

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
November 17, 2011**

The Tucumcari City Commission met in a rescheduled meeting on Thursday, November 17, 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 Doug Powers, Interim City Manager, Christine Dougherty, City Clerk/Purchasing Agent; Dennis Dysart, Finance Director; Dainetta Kroeker, Librarian; Jason Braziel, Chief of Police; and Vicki Strand, Human Resources Director.

Mr. Jim Witcher, of First Christian Church gave the invocation and Mr. Ryan Warner and Mr. Jaxon Arguello led the group in the Pledge of Allegiance.

Consideration of Changes or Deletions to the Agenda

Mayor Pro Tem Apodaca stated that regarding agenda item 9A, the lease with Plateau Telecommunications, he would like more time to study the issue.

Mr. Powers stated that he believes we have time to look at this lease some more before we put it before the Commission for a vote.

Commissioner Curnutt made a motion to approve the agenda with the deletion of item A under bids and Contracts and Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval stated that he was not able to attend the last meeting regarding water rates. He added that he voted against water rate increases and he will still vote no on rate increases. Commissioner Sandoval said he has a lot of people calling him and he suggested these citizens turn on their radios to learn what is going on at the City.

Commissioner Curnutt commented on the good crowd of people at the meeting.

Mayor Pro Tem Apodaca had no comments.

Commissioner Lumpkin thanked everyone in attendance for coming to the meeting. He added that the regularly scheduled finance meeting will not be held tomorrow. Commissioner Lumpkin also thanked Mr. Powers and Mr. Curnutt for attending the meeting regarding Ute Lake Water in Portales as he was unable to attend.

Mayor Witcher thanked everyone for coming to the meeting. He announced that although he has had some health issues, he is back and he's not going anywhere. Mr. Witcher stated that he plans to run for re-election in March. Mayor Witcher thanked everyone for their prayers while he was in the hospital.

Approval of Minutes

A motion was made by Mayor Pro Tem Apodaca to approve the minutes of the November 10, 2011 Regular Commission meeting and the motion was seconded by Commissioner Curnutt. Roll Call:

Witcher	Apodaca	Lumpkin	Sandoval	Curnutt
Abstain	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

Mayor Witcher asked if there were any citizens that would like to address the Commission present. Being none, the meeting continued.

Ordinances and Resolutions

Ms. Dougherty presented Ordinance 1090 for the second and final reading. Ms. Dougherty explained that this is an Ordinance that Amends the Municipal Code regarding the Administration of Cemeteries. Ms. Dougherty explained that the Cemetery Advisory Board has worked very hard on revision of this ordinance which does contain new rules regarding decorative items on graves as well as new cemetery rates.

Mayor Pro Tem Apodaca stated that the revision in wording regarding food at the Cemetery is acceptable. He stated that on Dia de los Muertos, many families choose to have a picnic at the grave site of their loved one. Mayor Pro Tem Apodaca stated that the area is very windy and the wind blows lots of trash into the Cemetery. Mr. Apodaca added that it is so windy in that area; it is where the new energy producing wind turbine will be located. Mr. Apodaca added that he was saddened to hear that someone might choose to desecrate a grave and he felt the \$1000 fine is lenient for such a cruel act. Mr. Apodaca asked what about the owner of the desecrated headstone; how would they recuperate their loss if this happens to their family member's grave. Mr. Apodaca asked if an attorney is required to file a civil law suit against someone that damages a grave site. Mr. Witcher responded that he believes it is a matter of paperwork that one can do themselves without an attorney.

Commissioner Sandoval stated that he was in attendance at the Cemetery Advisory Board meeting today and he informed the members he would not vote to approve anything for the Cemetery because people came to the Commission with concerns that he feels have not yet been addressed. Commissioner Sandoval stated that he does not feel it is right to increase the rates.

Mayor Pro Tem Apodaca made a motion to approve Ordinance 1090, Amending Municipal Code regarding Administration of Cemeteries and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	No	Yes	Yes	Yes

Ms. Dougherty then presented the second and final reading of Ordinance 1097, Amending Municipal Code regarding the Cemetery Advisory Board. Ms. Dougherty explained that this ordinance simply increases the frequency of which the Cemetery Advisory Board meets from once quarterly to once a month.

Commissioner Lumpkin thanked Commissioner Sandoval for attending the Cemetery Advisory Board Meeting and added that if the board does not need to meet monthly, they will not, however they wanted the flexibility to meet monthly if needed.

Commissioner Lumpkin made a motion to approve the final reading of Ordinance 1097, Amending Municipal Code regarding the Cemetery Advisory Board and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers began his report by stating that the ribbon cutting ceremony at the Waste Water Treatment Plant was held on Monday and was a great success. Mr. Powers thanked those that turned out for the event and added that the facility is incredible.

Mr. Powers also reminded the Commission and the citizens that there will be a work session on November 29th at 10 a.m. Mr. Powers stated that if any of the Commissioners had certain rate figures they were interested in seeing, to let him know.

Mr. Powers reported attending a meeting today in Portales with Commissioner Curnutt regarding Ute Lake Water and the proposed intake structures. While in Portales, Interim City Manager Powers also met with City Attorney, Randy Knudson. Mr. Powers and Mr. Knudson discussed the issue with the copier leases and stated the Mr. Knudson will put together a summary on the issue for the Commissioners but added that he feels we are in good shape.

Mr. Powers stated that he met with a representative from Ranchway Feeds of Colorado regarding the block press in the old Worley Mills building. The gentleman made an offer on the press and Mr. Powers wanted the approval of the Commission to accept the offer. Mr. Powers stated that he did some research on the value of the press and feels we are getting a good offer. Mr. Powers stated that the offer was \$20,000 and the gentleman has made arrangements to have the press hauled to Colorado. Mr. Witcher stated that because the Commission previously passed a resolution to conduct a private sale of the item, it is fine to accept the offer. Mr. Powers stated that he will proceed.

Mr. Powers added that along the same lines, the Commission previously passed a resolution to sell the surplus vehicles with no minimum bid and he plans to go ahead with that sale. Mr. Powers stated that there has not been a lot of success in the past with the bid format of sale and he would like to dispose of the vehicles auction style with a deposit required.

Mayor Pro Tem Apodaca stated that Scott Verhines who has been heavily involved in the Clovis Ute Pipeline project has been appointed by the Governor to be the Water Czar. Mr. Apodaca asked how this will be handled as he anticipates that we will be mandated to use the Clovis pipeline. Mr. Apodaca said that he sees a conflict of interest as Mr. Verhines was the engineer for the Clovis project.

Commissioner Lumpkin explained that the Eastern New Mexico Rural Water Authority is building a pipeline from Ute Lake to the Clovis/Portales area. Mr. Lumpkin stated that Ute Lake was built originally to provide an emergency water source for Eastern New Mexico. Local entities each have allocations of water from the lake. Mr. Lumpkin stated that we are not in favor of this happening. Mr. Lumpkin stated that there is a strong political force working to get this project completed. Mr. Lumpkin said that the Tucumcari Water Authority is asking that the minimum level of the lake be maintained. Mr. Lumpkin said we have plans for our own intake structure to supply water to the golf course and housing development near the lake. Mr. Lumpkin explained that the easement required to use the intake structure may not be approved if we do not adhere to their wishes.

Mr. Lumpkin explained that the engineers at CDM have studied these projects and it is estimated that \$6 million will be the cost to hook on to the structure. Mr. Lumpkin said this mandate is unfair. Mr. Lumpkin said that there are other issues to consider including the fact that the lake is quickly losing elevation due to evaporation and the total cost of the Eastern New Mexico project is projected at \$500 million. Mr. Lumpkin stated that there are 306 jobs because of the industry surrounding the lake. Mr. Lumpkin encouraged citizens to call him if they have questions or would like to discuss this issue.

Mayor Pro Tem Apodaca stated that he sees a definite conflict of interest with Mr. Verhines.

Mr. Lumpkin explained that Mr. Verhines was the engineer for the Clovis project and now works for the State. Additionally, Mr. Lumpkin said that Ernie Crowder was appointed to serve on the ISC and he was a Clovis/Portales elected official.

Mr. Powers explained that Ute Lake is at the lowest level in 27 years. Commissioner Curnutt stated that at today's meeting, Mr. Verhines suggested that Clovis hire another firm to take his place as engineer. Mr. Lumpkin speculated that a Ruidoso area engineer will be hired and Verhines company will still be working on the project.

Old Business

Mr. Sterling Fluharty of South West Political Services approached the podium and told the Commission that in their packets were three options for redistricting the City.

Mayor Pro Tem Apodaca asked which version is the closest to the existing districts. Mr. Fluharty explained that Concept A has the least change. Mr. Fluharty went on to explain that in Concept A, Districts Two and Four remain the same. Mr. Fluharty went on to say that in Concept A, a few blocks from District Three are shifted and added to District One and then a few blocks in District Five are added to District Three. Mr. Fluharty added that Concept A keeps all the incumbents in the same districts.

Mayor Pro Tem Apodaca asked if Concept A maintains the equal representation determined by the 1988 lawsuit. Mr. Apodaca also asked if the 1965 Voting Rights Act which ensures one man, one vote is kept in place with Option A. Mr. Apodaca went on to say that redistricting is a process of preserving the sacred right of equal representation and voting rights granted to us through the New Mexico and United States Constitutions.

Mr. Fluharty stated that Mr. Apodaca was correct in his accounting of history and added that although Tucumcari falls under the population threshold for districted voting, the lawsuit in 1988 led to districting in Tucumcari. Mr. Fluharty said that the tables associated with each concept map show the demographics of each district. Mr. Fluharty explained that the 2010 census data shows that Tucumcari is 57.4% Hispanic and that with each concept map, two or three of the districts end up with a Hispanic majority.

Mayor Pro Tem Apodaca stated that he has not had the opportunity to drive through his district to visualize the changes but sees that the changes in Concept A are minor and this will be the easiest for the voters.

Mayor Witcher stated that the meeting for the public regarding redistricting will be publicized.

Mayor Pro Tem Apodaca suggested that a public hearing be held in conjunction with the November 29 work session that is already scheduled.

New Business

Commissioner Lumpkin made a motion to appoint Merlinda Turner to the Library Advisory Board and mayor Pro Tem Apodaca seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin thanked everyone for coming to the meeting and said he hoped he didn't bore anyone with the water information.

Mayor Pro Tem Apodaca stated that he hopes everyone attends the public hearing and work session on the 29th of November.

Commissioner Curnutt thanked everyone for coming to the meeting.

Commissioner Sandoval thanked those in attendance for coming to the meeting and asked that the Cemetery Superintendent provide a monthly report to the Commission.

Mayor Witcher thanked everyone for their prayers and stated that Tucumcari is the best place to live.

Adjournment

Mayor Pro Tem Apodaca made a motion to adjourn the meeting and Commissioner Curnutt seconded the motion. Time noted: 6:45 p.m. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk