

**CITY OF TUCUMCARI
CITY COMMISSION MINUTES
October 28, 2010**

The Tucumcari City Commission met for their regular meeting on Thursday, October 28, 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; Christine Dougherty, City Clerk; Dennis Dysart, Finance Manager; Clara Rey, Human Resources Director; Jason Braziel, Chief of Police; Viki Riddle, Housing Authority Director; Alex Arias, Assistant Streets and Sanitation Superintendent; and Scott Simpson, Parks, Recreation and Cemetery Superintendent.

Ms. Clara Rey, gave the invocation and Mr. Apodaca led the group in the Pledge of Allegiance.

Roll Call

Mayor Witcher asked for Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Consideration of Changes or Deletions to Agenda

Mayor Witcher asked if there were any changes to the agenda. Mr. Witcher stated that item XI, A was being deleted and he asked to add an Executive Session to discuss pending litigation.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Commissioner Lumpkin thanked all those in attendance for coming to the meeting. He also explained that any information the public would like to give is welcome. Mr. Lumpkin added that later in the evening there will be some discussion regarding energy related devices and he encouraged everyone to stay for that discussion.

Mayor Pro Tem Apodaca asked if an Executive Session can be added to the agenda. Ms. Rose responded in the positive but added that no action can be taken.

Approval of Minutes

Commissioner Lumpkin made a motion to approve the minutes of the October 14, 2010 Regular Commission Meeting. Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Abstain

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	Abstain	Yes	Abstain	Yes

Items from Citizens

Mayor Witcher asked if anyone in the audience would like to address the Commission. Mr. Witcher added that if anyone present wished to discuss the Cemetery, the review of the Cemetery Ordinance will occur later in the meeting and at that time the public will be called on for Cemetery related comments.

Proclamations, Memorials, or Petitions

Mayor Witcher asked Mary Jimenez from Helping Hands Hospice to meet him at the podium so that he could read the Proclamation for Hospice Month. Mayor Witcher proclaimed November as Hospice Month in Tukumcari.

Ms. Jimenez stated that she accepted the proclamation on behalf of the Hospice organization with great dignity. Ms. Jimenez went on to say that she is very proud of the organization.

Ordinances and Resolutions

Mayor Witcher asked Ms. Rose to present Ordinance 1080. Ms. Rose began by explaining that this ordinance was drafted upon suggestion from the City Attorney, Randy Knudson who stated that the Animal Control Ordinance needed to have a stronger definition of vicious dogs included. Ms. Rose said that Mr. Knudson has defended the City in two to three instances where the wording describing a vicious dog in the ordinance was detrimental to the City’s defense. Ms. Rose stated that Mr. Knudson and Chief of Police Braziel have both reviewed the ordinance and agree with the wording. Ms. Rose stated that she recommends approval of the ordinance.

Mr. Braziel approached the podium and confirmed that he read the ordinance and approves of these changes. Mr. Sandoval asked if there are any provisions in the animal

ordinance that barking dogs must be quieted by 10 in the evening. Mr. Braziel responded in the positive saying the ordinance requires that dogs be quieted.

Commissioner Lumpkin made a motion to approve the first reading of Ordinance 1080, Amending Chapter 6.04 of the Tukumcari Municipal Code regarding Animal Control. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose began her report by calling on Mr. Dennis Dysart to give a financial report. Mr. Dysart stated that the DFA indicated they have received our first quarter report. Ms. Giles from the DFA told Mr. Dysart that the final City budget will be approved in about a week. The DFA made some recommendations for changes in the budget that Mr. Dysart indicated he has implemented. Mr. Dysart added that the final budget increased around \$300,000 when all the grant funds were added.

Mr. Dysart explained that the audit is in progress with many departments gathering information requested by the auditors. The auditors indicated to Mr. Dysart that in light of the personnel transitions in the Finance Department, they do not anticipate completing the audit until the first part of December. The auditors will request an extension for completion of the audit from the DFA.

Mr. Dysart also explained that budget amendment requests will be presented at the next Commission meeting to make final adjustments to the budget.

Ms. Rose informed the Commission that she approved a budget amendment within the Convention Center budget so that the Del Norte Center rent income can be tracked separately from the Convention Center rent. This adjustment has a zero effect on the budget.

Ms. Rose stated that the auditors will be on site in a few weeks. She anticipates some audit findings this year, but staff is working diligently to correct them.

Ms. Rose reported some efforts to cutback expenses and improve efficiency. Ms. Dougherty is working with a local business to identify efficient cuts in cell phone bills. Expected savings should be significant. Ms. Rose stated that she appreciated Commissioner Lumpkin bringing this opportunity to our attention. Ms. Rose went on to say that the T-1 line at the Library costs \$1600 per month. Information Technology department staff, Scot Jaynes and BJ Molinas have identified a solution that could save around \$1200 per month. Ms. Rose also reported that the new phone system and the energy efficient lighting project at City Hall will both have significant cost savings. Ms. Rose was successful in having Xcel Energy discontinue billing the City for street lights at the west end of Route 66 that are no longer in use which will result in significant savings.

Ms. Rose has instructed staff to continue to look for energy grants for out buildings and facilities. Additionally, Ms. Rose stated that staff is working on a renewable energy project at the Waste Water Treatment Plant as with completion of the construction electrical costs are expected to increase \$8000 per month. Ms. Rose went on to say that she is looking at options on postage meters and has found a company that is on state contract that can save a significant amount of money.

Ms. Rose reported that due to illness, the water bills have been mailed late for the past few months. However, through rigorous cross-training efforts, the billing process is back on track. Dennis Dysart and Charlie Sandoval are working closely to streamline the billing process. Late charges are automatically being added to unpaid water bills and water is being consistently shut off for non-payment.

Ms. Rose reported that the Police Department seized a 2008 Chevrolet Impala that will become TPD property once the fees to DEA, USMA and the Federal Government are paid in the amount of \$2723.13. These fees will be reimbursed to the PD budget when the drug funds that were also seized are forwarded to the department.

Tucumcari Public Schools Superintendent, Mr. Aaron McKinney and High School Principal, Ms. Nicole Bright Lesley contacted Chief Braziel regarding the increased number of fights they have seen this school year. Chief Braziel responded by transferring one of the officers to the School Resource Officer position. Officer Clay Cullison is now working at the schools. TPS provides \$20,000 per year to assist in paying this officers salary and benefits.

Chief Braziel elaborated that Officer Garcia seized the Impala and \$53,000 in a drug stop some months ago. He went on to say that Officer Vargas seized a 2005 F-150 pickup and over \$75,000 in a stop on the Interstate. The City will receive 80% of the seized funds and the US Marshall's will get the other 20%. Chief Braziel also stated that after 33 suspensions for fighting this year alone, the schools were pleased to have Officer Cullison on board and things are improving.

Mr. Witcher stated that the drug funds seized have to go back into the police department and be used for drug related expenses. Mr. Braziel added that seized vehicles are mandated for use within the police department for two years and can then be transferred to other departments within the City if so desired. Ms. Rose congratulated Chief Braziel for his hard work and stated that she has noticed a turnaround within the community.

Ms. Rose reported that we are still experiencing sickness throughout the City causing departments to be shorthanded. She went on to say that many staff members are attending training in a wide array of subjects. Misty Vick attended Flood Plain training, Scot Jaynes attended Emergency Management training, Mike Cherry has been to Fire and EMS trainings. Staff from the Waste Water Treatment Plant has attended classes for certification, Police Officers have attended various courses and Ms. Rose herself attended training last week. Several Department Heads were on their way home from the Infrastructure Finance Conference. Ms. Rose and Mr. Cherry have attended Main Street,

EDC, ENMR, FAA and Waste Water Project meetings. Ms. Rose continues to attend the Wednesday morning working group and numerous meetings regarding Ute Lake and the agreement with Interstate Streams Commission.

Ms. Rose went on to say that Michael Rivera has been promoted to Assistant Wastewater Superintendent at a rate of \$14 per hour. Mr. Rivera holds lab certification, wastewater III certification and water I certification. Ms. Rose stated that with the completion of the new plant, new regulations will be enforced and it is essential that the City get salaries in a range that will retain employees. Mr. Ramirez reports that he has an excellent crew now.

Ms. Rose stated that the staff is completing employee evaluations. Ms. Rose has asked the Department Heads to evaluate her with names on the forms being optional. Ms. Dougherty will compile these ratings and submit them to the Commission.

Ms. Rose detailed important dates from her calendar for the month of November. On the first, a Main Street Task Force meeting will be held from 5:30 to 8:30. Ms. Rose stated that this is a very important planning meeting. November 3rd will be the final conference with the Interstate Streams Commission on the Ute Purchase Agreement. November 4th a meeting with Scott Verhines and the Quay County communities concerning the intake structure at Ute Lake including discussion regarding the Cities participation in the larger \$11 million intake structure or simply expand the Karma intake. Ms. Rose stated that she will work to determine the total cost to the City as well as the operations and maintenance costs. November 12th will be the Employee Appreciation night to be held at the Elk's Club.

Ms. Rose reported that the community garden had another good year and volunteers are planning a workday to build a green house on November 9th. The garden is on City owned land and the water for the garden is provided by the City. Ms. Rose went on to say that she has talked to Tom Dominguez about donating the land to the Extension office if they take over all costs associated with the garden.

Ms. Rose spoke with Tom Cassidy of the CYFD office about his request that water bills include a notice that the area is in great need of foster parents. This will add no postage expense and Ms. Rose stated that she feels area agencies need to work together and work smarter.

Ms. Rose also explained that as per Commission instructions, she informed staff that body art, including tattoos and piercings are now allowed but hair colors should be of naturally occurring colors.

Ms. Rose went on to report that she attended the last Library Advisory Board meeting and discussed many issues that were raised at the last Commission meeting. Ms. Rose went on to say she feels many of the issues were communication based and she takes full responsibility for them. Ms. Rose stated that any citizen, including those serving on advisory boards has the right to be put on a Commission agenda and have their concerns

heard. Ms. Rose stated that under her management, this will always be allowed. Ms. Rose went on to explain that the emergency purchase for the air conditioners at the Library did not include the ductwork. The emergency was to get air to the Library so the summer reading program could continue. The emergency purchase accomplished that task. Several other areas which need to be addressed have been identified and those issues are being worked on. However, these will be corrected with capital outlay expenditures. The internet at the Library is working and the card catalog is operational again from the Library website. The roof is leaking and some of the lights do not work and these issues are being addressed. Although hearing these issues was painful, Ms. Rose stated that it has been addressed and brought positive outcomes.

Finally, Ms. Rose stated that HDR met with the surveyor on Monday regarding the Waste Water Reuse Project and work began on Wednesday with the laying out of panels. HDR will receive the mapping in approximately five weeks.

Commissioner Lumpkin commended Ms. Rose for keeping the Library open and for working with the schools to resolve their issue. Mr. Lumpkin stated that the work of City Staff is commendable.

Bids and Contracts

Ms. Rose presented the amendment to the Harwood Consulting Contract for legal consultation on water issues. Ms. Rose explained that the existing contract has a maximum amount to spend annually of \$20,000. Ms. Rose stated that she would like to increase that maximum to \$50,000. Ms. Rose went on to say that this contract is paid through the Ute Lake Water Tax which is set aside specifically for Ute Lake issues. Ms. Rose stated that there are some legal issues pending that will need to be resolved including the Joint Powers Agreement, the Agreement with Ute Lake Ranch, Agreement with Karma, Agreement with Twelve Shores and the intake structure issues. Ms. Rose stated that she does not anticipate expending \$50,000 but would like that much available.

Commissioner Lumpkin asked how much water from the Ute Lake allocation the City sells each year and what dollar amount that equates to. Ms. Rose responded that she will get those figures to the Commission. Ms. Rose stated that the City of Tucumcari is the first entity to draw water from Ute Lake.

Commissioner Lumpkin made a motion to approve the Amendment to the Harwood Consulting Contract, increasing the amount the City is able to expend for Mr. Harwood's services. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Old Business

Mr. Dysart reminded the Commission that the expense to the City for accepting credit and debit cards has increased to approximately \$1000 per month. Mr. Dysart stated that of around 2600 invoices issued each month, about 200 are paid with credit cards. Mr. Dysart stated that many of the credit cards are used to pay lodgers' taxes. As most payments are coming from businesses that have checking accounts, Mr. Dysart feels that consideration of the cost of providing this convenience should be weighed. Mayor Witcher asked if many patrons are using debit cards. Mr. Dysart responded that some patrons use debit cards but more use credit cards. Mr. Dysart went on to explain that Visa and MasterCard will not allow a business to pass the fees they charge along to the customer. Commissioner Lumpkin asked if the bills being paid via credit card are mostly larger bills and also inquired if any feedback from customers has been sought. Mr. Dysart responded that he has not spoken to any customers but added that most businesses have checking accounts. Commissioner Lumpkin stated that he felt saving the citizens \$12,000 by eliminating this convenience is a good idea.

Commissioner Lumpkin made a motion for the City to no longer accept credit and debit cards for payment beginning January 1, 2011 and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher acknowledged reading the minutes of the Senior Programs Advisory Board for March 2, 2010; April 6, 2010; June 21, 2010; September 21, 2010; and October 19, 2010.

Mayor Pro Tem Apodaca noted that in two places on the Senior Program Advisory minutes his name was used when it is actually Antonio Pacheco that serves on that Board. Mr. Apodaca stated that in the April 6, 2010 minutes the incorrect name appears on page four in the memo from Bea Laredo and in the last paragraph.

Ms. Rose then discussed the financing options available for demolition of the Sands Dorsey building. Financial advisors Chris Muirhead and Paul Cassidy informed Ms. Rose that the City is maxed out on financing options. Ms. Rose stated that the options available include re-allocation of the one quarter of one percent Ute Lake Tax which would have to be approved by the voters via referendum. Another option would be to enact a one quarter of one percent tax which could be done with an ordinance. The taxation options would be backed by property and gross receipts taxes. Mr. Muirhead and Mr. Cassidy both suggest either re-allocation or enactment of new taxes as the most viable options.

Ms. Rose went on to say that she is working with the Environmental Protection Agency to search for funds for the project. Ms. Rose explained that Brownsfield funds may be an option as are funding streams from the Department of Transportation. Ms. Rose also said

that the Main Street funds may be a source for the project. Ms. Rose went on to say that the City Attorney says there are no real options legally to pursue. Ms. Rose had photographs of the other properties owned by the Sands Dorsey owner taken and finds that they are not desirable.

Ms. Rose went on to explain how gross receipts taxes (GRT) are distributed within the state. GRT is a total of 8.125%; of that 5.125% goes to the state and 1.687% goes to the City. The County gets 1.312%. The state returns 1.225% of their portion to each City which makes a total of 2.9125% for the City.

Mayor Pro Tem Apodaca stated that in July GRT increased in New Mexico as well as restrictions being placed on items citizens can deduct from their income taxes. Mr. Apodaca noted that sales tax increased as well as the taxes on cigarettes. Mr. Apodaca stated that he does not know how the voters will respond to effort to increase their taxes. He went on to say that the voters approved the Ute Lake water tax and this should remain in place. Mr. Apodaca stressed the importance of bringing water to Tucumcari in order to develop a recreation area at Tucumcari Lake.

Mayor Pro Tem Apodaca agreed with many citizens that the Sands Dorsey is a public nuisance and suggested that perhaps the City should wait until the State sues the City. Mr. Apodaca stated that it is a complex issue. Mayor Pro Tem Apodaca went on to say that with a water rate increase in 2009 and a sewer rate increase in 2010 there has been a heavy burden placed on those with fixed incomes. Mr. Apodaca also stated that the outcomes at the upcoming legislative session are uncertain. He also expressed concern over the expense of a special election that could cost over \$6000. Mr. Apodaca stated that if a referendum of the voters is necessary, it should wait until the 2010 municipal election. Mr. Apodaca stated that he will not support a tax increase at this time as he believes the citizens are taxed enough.

Commissioner Sandoval stated that he agrees with Mr. Apodaca. Mr. Sandoval said that the City needs to show the community that they are doing something to create jobs.

Commissioner Lumpkin stated that at this time he too is opposed to asking the citizens to fund tearing down the building. Mr. Lumpkin briefly detailed the history of the problems with the building and stated that at this time the building is a health and safety issue and could cost \$500,000 to tear down due to the hazardous materials in the building. Mr. Lumpkin stated that the Commission has been asked by surrounding business owners to do something about the building and asked by others to rebuild the building due to the historic and sentimental value. Commissioner Lumpkin stated that staff and Commissioners have asked various agencies for funds to assist the City in dealing with the problem. Mr. Lumpkin suggested that staff continue to look for funding sources to deal with the building.

Commissioner Curnutt stated that he agrees with Commissioner Lumpkin and feels the issue should be tabled while staff continues to search for funding sources.

Mayor Pro Tem Apodaca asked why the Economic Development Tax could not be used for the building as the funds are earmarked for infrastructure improvements.

Mayor Witcher explained that the nation is in a difficult economic time and that without federal money flowing to states, cities and counties have to struggle as well. Mr. Witcher went on to say that there are many projects in the City that need attention including houses and buildings that need to come down and equipment for city departments that needs to be purchased. The Mayor stated that the City can no longer rely on big brother to fund projects for the City; adding that Tukumcari has to do for Tukumcari. Mr. Witcher stated that the tax increase that is being discussed is only one quarter of one percent which equates to one cent for a four dollar purchase. Mr. Witcher stated that the tax would be a small increase that would benefit Tukumcari significantly. Mr. Witcher went on to say that if the Sands Dorsey building falls, the City will have to pay out much more in law suits. Mr. Witcher stated that if a tax increase is enacted, it will be funded mostly by tourists and travelers. He stated that if the City has more income, the borrowing power will increase. Mr. Witcher also said that the Commission has saved Tukumcari lots of money with their decisions. Mr. Witcher asked that this issue be placed on the next agenda so that a decision can be made to either re-allocate the Ute water tax or to enact a new tax.

Mr. Apodaca stated that with increases to the sales tax, income tax and other taxes it may appear to be small increases here and there, but they add up and can be difficult for citizens to bear. Mr. Apodaca added that some Municipal taxes are un-imposed and should remain that way.

New Business

Mayor Witcher told audience members that review of the cemetery ordinance was the next item on the agenda and at this time, anyone wishing to address the Commission regarding the cemetery could speak. Mr. Witcher asked those wishing to speak to come to the podium one at a time and state their name for the record before they speak. Mr. Witcher also asked speakers to limit their comments to five minutes each.

Joann Huff approached the podium and stated that she was born, raised and educated in Tukumcari. She returned to Tukumcari after being away for 45 years to be near her mother. Ms. Huff stated that it has been a tradition in her family for over 50 years to display flowers year-round on family graves. She went on to say that she maintains this tradition on nine gravesites at Tukumcari Memorial Park. Ms. Huff stated that four times per year, she removes the old flowers and replaces them with new flowers in metal pipes or holders. Ms. Huff stated that two weeks before Memorial Day, the cemetery looked awful so she spoke to the Cemetery Superintendent. She was told that the cemetery had been short handed and help was coming from the Parks Department. Ms. Huff asked for clarification on the rules regarding placement of flowers. Leonard told Ms. Huff it was fine to put flowers in the pipe holders. Ms. Huff stated that she checked the graves she maintains to ensure compliance, as she purchased \$80 worth of flowers and placed them as instructed. The next day, Ms. Huff went to the cemetery and the flowers had been

removed from six of the graves. Ms. Huff stated that Mr. Simpson said a glass vase on a grave broke and injured one of the workers. Mr. Simpson also stated that it was ok to put flowers in the holders. Ms. Huff was told that there are six holidays which are approved for flowers to be placed on graves but they will be removed ten days after those holidays. Mr. Griego was instructed by Mr. Simpson to remove all flowers and objects as per ordinance 973. Ms. Huff questioned City Code 11.12.640 which states that a permit must be in hand to work on graves. Ms. Huff went on to say that the cemetery always looked nice until two or three years ago and now looks like no one cares about mowing or trimming. Ms. Huff stated that the children's area has numerous toys and other items placed on graves. Ms. Huff encouraged the Commission to work with the residents to revise the ordinance and to make it allowable to place flowers in vases or pipe holders.

Ms. Betty Cooper Coslett approached the podium and stated that she agrees with Ms. Huff completely. She also thanked the Commission for resolving the internet issue at the Library. Ms. Coslett stated that she met with Ms. Rose on Monday to discuss the cemetery ordinance as she feels the definitions in the ordinance are convoluted and don't make sense. Ms. Coslett added that the record keeping at the Cemetery is very good and the staff is helpful. Ms. Coslett said some tombstones need to be straightened out as they are falling. She stated that staff needs to tamp graves without crushing caskets and the gates need to be painted. Ms. Coslett stated that she knows of two graves that were moved recently and in the process four or five headstones were covered. Ms. Coslett said that lots of people handle weeding, watering and fertilizing gravesites of loved ones. Ms. Coslett also expressed concern that cars drive over the flagstones leading to the Garden of Prayer and the stones are getting crushed. She went on to say that the sprinklers do not water evenly and there is no consistency in the enforcement of the rules regarding removal of flowers. Ms. Coslett stated that she feels more than two men are needed to take care of the large property. She also expressed concern about the recently planted pine trees that are dripping sap on other graves. Ms. Coslett stated that she feels the Commission should obtain citizen input to review the cemetery ordinance to promote community pride.

Ms. Lynn Hudson approached the podium and stated that she was at the Cemetery yesterday as she has loved ones buried in the Garden of Prayer. She was dismayed to find that she could not read some headstones due to dirt and grass over them. Ms. Hudson stated that she went back to the Cemetery with tools and rectified the problem herself. Ms. Hudson added that it will be Veteran's Day soon and in order to place flags on the graves of Veterans, the markers need to be in full view.

Ms. Dolores Garcia approached the podium and stated that she has no problem cleaning and caring for the graves of her loved ones. She does have an issue with not being allowed to place flowers on the graves of her loved ones. Ms. Garcia also stated that the Catholic section of the Cemetery does not get watered adequately. Ms. Garcia stated that artificial flowers should be allowed on gravesites.

Ms. Liz Garcia approached the podium and stated that she met with Ms. Rose and was told that items were allowed on graves as long as they were above ground and did not

interfere with maintenance of the grounds. Ms. Garcia stated that she complied with this rule and now there are weeds on the graves of her loved ones. Ms. Garcia questioned that citizens have to ask permission to place flowers on gravesites. Ms. Garcia stated that for 50 or 60 years it has been a tradition to place flowers on gravesites.

Ms. Ida Macias stated that her husband built an arbor for her father's grave. She stated that she has seen several similar structures at the Cemetery. Ms. Macias stated that over a weekend she and her husband placed the arbor on the grave and on the following Monday morning she received a phone call telling her the arbor had to be removed. Ms. Macias complied but now sees that there are seven similar structures at the Cemetery and feels those should be taken down as well.

Ms. Joanna Ortiz stated that she goes to the Cemetery frequently. She said that she took fall flowers to replace the Memorial Day flowers she placed on graves during the summer. One week later, Ms. Ortiz returned to the Cemetery to find that the fall flowers were gone from the graves of her loved ones. Ms. Ortiz also stated that she placed solar lights at the Cemetery and they were missing. Ms. Ortiz called Mr. Simpson and he was not rude but explained that the ordinance states flowers are not allowed except for certain holidays. Ms. Ortiz stated that Mr. Griego who works at the Cemetery had a bad attitude when she spoke to him. Ms. Ortiz questioned if flowers are allowed or not. Mr. Simpson, who was in the audience, answered that the ordinance reads flowers are only allowed on the designated holidays however, he believes it should be changed.

Mayor Witcher stated that he had not seen the ordinance until now and he agrees it needs to be reviewed and changed. Mr. Witcher went on to say that the Commission will look into forming a Cemetery Advisory Board and that this issue will be addressed again.

Commissioner Lumpkin stated that he understands the frustration and agrees that review of the ordinance needs to occur. Mr. Lumpkin stated that consistency in enforcement is also an issue. Mr. Lumpkin stated that he feels an Advisory Board is a good idea. Commissioner Lumpkin apologized to citizens for the inconvenience this issue has caused.

Mayor Witcher asked citizens to please send their comments to the Commission, the Manager or himself.

Mayor Pro Tem Apodaca stated that cultural and religious issues must be looked at when the ordinance is reviewed. Mr. Apodaca thanked those who spoke at the meeting stating that it reminded the Commissioners of who they work for.

Commissioner Lumpkin stated that he would like to commend the employees at the Cemetery stating that their mistakes are in no way malicious and that re-training will occur.

Ms. Cynthia Acker approached the podium and stated that she agrees with Commissioner Lumpkin. She went on to say that she was stunned to see flowers missing from her

parent's graves. Ms. Acker said that she purposely purchased headstones with vases attached so that she could place flowers on graves. Ms. Acker stated that the cemetery ordinance is made available at the Cemetery and she read it for clarification. Ms. Acker said the employees at the Cemetery were very polite and helpful to her and explained that flowers in vases are permitted but that no other items were allowed. Ms. Acker stated that clarification is needed.

Ms. Helen Davis stated that at other cemeteries she has been to, flowers are allowed year round. Ms. Davis said that a cemetery without flowers looks like the City does not care and therefore flowers should be allowed all year.

Ms. Rose stated that in her position as City Manager, she must ensure that ordinances are being abided by the staff and citizens. When she came into her position, few ordinances were being followed. Ms. Rose also stated that many of the existing ordinances need to be changed. Ms. Rose said that the staff at the Cemetery is abiding by the ordinance as it is written. She added that Mr. Simpson, as the Department Head over the Cemetery is only doing his job as instructed. Ms. Rose thanked the citizens for their comments and added that there are 11,000 graves at Tucumcari Memorial Park and two men to maintain all of them. Ms. Rose explained that 150 new graves are added each year. Ms. Rose added that there used to be four employees at the Cemetery but in budget crunch, staff has been reduced. Ms. Rose explained that the budget for the Cemetery is \$110,498 per year. Ms. Rose stated that she understands the upkeep is out of control and she will ensure that the Cemetery is ready for visitors on Veterans Day.

Ms. Theresa Ramirez stated that her father was the Cemetery Superintendent at one time and she is not impressed with how the park has been maintained since he left the position.

Mr. Tony Macias stated that with only two employees, all citizens are happy to help take care of the Cemetery.

Ms. Mary Lou Sanchez stated that she saw many employees working at the Cemetery today. She went on to say that she feels flowers in vases should be allowed. Ms. Sanchez stated that survivors should be considered as the Cemetery should be pretty and a place of peace.

Mayor Witcher asked if anyone else wished to address the Commission regarding the Cemetery. There were no further comments.

Mayor Witcher asked Ms. Rose to present the Community Development Advisory Board Appointment agenda item. Ms. Rose stated that all terms had expired and the Planning Department requested that each of the five applicants to serve on the board be approved for three year terms.

Commissioner Lumpkin made a motion to appoint David Gonzales, Ronnie Sanders, Robert Morgan, Michael Fazekas, and Dr. Darrell Farmer to three year terms on the

Community Development Advisory Board. Commissioner Curnutt seconded the motion.
Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Witcher called on Commissioner Lumpkin to discuss the letter of support for Energy Related Devices. Mr. Lumpkin stated that alternative energy is a growing industry in the area and the Xcel Energy Company has agreed to pay customers for production of alternative energy. Mr. Lumpkin went on to say that a project of a solar array at the Waste Water Treatment Plant could pay for itself in ten years and offset energy costs the new plant is anticipated to generate. Commissioner Lumpkin went on to say that the array could be 60% paid for and then the City would own it in ten years at a value of \$600,000. The array has a 20-30 year life span, according to Mr. Lumpkin. The letter of support Mr. Lumpkin would like the Mayor to sign is not a contract. Mr. Lumpkin stated that as this is a complex issue, he would be willing to invite Mr. Bob Hockaday to the next Commission meeting to further discuss the details. Mayor Pro Tem Apodaca stated that he would like to wait until the Commission can meet with Mr. Hockaday to make a decision on this issue.

Mayor Witcher called on Ms. Rey to present the appointment of two members to the Senior Programs Advisory Board. Ms. Rey explained that with the addition of the Foster Grandparent program and the Senior Companion program, a representative of each needs to serve on the Senior Programs Advisory Board so that those programs remain in grant compliance. Ms. Rey asked that the Commission approve the addition of two seats on the Advisory Board.

Commissioner Lumpkin made a motion to approve the addition of two seats on the Senior Programs Advisory Board and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Witcher explained that with the holidays in November and December, the regular meeting dates will be inconvenient to staff and Commissioners. Mr. Witcher asked for alternate dates to meet. The Commission consensus was to hold the November meetings on the 11th and the 18th at 6 p.m. and the December meetings on the 9th and the 30th at 6 p.m.

Items From Commissioners

Commissioner Lumpkin stated that staff should look at the cemetery ordinances of other cities for ideas on how to revise the ordinance for the City of Tucumcari. Mr. Lumpkin also thanked all those in attendance for coming to the meeting.

Mayor Pro Tem Apodaca had no comments.

Commissioner Curnutt thanked those in attendance for coming to the meeting. Mr. Curnutt added that it was nice to see pride in our City.

Commissioner Sandoval thanked all those in attendance for coming and stated that the citizen comments were a wake up call.

Mayor Witcher thanked those in attendance for coming and thanked citizens for their phone calls. Mr. Witcher added that he thinks the staff does an excellent job.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session to discuss matters as provided for under NM Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H (7) 1978, related to threatened or pending litigation. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	No

Time noted 8:20 p.m. Mayor Pro Tem Apodaca did not participate in the Executive Session.

Commissioner Sandoval made a motion to reconvene in Regular Session after Executive Session where the only matters discussed were as provided for under NM Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H (7) 1978, related to threatened or pending litigation. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Lumpkin
Yes	Yes	Yes	Yes

Time noted 8:43 p.m. Mayor Pro Tem Apodaca did not return to the Regular Session.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting. Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes

The meeting was adjourned at 8:45 p.m.

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk