

**CITY OF TUCUMCARI
CITY COMMISSION MEETING MINUTES
February 9, 2012**

The Tucumcari City Commission met in a regular meeting on Thursday, February 9, 2012, 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 Manager; Mike Cherry, Assistant City Manager/Fire Chief; Peter Rivera, Deputy Chief of Police; and Dainetta Kroeker, Librarian.

Mr. Mark Lake, Reverend of St. Michaels Episcopal Church gave the invocation and Mr. Antonio Apodaca 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 Mayor Pro Tem Apodaca seconded the motion. Roll Call:

Curnutt	Witcher	Apodaca	Lumpkin	Sandoval
Yes	Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Sandoval said that he attended two meetings in Santa Fe this week; Municipal Day at the Legislature and Quay Day. Mr. Sandoval stated that at Municipal Day he asked a question about small businesses and he did not like the answer he received but he thinks he can work around it. Mr. Sandoval reported discussing water issues with the Mayor of Santa Rosa. Mr. Sandoval also stated that the last business person he recalls coming to a Commission meeting was Don Schutte. Mr. Sandoval said that he will keep working for business people and the community. He said he will also continue to work on water resources for the City.

Mr. Sandoval stated that everyone should have attended Quay Day so that we can move forward. Mr. Sandoval stated that if everything goes well, we'll see.

Commissioner Curnutt reported attending the Quay Day event in Santa Fe as well. Mr. Curnutt said that the attendance at the event was good except there was no representation from the County Commission. Mr. Curnutt stated that it was a good meeting with representatives Roch, Dodge, and Hardin in attendance as well as Mr. Verhines, Mr. Lyons and Mr. Frost.

Mayor Pro Tem Apodaca stated that he also attended Municipal Day on February 3 in Santa Fe. Mr. Apodaca stated that the NM Municipal League's priority legislation includes Senate Bill 271 which proposes to phase out the hold harmless distribution to cities. Mr. Apodaca said this will be a hardship on the City. Another priority piece of legislation, according to Mr. Apodaca is

House Bill 75 which will distribute .83% of the receipts from the cigarette tax to the county and municipal recreation funds. Mr. Apodaca reported that Mr. Roch supports both of these pieces of legislation.

Mr. Apodaca also reported that House Bill 273 proposes to expand convention center financing through imposition of a fee.

Mr. Apodaca reported that another piece of priority legislation, Senate Bill 5, was tabled. The legislation was attempting to restrict the sale and use of fireworks.

Mr. Apodaca said the last piece of priority legislation was House Bill 193 authorizing the sale of general obligation bonds for statewide purchase of equipment and electronic resources for libraries in the amount of \$3 million.

Commissioner Lumpkin reported attending two meetings of the Interstate Streams Commission in where he testified on the merits of maintaining a minimum level in Ute Lake. Mr. Lumpkin said that representatives from Clovis and Portales agreed with the minimum level but then stated they would not support a minimum pool for the lake. Mr. Lumpkin stated he feels progress is being made and that they want to work with our communities so that they can tout that they are working with 12 communities in all.

Mayor Witcher thanked everyone for coming to the meeting.

Approval of Minutes

A motion was made by Commissioner Lumpkin to approve the minutes of the January 26, 2012 Regular Commission meeting and the motion was seconded by Commissioner Curnutt. 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

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

Ordinances and Resolutions

Mr. Dysart presented Resolution 2012-04, a Budget Amendment Resolution. Mr. Dysart explained that this resolution proposes to move some grants out of departments into separate capital funds so that they can be monitored more easily. Mr. Dysart stated that this does not affect the bottom line at all.

Mayor Witcher suggested that a list be compiled of all budget amendments so that they can be taken into consideration when crafting the next budget. Mr. Dysart agreed this was a good idea.

Commissioner Curnutt made a motion to approve Resolution 2012-04, A Budget Amendment Request and Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

City Manager's Report

Mr. Powers began his report by saying that there was good representation at Quay Day and thanked Commissioners Sandoval and Curnutt for representing the City at the event. Mr. Powers reported that after the Quay Day event, he and Commissioner Sandoval traveled to Bernalillo to meet with the landfill engineers so that he could have a full understanding of the project. Mr. Powers stated that the engineers have a good handle on the project and we need to keep progressing. Mr. Powers reported feeling hopeful that there may be some capital outlay funds available to purchase a trash truck.

Mr. Powers explained that he held a department head meeting last week where Mr. Dysart gave each department their report. Mr. Powers said Mr. Dysart went through the numbers in the reports so that each department could understand how to read the report. Mr. Powers thanked Mr. Dysart for preparing these reports and explaining them to the department heads.

Mr. Powers attended a meeting with the Department of Transportation on February 2 regarding the Highway 54/Interstate 40 interchange lighting. Mr. Powers stated that by March a 50% design review should take place and a 90% review by May. Mr. Powers said the project should begin by June.

Mr. Powers reported asking David Essex, of Xcel Energy to meet with him again regarding the street lighting issues as he has received many complaint calls.

Mr. Powers thanked Richard Lopez, City Mechanic for readying all the vehicles for the auction. Mr. Powers thanked Michael Martin who also assisted with the vehicle auction. Mr. Powers said he and Mr. Lopez have discussed the street shop taking over all of the city vehicle maintenance in a cost saving measure.

Mr. Powers thanked all the Commissioners for their support saying they have all done a lot for him. Mr. Powers added that he has received lots of compliments from citizens about how the City is running.

Commissioner Lumpkin thanked Mr. Lopez for his work on the vehicles and auction.

Mayor Pro Tem Apodaca asked where the cars came from stating that some of them he had never seen before. Mr. Powers responded that the vehicles came from numerous city departments. Mr. Powers added that the vehicle auctions have generated some funds that can be used to update a vehicle in one of the departments.

Commissioner Lumpkin explained that he had read the Department Head reports and wanted to highlight that in January 3696 people visited the Tucumcari Public Library and 1042 people utilized the internet services at the Library. Mr. Lumpkin went on to say that the Library will host a Dr. Seuss's birthday celebration on March 2 at the Convention Center.

Bids and Contracts

Mr. Mike Cherry presented the E-911 Grant Amendment. Mr. Cherry explained that this amendment increases the amount the DFA sells bonds for so that upgrades can be made at the State Police dispatch center. Mr. Cherry explained that the City houses the consolidated dispatch center for much of north east New Mexico and the State Police dispatch center is the backup for consolidated dispatch.

Mr. Witcher asked if this is just a formality. Mr. Cherry responded in the positive explaining that we will never see these funds, we simply need to approve the amendment so the funds can flow to the State Police.

Commissioner Lumpkin made a motion to approve the E-911 Grant Amendment and Commissioner Curnutt seconded the motion. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Old Business

Mr. Mark Lake, Main Street Director directed the attention of the Commissioners to their packets where they will find a letter from David Hale regarding the progress made by the Main Street organization.

Commissioner Lumpkin inquired how much was made by the buy a brick program the Main Street organization is sponsoring at the Rail Road Depot. Mr. Lake responded that the first round made \$7000 profit and the second round did not glean as much.

Mr. Lake stated that the packet includes financial predictions that are aggressive as he feels it makes sense to be challenged. Mr. Lake also stated that it is an incremental process.

Mr. Lake also reported that a "Friends of the Depot" meeting was held on Monday with 20 volunteers in attendance.

Mr. Lake suggested that someone move into the rail depot building so that someone is there every day. Mr. Lake recommended that a contract be negotiated where Main Street will lease the building from the City for \$1 per year and pay the utilities.

Mayor Witcher asked if Main Street will carry insurance. Mr. Lake responded that they are prepared to carry insurance on the contents of the building.

Mayor Witcher asked the Commission if anyone had any problems with this idea. Commissioners Sandoval, Lumpkin and Apodaca stated they had no problems.

Mayor Pro Tem Apodaca asked when the bricks at the Depot will be sold. Mr. Lake stated they are available now at \$100 for a standard brick and \$200 for a double brick. Mr. Apodaca stated he would like to purchase one.

Mr. Powers asked Mr. Lake if he had obtained a price quote for insurance for the contents of the building. Mr. Lake said he has not.

Mayor Witcher thanked Versatile Construction for hauling top soil and spreading it at the Depot as it made quite an improvement.

Mayor Pro Tem Apodaca then discussed City Code 11.16 regarding Use of Public Land. Mr. Apodaca said that he feels the way this code is worded opens the City up to liability. Mr. Apodaca said he realizes that changing code is expensive as it has to be advertised but he feels looking at policies is a priority. Mr. Apodaca went on to explain that the way the code reads currently, any city employee can eject a person from a park. Mr. Apodaca expressed concern as regular employees are not trained to deal with an unruly person. This is the issue which Mr. Apodaca feels opens the City to liability. Mr. Apodaca suggested that perhaps a police officer or trained personnel should be charged with removal of unruly subjects from the parks.

Mayor Witcher agreed that the code as written opens the City up to liability. Mr. Witcher asked if Mr. Powers could make it a policy to call the police department if there is an unruly person in the parks until the code can be officially changed. Mr. Powers responded in the positive.

Commissioner Lumpkin said he supports changing the code. He added that the nature of an unruly person in the parks necessitates the authority of an officer.

Mr. Powers presented the list of bids for the surplus vehicles. Mr. Powers explained that what was provided to the Commission is a list of all bids with the highest bids highlighted. Mr. Powers stated that 66 total bids were received and the total of the high bids is \$9570.31. Mr. Powers explained that winning bids have to be paid by 5 pm on February 14 or the deposit will be forfeited and the vehicle will go to the next highest bidder.

Commissioner Curnutt made a motion to approve the bids received on the surplus vehicles and Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Sandoval	Curnutt	Witcher
Yes	Yes	Yes	Yes	Yes

New Business

Ms. Dainetta Kroeker explained that due to the untimely death of a Library Advisory Board Member, a replacement member is required for the board. Ms. Kroeker stated that she recommends the appointment of Ms. Marcie Oliver who has been a long time patron of the Library. Ms. Kroeker stated that Ms. Oliver brings her children to the library and she feels the parent perspective is lacking on the board.

Mayor Pro Tem Apodaca made a motion to appoint Ms. Marcie Oliver to serve on the Library Advisory Board and Commissioner Curnutt seconded the motion. Roll Call:

Lumpkin	Sandoval	Curnutt	Witcher	Apodaca
Yes	Yes	Yes	Yes	Yes

Items From Commissioners

Commissioner Lumpkin thanked all the other Commissioners for their attendance at so many meetings recently. Mr. Lumpkin also thanked Richard Lopez for his work and asked if there will be any more cars to auction. Mr. Powers stated that the next auction will be for surplus equipment. Mr. Lumpkin asked about cars that are not running. Mr. Powers stated that 16 vehicles that do not run were approved on the previous resolution for auction. Mr. Powers said that the non-running vehicles will be sold for parts. Mr. Powers went on to explain that he wants to set the example of cleaning up City property in hopes that citizens will do the same.

Mayor Pro Tem Apodaca asked if the lighting issue at the Mountain View Apartments has been looked into. Commissioner Lumpkin stated that he and Mayor Witcher looked and noticed that there is a dark spot but the building appears secure. Mayor Witcher stated that the City cannot light every corner.

Mr. Powers explained that he looked at the lighting situation as well and noticed that one light is out. Mr. Powers stated that he will have the light fixed.

Mayor Pro Tem Apodaca also brought up that the way the City Code reads, it is unlawful for someone to go without a shirt in the parks. Mr. Apodaca stated that in the summer time if someone is playing basketball at the park, it gets very hot and removal of ones shirt could easily occur in that situation. Mr. Apodaca said that some may think he is going to extremes, but the way the code is written it could be taken to an extreme.

Commissioner Curnutt had no comments.

Commissioner Sandoval thanked everyone in attendance for coming to the meeting.

Mayor Witcher thanked everyone for coming to the meeting.

Adjournment

Commissioner Lumpkin made a motion to adjourn the meeting and Commissioner Curnutt seconded the motion. Time noted: 6:33 p.m. Roll Call:

Sandoval	Curnutt	Witcher	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

James L. Witcher, Sr., Mayor

ATTEST:

Christine Dougherty, City Clerk