

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
December 29, 2011**

The Tucumcari City Commission met in a rescheduled meeting on Thursday, December 29, 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, Mike Cherry, Assistant City Manager/Fire Chief; Christine Dougherty, City Clerk/Purchasing Agent; Yvette Fazekas, Zoning Administrator; and Jason Braziel, Chief of Police.

Consideration of Changes or Deletions to the Agenda

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

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Curnutt thanked everyone for coming to the meeting and said he hopes to have a good meeting.

Commissioner Sandoval had no comments.

Commissioner Lumpkin thanked those in attendance for coming to the meeting. He also informed everyone that Commissioner Sandoval was appointed to the National Diversity Committee for the Association of Community College Trustees. Mr. Lumpkin explained that Mr. Sandoval's work will involve representing under represented populations.

Commissioner Lumpkin also informed everyone that there will be a meeting regarding Ute Lake on January 5 at 10 a.m. at the Convention Center. The meeting is for the Eastern New Mexico Rural Water Association. Mr. Lumpkin stated that this will be a very informative meeting and is open to the public.

Commissioner Lumpkin said he would also like to compliment the staff in their handling of the sealed bid auction for the surplus vehicles. Mr. Lumpkin said that over \$7000 was made for the City in the sale of those vehicles and they will no longer have to be insured.

Mayor Pro Tem Apodaca thanked the Tucumcari Police Department for their report regarding Resolution 2011-49 and the sale of the surplus firearms. He was glad to report that the weapons were accounted for.

Approval of Minutes

A motion was made by Commissioner Lumpkin to approve the minutes of the December 8, 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. James Lott approached the podium to address the Commission. He explained that he has served as a coach for the City Recreation Programs in the past. Mr. Lott said that he was involved in an incident last year in which he was kicked out of a game. Mr. Lott explained that with him tonight is one of the parents from his team, Ms. Miranda Wilikowski. Mr. Lott stated that he felt the calls against his team were unfair and he felt his responsibility was to protect the kids on his team. Mr. Lott stated that he felt the violation occurred right in front of the referee and the call was not made which upset Mr. Lott.

Mr. Lott said that Mr. Simpson, Recreation Director asked when he holds his practices. Mr. Simpson came to Mr. Lott's practice following the game from which he was ejected and presented him with a letter stating that he was no longer allowed to coach for the Recreation Programs. Mr. Lott speculated that this was done due to a problem Mr. Simpson's daughter had with a relative of Mr. Lott's.

Mr. Lott said that receiving this letter made him very upset. Mr. Lott said he felt he should have filed charges against Mr. Simpson but instead came and talked to then City Manager, Bobbye Rose. Mr. Lott said that Mr. Simpson banned him from the North Side Park and he didn't know how Mr. Simpson had the authority to do this. Mr. Lott explained to the children on his team that he didn't want any trouble. Mr. Lott stated that he felt Ms. Rose's response was one of, "who gives a damn." Mr. Lott said he was banned from the league and speculated Mr. Simpson has someone watching to make sure he didn't go to the park. Mr. Lott said that Ms. Rose said that Mr. Simpson can do what he wants to do when it comes to running the Recreation Programs.

Ms. Wilikowski said that this exchange should not have happened in front of the children. She also felt Mr. Simpson should not have done what he did to Mr. Lott. Ms. Wilikowski said she asked Mr. Simpson if he felt it was fair to disrespect the coach in front of the children. Ms.

Wilikowski said she wondered what this was teaching the kids. Ms. Wilikowski said that Mr. Simpson said it was wrong for 12 people to gang up on him at the park.

Mayor Pro Tem Apodaca inquired when this incident occurred. Mr. Lott responded that it was over a year ago. Mr. Apodaca stated that although the Commission is listening to what Mr. Lott has to say, this issue is not on the agenda tonight so no action can be taken at this meeting. Mr. Apodaca suggested that the issue of reinstating Mr. Lott as a coach appear on the next agenda.

Commissioner Lumpkin asked Mr. Lott how many years he coached for the City Recreation Programs. Mr. Lott responded that he has coached for 18 years. Mayor Pro Tem Apodaca said that the Commissioners are the policy makers for the City and that the legal rights should be considered in this matter.

Commissioner Curnutt asked that staff check into this issue and have a report prepared so that the Commission can have all the facts and make a fair decision. Mayor Pro Tem Apodaca requested that the issue appear on the next agenda. Mr. Apodaca thanked Mr. Lott for his comments.

Mr. Gilbert Pacheco then approached the podium to address the Commission and stated that he has been here before. Mr. Pacheco asked which Commissioner sits on the Recreation Advisory Board. Commissioner Lumpkin stated that one Commissioner sits on each of the Advisory Boards and he is not certain who sits on the Recreation Board. Mr. Pacheco stated that he recalled it used to be Ms. Mayfield and she was very interested in the Recreation Programs. Mr. Pacheco said that budget numbers he saw looked like mumbo jumbo to him and wondered where the fees charged for participation in Recreation Programs are going and what the money is used for. Commissioner Lumpkin said that all the funds go into the budget and the budget printouts could be explained to Mr. Pacheco so that they make sense.

Mr. Pacheco asked how Mr. Simpson can make his own rules and refuse to sell a burial plot to someone or ban someone from a park. Mayor Pro Tem Apodaca said that he wanted to be clear; the Commissioners are the policy makers for the City.

Mr. Gary Montano then approached the podium to address the Commission. Mr. Montano stated that the presidential race is ramping up and he would like to see that the Commission allows time for a meeting to discuss House Bill 1540 and House Bill S1867, the National Defense Authorization Act. Mr. Montano said that House Bill S1867 was sponsored by Michigan's Carl Levin and has now been reintroduced. House Bill 1540, according to Mr. Montano was sponsored by California Representative Howard Buck McKeon. Mr. Montano said the 22 page bill was passed in the House by a vote of 112 to 78, and passed in the Senate by a vote of 93 to 7. Mr. Montano said the bill now sits on the President's desk.

Mr. Montano went on to say that this bill gives the National Guard the ability to arrest a citizen with nothing. Mr. Montano stated that this declares martial law and puts FEMA in charge. Mr. Montano went on to say that if FEMA were in charge of the Nation, New Mexico would fall under region six. Mr. Montano then said he has been researching this matter and has tried to contact the National Guard all week but has not received an answer. Mr. Montano stated that

this issue affects all of us; that if you speak against the government, the military can arrest you. Mr. Montano explained that under the rule of FEMA, Region Six will be under former Oklahoma Governor Henry.

Mr. Montano then went on to say that the Modern Militia Movement, or MMM has given rise to the governments authority to arrest and detain militia members. Mr. Montano stated he has spoken with Congressman Ben Ray Lujan and has a meeting scheduled to discuss this further with him. Mr. Montano also said that Congressmen Udall and Bingaman both voted in favor of this bill.

Mr. Montano requested that this issue be added to the upcoming agenda for discussion and that it be addressed in the newspaper to see what people have to say about the topic. Mayor Pro Tem Apodaca asked for copies of the research Mr. Montano completed for the Commissioners to review.

Mr. Montano then asked if the City Commission can provide the number of National Guardsmen, both active and inactive. Mr. Montano also asked if the guardsmen could be asked if they would break their vow they took upon enlistment. The City Clerk responded that records regarding guardsmen are not neither available nor kept by the City and could not be provided from this office.

Ordinances and Resolutions

Mr. Powers presented Ordinance 1099, Amending Municipal Code Regarding Water Rates for the second reading. Mr. Powers explained that this revision has been worked on for the last several months. The ordinance includes an annual rate adjustment of 4%. Commissioner Curnutt stated that he would still like to see the rate adjusted annually in accordance with the Consumer Price Index (CPI). Mayor Pro Tem Apodaca said that he would like to keep the adjustment at a flat 4% as he does not understand how the CPI will work. Commissioner Curnutt explained that the CPI is based on the monthly rate of inflation and the City can choose to increase the rates at anytime using the current CPI. Mr. Curnutt stated that currently CPI is 3.9%. Mayor Pro Tem Apodaca said he prefers the way the ordinance is written with a flat rate increase. Commissioner Lumpkin said that he understands the argument but wants to leave the ordinance as written. Mr. Lumpkin stated that the ordinance can always be amended at a later date. Mr. Lumpkin said that he would like to talk with Mr. Dysart regarding the budget and if he feels there is merit in a rate increase based on the CPI.

Commissioner Lumpkin made a motion to approve the second reading of Ordinance 1099 Amending the Municipal Code regarding Water Rates and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes

Ms. Fazekas then presented the second and final reading of Ordinance 1100 regarding the Unified Development Code. Ms. Fazekas explained that this amends the Unified Development Code by changing the number of members on the Planning Commission from seven to five.

Commissioner Lumpkin made a motion to approve Ordinance 1100 Amending the Unified Development Code and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mr. Powers then presented Resolution 2011-63, designating Mr. Doug Powers as Signatory for GOB Capital Appropriation. Mr. Powers explained that this is a paper work item changing the signatory for these funds from Ms. Rey to himself.

Commissioner Lumpkin made a motion to approve Resolution 2011-63, designating a Signatory for GOB Capital Appropriation and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Ms. Fazekas then presented Resolution 2011-64, updating the Comprehensive Plan. Ms. Fazekas explained that the State requires that this be done every five years. Ms. Fazekas directed the Commissioners attention to their notebooks where they will find a draft of the amended comprehensive plan. Mr. Powers explained that he has talked to the Main Street office and all of the City Department Heads for input regarding this plan. Mr. Powers also explained that a comprehensive plan is a requirement for participation in the CDBG program. Commissioner Curnutt thanked Mr. Powers for his work on this project.

Commissioner Curnutt made a motion to approve Resolution 2011-64 updating the Comprehensive Plan and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers began his report by explaining that a meeting was held on December 13 with staff regarding the DOT project to improve lighting on Highway 54. Mr. Powers said that the area around the Love's and Flying J truck stops will be enhanced with improved lighting through a \$50,000 grant. Mr. Powers explained that the project will begin next year and will also include the First Street exit if funds permit.

Mr. Powers thanked the City mechanics for their work on the automobiles that were auctioned. Mr. Powers said that 44 bids were received and he received many good comments about the process of auctioning the cars.

Mr. Powers congratulated Ms. Fazekas on receiving a \$39,000 grant from the Youth Conservation Corps for work on the rail depot.

Mr. Powers reported that a meeting regarding the Airport Master Plan was held on December 13 and another will be held in February.

Mr. Powers explained that the ball is rolling on obtaining a new vent hood at the Senior Center. Mr. Powers stated that the galvanized hood must be replaced with a stainless one.

Mr. Powers said that he is working on moving the ambulance service to the Main Fire Station. The employees are thrilled.

Commissioner Lumpkin thanked Mr. Powers for a good report. Commissioner Curnutt asked if the vent hood will be installed by city staff. Mr. Powers responded that a contractor will be hired.

Commissioner Sandoval asked if the lighting issue has been addressed on Interstate 40 at exit 329. Mr. Powers responded that he is working on funding for that project. Mr. Powers went on to explain that the grant he spoke of earlier is to abate the dangerous situation near Loves and Flying J.

Mr. Powers asked for Mr. Cherry to give an update on the other lighting projects at highway exits. Mr. Cherry explained that Xcel Energy has promised to replace the bulbs and light heads at the Camino Del Coronado exit near the Convention Center. Mr. Cherry went on to say that then the City can then do the wiring.

Bids and Contracts

Commissioner Lumpkin reported on the name change for the Tukumcari Quay County Regional Water Authority. Mr. Lumpkin stated that there is a plan to build a pipeline from Ute Lake to the Clovis/Portales area. This name change, said Mr. Lumpkin, will help to obtain grant funds that are available to regional groups and projects. Mr. Lumpkin said the objective of the group is to establish a minimum level in the lake while maintaining the businesses around and recreational uses at Ute Lake. Mr. Lumpkin said that the group is also working for the right to use the intake structure at the lake. Mr. Lumpkin explained that this group will hold a meeting on January 5 at 10 am at the Tukumcari Convention Center.

Mr. Lumpkin explained that once this group is recognized by the State, they can apply for grant funds to eradicate the vegetation between Conchas and Ute Lakes. Mr. Lumpkin stated that Salt Cedars use lots of water.

Commissioner Curnutt made a motion to approve the name change for the Tukumcari Quay County Regional Water Authority and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Mr. Powers explained that a bid opening was held for the Reuse Project. Mr. Powers stated that seven bids were received and the low bid was received from Versatile Construction which is a local company. Mr. Powers asked for approval of this bid and added that it is a good project and will put people to work.

Mr. Powers went on to explain that the project will take reuse water from the Waste Water Treatment Plant to the NMSU Agricultural Science Center. Mr. Powers said the easements have been obtained. He also said the scope of work has been changed with the Water Trust Board.

Commissioner Lumpkin made a motion to approve the bid for the Water Trust Board Reuse Project from Versatile, Inc. and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes

Mr. Powers then presented the CDBG application for the project in the Daubs Addition. Mr. Powers stated that public hearings were held and department heads had been consulted and this project showed the most need. Mr. Powers explained that the area involved is north of Main Street and on the west side of Rock Island. Mr. Powers stated that the area encompasses many public housing units and will replace the water lines and streets. Mr. Powers also explained that the matching funds are budgeted.

Commissioner Lumpkin said that our cost will be \$50,000 for a \$500,000 project. Mr. Powers said that the point rating for the project will be higher with milling on the streets. Mr. Powers said that his staff conducted an income survey and found that 74% of the residents in the area are low income.

Commissioner Lumpkin made a motion to approve the CDBG application for the Daubs addition project and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Ms. Fazekas presented the contract for engineering on the Daubs addition project. Ms. Fazekas stated that this is a standard contract for engineering from Forsgren Associates.

Mayor Pro Tem asked where the City is on the Campbell project. Ms. Fazekas explained that she is waiting on the final drawing from Wilson and Company and it should be ready soon.

Commissioner Lumpkin asked if the engineering contract was open to local engineers to bid on. Ms. Fazekas responded in the positive.

Commissioner Lumpkin made a motion to approve the contract for engineering for the CDBG Daubs Addition Project and Commissioner Curnutt seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Mr. Powers stated that the auction of surplus City vehicles was approved by the Commission and that a silent auction was held in August with minimum bids on each vehicle set. At that time, no bids were received. This time the auction was held without reserves. Mr. Powers explained that 44 bids were received and in the Commissioners packets was a listing with the high bids highlighted.

Mr. Powers said that more vehicles will be presented for approval to auction at a future meeting. Mayor Pro Tem Apodaca asked how many total vehicles the City owns. Mr. Powers responded that he believes it is around 110 vehicles.

Commissioner Curnutt made a motion to approve the bids on the surplus vehicles 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 November 18, 2011 minutes of the Lodgers' Tax Advisory Board.

Mr. Powers presented the land lease with Plateau Telecommunications. He explained that the lease had been tabled previously. The new version of the lease increases the payment to \$250 per year. Mr. Powers said that the attorney has reviewed the lease and went on to say that the lease is only for the fiber optic building.

Commissioner Lumpkin made a motion to approve the Land Lease with Plateau Telecommunications and Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Mr. Powers then presented the appointment of a voting member to the NERPO organization. Mr. Powers explained that NERPO stands for the North East Regional Planning Organization. Mr. Powers said that participation in the organization fulfills the citizen participation requirement with the DOT. Mr. Powers said that previously Bobbye Rose and Doug Powers were appointed as the voting members in the organization and now Mr. Powers would like Ms. Fazekas appointed as a voting member for the occasions when he cannot attend the meetings.

Mayor Pro Tem Apodaca asked if there is funding available through this organization. Mr. Powers responded in the positive.

Commissioner Lumpkin made a motion to appoint Yvette Fazekas as a voting member of the NERPO organization and Commissioner Sandoval seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes

New Business

Mr. Mike Cherry then presented the EMS Fund Act Application for the Fire Department. Mr. Cherry stated that this is a program that his department is required to participate in and is based on the level of training of the employees. Mr. Cherry also stated that the number of runs the department makes determines the amount of funding that will be received. Mr. Cherry explained that this is 100% grant and \$5000 is expected.

Commissioner Curnutt made a motion to approve the EMS Fund Act Application for the Fire Department and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Yes

Mr. Cherry then presented the EMS Fund Application for the Ambulance Service. Mr. Cherry explained that the ambulance service is funded at a higher level and \$20,000 is expected in their grant. Commissioner Sandoval asked if Mr. Cherry is still working to get rid of the EMS service. Mr. Cherry responded in the negative.

Mr. Powers asked why the application amount is \$47,000. Mr. Cherry explained that sometimes there are extra funds available if you ask for more. Mr. Powers asked Mr. Cherry if the main priority for the funds is for ambulances. Mr. Cherry responded in the positive explaining that one ambulance is not running.

Commissioner Curnutt made a motion to approve the EMS fund Act Application for the Ambulance Service and Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes

Mr. Powers then presented the capital outlay request for equipment at the landfill. Mr. Powers stated that Ms. Fazekas did the work on this request which is due January 29. Mr. Powers said that although there is some time before the due date, he did not want to wait. Mr. Powers explained that the funds are needed at the landfill for a bulldozer and a trash truck. Mr. Powers stated that there may not be any capital outlay funds, but the application will show need. Mr. Powers said that the Governor has stressed that funds will be awarded to regional projects. Mr. Powers explained that our landfill serves Guadalupe and San Miguel counties.

Commissioner Curnutt made a motion to approve the Capital Outlay request for equipment at the landfill and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin thanked those in attendance for coming to the meeting. Mr. Lumpkin also stated that through the administrative and leadership changes Doug Powers and Yvette Fazekas have stepped up with extra duties. Mr. Lumpkin went on to say that the Youth Conservation Corps program is a good program. Mr. Lumpkin said that all the staff has stepped up.

Commissioner Sandoval said that with the new year coming up he feels encouraged and thanked those that have encouraged him.

Commissioner Curnutt thanked those in attendance for coming to the meeting and said Happy New Year.

Mayor Pro Tem Apodaca thanked the Police Department for providing him with the report.

Executive Session

Commissioner Lumpkin made a motion to convene in Executive Session pursuant to New Mexico Statutes 1978 Pertaining to Open Meetings Referencing Section 10-15-1 H (7) threatened or pending litigation and Section 10-15-1 H (8) property or water rights. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt
Yes	Yes	Yes	Yes

Time noted was 7:01 p.m.

Commissioner Lumpkin made a motion to reconvene in Regular Session after Executive Session where the only matters discussed were pursuant to New Mexico Statutes 1978 Pertaining to Open Meetings Referencing Section 10-15-1 H (7) threatened or pending litigation and Section 10-15-1 H (8) property or water rights. Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes

Time noted was 7:25 p.m.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting and Commissioner Curnutt seconded the motion. Time noted: 7:26 p.m. Roll Call:

Sandoval
Yes

Curnutt
Yes

Apodaca
Yes

Lumpkin
Yes

Antonio Apodaca, Mayor Pro Tem

ATTEST:

Christine Dougherty, City Clerk