

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
November 10, 2011**

The Tucumcari City Commission met in a regular meeting on Thursday, November 10, 2011, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were; Antonio Apodaca, Amiel Curnutt, Robert Lumpkin, and Jimmy Sandoval.

City staff members present were Doug Powers, Interim City Manager, Christine Dougherty, City Clerk/Purchasing Agent; Dennis Dysart, Finance Director; Alex Madrid, Streets and Sanitation Superintendent; and Yvette Fazekas, Planning and Zoning Administrator.

Mr. Mark Lake, of St. Michael's Episcopal Church gave the invocation and Mr. Pete Rivera led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to the Agenda

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

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Lumpkin thanked everyone for coming to the meeting. Mr. Lumpkin said that tomorrow is Veteran's Day and today is the 236th birthday of the US Marine Corps. Commissioner Lumpkin also congratulated the Main Street program that held their Fired Up event over the weekend with 80-90 people at the reception and over 2000 in attendance at the main event.

Commissioner Sandoval thanked those in attendance for coming to the meeting and stated that he enjoyed the ride on the steam engine train in conjunction with the Fired Up event.

Commissioner Curnutt thanked those in attendance for coming and thanked Mr. Lake for his awesome event. Mr. Curnutt stated that it was great to go downtown over the weekend and see so many cars parked along the streets.

Mayor Pro Tem Apodaca stated that he spoke with Mayor Witcher yesterday and he was in good spirits. Mr. Apodaca stated that he wishes Mr. Witcher well.

Approval of Minutes

A motion was made by Commissioner Lumpkin to approve the minutes of the October 27, 2011 Regular Commission meeting and the motion was seconded by Commissioner Curnutt. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
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
Yes	Yes	Yes	Yes

Items from Citizens

Mr. Warren Frost approached the podium to address the Commission regarding the pending application for the sixth and final race track license in the state. Mr. Frost reminded everyone that on September 4 the District Court in Raton granted an injunction against the Racing Commission preventing them from considering or taking any additional applications for racing licenses.

Mr. Frost stated that two big things have happened. First, the Racing Commission and the Attorney General's office have hired an outside lawyer to represent the Racing Commission. They have retained Chris Coppin who used to represent the Racing Commission. Secondly, Mr. Frost said that Don Chalmers has hired a law firm to represent Coronado Partners. Mr. Frost said that Coronado Partners has filed a motion to intervene. Mr. Frost said that now there are two law firms fighting the Raton judge's injunction.

Mr. Frost said that there are many legal issues at play here but the most important is State Statute. Mr. Frost stated that the District Court has the ability to stay the Racing Commission, which they did and issued the injunction to not consider any new applications. Mr. Frost said he did not know how this will impact the appeal. Mr. Frost added that if the injunction is lifted, the Racing Commission can look at applications.

Mr. Frost stated that he believes that in approximately six weeks, there will be a hearing in Raton and he hopes the injunction will be lifted at that time. Currently, Tucumcari is the only applicant and Mr. Frost is only aware of one other entity expressing interest in applying. Mr. Frost said that Hobbs is making money at their track and casino and only have 750 slot machines. Mr. Frost believes that Hobbs intention is to double their slots. Mr. Frost explained that only 750 slots are allowed per racing license. Mr. Frost said he feels the Raton appeal is without merit. Additionally, Mr. Frost added that the state is losing approximately \$15 million in gambling taxes per year until the sixth license is issued.

Mayor Pro Tem Apodaca asked how much Quay County is anticipated to earn from the facility. Mr. Frost replied that a study conducted by NMSU showed that 350 people will be employed full time and that 600 new jobs should be created in support of the added commerce and population.

Ordinances and Resolutions

Yvette Fazekas presented Ordinance 1098 Vacating an Alley Right of Way. Ms. Fazekas explained that this alley way is across from Circle K, between CA Electric and the old Acme building. Ms. Fazekas added that this closure only affects a portion of the alley.

Commissioner Sandoval made a motion to approve Ordinance 1098 Vacating and Alley Right of Way and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes

Mr. Mark Lake presented Resolution 2011-56 supporting a Main Street Capital Outlay Application. Mr. Lake thanked Mr. Powers and staff stating that the event last weekend could not have happened without their help. Mr. Lake went on to explain that the State Main Street program applied for capital outlay funds and received \$1 million. The State Main Street program then allows the local programs to apply for up to \$200,000 each. Mr. Lake asked for the Commissioners support in the form of approval of the resolution to include with his application. Mr. Lake went on to explain that the application requires a 10% match and half of that can be in-kind. Mr. Lake also explained that the gross receipts tax must be paid in cash which caused him to estimate that if the full amount is granted, the City portion would be between \$14,000 and \$20,000.

Mr. Powers explained that this is not a new application. In the past, Mr. Powers explained that the EDC tax has been used for in-kind match for Main Street. Mayor Pro Tem Apodaca asked Mr. Dysart if there is money in the budget for this match. Mr. Dysart stated that as he has been out he has not had a chance to check if this funding is in the budget.

Mr. Lake added that he cannot apply for the capital outlay funds without the resolution. Mr. Lumpkin added that the earlier applications are turned in, often the more priority they receive.

Commissioner Lumpkin made a motion to approve Resolution 2011-56 supporting a Main Street Capital Outlay Application and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers began by stating that there was a lot of staff involved in helping with the Main Street Fired Up event. Mr. Powers stated that Ms. Fazekas has been working on the re-roof project at the depot for the last three years. Mr. Powers added that Chris Gries, Michael Esquibel, Alex Madrid and his crew as well as Scott Simpson and his crew all did lots of work at the depot in preparation for the Fired Up event.

Mr. Powers invited everyone to attend the ribbon cutting at the Waste Water Treatment Plant on Monday at 10:45. Mr. Powers stated that it is a tremendous facility and tours will be available.

Mr. Apodaca stated that at the last meeting the water rates were discussed. Mr. Apodaca stated that he was in support of a 10% increase and returning the minimum use from 2000 to 3000 gallons. Mr. Apodaca asked where the staff is on reviewing these changes.

Mr. Powers explained that staff is compiling information. Mr. Powers said he is gathering rates from surrounding communities and working with the New Mexico Municipal League. Mr. Powers also explained that he is looking at the history of the City's rates. Mr. Powers reminded everyone that a work session regarding water rates is scheduled for Tuesday, November 15th at 9 am and at that time he intends to have a proposal for the Commission.

Mayor Pro Tem Apodaca stated that he would like to see everyone pay their fair share. He added that it is confusing as the outside the City customers seem to be paying less. Mr. Powers agreed that some outside the City customers had a decrease. Mr. Apodaca stated that he would like the final information.

Commissioner Lumpkin stated that two meetings ago a citizen stated that his bill increased quite a bit and stated that he would no longer be gardening. Mr. Lumpkin stated that this comment hurt him and stopping people from gardening was not the intent.

Bids and Contracts

Mr. Alex Madrid presented the Wagner Rental Agreement. Mr. Madrid explained that he obtained three quotes on monthly rental of a bulldozer and Wagner was the lowest. Mr. Madrid explained that the bulldozer is needed for excavation at the landfill. Mr. Madrid said that the 1994 bulldozer broke at the end of April and the repair estimate was between \$60,000 and \$80,000. Mr. Madrid explained that the expected life cycle of a bulldozer is 10 years, so this one has served the City well. Mr. Powers is looking for funding to replace the bulldozer, but in the meantime, one is needed at the landfill. Mr. Madrid stated the quote from Wagner is \$3675 a month.

Mayor Pro Tem Apodaca asked Mr. Powers if he recommends approval of this lease. Mr. Powers stated that he does recommend this lease as the landfill has been without a bulldozer for entirely too long. Mr. Powers said that landfill space is too expensive to use inefficiently. Mr. Powers said that this is necessary and the price is good. Mr. Powers added that in conversation with the County, they will save us some money by picking up the dozer for us.

Mr. Madrid added that this lease is a stop gap measure. Mr. Madrid said that we need to find the money to replace the bulldozer and anticipates that the lease will only be for around three months.

Mayor Pro Tem Apodaca asked what the status is of the asbestos permit for the landfill. Mr. Madrid responded that he received an email from Gordon Environmental and they are working on the asbestos application.

Commissioner Sandoval asked who will maintain the bulldozer during the lease. Mr. Madrid responded that CAT will maintain the bulldozer. Commissioner Curnutt asked if we can get out of the lease at any time. Mr. Powers responded in the positive saying it is a month-to-month lease.

Commissioner Lumpkin made a motion to approve the Lease Agreement with Wagner and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Ms. Dougherty then presented the contract with South West Political Services for phase two of redistricting. Ms. Dougherty explained that as phase one revealed that two districts fall outside the recommended population threshold, phase two of redistricting will need to occur.

Commissioner Curnutt made a motion to approve the contract with South West Political Services for redistricting and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Old Business

Mayor Pro Tem Apodaca acknowledged reading the May 3, 2011 minutes of the Museum Advisory Board.

Mayor Pro Tem Apodaca acknowledged reading the July 26, 2011 and August 23, 2011 minutes of the Planning Advisory Board.

Items From Commissioners

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Commissioner Lumpkin thanked everyone for coming. Regarding redistricting, Mr. Lumpkin explained that you cannot have districts out of balance. He went on to say that district one is too

small and district five is too big. Mr. Lumpkin explained that the districts have to be manipulated for equivalency. Mr. Lumpkin thanked Ms. Dougherty for her work on this project. Mr. Lumpkin said this is an expense that the City will have to incur.

Mayor Pro Tem Apodaca stated that he has to take his mother to an appointment on Monday so he will not be able to attend the ribbon cutting at the Waste Water Treatment Plant.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting and Commissioner Curnutt seconded the motion. Time noted: 6:40 p.m. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Antonio Apodaca, Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk