

**CITY OF TUCUMCARI**  
**MINUTES**  
**July 23, 2009**  
**REVISED**

The Tucumcari City Commission met for their regular meeting on Thursday, July 23, 2009 at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Robert Lumpkin, Jimmy Sandoval and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant Manager; Christine Dougherty, City Clerk; Doug Powers Planning and Zoning Director; Marty Garcia, Finance Director; Yvette Fazekas, Zoning Coordinator; Vicki Strand, Deputy Finance Director; Russell Shaffer, Police Sergeant.

Dr. Thomas Broom, Pastor of Center Street United Methodist Church, gave the invocation and Commissioner Lumpkin led the group in the Pledge of Allegiance.

**Consideration of Changes or Deletions to Agenda**

Mayor Apodaca asked if there were any changes or deletions to the agenda. City Clerk, Christine Dougherty asked that items A and B under Bids and Contracts be moved to immediately follow Items from Citizens so that Bill Zimmerman, representative from HDR Engineering could present the HDR contracts and then return to Albuquerque in a timely manner. Additionally, Ms. Dougherty requested that Item F in Bids and Contracts be heard after Item D as Amendment Number Two in Item E deals with the Contract in Item F.

City Manager, Bobbye Rose asked that the Executive Session be removed from the agenda.

**Items From Commissioners**

Mayor Apodaca asked each Commissioner if they had any items to discuss. Mayor Pro Tem Witcher had no comments.

Commissioner Lumpkin thanked those in the audience for attending the meeting and stated that there is no bad input.

Commissioner Sandoval asked when the slide will be operational at the swimming pool. Mr. Powers stated that his impression was that the permits are on the way. Mr. Powers further stated that a meeting with Mr. Solomon and the design team will be set up tomorrow. Ms. Rose stated that she sent a letter to the Governor detailing the issues the City has encountered with the Environment Department regarding the swimming pool project. Mr. Powers also explained that he has not received any correspondence with the Environment Department since May 27.

Commissioner Lafferty congratulated Tucumcarians for filling the Commission Chambers with people. Commissioner Lafferty thanked those who came to the meeting and encouraged people to participate more.

### **Approval of Minutes**

A motion was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin to approve the minutes of the July 9, 2009 Regular Commission meeting. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

### **Approval of Vouchers**

A motion was made by Commissioner Lumpkin and seconded by Mayor Pro Tem Witcher to approve the City vouchers. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

### **Items from Citizens**

Mayor Apodaca asked if there were any citizens in the audience wishing to address the Commission.

Sharon Fitzner of 2107 South Sixth Street addressed the Commission. Ms. Fitzner stated that she addressed the Commission at the previous meeting regarding an editorial in the Quay County Sun that she felt was biased. Ms. Fitzner stated that she hoped the Akin/Martinez family was getting counseling. She also stated that she felt there was a lack of parenting in the family. Ms. Fitzner stated that she felt the video that had been released was appalling and that the girl had no respect for her mother. Ms. Fitzner also wondered what lessons the girl had or had not received from her teachers. Ms. Fitzner's final statement was that she wondered what the message was if the police had let the girl run.

Mike Burns of 2202 South Tenth Street stated that he called City Hall on numerous occasions regarding his trash dumpster that is filled daily by his neighbor who is doing a home remodeling project. Mr. Burns stated that the dumpster is packed so full on a regular basis that when it is emptied, not all the contents are falling into the garbage truck. Mr. Burns stated that on four separate occasions he has called two times in a day and received no response. He asked the Commission to look into this issue for him.

Mr. Tom Anderson addressed the Commission stating that Tucumcari has become known as Route 66's Mural City. He stated that Helping Hands Hospice has commissioned Doug Quarles to paint a mural on the west side of the C&A Electric building. The title of the mural will be Eyes on Route 66 and will be 33 sets of eyes. Mr. Anderson stated that the price for the mural will be \$300 and he would like to see community support for the project.

Ms. Lydia Fazekas then addressed the Commission regarding Veteran's Park. Ms. Fazekas stated that she would like Veteran's Park to be a part of the Main Street Project. Ms. Fazekas said that she and other volunteers have worked very hard to improve Veteran's Park, but they would like to make more improvements. Ms. Fazekas said she and the Mayor have worked to gather funds for a gazebo to be erected at the park. She noted that all the other parks have some sort of shelter or shade. Ms. Fazekas said she would like to have a fountain installed at the park. Ms. Fazekas also brought to the Commission's attention, the fact that many members of the VFW and the DAR were in the audience in support of more projects at Veteran's Park.

Chuck Templeton addressed the Commission regarding his attempt to bring five or six businesses to Tucumcari for the past two and one half months. Mr. Templeton stated that he has been working with Pat Vanderpool of the Economic Development Office. Mr. Templeton was disappointed that he had only received a list of eight phone numbers from Mr. Vanderpool. One of the phone numbers was for Cathy Estrada, City Code Enforcement Officer. Mr. Templeton stated that Ms. Estrada was very helpful as was the City Manager. Mr. Templeton said that on one less has given him any answers. He stated that he has people waiting to fill buildings for two years in exchange for maintaining and improving the building. Mr. Templeton stated that the program he is working on would give small business people the opportunity to have a building for their business without paying rent and the building owner would get an improved building after the two year period. Mr. Templeton said he also wants to arrange a program such as this with homes in the City. Mr. Templeton asked the Commission to think about his ideas.

Mr. Roy Dumas, who helps to manage the Pow Wow Apartments, stated that in November of last year the water use at the Pow Wow Apartments was 10,000 gallons per month. Mr. Dumas stated that there seems to be a large fluctuation in the water use at the apartments. He said he has checked for leaks and had a plumber check the property as well. Mr. Dumas requested that the Commission check into this problem for him.

### **Bids and Contracts**

Mayor Apodaca called on Doug Powers to present the Wastewater Treatment Facility Phase Three Contract with HDR Engineering. Mr. Powers stated that the numbers in this contract are not yet finalized. Mr. Powers thanked Mr. Bill Zimmerman from HDR for coming to the meeting to address and questions the Commission might have. Mr. Powers stated that this contract should be approved based on funding approval from all sources.

Mayor Pro Tem Witcher made a motion to approve the Wastewater Treatment Facility Phase Three Contract with HDR Engineering contingent upon funding approval. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	No

Mr. Powers then presented the Tucumcari Water Trust Board Reuse Project Contract with HDR Engineering. Mr. Powers stated that a public hearing will be required so that public input can be sought on this project.

Commissioner Lafferty asked if the scope of work is broad enough to run water either to the east or the west. Mr. Powers responded in the positive.

Commissioner Lafferty asked if Mr. Powers recommended approval of this contract. Mr. Powers responded in the positive.

Commissioner Lumpkin made a motion to approve the Tucumcari Water Trust Board Reuse Project Contract with HDR Engineering. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	No	Yes

### **Ordinances and Resolutions**

Mayor Apodaca called on Bobbye Rose to present Ordinance 1068 for the final reading. Ms. Rose explained that this ordinance increases water rates by 8% equally for all users. Ms. Rose also wanted to draw attention to the part of the ordinance which remains the same that gives the City authority to file a lien on any property with delinquent water charges.

Commissioner Lafferty stated that the City has contracts that fall outside this ordinance that will be more than 8% increases. Commissioner Lafferty also stated that the water rate increase will make the budget balance. Commissioner Lafferty explained that he understood Ms. Rose was looking at the water rate ordinance as a whole and would bring other proposed changes to the Commission soon.

Mayor Pro Tem Witcher made a motion to approve the final reading of Ordinance 1068, amending certain sections of Chapters 13.04 of the Tucumcari Municipal Code pertaining to public services for water. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Yvette Fazekas to present Resolution 2009-20. Ms. Fazekas explained that this resolution is for the Youth Conservation Corp. grant proposal for the summer of 2010. Ms. Fazekas explained that this proposal is for \$33,683 to employ six youth in the summer of 2010. The project the youth will work on will be at the baseball and softball fields. The youth will build the wheelchair approach, replace backstops, and build seating.

Commissioner Lumpkin asked Ms. Rose if she recommended approval of this resolution. Ms. Rose responded in the positive.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-20, Energy, Minerals and Natural Resources Department of new Mexico Youth Conservation Corporation Application. Commissioner Lafferty seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca asked Doug Powers to present Resolution 2009-21 adopting and for submission of an Infrastructure Capital Improvement Plan (ICIP). Mr. Powers explained that this is an annual plan that sets the priorities for city wide projects. Mr. Powers noted that Veteran's ark is not included in the plan but he would like to add it to the plan. Mr. Powers also mentioned that the resolution has a typographical error in it that needs to be corrected, the reference to the resolution for the same plan in the previous year is wrong. Mr. Powers noted that the landfill project, the Third street project, as well as others are detailed in the plan.

Commissioner Sandoval asked why Eleventh Street is not listed as a project in the plan. Mr. Powers stated that Eleventh Street was not rated high among the DOT/stimulus funding projects. Mr. Powers stated that he would like to mill and overlay Eleventh Street as the manholes are sticking up above the pavement and he has seen congestion problems by the elementary school.

Commissioner Sandoval also asked what was going to be done about the water pooling problems on Highway 54/Main Street. Mr. Powers stated that Highway 54/Main Street is a DOT roadway and therefore not one the City is required to maintain.

Commissioner Sandoval asked if Center Street is a DOT roadway. Mr. Powers responded in the negative.

Commissioner Lafferty requested that the Commission be involved in the process of developing the plan next year. He stated that he would like to hear why each department feels their project is worthy and be a part of making the final decisions for the plan. Mr. Powers agreed that involvement by the Commission would be helpful.

Mayor Pro Tem Witcher explained to the citizens in the room that there was mention of sand in the water tank at Main and Fifth streets. Mr. Witcher explained that there is a riser inside the tank because sand is inherent in water from wells. He wanted to make sure people understood why there might be sand in a water tank.

Commissioner Lumpkin thanked everyone for their work on the ICIP plan and thought it was a good idea to add the gazebo for Veteran's park to the ICIP plan.

Commissioner Lumpkin made a motion to approve Resolution 2009-21 adopting and submission of an ICIP plan including a gazebo in Veteran's Park. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Marty Garcia to present Resolution 2009-22 amending the budget of the City of Tucumcari. Mr. Garcia stated that as per State Statute, a municipality cannot end the year with any fund over budget in any line item or with a negative cash balance. Mr. Garcia explained that this budget amendment fixes all line items within the budget so that none are over budget or left with negative cash balances.

Mr. Garcia explained that this is for the 2008-2009 budget and that it is the last resolution regarding the 2008-2009 budget. Mr. Garcia stated that adjustments needed to be made in the following funds: General, Lodgers' Tax Executive, Lodgers' Tax Promotion, Recreation, E-911, Economic Development/Infrastructure Tax, CDBG, Convention Center Capital Improvements, Golf Capital Improvements, State Appropriations Capital Projects, Joint Utility Debt Service, Sanitation, Debt Service, PD Narcotics, and Senior Citizens.

Commissioner Lafferty asked why funds were being transferred from the Lodgers' Tax fund to the Recreation Center. Mr. Garcia responded that because the Recreation Center is a public facility, Lodgers' Tax monies can be used to fund the center and pay for promotion. He also explained that this falls in line with what we have done in the past as far as funding the Recreation Center.

Commissioner Lafferty stated that the Lodgers' Tax generated \$30,000 more than what was budgeted and wondered why Mr. Garcia was transferring only \$2826 when the fund is \$30,000 over. Mr. Garcia stated that the City has not received all the taxes yet.

Commissioner Lafferty stated that changes in the Lodgers' Tax will dip into the cash balance of the Lodgers' Tax by \$13,000. Mr. Garcia stated that is correct and the City is not allowed to carry over Lodgers' Tax funds for more than three years.

Commissioner Lafferty asked about the transfer of \$3554 to the voucher program. He noticed that the transfer puts the line item into a negative balance. Mr. Garcia stated that was correct and that he would have to adjust that and it would not be an audit issue.

Commissioner Lafferty noticed that transfer of \$9250 from the Economic Development Tax to the airport had not yet been done. Mr. Garcia stated that was correct as the transfer will not occur until this fiscal year because the money had just been received.

Mayor Pro Tem Witcher commented that money seized in narcotics cases have to be put in the Police Department Narcotics Fund and used by that department to enforce efforts to fight narcotics use and sales in the community.

Commissioner Lafferty asked if the changes made in the budget amendment were in the budget the Commissioners received this week. Mr. Garcia responded that most of the changes have already occurred.

Commissioner Lafferty asked for clarification as the payroll line item in the Recreation Department had been overspent however, the payroll taxes in the department were not overspent. Mr. Garcia responded that there was a surplus of funds in the part-time salaries in the department because employees were not coded as part or full-time correctly for that department.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-22 amending the budget for the City of Tucumcari for the 2009-2010 fiscal year. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	No	Yes	Yes

Mayor Apodaca then asked Christine Dougherty to present Resolution 2009-23. Ms. Dougherty explained that the City had received a letter from Representative Dennis Roch along with a press release from New Mexico Secretary of Public Education, Dr. Veronica Garcia. The press release stated that the intention of the Public Education Department is to add a line to the state policy regarding recitation of the Pledge of Allegiance to Flag of the United States of America that would read, “any person not wishing to participate in the recitation of the Pledge of Allegiance shall, without consequence or retaliation, be exempt from reciting it and need not participate.” Dr. Garcia stated that the change will update an outdated regulation and will also provide clear guidance to schools on an issue that has clearly been settled by the courts. Dr. Garcia sought public comment or input regarding the proposed rule change.

Ms. Dougherty further explained that Mr. Roch’s letter stated that as an elected official and an educator, he was outraged by this proposal and asked the Commission to pass a resolution opposing the rule change. Ms. Dougherty also stated that she drafted a resolution expressing opposition to the rule change not so as to influence the Commission but, to have ready for signature this evening should the Commission decide to pass the resolution because the public comments were only being accepted until July 27.

Mayor Apodaca stated that as a Veteran of the United States Army, it hurts him to see a child refuse to recite the Pledge, but if a child does this they must have a reason for doing so. Mayor Apodaca went on to say that he agrees with Dr. Garcia’s proposal because he feels it is not right to penalize a child for not reciting the Pledge. He also stated that when he went to war, he fought to defend the rights of Americans.

Commissioner Lumpkin stated that this is a touchy situation. He agreed that a student should not be penalized for refusal to recite the Pledge if their belief system is why they choose not to participate. Commissioner Lumpkin further stated that it is difficult to argue with someone’s beliefs. He said that when he taught school, he witnessed students that would stand but not participate in recitation of the Pledge. He said he felt it was wrong to force a student into taking action.

Mayor Pro Tem Witcher stated that most of the commissioners are Veterans and he disagreed with the Mayor and Commissioner Lumpkin. He said he sees nothing wrong with showing respect to the Country and the flag. Mr. Witcher stated that if a person does not like reciting the Pledge, they are welcome to move **out of the Country**. Mr. Witcher further stated that if a student has religious beliefs or is unable to stand, he did not feel they should be forced into reciting the Pledge or punished for not reciting the Pledge. However, Mr. Witcher stated that there are certain rights and obligations of those that live in our Country and reciting the Pledge to the symbol of our Country is one of those obligations.

Commissioner Sandoval stated that he lost a brother in defense of our Country and he agreed with Mayor Pro Tem Witcher.

Commissioner Lafferty agreed that requiring students to stand and recite the Pledge is a good thing. He hoped however, that the school administration could make provisions for those that are unable to physically stand and recite the Pledge.

Mayor Pro Tem Witcher made a motion to approve Resolution 2009-23 regarding the City's opposition to changing the rule which requires New Mexico students to recite daily the Pledge of Allegiance to the United States Flag. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	No	Yes	Yes

Mayor Apodaca stated that his vote of no was due to the word "required" in the rule change.

### **City Manager's Report**

City Manager, Bobbye Rose called on Finance Manager, Marty Garcia to give the Finance Report for the month of June.

Mr. Garcia stated that Gross Receipts Taxes increased and that retail tax is strong. Mr. Garcia reported submission of the DFA quarterly report will occur with the changes approved with the resolution this evening.

Mr. Garcia also stated the a year end budget summary and the entire budget by line item were included in the materials he provided to the Commission. Mr. Garcia pointed out that the only funds that were over were the Senior Centers and the Convention Center Capital Improvement. Mr. Garcia also stated that the cash balance is over \$900,000 which is strong. The airport and Joint Utility funds struggled. Mr. Garcia stated that projects in the future may require additional debt. He stated that currently he is trying to pay down some debt with stimulus funds if it will be allowed.

Mr. Garcia said that the budget must be completed before the end of the month. He stated that there will need to be a special meeting to finalize the budget next week. The billing clerk has been injured and will have to be out to recover for several weeks. Mr. Garcia said that thankfully due to summer help, one of the cashiers has been pulled into the billing role to keep the finance department functioning.

Mr. Garcia stated that the audit contract has been received and the audit should occur soon. Overall, Mr. Garcia said the City is in good financial standing.

Mayor Pro Tem Witcher stated that Mr. Garcia has one of the most difficult jobs and he thanked Mr. Garcia for his excellent work.

Ms. Rose asked the Commission to set a time and date for the special meeting. It was decided to consult calendars and discuss the possible date next week.

City Manager Rose provided the Commission with a summary of everything that has occurred regarding the Sands Dorsey building since the fire. Ms. Rose stated that she has been investigating the use of public funds to tear down the Sands Dorsey building. She stated that it may be possible to use CDBG funds for this purpose.

Ms. Rose reminded the Commission that they made a resolution directing City Staff to take possession of the building. Ms. Rose stated that she consulted with the City Attorney and he advises against this. The attorney suggested placing a lien against the building for all that the City has expended in abating the situation.

Mayor Pro Tem Witcher suggested that the City follow the attorney's advice.

Ms. Rose stated that although it may seem like little is happening with the building, she and her staff are working daily towards resolution of the safety issues regarding the state of the building.

Mr. Lafferty stated that although the minutes reflect that he seconded the motion directing City Staff to take possession of the building that was not what he felt was in the best interest of the building and he would like to retract his second if possible.

Mr. Rose stated that she asked the engineering firm for options to tear down the building. The Environment Department has some concerns regarding demolition of the building. Ms. Rose stated that should the City tear down the building, there would be a three year timeline to haul off the rubble. Ms. Rose further explained that the Historic Preservation office has to approve anything that is done to the building before it happens.

Commissioner Lumpkin asked if any contractors had been contacted yet and suggested that locals should be used whenever possible. Ms. Rose responded that local contractors will be informed when and if it comes time to receive bids for the job.

Ms. Rose then explained to the Commission that she held a meeting with those concerned about the animal control changes. Ms. Rose commended the public as 25 of them attended the meeting. Christina Fleming re-worked the animal ordinance adding language that makes animal owners and breeders more responsible for their animals and increasing penalties. Ms. Rose added that the new wording increased the fees slightly and allows disabled people to have unregistered animals. Paragraph D6 increases the fine to \$1 per month that an animal owner has no license and to \$5 per month for those that are required to have a kennel or breeder license.

Mayor Pro Tem Witcher suggested that the modified wording come before the Commission in the form of an ordinance at the next meeting.

Ms. Rose expressed concern that more regulations regarding animals may be coming from the state. Ms. Rose stated that she wrote a letter to the Governor regarding the needs in rural communities as we have very few veterinarians and certification to euthanize is expensive. Ms. Rose stated that the City is currently looking for a

veterinarian and a part-time animal officer. Ms. Rose also said that staff is researching adoption and spay and neutering options for the City.

Christine Fleming was in the audience and stated that she did not pen the re-worked animal ordinance herself. She said she asked for input and received the input she received into the ordinance. She explained that she also looked at the animal ordinances of other communities. She further explained that what our ordinance lacked was rules for breeders and our penalties were weak.

Ms. Rose stated that she appreciates all the help from the volunteers in this issue and it was wonderful to see the community come together. Ms. Rose stated that the ordinance will come before the Commission at the next meeting.

Ms. Rose explained that during the recent power outage, many businesses called requesting that she write a letter to Xcel asking them to put Tucumcari on a loop system or to provide generators so that the City does not go without power for extended periods of time. Ms. Rose stated that she will work with Xcel on this issue.

Ms. Rose also commended those working on the community garden. She stated that there has been much cooperation between community members, the Extension Service, the USDA and Mr. Edward Perea.

Commissioner Lafferty asked if the City Manager would try to fix the trash can issue Mr. Burns brought to the Commissions attention. He also asked that the EDC be investigated regarding the compliant Mr. Templeton made. Commissioner Lafferty asked for a written report to see if the Economic Development Corporation is fulfilling their contract. Commissioner Lafferty further asked City Staff to ensure that the issue with water at the Pow Wow Apartments is not on the City's side of the line.

Ms Rose stated that City Staff has been checking into the Pow Wow water issue. She stated that the Pow Wow can ask that the meter be checked. Commissioner Lafferty asked if a letter had been sent to them explaining that **the** meter can be checked if they request it be done. Ms. Rose responded in the negative but ensured that a letter will be sent.

### **Bids and Contracts**

Mayor Apodaca called on Mr. Doug Powers to present the Mainstreet Master Plan with Consensus Planning. Mr. Powers stated that the agreement is a standard one and that Consensus plans to kick off the project on August 12. Mr. Powers stated that the scope of work incorporates the Historic Preservation organization. He also stated that the funds can be used to pay the gross receipts tax.

Mayor Pro Tem Witcher asked Mark Lake, Mainstreet Director who was in the audience what his opinion was. Mr. Lake stated that he is excited to be this far into the process and that the Master Plan is an important element. Mr. Lake stated that the relationship between the City and the Mainstreet organization is an important one and he has been pleased with the helpfulness of the City thus far.

Commissioner Sandoval asked if the Mainstreet Plan involved the SPIRIT highway organization. Mayor Pro Tem Witcher responded in the negative.

Mayor Pro Tem Witcher made a motion to approve the Comprehensive Mainstreet Master Plan submitted by Consensus Planning. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

Mike Cherry then presented the Non-Metro Area Agency on Aging Contract Amendment Number One. Mr. Cherry stated that this amendment is the Nutrition Service Incentive Program funds to purchase American produced foods. Mayor Pro Tem Witcher asked if this is a mandate. Mr. Cherry responded in the positive.

Commissioner Lafferty asked if this amendment was for the previous fiscal year or the current fiscal year as the dates on the amendment conflict. Mr. Cherry stated that as he is only filling in for Clara Rey on this report, he was unsure of the answer. Commissioner Lafferty asked if this meant additional revenue that will help in the negative balance issue at the Senior Programs. Mr. Cherry responded in the positive.

Mayor Pro Tem Witcher made a motion to approve the Non-Metro Area Agency on Aging Contract Amendment Number One. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Lafferty	Apodaca	Lumpkin
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Witcher then made a motion to approve the Non-Metro Area Agency on Aging Nutrition Service Incentive Program Contract. Commissioner Lumpkin seconded the motion. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Mr. Cherry then presented the Non-Metro Agency on Aging Contract Amendment Number Two. The amendment increases the Nutrition Incentive dollars from \$16,865 to \$37,407. Mayor Pro Tem Witcher made a motion to approve the Non-Metro Agency on Aging contract Amendment Number Two. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Lafferty	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Ms. Rose to present the extension of Professional Services agreement with Souder, Miller and Associates. Ms. Rose explained that there has been some contamination at the City's vehicle maintenance yard and Souder, Miller and Associates had been hired previously to clean up the contamination. This agreement is an extension of the agreement to have the company continue to abate the contamination

situation. Commissioner Lumpkin made a motion to approve extension of the professional services agreement for Tukumcari Vehicle Maintenance yard with Souder, Miller and Associates. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

**New Business**

Mayor Apodaca acknowledged reading the minutes of the Tukumcari Public Library Advisory Board for April 17, 2009, May 15, 2009, and June 19, 2009.

Mayor Apodaca then called on Ms. Rose to present the Chamber of Commerce’s request for funding. Ms. Rose explained that the Chamber requested \$35,000 from the Lodgers’ Tax Board. However, the Lodgers’ Tax board did not vote to approve the request. Ms. Rose stated that the Chamber needs the funds in order to continue operation. She further explained that the Commission has the right to supersede any decision the Lodgers’ Tax Board makes as they serve only in an advisory capacity to the Commission.

Commissioner Lafferty who serves as the liaison to the Lodgers’ Tax Board stated that he was not at the allocation meeting but understood that the Lodgers’ Tax Board would like to serve in an oversight capacity to the Chamber. Mr. Lafferty stated he did not feel that was the direction that should be followed. Commissioner Lafferty further stated that in the past the City funded the Chamber and that it was not fair to the Chamber to seek funding at the whim of the Lodgers’ Tax Board. Mr. Lafferty suggested that the Chamber be funded out of the General Fund not he Lodgers’ Tax. Commissioner Lafferty further stated that the City needs a Chamber of Commerce and that options to fund the Chamber through occupational license fees, the economic development tax or the lodgers tax executive side should be explored.

Commissioner Lafferty made a motion asking staff to bring funding in the amount of \$35,000 from the City budget to the Commission. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Lafferty
Yes	Yes	Yes	Yes	Yes

**New Business**

Mayor Pro Tem Witcher made a motion to appoint Antonio Apodaca as the voting delegate and Jimmy Sandoval the alternate delegate for the 2009 Annual New Mexico Municipal League Conference. Commissioner Lafferty seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Lafferty	Apodaca
Yes	Yes	Yes	Yes	Yes

**Items from Commissioners**

Mayor Pro Tem Witcher thanked all those that were in attendance.

Commissioner Sandoval had no comments.

Commissioner Lumpkin thanked those that were in attendance and for those that asked for things, he promised they will be looked into.

Commissioner Lafferty stated that nine members of the community leadership group were in the audience and he was glad to see them here. He stated that his packet is open for their inspection should they want to see the documents.

Mayor Apodaca stated that he supports the Pledge in public schools, at sporting events and at public facility meetings. However, he has a problem with the word required in the resolution that was presented this evening because it does not spell out the consequences for not reciting the Pledge. Mayor Apodaca further stated that moving out of the country is not an option because we are talking about students.

**Adjournment**

There being no further business, a motion to adjourn was made by Mayor Pro Tem Witcher and seconded by Commissioner Lumpkin. Time noted 7:40 p.m. Roll Call:

Lafferty	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

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Antonio Apodaca, Mayor

ATTEST:

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Christine Dougherty, City Clerk