

**City of Tukumcari
City Commission Meeting Minutes
November 21, 2013**

The Tukumcari City Commission met in a regular meeting on Thursday, November 21, 2013, at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were, Mayor Amiel Curnutt, Ernest Dominguez, Jr., Robert Lumpkin, Jimmy Sandoval, and Dora Salinas-McTigue.

City Staff members present were: Doug Powers, City Manager; Charlie Sandoval, Asst. City Manager; and Angelica Gray, City Clerk; and Ralph Lopez, Project Manager.

Rick Haymaker Pastor at Agape West Church led the invocation and City Manager, Doug Powers led the group in the Pledge of Allegiance in English and Daniel Garcia led the group in the Pledge of Allegiance in Spanish.

Consideration of Changes for Deletions to the Agenda

Mr. Powers asked that 9B be placed immediately after Items from Citizens. In addition, Item 4A, Approval of the November 14, 2013 work session notes, the item is correct but on the notes it has a date of September 11, 2013, he needs a correction on that. On 6B Item 2013-33 should be 34 and 2013-34 should be 33.

Mr. Sandoval also stated that on page 7 of the Minutes it shows him as being in District 1 and it should be District 2.

Mr. Lumpkin made the motion to approve the agenda as amended and Mr. Dominguez seconded the motion. Roll Call:

Sandoval	Curnutt	Dominguez	Lumpkin	Salinas-McTigue
No	Yes	Yes	Yes	No

Items from Commissioners

Mr. Dominguez thanked everyone for coming tonight.

Ms. Salinas-McTigue thanked everyone for coming tonight and she thanked everyone for their support. She thanked Gary Montano for speaking up and supporting their efforts.

Mr. Lumpkin stated that the City commission agenda is to conduct city business. It is not for a complaint forum. We also have to follow rules and conduct ourselves properly. He stated that accusations and innuendos have been made about the City including our budget. Every transaction, dollar, department, and line item in every budget is audited by a state auditor, including all grants. We have received the highest rating the State gives, thanks to our City staff.

We have been working on the Sands Dorsey issue for years. There are a unique set of circumstances that have made this a very difficult situation. The owner did not have insurance

and he has not been responsible. Low level contamination, but high enough to need treatment, has caused problems with disposal of the building. The cost of demolition has also been an issue.

He also stated that turnovers in City staff have affected efforts with the building. The plan is to get the building down as safely and as quickly as we can. He has discussed ways that we can change the definition of a gross receipts tax that we use for Ute Lake Water, temporarily. The gross receipts tax was voted by the citizens. We have also looked at private developments to come in and possibly build something there.

Mr. Lumpkin further stated that pertaining to the Mayor, it has been said that the Mayor is not from Tuumcari. The Mayor resides in District 5, in Tuumcari, New Mexico. He is a registered voter. It has been implied the City pays for the trips for him to visit his new wife. Travel vouchers and per diem are public records and are also audited.

We have citizens calling a commissioner a flip flopper. People make decisions based on information and if the information changes or they get more information, people sometimes change their decisions and they are within their rights to do that. Mr. Lumpkin is asking for respect for everyone involved from both citizens and the commission.

He wants everyone in Tuumcari to have representation.

These unjustified accusations hurt the City of Tuumcari. They hurt the employees, the business people, and the future of Tuumcari.

If people have concerns, they need to call their commissioners. You can submit a letter to City Hall and/or a commissioner. Mr. Lumpkin is asking that this be handled properly with dignity and relate to the subjects of the meeting.

We have looked at moving Items from Citizens toward the end of the meeting. In most State meetings that he has attended, there is no item from citizens.

Mayor Curnutt thanked everyone for coming. He stated that we have a great little town and he has hated sitting in the last three meetings and go through what they have gone through. He thinks everyone needs to work together. The Mayor stated he will be at City Hall on Tuesday, November 26th from 2-4 p.m. and if any citizens have any questions, he will be there. He's supposed to represent the City of Tuumcari and they are trying to do just that to the best of their ability.

He stated that although the citizens have the right to be informed about their representative government, they do not have the right to speak at public meetings. This is a privilege provided by the city commission. If things don't get under control, this might change. He asked the citizens to respect the city commission. He stated their job is to take care of city business at the City commission meetings. They are not here to provide a forum for a political agenda. He welcomed citizens to speak under Items from Citizens. He asked that citizens refrain from being disrespectful, making accusations, or attacking any public officials. Our attorney has advised us to do this. We need to work on a policy regarding public speaking by citizens.

Approval of Minutes

Mr. Lumpkin made the motion to approve the work session notes for November 14, 2013 as amended and Mr. Dominguez seconded the motion. Roll Call:

Dominguez	Lumpkin	Sandoval	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Mr. Lumpkin made the motion to approve the November 14, 2013 Commission Meeting Minutes as amended and Mr. Dominguez seconded the motion. Roll Call:

Lumpkin	Sandoval	Dominguez	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Items from Citizens

Mayor Curnutt allowed each citizen 3 minutes to speak.

John McTigue –He does not believe that our city manager, Doug Powers, is qualified or capable to run the City of Tukumcari. The reason the City will have a recall is thanks to Ernie Dominguez, Mayor Curnutt, Robert Lumpkin, and Warren Frost.

He stated he is very angry with Mr. Dominguez for talking to his wife and insulting and calling her every name in the book---Mayor Curnutt asked Mr. McTigue to be seated.

Gary Montano – He is a resident, concerned taxpayer and business owner. He agrees with Mr. Lumpkin and he did not come here to argue. He finds it puzzling that Russell B. informed him that he was not invited to speak on the radio. He then quoted the constitution.

In regards to the Mayor, he agrees with what he said and he believes what the Mayor read from was a letter from City Attorney, Randy Knudson. He stated that on page 2, of the letter from Mr. Knudson he suggested that the commission adopt a policy allowing the citizens to speak for 3 -5 minutes at the conclusion of each meeting but that such commentary should be respectful and no attacks on public officials.

He also referenced the October 24th meeting, wherein Mayor Curnutt stated he would be informing the presenters 10 minutes to speak. Mayor stated he is going following the attorney's recommendations and allowing 3- 5 minutes.

Mr. Montano asked all commissioners who is the presiding officer of our city commissioners. All commissioners and Mr. Powers stated the Mayor is the presiding officer.

Mr. Montano also stated that his company is willing to invest in any type of business. He has talked to his partners and he is very interested in buying the Sands Dorsey building.

He stated he disagrees with Russell B. censoring him from speaking on the radio. He wanted to speak the facts as per city documents.

Patsy Gresham – She invited everyone to the Christmas Parade of Lights on Saturday, December 14th at 6:00 p.m. They will gather after the parade at the railroad depot.

She also stated the residential lighting contest is at the same time. She invites everyone to put up a float. In addition, the Chamber is kicking off a shopping contest. They are encouraging everyone to shop local. Everyone who brings in a ticket or receipt from a local business that has more than a \$50.00 balance, it will be dropped in the hopper and on December 23rd there will be a drawing for a \$100 prize.

Daniel Garcia – He commented on the Chamber of Commerce. He asked if anyone knew it was Hispanic Heritage Month. He went to the Chamber of Commerce several times and requested they announce that on the marquee and it was never done.

Jeanne O’Dean – She is a concerned citizen who is also a scientist at the Environmental Protection Agency. For her well-being and the well-being of her employees, who are also experiencing from wind turbine syndrome from the Mesalands Community College turbine. Her partner is Dr. Kim Mitchell who was a chief scientist at Siemen’s. We approached because the college is a research and training facility that are tax based both federal and state, and we can do scientific research. Dr. Mitchell and she are here for solutions. The wind turbine should not be in a community or near animals because of the low frequency and the effect. What needs to happen is the turbine be removed to a far field. Dr. Mitchell is offering new turbines from Siemen’s that are vertical and create more energy from that. We are here to help. Her well-being has been affected. She also stated that she has no option now, because she is reporting to the Environmental Protection Agency and the Department of Energy, because it there is a gross of mismanagement of funded projects, gross waste of funds of stimulus funds, danger to public health and safety related to the stimulus funded project, violation of the law relating to stimulus funds because it is an open research facility. We have been denied and she has not received phone calls from the president or the director of the wind turbine. As a new citizen, she has been retaliated to fame. She had to withdraw as a SBDC client. She is working with a state director in Albuquerque.

As a new business owner, she encountered the \$200.00 water deposit for her residence and her business. She would like to know how to repeal the ordinance so we don’t encounter that burden as new citizens.

Willow Rodie –She thinks citywide recycling is very important. There are a lot of recycling materials in the household. If there is a means to recycle these items, we could bring down the amount of garbage by 80%. There is couple of recycling systems that the City can work with including the NMSU Aggie Recycling and pay as you throw where the citizens pay for their recycling as needed and it avoids a household tax. Dr. Mitchell has a new innovation system for recycling and he is willing to provide us with that information. The State of New Mexico has recycling grants, construction loan programs and capital outlay requests that can be made.

New Business (Item 9B)

Consideration to Determine the Request for Recall for District 3 (legally mooted issue due to seat is subject to Regular Election – Mr. Lumpkin stated that District 3 is up for reelection on March 4th.

Mr. Lumpkin moved to not vote on the Resolution because the citizens will be able to vote on District 3 no matter how we look at it.

Mr. Lumpkin stated it is a legally mooted issue due to the seat is subject to regular election and asked what action needs to be taken.

Mayor Curnutt stated we need to discuss what to do regarding the recall. If we vote on the moot issue then we won't need an action on Resolution 3013-32.

Ms. Gray reminded the commission that at the last commission meeting, City Attorney Mr. Knudson was present and he stated that because the commission ordered her to examine the signatures, because of that one process it put any potential election in a black out phase. It was a legal mooted issue and he stated it would not make sense if it would go any further.

Mr. Lumpkin stated that by law we cannot have a special election within a certain amount of time from a regular election.

Mr. Lumpkin made the motion to go the quickest way possible and District 3 candidate will be elected on March 4th at the regular election and Mr. Dominguez seconded the motion. Roll Call:

Ms. Gray clarified that the commission will not go forward with a recall election for District 3. Mr. Lumpkin stated that was correct.

Mr. Sandoval stated that District 1 and 2 will still take place on January 2nd.

Dominguez	Lumpkin	Curnutt	Sandoval	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Ordinances or Resolutions

Resolution 2013-32 – Election Resolution for District 3 – Mr. Lumpkin made the motion to not consider Resolution 2013-32 and Mr. Dominguez seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Sandoval	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Resolution 2013-34 – Regular Election Resolution – Mr. Lumpkin made the motion to approve Resolution 2013 -34 and Ms. Salinas-McTigue seconded the motion. Roll Call:

Sandoval	Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Resolution 2013-33 – Resolution to Accept NMED Grant – Mr. Lopez stated this is a \$100,000 grant by the New Mexico environ depart. And the priority for it is for the KOA lift station. It is down to one pump and it needs a wet and dry well work. Mr. Lopez does not think there is any city match.

Ms. Salinas-McTigue made the motion to approve Resolution 2013-33 to accept the NMED grant #13-1478-STB and Mr. Lumpkin seconded the motion. Roll Call:

Dominguez	Lumpkin	Sandoval	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

City Manager’s Report

Mr. Powers stated he was out of town for a few days. He attended his daughter’s ring ceremony. She’s a graduating senior at Texas A&M.

He stated the surveyor came in at the landfill and cut field stakes. City crews have filled the spots. Surveyors will be here tomorrow for a final certification and this will be submitted to the environmental department for their approval.

We have received the new canopy at the cemetery. He had the opportunity to go look at and it is quite a bit bigger than the old one. We also continue to get bids for the tree removal. So far we need one more price quote for it.

We are closing out on the Daubs and Whitmore projects.

We are continuing on with the lighting. We are pulling wire and working with Xcel. They are putting new head lamps and running the wire to the ground.

Mayor Curnutt asked if we are out east or west. Mr. Powers stated we are working out west. But in the process we have one light that we will pull from the west Blvd. and finish what has been installed out east. But it is set up and it will only be the installation of the lamp and Xcel will help us with that.

He wished everyone a Happy Thanksgiving.

Bids and Contracts

Request for Approval of Grant Agreement for NMED for Water & Sewer Improvements on East Rte. 66 – Mr. Lopez this is for the grant agreement for the NMED project that he described earlier.

Mr. Lumpkin made the motion to approve the grant agreement and Mr. Dominguez seconded the motion. Roll Call:

Lumpkin	Sandoval	Dominguez	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

New Business

Proposal from Pat Vanderpool regarding Sands Dorsey Building – Mr. Vanderpool stated this is in reference to some conversations he’s had with a number of the commissioners for an alternative approach to the Sand Dorsey solution. He wanted to make it a strong point that this is not in lieu of the other options that are ongoing but it is an alternative approach. In light of the fact that there are no designated funds for demolition, and also that this is a private sector approach. He stated there are resources to help us get this done. We have identified a number of

development professionals who are willing to help us with this problem. One has redevelopment projects throughout the state and the other is an architect and a third is one who is a real estate specialist in finance and at this point that is the critical thing we truly need.

In addition, he's had conversations with developers who he has worked with for a number of years and they are looking for rule projects. The process itself would consist of 8 steps. First, would be putting together a core group; Second, to look at market feasibility, financial feasibility, and political feasibility. Third, site and engineering analysis, fourth, the actual financing of the project; fifth, contract negotiations and public approvals Sixth, construction; seventh, marketing of the property and eighth, building occupancy and management. There is a process in place that could help us get this done. The most important thing we need to do is demonstrate that we can work together to achieve a common goal. In fact, this presents us a true opportunity to work together.

Request by Citizen to be allowed to speak as action item and consideration of adoption of policy concerning citizen's right to speak at public meetings on action items – Mr. Powers stated that in the commission packets there is a letter from Mr. Knudson which addresses what we are looking at. In addition, it includes a packet for public participation in counsel meetings from the municipal research in Washington. With consideration of that, he would like the commission, at the next meeting, to setup a policy on how to handle this.

Mr. Lumpkin stated this would give us a chance to look at it and talk to people and think about it. At a work session we cannot make a decision, but what we can do is discuss our feelings on this and at the meeting after the work session we can act on it.

Ms. Salinas-McTigue asked if this item is being tabled. Mayor Curnutt stated that all they need to do is vote and then we will put it on the work session to work on it.

Ms. Salinas-McTigue stated that the work session will be to discuss and then vote at the next commission meeting.

Mayor Curnutt interjected and stated that if we do this at our next work session and we discuss this, he doesn't think they we can come up with a policy to put on the agenda for the same night.

Mr. Lumpkin stated if not, then we can amend the agenda. If we come up with a consensus in the work session we can vote on it.

Ms. Salinas-McTigue suggested we table it and leave it on the agenda and we will discuss it then.

Ms. Salinas-McTigue made the motion to table this item and put it on the next agenda and Mr. Dominguez seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Sandoval	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Mr. Lumpkin asked if on the next agenda we can move Items from Citizens to be moved right before Items from Commissioners

Ms. Salinas-McTigue stated that the agenda is a legal document and open to the public. She stated we can move it as long as we have the agenda available to the public and then we can take action on it.

Mr. Lumpkin stated we amend agenda all the time.

The reason is that when an item is on the agenda, there are public persons that will see if they have an interest in what's on the agenda then they stay to hear that item. If we move something from the bottom to the top of the agenda, and that person who is interested in that item cannot make it at the beginning of the meeting, then they will be upset and complain. We need to put it on the agenda.

Items from Commissioners

Mr. Sandoval wished everyone a Happy Thanksgiving.

Mr. Dominguez stated he appreciates comments and he also wished everyone a Happy Thanksgiving.

Ms. Salinas-McTigue thanked everyone for coming and their comments.

Mr. Lumpkin wished everyone a Happy Thanksgiving and thanked everyone for the decorum of the meeting tonight.

Mayor Curnutt thanked everyone for coming. He stated it has been a pleasure sitting here tonight. He thinks together we can make things better.

Adjournment

Mayor Curnutt asked for a motion to Adjourn. Ms. Salinas-McTigue made a motion to adjourn and Mr. Lumpkin seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Sandoval	Salinas-McTigue
Yes	Yes	Yes	Yes	Yes

Meeting adjourned at 7:01 p.m.

Amiel Curnutt, Mayor

ATTEST:

Angelica M. Gray, City Clerk

