2) regarding Limited Personnel Matters. Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Time noted was 7:24 p.m.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

The meeting was adjourned at 7:25 p.m.

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk