

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
June 9, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, June 9, 2011, 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/Purchasing Agent; Dennis Dysart, Finance Director; Clara Rey, Human Resources Director; Misty Vick, Grants Administrator; Doug Powers, Community Development Director, Scot Jaynes, Information Technology/Emergency Manager; and Pete Rivera, Deputy Chief of Police.

Mr. Ray Aragon, Deacon of the St. Anne's Catholic Church gave the invocation and Mr. Amiel Cumutt led the group in the Pledge of Allegiance.

Public Hearing

Mayor Witcher opened the floor for the Public Hearing regarding Fireworks Regulations. Mr. Witcher asked anyone wishing to testify during the hearing to stand and be sworn in by the City Clerk.

Ms. Dougherty swore in those wishing to speak.

Mr. Scot Jaynes stated that included in the Commission packets was a proposal for a prohibitive fireworks proclamation. Mr. Jaynes explained that this will ban aerial fireworks due to the draught conditions. Mr. Jaynes stated that according to the National Weather Service, the US Draught Monitor and the State Forestry Service, draught conditions exist in the area. Mr. Jaynes explained that in the last 100 days, 29 have been red flag warning days. In the next month, Mr. Jaynes went on to say, there is a 33% chance that the temperature will be above normal and a 33% chance that precipitation will be below normal. Mr. Jaynes described the conditions as poor, dry and windy.

Mr. Jaynes stated that due to these statistics and forecasts, he and the Fire Chief are proposing a ban on aerial and ground audible fireworks.

Mr. Witcher asked if the ban is for both the sale and use of the specified type of fireworks. Mr. Jaynes responded in the positive. Mr. Jaynes said the ban will be in place for 30 days.

Consideration of Changes or Deletions to the Agenda

Mr. Witcher asked if there were any changes to the agenda. There were none.

Commissioner Curnutt made a motion to approve the agenda as written and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval stated that on Saturday he noticed many garage sales advertised at First Street and Tucumcari Blvd. He speculated that most of these families are leaving Tucumcari.

Commissioner Curnutt had no comments

Mayor Pro Tem Apodaca said that he would like to acknowledge receiving a letter on June 4, 2011 regarding a City program. He explained that the letter suggested the EMS Department needs to be looked into for management.

Commissioner Lumpkin stated that he received the same letter. He thanked those in attendance for coming to the meeting and said that he considers any input helpful.

Approval of Minutes

A motion was made by Commissioner Lumpkin to approve the minutes of the May 26, 2011 Commission meeting and the motion was seconded by Mayor Pro Tem Apodaca. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

A motion was made by Commissioner Lumpkin and seconded by Commissioner Curnutt to approve the City vouchers for payment. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mr. Joseph Pacheco approached the podium to address the Commission. Mr. Pacheco stated that he was at the meeting two weeks ago and Mr. Lumpkin said he would provide Mr. Pacheco a report. Mr. Pacheco wanted to know where the report could be found.

Mr. Lumpkin asked for clarification if the request was for the accounting from the Recreation Department. Mr. Pacheco responded in the positive.

Ms. Dougherty stated that another citizen requested the report via the formal records request process and the report was available. Mr. Lumpkin apologized for the communication breakdown and said the report would be available for Mr. Pacheco as soon as the City Clerk was out of this meeting.

Mr. Pacheco stated that everything Mr. Lumpkin discussed about the Recreation Department was in place when Mr. Encinias ran the program. Mr. Pacheco asked what Mr. Simpson has brought to Tukumcari. Mr. Lumpkin explained that he said some tournaments have been brought to Tukumcari. He also explained that alcohol has been cited as an issue.

Mr. Pacheco stated that he would hate to see Tukumcari lose population and dwindle the way San Jon has.

Proclamations, Memorials, or Petitions

Mayor Pro Tem Apodaca stated that in reading the Proclamation he finds that only certain fireworks are prohibited. He expressed concern regarding what fireworks would be allowed for home use.

Mr. Witcher then read the Proclamation.

Mr. Apodaca said that in Section Four it is stated that the Governing Body is authorized to proclaim this ban. Mr. Apodaca wondered if it will be legal for children to use sparklers on pavement and concrete.

Mr. Witcher said he felt if fireworks were going to be prohibited, he feels they should be banned from everywhere. Mr. Apodaca clarified that the Proclamation is not banning everything.

Mr. Curnutt asked for clarification if the Fire Department is recommending that no bottle rockets be allowed but small fireworks are ok. Mr. Curnutt asked how this will be controlled and stated he felt it would be better to ban everything. Mr. Curnutt stated he had some hesitation regarding completely shutting down someone's ability to do business. Mr. Curnutt thought that users should be able to control fireworks that are hand held.

Mr. Apodaca stated that he supports the Proclamation as written.

Commissioner Curnutt made a motion to accept the Proclamation Regarding Fireworks Regulation as written and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Lumpkin Sandoval Curnutt Witcher Apodaca

Yes Yes Yes Yes Yes

Ordinances and Resolutions

Ms. Misty Vick presented Resolution 2011-33, Adopting a Citizens Participation Plan. Ms. Vick explained that this is a requirement for participation in the CDBG funding program. Ms. Vick explained that this must be adopted annually.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-33, Adopting a Citizens Participation Plan and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval Curnutt Witcher Apodaca Lumpkin
Yes Yes Yes Yes Yes

Ms. Vick then presented Resolution 2011-34, Adopting a Residential Anti-Displacement and Relocation Plan. Ms. Vick again explained that this must be adopted annually for participation in the CDBG funding program.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-34, Adopting a Residential Anti-Displacement and Relocation Plan and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval Curnutt Witcher Apodaca Lumpkin
Yes Yes Yes Yes Yes

Ms. Vick then presented Resolution 2011-35, Adopting a Section Three Plan. Ms. Vick again explained that this must be adopted annually for participation in the CDBG funding program.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-35, Adopting a Section Three Plan and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt Witcher Apodaca Lumpkin Sandoval
Yes Yes Yes Yes Yes

City Manager’s Report

Ms. Rose referenced the Department Head Reports in the Commission notebooks. She stated she would like to draw attention to the Museum Report for May. They had a busy month with attendance of 318, coming from 25 states, 8 countries and 2 group tours.

Ms. Rose then called on Ms. Christine Dougherty to give a report on redistricting. Ms. Dougherty explained that when decennial census figures are released by the government, it provides the opportunity to evaluate our Commission districts for equity in population and demographics. 2010 census data was recently released, spurring the discussion of redistricting.

Ms. Dougherty went on to say that those that run districted elections (public schools, community college, County Clerk, and City Clerk) decided to get together in this effort and seek a discounted rate for working together. The group met with Mr. Sterling Fluharty of Southwest Political Services to discuss our options earlier this week. Mr. Fluharty provided a very comprehensive plan for redistricting as well as a price quote. Working with the other entities and splitting the cost of redistricting will save considerable funds. Redistricting in 2001 cost the City over \$13,000, by splitting the cost, this time it will cost us less than \$3000.

Ms. Dougherty stated the preliminary work will begin soon with evaluation of the census data to see if redistricting is advisable based on the data. Because Quay County population declined 11%, Ms. Dougherty expects that we will have to redistrict. Ms. Dougherty asked the Commission to think about how they would like to proceed in this effort. Mr. Apodaca asked that special attention be paid to the "one man, one vote" concept.

Ms. Rose reported that in the health insurance poll, the majority of employees have voted to keep NM Self Insurers' Fund. We will do a 90/10 split for all employees under \$35,000 and an 80/20 split for those above \$35,000. The Employees decided they wanted to keep the Dental/Vision/Life and would pay 100% for this option. Some employees have dropped their coverage, going with the spouses insurance or trying to get their children covered by Medicaid.

The pool opened on Tuesday and filled to capacity on the free day. There was a problem with the pump, one was ordered, the wrong one was sent back, we received a new one which only worked a few hours. We will start earlier next year to ensure we are open by Memorial Day.

Due to plumbing problems at the Senior Center in Tucumcari, they prepared their meals at the center and fed out of the Convention Center. Ms. Jessica Elebario, her staff and volunteers did a tremendous job and she said the seniors liked the change of atmosphere.

Tucumcari has been awarded a \$12,000 Litter Control and Beautification Grant for the community's litter control and beautification efforts for fiscal year 2011-2012. We will have a grant agreement very soon. This year New Mexico Clean & Beautiful is emphasizing youth involvement and a new Community Gateway initiative to include tourism and making their gateways more appealing.

We now have the street light wire pulled from the Convention Center to Camino del Coronado. Xcel will place all new light heads and they should be operational soon.

We plan to auction excess vehicles and equipment soon. We are still working on getting the vehicles ready for sealed bids.

We have received proposals for privatizing the EMS Service and for EMS Billing. We will review these tomorrow.

Monday, June 13th, USDA will be in town to talk about housing issues.

The New Mexico Environment Department will be holding a Wastewater Meeting on June 15th in the Liberty Room from 6:00 – 8:00 p.m. Topics for discussion include; changes to the total daily load development for the Canadian and Valle Vidal Watersheds, discussions on survey results from water quality monitoring, and current and future water quality projects in the watershed. It is extremely important that we are at this meeting and voice our concerns. This measure, if approved, will cost the city thousands of dollars and we have yet to finish our new facility.

Bids and Contracts

Ms. Dougherty explained that one proposal was received to the RFP for copiers. Ms. Dougherty explained that Ricoh, the current provider, has stated they would like to work out the lease details to our satisfaction. They have yet to provide an offer. Ms. Dougherty asked for approval of the bid for copier lease. She explained that approval only allows for negotiations; a contract will have to come before the Commission for approval.

Commissioner Curnutt made a motion to approve the bid for copier lease with SPC to enter into the negotiation phase and Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Ms. Rose explained that two responses to the RFP for Fleet Maintenance were received and evaluated. Ms. Rose said that the annual budget for fleet maintenance is \$44,000 and already \$42,000 has been spent. She asked for approval to enter into negotiations with Auto Pros, the highest scoring responder. Ms. Rose also explained that she would like to evaluate the possibility of hiring another employee whose only job would be routine fleet maintenance.

Mayor Pro Tem Apodaca asked how long Auto Pros has been in business. Mr. Witcher responded that he believes they have been in business for about a year and a half. Mr. Apodaca stated that he did not know who the mechanics were or what kind of credentials they held and for these reasons, he was uncertain about awarding the bid approval. Ms. Dougherty explained that the criteria Mr. Apodaca spoke of were used by the committee to evaluate the proposals. She also stated that Mr. Apodaca was welcome to view the responses and the evaluations in her office.

Commissioner Curnutt made a motion to approve the bid for Fleet Maintenance from Auto Pros and Commissioner Sandoval seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Ms. Rose explained that the State is requiring that all the intersections in the City be inventoried for ADA compliance. She went on to say that federal dollars will be lost if the inventory is not completed. She requested approval of a contract with Wilson and Company to perform the inventory which can be funded through the rail spur funds. She explained that the contract is for \$21,900 plus gross receipts tax. Ms. Rose went on to say that the work should be completed in a two week timeline and locals will be hired where possible.

Mr. Powers explained that this inventory is required as a part of the asset management plan in order to apply for federal funds.

Mayor Pro Tem Apodaca made a motion to approve the contract with Wilson and Company for inventory of the City intersections for ADA compliance and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

New Business

Ms. Dougherty explained that there are six openings on the Museum Advisory Board. Three terms are expiring and three people have resigned. The three people whose terms are expiring have applied to continue their service to the board. Two new people have applied to fill vacated positions.

Commissioner Curnutt made a motion to re-appoint Ray Spenser, Duane Moore and Danny Wallace to two year terms and Elizabeth Morris and Lois Sappington to fill vacated terms and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Ms. Linda Moore presented the Blue Star Museum Program. Ms. Moore explained that the federal government is requesting that museums across the nation allow active duty military personnel and their families' free admission from Memorial Day through Labor Day. Ms. Moore went on to say this will provide free nation wide advertising.

Commissioner Lumpkin thanked the Museum staff and Advisory Board for their work and stated he feels the Blue Star Program is a great idea. Mr. Lumpkin then made a motion to approve participation in the Blue Star Museum Program and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Mr. Lumpkin asked that Mr. Pacheco’s questions be answered. Mr. Lumpkin also stated that he is very concerned and would like staff to look at Recreation fees again. Mr. Lumpkin stated that he understands that the budget was an issue in setting fees, but he does not want to exclude any children from participation in recreation programs. He asked that staff continue to look at these fees.

Mr. Lumpkin also commended and thanked the Museum staff and Advisory Board, the Senior Center staff and the City Hall staff.

Mayor Pro Tem Apodaca stated that he brought up the Wells Fargo Building possible purchase to teach a lesson that sometimes staff withholds information from the City Commission but they find out from the public. Mr. Apodaca stated that sometimes it is best to talk to the Commission.

Commissioner Curnutt thanked those in attendance for coming to the meeting.

Commissioner Sandoval thanked everyone for attending the meeting.

Mayor Witcher thanked those in attendance for coming to the meeting and stated that after the Executive Session, action may be taken.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session to Discuss Matters as Provided for under New Mexico Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H (8) 1978, related to the purchase, acquisition or disposal of real property or water rights by the public body and 10-15-1 H (2) limited personnel matters and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Time noted was 6:53 p.m.

Mayor Pro Tem Apodaca made a motion to reconvene in Regular Session after Executive Session where the only Matters discussed were as Provided for under New Mexico Statutes Pertaining to Open Meetings Referencing Section 10-15-1 H (8) 1978, related to the purchase, acquisition or disposal of real property or water rights by the public body and 10-15-1 H (2) limited personnel matters and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
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Yes Yes Yes Yes Yes

Time noted was 7:34 p.m.

Commissioner Lumpkin stated that the City has an opportunity to look at a very good buy and because the proposed letter is non-binding intent, he feels it is the duty of the Commission to investigate the possibilities.

Mr. Lumpkin made a motion to send a letter of non-binding intent from Ms. Rose regarding the acquisition of property discussed in the Executive Session. Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Adjournment

There being no further business, a motion to adjourn was made by Commissioner Curnutt and seconded by Commissioner Lumpkin. Time noted 7:37 p.m. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk