

**CITY OF TUCUMCARI  
MINUTES  
March 11, 2010**

The Tucumcari City Commission met for their Regular Meeting on Thursday, March 11, 2010, at 6:00 p.m. in the City Commission Chambers. Members present constituting a quorum were Antonio Apodaca, Jim Lafferty, Robert Lumpkin, Jimmy Sandoval, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Mike Cherry, Assistant City Manager; Christine Dougherty, City Clerk; Clara Rey, Human Resources Director; Jessica Elebario, Senior Programs Director; and Jason Braziel, Police Department Interim Operations Commander.

Brian Haines, Preacher of the Church of Christ, gave the invocation and Mayor Pro Tem Witcher led the group in the Pledge of Allegiance.

**Roll Call**

Mayor Apodaca asked for Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

**Consideration of Changes or Deletions to Agenda**

Mayor Apodaca asked if there were any suggested changes or deletions to the agenda. Ms. Rose stated that Item VII, B, Resolution 2010-10 needed to be removed from the agenda.

**Items from Commissioners**

Commissioner Sandoval had no comments.

Commissioner Curnutt had no comments.

Commissioner Lumpkin stated that on March 6 and 7 the City Recreation Department held a basketball tournament with 33 teams from around the state participating. Mr. Lumpkin was pleased to report that over 300 players came to Tucumcari to participate in the tournament bringing with them friends and family members that contributed to our economy. Mr. Lumpkin extended a special thanks to Scott Simpson, Recreation Director for his work in hosting and coordinating the event.

Commissioner Lumpkin went on to state that he is very proud of the successes of our City workers who are always trying to do better and to do more. Mr. Lumpkin

commented that some of the departments that serve citizens include; sewer, water, trash, streets, police department, fire, ambulance, museum, golf course, parks, recreation, airport, cemetery, housing authority, library, and planning and zoning. Mr. Lumpkin explained that the City has received \$10.6 million in grants through the American Recovery and Reinvestment Act for Tukumcari and only \$50,000 is required in return. Mr. Lumpkin both complimented and thanked all the City staff for their hard work.

Mayor Pro Tem Witcher stated that he would like to second Mr. Lumpkin's comments. Mr. Witcher stated that in his profession as a preacher, he frequents the City Cemetery as well as many other cemeteries and he has not seen a better kept or better managed cemetery.

**Approval of Minutes**

Mayor Pro Tem Witcher made a motion to approve the minutes of the February 25, 2010 Regular Commission Meeting. Commissioner Lumpkin seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Abstain	Yes	Yes	Yes

**Approval of Vouchers**

Commissioner Lumpkin made a motion to approve the vouchers for payment. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

**Items from Citizens**

Mayor Apodaca asked if there were any citizens that wished to address the Commission.

Catherine Bugg approached the podium and informed the Commission that another event is coming up in Tukumcari and she wanted to make them aware. This week is the Iron Pour at Mesalands Community College with approximately 40 students participating. Ms. Bugg explained that the event is one week in length with participants from all over the country and there will be an opening ceremony on Friday at around noon. Mesalands, according to Ms. Bugg, is one of the few places in the world where iron is poured into sculpture. Ms. Bugg stated that these participants stay in our hotels, shop at our stores, eat at our restaurants and contribute to our economy.

**Proclamations, Memorials, or Petitions**

Mayor Apodaca read a proclamation rededicating the City of Tukumcari to Implementing the Americans with Disabilities Act.

Mayor Apodaca also proclaimed March 12, 2010 as Arbor Day in Tukumcari.

**Ordinances and Resolutions**

Mayor Apodaca called on Bobbye Rose to present Resolution 2010-09, an Equipment Hardship Grant application. Ms. Rose explained that this resolution directs the City to apply for a \$25,000 grant from the State Highway Department. The State Highway Department gathers their surplus equipment and places it in a yard for communities experiencing hardships to have the opportunity to obtain equipment they might need. Ms. Rose stated that the City is looking for several items that might be available through this auction, including, a dump truck, a scraper, tractors/batwing, loader, broom truck, water truck, oil truck, motor grader, pick-up, and a loader. Application for the grant does not obligate the City in any way.

Commissioner Sandoval stated that when City staff is in the yard at the Highway Department, they should look for a log of service and problems on each piece of equipment.

Mayor Pro Tem Witcher made a motion to approve Resolution 2010-09, Equipment Hardship Grant. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes	Yes

**City Manager’s Report**

Ms. Rose reported to the Commission that in a recent meeting, a motion was made to remove the fence installed by the City on Mr. Bob Martin’s property which is adjacent to the City Landfill if he allows City Staff on his property to do so. Ms. Rose stated that to date, Mr. Martin has not responded to the City’s request for access to his property to tear out the fence.

Ms. Rose also reported that there is a water line leak near Engineers, Inc. downtown. The repairs have not yet been made because water will have to be turned off and will impact several businesses.

Ms. Rose stated that the Mainstreet plan will be complete by Friday and a copy will be available in her office for review.

Ms. Rose also told the Commission that a Joint Powers Agreement is in the works between the City and CDM for Ute Lake planning. Mr. Harwood, a water attorney would be contracted for legal advice in the project.

Commissioner Curnutt asked if the \$20,000 fee was for two years of service or if it was simply a retainer. Ms. Rose responded that the fee would be as he is utilized at \$200 per hour.

Ms. Rose also reported that Mark Murphy of the Interstate Streams Commission is resigning his position stating that he is uncomfortable with the financial position in the state. Ms. Rose stated that on March 18<sup>th</sup>, Mr. Murphy's replacement will be in the area for a tour and luncheon.

Ms. Rose also stated that on March 30, there will be a CDBG event in Las Vegas. She encouraged elected officials to attend to show support of the City projects.

Ms. Rose informed the Commission that City Staff will receive Triadic training on March 15 and 16.

A new vehicle for City Hall use has been ordered. It will be Chevrolet Impala at the cost of approximately \$17,000.

Ms. Rose stated that there will be a groundbreaking for the Second Street project on March 22 at 11 am. She encouraged all to attend as this project will be the first American Recovery and Reinvestment Act funded program to break ground in the state.

Ms. Rose also explained that there have been some problems with the Waste Water Treatment Plant engineering. She will be meeting with the engineers on March 22 to discuss the issues.

Ms. Rose stated that the landfill project is ready to proceed. Vaughn will be closing their landfill and they are going to be fined. Tucumcari's landfill project is going to be short in funding by \$200,000 to \$250,000 and the project needs to start soon. Ms. Rose stated that she recommends proceeding with first cell. Ms. Rose stated that construction debris can be put in the first cell.

Ms. Rose also explained that she sent a letter to Senator Bingaman's office requesting funding for the Metropolitan Well Field. Ms. Rose stated that \$3.3 million is needed for this project.

Ms. Rose reported sending a memo to staff on proper dress code. She stated that she has been concerned about a prevalence of tattoos and piercings.

Ms. Rose also reported that the legislative session is over and that a General Obligation bond in the amount of \$30,000 was approved for the Senior Center.

Ms. Rose stated that the food tax has been reinstated. The City will gain some funds through this but the amount is still in question.

Mayor Apodaca inquired what the status of the food tax is since the close of the legislative session. He stated that the Governor had not yet signed this legislation. The Mayor stated that he did not think the Governor has a choice in the matter but wondered how it will affect the City.

Ms. Rose stated that she believes the increase will be \$73,000 for the City but that she had not yet studied the issue. She also stated that the Governor may be considering vetoing the legislation. Mayor Apodaca clarified that the impact is not yet known. Ms. Rose responded in the positive but added that the City should receive small cities assistance funds soon. Ms. Rose said that the food tax should be put aside for future use.

Commissioner Lumpkin asked if Main Street funds could be used for streetlights, traffic lights, or LED lighting. Ms. Rose responded that Main Street funding could not be used for the purposes Mr. Lumpkin inquired about but that staff is looking for LED and solar lighting for Route 66.

Mr. Lumpkin asked if the expected \$73,000 revenue from the food tax could be used as a cushion. Ms. Rose responded in the positive.

Mayor Pro Tem Witcher thanked Ms. Rose for providing her daily calendar and stated it was excellent and lots of help.

**Bids and Contracts**

Mayor Apodaca called on Mike Cherry to present the Professional Services Proposal for the Railroad Museum. Mr. Cherry explained that Mark Lake, Main Street Director was unable to be at the meeting. Mr. Cherry also stated that the professional services proposal was for development of a Rail Road Museum. The proposal includes utilizing the services of the consultant to the Cumbres and Toltec Rail Road whom is also the past director of the National Rail Road Museum. Mr. Cherry said that a museum plan for the depot must be approved. Mr. Cherry said that there is \$10,000 in the budget for economic development from the state. Mr. Sandoval asked when the consultant would be coming to Tucumcari. Mr. Cherry stated that the consultant has been here a few times already and the plan should take 75 days to complete. Mr. Sandoval then inquired when the museum is expected to open. Mr. Cherry said he had no idea.

Mayor Pro Tem Witcher made a motion to approve the Professional Services Proposal for the Rail Road Museum. Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called upon Christine Dougherty to present two bids for lease of property. Ms. Dougherty explained to the Commission that one bid was received for 80 acres of City owned property at Five Mile Park. The bid was received from Carl S. Pacheco for \$5.20 per acre for a total annual lease of \$416. The term of the lease is three years.

Commissioner Lumpkin made a motion to approve the bid for 80 acres of property at Five Mile Park submitted by Carl S. Pacheco. Mayor Pro Tem Witcher seconded the motion. Roll Call:

Curnutt	Apodaca	Lumpkin	Witcher	Sandoval
Yes	Yes	Yes	Yes	Yes

Ms. Dougherty then presented the bid for 190 acres. Ms. Dougherty explained that only one bid was received and it was from Albert Lopez for \$16.00 per acre for a total annual lease of \$3040. The term of the lease is three years.

Mayor Pro Tem Witcher made a motion to approve the bid for 190 acres by the Municipal Airport submitted by Albert Lopez. Commissioner Lumpkin seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Apodaca then called on Ms. Rose to present the Landfill Monitoring/Reporting Services proposal. Ms. Rose explained that the proposal is from Gordon Environmental and is in the amount of \$24,600. Ms. Rose stated that she felt the price was out of line. She phoned Engineers, Inc, and they do not do this kind of work. She then spoke with David Bishop at the Environment Department and he explained that the price is in line and actually affordable. Ms. Rose explained that the proposal is for a one year contract. Mayor Pro Tem Witcher asked if the funds are in the budget. Ms. Rose responded in the positive.

Mayor Pro Tem Witcher made a motion to approve the Landfill Monitoring/Reporting Services agreement. Commissioner Lumpkin seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes	Yes

**Old Business**

Mayor Apodaca called on Ms. Rose to present the Liquor License Application #A-625879, submitted by Haney and Haney DBA Rockin Y's Restaurant. Ms. Rose explained that at the previous meeting a public hearing was held and that one person spoke for and one against the license application.

Commissioner Lumpkin made a motion to approve the Liquor License Application #A-625879, submitted by Haney and Haney DBA Rockin Y's Restaurant and Mayor Pro Tem Witcher seconded the motion. Roll Call:

Witcher	Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Abstain	Yes

Mayor Apodaca acknowledged reading the February 2, 2010 minutes of the Lodgers' Tax Advisory Board.

Mayor Apodaca acknowledged reading the October 13, 2009 and the January 5, 2010 minutes of the Senior Center Advisory Board.

Mayor Apodaca called upon Christine Dougherty to discuss the appointment of one member to the Lodgers' Tax Advisory Board. Ms. Dougherty explained that Mr. Bob Ballieu submitted an application to serve on the Lodgers' Tax Advisory Board in the tourist related position. Mayor Pro Tem Witcher made a motion to approve the application of Mr. Ballieu to the Lodgers' Tax Advisory Board and Commissioner Lumpkin seconded the motion. Roll Call:

Sandoval	Curnutt	Apodaca	Lumpkin	Witcher
Yes	Yes	Yes	Yes	Yes

**New Business**

Mayor Apodaca stated that it was time to reorganize the Commission as there had been a recent election. Mayor Apodaca stated that he felt it was time to step down as Mayor. He stated that he has tried to explain the role of the Mayor to people and they have many notions regarding the position. He explained that most people think the Mayor has much more power than the position actually has. Mayor Apodaca stated that the position of Mayor in our City is mostly ceremonial. Mayor Apodaca stated that in Tucumcari, the City Manager runs the City.

Commissioner Lumpkin made a motion to approve Jim Witcher as Mayor of Tucumcari. Mr. Apodaca seconded the motion. Roll Call:

Lumpkin	Witcher	Sandoval	Curnutt	Apodaca
Yes	Yes	Yes	Yes	Yes

Mr. Witcher then made a motion to approve Antonio Apodaca as Mayor Pro Tem of the City of Tucumcari. Commissioner Lumpkin seconded the motion. Roll Call:

Witcher	Sandoval	Curnutt	Apodaca	Lumpkin
Yes	Yes	Yes	Abstain	Yes

Mayor Witcher then made a motion to appoint himself and Antonio Apodaca to serve on the Finance Committee. Commissioner Curnutt seconded the motion. Roll Call:

Apodaca	Lumpkin	Witcher	Sandoval	Curnutt
Yes	Yes	Yes	Yes	Yes

Mayor Pro Tem Apodaca then called on Christine Dougherty to present the Certificate of Records Destruction. Ms. Dougherty explained that as per State Statutes governing Municipal Elections, materials from the 2008 election were slated for destruction. Ms.

Dougherty had destroyed the records, provided the Commission with a listing of what had been destroyed and asked that it be noted in the minutes.

### **Items From Citizens**

Mayor Pro Tem Apodaca asked if any citizens wished to address the Commission. Being none, the meeting continued as scheduled.

Ms. Rose informed everyone that after the meeting punch and cookies will be served to thank the outgoing administration and welcome the new administration. Ms. Rose stated that the Mayor, Mayor Pro Tem and Commissioners take a lot of grief for the staff and it is appreciated by the staff.

### **Items From Commissioners**

Commissioner Sandoval stated that in addition to the Iron Pour at Mesalands Community College, this weekend is also the annual shrimp boil which raises money for scholarships at the college.

Commissioner Curnutt thanked everyone for welcoming him and thanked his constituents for electing him. He stated that he will do the best job he can for his constituents.

Mayor Witcher stated that he appreciates the vote of confidence that came in appointing him Mayor. Mayor Witcher told Commissioner Curnutt to enjoy his time on the Commission and to be prepared to get chewed out but hear about good things as well. He encouraged Mr. Curnutt to serve the City well.

Commissioner Lumpkin welcomed Mr. Curnutt and stated that he appreciates him stepping up. Mr. Lumpkin went on to explain that when the Commission re-organizes, they must be mindful of the open meetings act as it forbids Commissioners from speaking to two other Commissioners about the same topic until a formal meeting is held. Mr. Lumpkin stated that this can cause some confusion but everyone is working in the same direction and he is proud of that accomplishment. Mr. Lumpkin also thanked those in attendance and stated that any input is good input.

Mayor Pro Tem Apodaca stated that he has been in his position long enough. He stated that he felt Mr. Witcher will be good in the position of Mayor and will run a good meeting. Mr. Apodaca stated that the Commissioners are like brothers, and that they argue like brothers.

### **Adjournment**

Mayor Witcher made a motion to adjourn and Commissioner Lumpkin seconded the motion. Time noted 6:50 pm. Roll Call:

Apodaca      Lumpkin      Witcher      Sandoval      Curnutt

Yes

Yes

Yes

Yes

Yes

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Antonio Apodaca., Mayor/Mayor Pro Tem

ATTEST:

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Christine Dougherty, City Clerk