

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
August 25, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, August 25, 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; Mike Cherry, Assistant City Manager/Fire Chief; Christine Dougherty, City Clerk/Purchasing Agent; Dennis Dysart, Finance Director; Pete Rivera, Deputy Chief of Police; and Mike Martinez, Animal Control Officer.

Mr. Mark Lake, of St. Michaels Episcopal Church gave the invocation and Ms. Christine Dougherty led the group in the Pledge of Allegiance.

Public Hearing

Mayor Witcher opened the public hearing regarding the Liquor License Application for S&S Hotels and Resorts. The Mayor stated that anyone wishing to speak either in favor or opposition to the license application needs to stand and be sworn in by the Clerk. There were no persons wishing to speak. Mayor Witcher then closed the Public Hearing.

Consideration of Changes or Deletions to the Agenda

Ms. Rose informed the Commission that the Executive Session scheduled for this evening will no longer include discussion regarding pending litigation as the attorney wishing to speak to the Commissioners will not be in attendance.

Commissioner Curnutt made a motion to approve the agenda with the deletion of pending litigation as an item of discussion in the Executive Session and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Apodaca questioned the fact that the agenda was titled amended. He asked if proper public notice was given for the amended agenda. Ms. Dougherty explained that the Open Meetings Resolution states that the agenda must be finalized within 24 hours in advance of the meeting. Ms. Dougherty explained that this agenda was changed during the prior day's business well within the allotted window. Ms. Dougherty went on to explain that when she amends the agenda, she sends it to be posted on the City website as well as to the media right away.

Items from Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt thanked those in attendance for coming to the meeting and stated it was nice to see everyone here.

Mayor Pro Tem Apodaca stated that he has received many calls regarding the lights at the North Side Park being out. Ms. Rose stated that she is aware of the problem and that someone has been pulling the disconnect. She explained that the issue should be fixed as of today.

Commissioner Lumpkin thanked those in attendance and stated that their input is valuable.

Mayor Witcher also thanked those in attendance for coming to the meeting.

Approval of Minutes

A motion was made by Commissioner Lumpkin to approve the minutes of the August 11, 2011 Commission meeting and the motion was seconded by Mayor Pro Tem Apodaca. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Approval of Vouchers

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

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mr. Ray Bates approached the podium to address the Commission. Mr. Bates explained that a year ago a trailer home on the corner of Fourth and Maple was destroyed and the mess has yet to be cleaned up. Mr. Bates went on to say that when the wind blows, the debris gets all over his neighborhood. Mr. Bates said he has discussed the cleanup with the Police Department, the City Administration and with the Code Enforcement Officer and the problem still exists. Mr. Bates explained that after a year, he has lost patience with this issue. Mr. Bates also stated that he and his neighbors have cleaned up some of the debris. He said that he has heard lots of excuses including that the owner is in California. Mr. Bates also stated that he believes that the owner has two other properties

in Tukumcari that are in disrepair and is living in subsidized housing. Mr. Bates asked the Commission to ensure that this property is cleaned up.

Mayor Pro Tem Apodaca stated that he knows this is true but believes that the owner is deceased.

Mayor Witcher told Mr. Bates that the City will check into this issue. Mr. Bates asked if he can expect action. Mr. Witcher responded in the positive.

Proclamations, Memorials, or Petitions

Mayor Witcher proclaimed August 25, 2011 Volunteer Animal Rescue Day in Tukumcari. Ms. Christina Fleming and numerous volunteers stood at the podium to accept the Proclamation. Ms. Fleming stated that some volunteers could not be at the meeting and she recognized them; Dr. Bessie Babbitt, Chief Bob Gore, Janet Elder, and Sally Hayes.

Ordinances and Resolutions

Ms. Rose presented Resolution 2011-48 Determining Certain City Vehicles for Sale by Competitive Bid. Ms. Rose explained that these vehicles were advertised previously and no bids were received. Ms. Rose stated that the minimum bid amount has been removed, and she asked for approval of the resolution so that the vehicles can be advertised again. Ms. Rose went on to explain that the resolution also gives her the authority to get rid of the vehicles if bids are not received.

Mayor Pro Tem Apodaca stated that some time back he questioned the purchase of a vehicle. He stated that he was told the purchase was going to be made because the existing travel vehicle was not safe. Mr. Apodaca speculated that the City is opening itself up to liability by putting these vehicles up for bid when it has been stated that they are not safe. Ms. Rose responded that the vehicles will be advertised in as is condition and there will be no representation that the vehicles are in any particular condition. Mr. Witcher added that he recalled that the vehicle Mr. Apodaca spoke of was simply unreliable for employee travel, not unsafe for use.

Commissioner Lumpkin made a motion to approve Resolution 2011-48 Determining Certain City Vehicles for Sale by Competitive Bid and Commissioner Curnutt seconded the motion. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Yes	No	Yes	Yes	Yes

Deputy Chief Rivera then presented Resolution 2011-49 Determining Certain City Firearms for Sale by Consignment. Mr. Witcher questioned the value listed of one of the firearms. Mr. Rivera stated he would check on the value of that particular firearm.

Mr. Rivera explained that the firearms listed have been in the inventory at the Police Department for some time. He went on to explain that there are more pistols than officers and the weapons have been sitting unused for some time. The Deputy Chief explained that the intention is to downsize the inventory and use the proceeds to purchase other needed equipment.

Mr. Witcher asked if the firearms will be sold on consignment with a firearms dealer. Mr. Rivera responded in the positive.

Commissioner Lumpkin made a motion to approve Resolution 2011-49 Determining Certain City Firearms for Sale by Consignment and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Mr. Mark Lake, Director of the Main Street Program then presented Resolution 2011-50 In Support of the Tucumcari New Mexico Main Street Program. Mr. Lake explained that every two years Main Street affiliate communities are required to execute a Memorandum of Understanding (MOU). In conjunction with the MOU, the communities are also charged with executing a resolution of support which denotes their financial support for the program. Mr. Lake asked for approval of this resolution which states the City will contribute \$30,000 this year to the Tucumcari Main Street program.

Commissioner Sandoval asked when the Princess Theater will be addressed by the Main Street Program. Mr. Lake stated that he cannot speak for the board, but feels the Princess Theater will be the next major project taken on by the Main Street Program after the Rail Depot is completed. Mr. Lake also explained that availability of funds dictates what projects can be taken on by the program.

Mayor Pro Tem Apodaca asked if the \$30,000 is budgeted. Ms. Rose responded in the positive. Mr. Apodaca asked if any matching funds are required. Mr. Lake explained that the local Main Street organization is charged with matching the local funds.

Mr. Apodaca asked if the MOU was in the Commission packages. Ms. Dougherty responded in the positive. Mr. Lake clarified that the MOU is a two year agreement and the resolution is in place for one year.

Mayor Pro Tem Apodaca made a motion to approve Resolution 2011-50 In Support of the Tucumcari New Mexico Main Street Program and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Ms. Rose called on Mr. Dysart to give a financial report. Mr. Dysart explained that summaries are included in the Commission packets. He explained that in the month of July he was mainly tasked with preparing the budget and therefore, this report is primarily format for the Commissioners to view what the report will look like. Mr. Dysart stated that the first page of the report is the budget and the second page details the month of July. Again, Mr. Dysart stated that this is primarily mechanical and in the August report there will be better numbers. Mr. Dysart explained that the budget is around \$20 million but \$9-10 million of this is grants leaving the operating budget at about \$10 million.

Mr. Witcher explained that there will be no finance meeting on Friday. Mr. Dysart added that the auditors will be at City Hall September 12-16.

Ms. Rose began her report by explaining that there have been 82 properties identified for cleanup in the City. She went on to say that there is no budget to perform these cleanup services. Ms. Rose also noted that the City must obtain permission to go on the property from the owner to do cleanup. She stated that the cleanup budget for this year is \$10,000.

Ms. Rose stated that Mr. Apodaca inquired about the lights at the North Side Park. Ms. Rose was glad to tell Mr. Apodaca that the lights are now on.

Ms. Rose explained that she received a citizen complaint regarding increased crime in the City. Ms. Rose stated that she discussed this with the Police Chief and encouraged citizens to be vigilant about reporting any suspicious activity.

Ms. Rose reported that the Racing Commission met today and granted a three week extension for applications for the sixth and final racing license to be issued in the state. Ms. Rose said that a group of interested parties wanted a 90 day extension as their intention is to restore the old track in Raton. Ms. Rose went on to say that as of now the only application that has been turned in is the Tucumcari application. On September 2, the district court in Raton will hear the injunction request filed by the Moldenhauer group.

Ms. Rose reported receiving complaints and pictures of junk piled at the Cemetery. She agreed the junk is an eyesore and directed staff to take care of the issue. Ms. Rose commended Mr. Simpson and Mr. Madrid for working so quickly to rectify the situation.

Ms. Rose reported that work on the Airport Master Plan has commenced. People to serve on the Planning Advisory Committee will be needed. The apparent low bidder on the master plan project is \$20,000 over budget without gross receipts taxes included. The engineer is hoping to schedule the first meeting on September 28th around 2:00 at the airport. Please help spread the word as it is imperative that we have interested people on this committee. The goal on September 28th is to meet and further discuss the scope and airport issues, tour the airport for our inventory/data collection effort, and then meet with the committee at a time and location that you designate.

Ms. Rose spoke with NMED in regards to any progress on the Sands Dorsey. We have submitted paperwork for the Phase II site investigation work to Daniel B Stephens & Associates. Ms. Rose talked to Adam Amiel from Daniel B. Stephens and he said they were concerned about contamination from old gas stations in the area and would be boring in the sidewalk to test soils. Ms. Rose contacted State Highway Department and they have agreed to fast track our permits to drill on their right of way. Ms. Rose also visited with business owners in the area as the street may need to be closed for two days. In talking with Ruth Nelson she stated this was already drilled a few years ago and showed me the site they drilled and the repair of the sidewalk. Ms. Rose explained she went through her records and found no information about this. Ms. Rose then called WHPacific to see if they could locate these reports. Mr. Amiel stated if it was done, they would not need to repeat the tests. The clean-up funding source is dependent on the cost of clean-up. We may have funds available from our stimulus grant. The alternative outside of this source is the State Revolving Loan Fund; this source is a loan that can be long-term and low interest.

Ms. Rose reported that she, Mr. Powers and Mr. Madrid went to Bernalillo last week to talk with our landfill engineer and Ms. Auralie Asley Marx, NMED Bureau Chief, regarding timing of closure of the old landfill. They would like to see this closed within two years. We informed her that we were using C&D for the final fill and that we had 82 properties identified for clean-up. We took her pictures of two properties that had been burned and she has agreed to work with us on these properties. We need to ensure they don't have asbestos but some that are a real danger and cannot be safely inspected. She will look at these on a case by case basis for placement in the old landfill. She also recommended that we consider building an asbestos cell. We were all taken aback as this was never discussed as an option. She advised it would require a special permit at a cost of \$3000 filing fee which she will not waive, and engineering of the cell. All asbestos would need to be buried underground so erosion will not allow it to ever be exposed.

The cost of asbestos inspectors was discussed and she recommended we train two of our staff members to do this and it would reduce our costs. If asbestos is present we would still need to have a certified company remove it. With no objections I will move forward with this asbestos cell and training.

Ms. Rose also found out that we were permitted in this new landfill for offal and contaminated dirt. Offal is animal entrails and means a packing house or other animal processing business could dispose of their waste in our landfill.

Unfortunately, due to the short turnaround time that Karma had in working with ISC they were not able to complete their review of the changes to the draft encroachment license. We will strive to be on the agenda for the next meeting of the Board of Finance. Ms. Rose feels we made a good presentation and finally are off dead center.

Ms. Rose stated that she has again been asked by the DFA to teach at the 2012 CDBG Application Workshop in Las Cruces in October. Ms. Rose explained that she has done

this for them at no charge for several years and would like to continue. This keeps us in good standing at the top levels of DFA.

Ms. Rose also explained that rules governing air pollution levels will increase Xcel energy costs for customers.

Mayor Pro Tem Apodaca asked if there are plans to remodel the old police building. Ms. Rose explained that there are some funds available for this type of project but it would be 10% grant and the rest would be loan.

Mr. Apodaca also asked for clarification on asbestos asking if it can be burned. Ms. Rose stated that asbestos must be taken to a hazardous materials landfill and at this time the closest is in Mountainair. Ms. Rose went on to explain that for \$3000, our landfill can be permitted to accept asbestos. Ms. Rose stated that in the long run, obtaining a permit for asbestos will be less expensive than transporting the asbestos that is likely to be found in the many properties that need to be cleaned up in the area.

Mayor Pro Tem Apodaca then asked about the funds that were used to initially construct the Del Norte Center. Ms. Rose explained that the center was built with CDBG funds which obligate the City to utilize the building as initially intended for ten years. After ten years, the building can be used as the City sees fit. Ms. Rose stated that the Del Norte Center was built over ten years ago.

Mayor Pro Tem Apodaca thanked Ms. Rose for having the wall in front of City Hall repaired.

Bids and Contracts

Ms. Rose presented the property lease with Plateau Telecommunications. She explained that ENMR has leased property from the city for years for their tower on Eleventh Street. As you recall, we recently authorized them to place a 30' x 50' building on this property. They are in the process of selling their towers and need their lease agreement for only this area where the building sits.

Mayor Pro Tem Apodaca asked if the attorney has reviewed the lease. Ms. Rose responded in the positive.

Mayor Pro Tem Apodaca made a motion to approve the property lease with Plateau Telecommunications and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. Lake then presented the contract extension with the Rail Road Museum Consultant. Mr. Lake explained that because the construction project is taking longer than expected, the museum consultant has not been utilized for all projects anticipated yet. Mr. Lake asked that the Commission approve a contract extension with Mr. Tennent that will

expire on June 30, 2012. Mr. Witcher asked if this extension is for more money. Mr. Lake responded in the negative. Mr. Lake also invited the Commissioners to attend a presentation to be given by Mr. Tennent on Tuesday, August 30 at 5:15 at the Convention Center. Mr. Tennent will explain the work he has done so far and the vision for the future of the Rail Road Museum.

Commissioner Lumpkin made a motion to approve the contract extension with Mr. Tennent for Rail Road Museum Consultant services and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Old Business

Mr. Lake presented the MOU with the Main Street Program. Mr. Lake stated that the state government creates lots of pages in this document that require very little of the program. He went on to explain that the document requires the local Main Street program to maintain the budget, maintain a board of directors, file reports in a timely manner, raise funds, and provide training. Mr. Lake went on to explain that there are levels of affiliation with the state and our program is a state certified program. Mr. Lake said the only level of affiliation left to attain is a national certification. Mr. Lake added that our program is in good status with the state.

Commissioner Lumpkin made a motion to approve the Memorandum of Understanding with the Main Street Program and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Witcher thanked Mr. Lake for his work. Commissioner Lumpkin asked what the advantages of national certification are. Mr. Lake explained that the state will increase the financial support of the program if national certification is attained. Mr. Lake also added that more services and the highest level of support will be afforded to the program from the national Main Street organization when this designation is achieved.

Mr. Lake added that the quarterly Main Street meeting will be held in Tucumcari October 5-7 with 50-75 attendees.

Items from Commissioners

Commissioner Lumpkin thanked those in attendance for coming to the meeting and stated that he is pleased with Mr. Lakes work adding that he has done a lot for the Main Street Program.

Mayor Pro Tem Apodaca had no comments.

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

Commissioner Sandoval also thanked those in attendance for coming to the meeting.

Mayor Pro Tem Apodaca thanked Ms. Rose for getting the lights on at North Side Park and for having the wall at City Hall repaired.

Mayor Witcher thanked those in attendance for coming to the meeting.

Executive Session

Commissioner Curnutt 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 Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Time noted was 6:47 p.m.

Mayor Witcher stated that there will be a five minute break before convening in Executive Session.

Mayor Pro Tem Apodaca made a motion to re-convene 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 Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Time noted was 7:15 p.m.

Adjournment

There being no further business, a motion to adjourn was made by Mayor Pro Tem Apodaca and seconded by Commissioner Lumpkin. Time noted 7:17 p.m. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk