

CITY OF TUCUMCARI
CITY COMMISSION
Work Session Notes
March 10, 2016

The Tucumcari City Commission met in a work session on Thursday, March 10, 2016 at 5:00 p.m. in the City Commission Chambers. Members present were John Mihm, Ruth Ann Litchfield, Robert Lumpkin, Amy Gutierrez and Ralph Moya joined the meeting at 5:07 p.m.

City staff members present were: Jared Langenegger, City Manager; Doug Powers, Assistant City Manager; Dennis Dysart, Finance Director; and Angelica Gray, City Clerk.

Discussion of Organizational Meeting

Mayor Lumpkin thanked the Commission for selecting him to be Mayor. He stated he was honored and has worked very hard to try to honor the position and perform all the duties that go along with the position. He asked the Commission if they would honor him again until the end of his term, which is in two years to be Mayor and also to consider selecting Commissioner Litchfield as Mayor Pro Tem. He stated that Commissioner Litchfield has filled in for him very well if he couldn't attend a meeting. At the commission meeting someone could make a motion for who they would like to serve in those positions.

Commissioner Moya joined the meeting at this time.

Discussion of ACT Resolution

Mr. Langenegger stated the City has been working towards becoming a certified work ready community. ACT has developed a certification that is recognized nationally by several industries where they will certify communities and states as being work ready. In working to become a work ready community we've been trying to get people certified with their national readiness career certificate, which is a national recognition for employees to identify what their skill level is that they can utilize whenever they're applying for positions. The employers work with ACT or work force connections office to profile the jobs that we have and identify what skill level is needed to do those jobs. Utilizing this process would give us a better idea when we're hiring if the people we are hiring are a good fit for that position and if they have the skills necessary to perform that position. This resolution will recognize the ACT profiles and the Work Keys Program and it has the City adopt the utilization of those job profiles for the positions within the City as well as the Career Readiness Certificate. We will have the Human Resources Department work with Work Force Connections to develop job profiles for each position with the City, which will be utilized whenever we are hiring. The people that are applying will take that assessment and see where they fall and that will be part of the hiring process. It wouldn't be the only thing that's utilized for selection, if someone comes in and they are required to score a three, four and five and they score a two, four, five that wouldn't kick them out but it would give us a better idea where those people are that we are hiring and what training they would need to be up to speed. A part of this will be having existing employees take the assessments so we can find out where our existing employees are and what their skill level is and if they aren't up to speed with their job this will give us the ability to give them training and make them more effective employees. Existing employees doing this assessment will not affect their job status, their pay increase or their employment status. They will not be fired if they don't get the right score but for existing

employees it will give us an idea of where they're at and we can work with them through the Career Development and get them to be the most efficient employees as they can. Commissioner Moya stated if they are already existing employees why the test can't be optional rather than mandated. He stated he doesn't see the need to put existing employees through the test if they are already where they're at. Mr. Langenegger stated the reason we are requiring all employees to go through it is for our Commission so we can find out where they are and help them grow. Commissioner Moya stated that he understood the reasoning but why make it mandatory, just make it voluntary. Mr. Langenegger stated that if we don't make it mandatory then we won't know for each employee where they're at. Commissioner Moya stated that new employees will come in and when they want to go up a department that's when they will take the test. He stated that he understands what they are trying to do but he is trying to look out for the person that is already employed and how psychologically that will have an effect on them because if they already feel incompetent about something this will make it even worse and then they will always be worried about this test.

Commissioner Gutierrez stated that she thinks the test is a good idea, but asked if there was restructuring for those that take the test. Commissioner Mihm stated that it assists the employer with identifying their employee's strong points and that all his employees have taken the test. Mr. Langenegger stated that they wouldn't want to do restructuring with it because if you have an employee who is comfortable with where they are at and they want to stay there then we don't want to move them. It would give them a better feel and a better idea if there was an opening and they were interested then they would need to apply for it. The biggest reason for testing all employees is for employee development. Commissioner Moya stated that he understands that but there have been employees that have been here for ten and fifteen years or who are getting ready to retire and making the test mandatory is adding extra stress. When you are requiring a municipality to take a test there is a lot of other interpretations, if you are going to require it for future employees that is perfectly fine but we shouldn't mandate it because some of the employees have been here for a long time and he believes this will just create more stress for them. Psychologically this isn't a good thing for present employees; they should already be grandfathered in and be left alone. This isn't for a license just to see their capability and if they want to take it then great. Mandating it is a different level of thinking.

Mayor Lumpkin stated that he agrees with both sides we could still have a good operation without mandating the test but we could still offer it to them but one thing to make them feel a little more relaxed about having to take this test is they are going to possess a certificate. Commissioner Moya stated they are current employees it should be their choice. Mayor Lumpkin stated that he isn't oppose to either having them have a choice to take the test and he isn't opposed to using the test to evaluate people applying for jobs. Commissioner Moya stated that he doesn't either it's just the existing employees and we need to take into consideration their dedication and loyalty to the community and at the same time we shouldn't be adding extra stress by worrying them if they are smart enough. People already have a hard enough time and can interpret things in a defensive way and it's just not good for the morale of the employees but if we give them the choice then that's perfectly fine, that's their choice. He stated it's a good test and he's not putting it down but he is just interpreting how an employee might see it. Mr. Langenegger stated that's where we need to work with our employees. Commissioner Moya stated if we can work with them and talk them into taking it perfect but if they don't want to take it then we shouldn't mandate it, what will happen if they don't take it? Commissioner Mihm commented that all his employees did take it and they didn't have any qualms. Commissioner Moya stated Commissioner Mihm is a private entity. He stated in his office they make people take tests because we need licenses and if they don't pass they don't get the job, that's State and Federal but here we have people already in. Commissioner Mihm stated that he personally likes the

idea of it being linear. Commissioner Moya commented at this point the existing employees shouldn't have to take it unless it's voluntary.

Mayor Pro Tem Litchfield asked if the resolution would be adopted tonight or if it was going to be a first read. Mr. Langenegger stated that it was on the agenda to be adopted. Commissioner Moya stated that he has no problems he was just seeing it from the employee's side. Mayor Pro Tem Litchfield asked Mr. Langenegger if he had anyone voice concerns about taking it. Mr. Langenegger stated that he has had a couple voice concerns and he has had some from people that have taken it and have done well but had some concerns but there have not been a large number of employees that have taken the assessment. Commissioner Moya stated if they take and do well they feel good. Mr. Langenegger stated that the NCRC certificate is based off three main assessments; math, locating information and reading. Those three competencies are utilized in most fields and in addition to those three they have an additional nine assessments that can be utilized as well and some of those include customer service, teamwork and things like that. He stated that Commissioner Moya has voiced concerns about customer service within the City and it would be valuable for us to utilize that customer service assessment and find out where our employees are at as far as customer service goes so we could help them. Commissioner Moya stated that he understands that part and thinks it's great but he has concerns for the workers here. Mr. Langenegger stated if it's optional we have employees that need help with customer service and I know this just by observation and this assessment can tell me where they need help with it, if it's optional he can't have them go through the assessment and find out where they're weak so they can improve upon them. Commissioner Moya stated if he sees some areas as a supervisor where they are having some difficulty and warn them maybe this can be an alternative that they can get to help them out. He stated that when he writes his employees up he gives them an alternative to do certain things to see how they can improve their career.

Mayor Lumpkin asked if each commissioner should voice how they feel on this issue and then decide what to do about it at the next meeting. Mayor Pro Tem Litchfield stated that this resolution is on the agenda and they would have to do something. Commissioner Moya commented that they had the right to table it. Mr. Langenegger stated in writing, this resolution is generalized because he didn't want to put the Commission into a corner requiring us to do something that may have an impact on us later and when reading it again there is nothing in it that requires us to utilize it for our current employees. What it reads as is "we hereby adopts the utilization of the ACT job profiles for all positions within the City as well as the National Career Readiness Certificate and the Commission authorizes the City of Tucumcari Human Resources Department to work with the New Mexico Workforce Connections to develop specific job profiles for each position within the City and required the use of the National Career readiness Certificate system in consideration for hiring for any positions after July 1, 2016". Commissioner Mihm stated this basically opens the door saying if the Director of Human Resources wants to enforce this they can. Mr. Langenegger stated that what its saying is we require it for consideration for employment, it's not saying they have to have a certain score but its saying if you want to be considered for hire with the City you have to have a drug test and a driver's license. Commissioner Moya stated that he has no problem with that he's just talking about existing employees. Mr. Langenegger stated that he would like to work with his employees to get them through this because it's not just a benefit for the City but for them as well but he is okay with not requiring it.

Mayor Lumpkin asked if we pass this it's basically targeting new employees that are being hired and there is discretion to work with it.

Discussion of Agenda Format

Mayor Lumpkin stated that currently the agenda has two places for items for the Commissioners but at the last meeting Commissioner Gutierrez asked if we could do away with one of them. He stated that they haven't had to vote on format of the agenda before and they couldn't vote for it last meeting because it wasn't on the agenda. He stated that one good thing about having comments from the Commissioners at the beginning is it's a good time to talk about all the upcoming events and it's good to have it at the beginning because people are listening more. We are also on the radio and at the first of the meeting where we have comments from the Commissioners and that's a way to introduce all the Commissioners but he doesn't see why it has to be in there we could just have it at the end of the meeting like it was in the past. Commissioner Gutierrez stated the only reason she thought about it is looking at the minutes there is a lot of receptiveness from the beginning to the end. Commissioner Mihm stated he agreed and stated one shot is good enough because he always runs out of things by the time they get to him. Commissioner Moya stated that they could do away with it if there was an item for any additional deletions to the agenda that should be on here and that's where you can bring something in and you don't have to put it as items from the Commissioners because the City Manager could have something to add or delete.

The Commission was in agreement to delete the first Items from Commissioners on the agenda.

Discussion of Garage Sale Ordinance

Mr. Langenegger stated that they have been getting some questions and concerns from people where individuals have garage sales every weekend and are operating more like a business than a garage sale. There have been concerns with people parking in the streets and having traffic congestion, basically having a business in a residential area. He stated that he has looked through several different municipalities such as Ruidoso and Clovis; most of them do have some type of ordinance for garage sales. The way this is drafted it defines garage sales, yard sales, rummage sales, home and mobile home sale, basically if you are having a sale it's considered a garage sale. It exempts various people for example people acting in accordance with the court, if the court orders you to have a sale then its exempt, if public officials have a sale, if there is an auctioneer doing an auction they are not subject to this ordinance. In order for a person to have a garage sale they will have to have a permit from the City, there will be no fee for the permit they will just have to come in and speak to a code enforcement officer and officer will draft up the permit, this gives us a way to track it and that's important because only three sales per year are allowed. Looking at different municipalities they range anywhere from two to four a year so three should be a good number but he is open to suggestions on the number. The ordinance states that you can't resale property. If you go and purchase property for resale that's not allowed at garage sales its household items you can't go and buy a big lot of things and sell it.

Mayor Pro Tem Litchfield stated that she noticed that there is someone selling oranges from somewhere else and asked if they need a permit. Mr. Langenegger stated that they do get a permit but it's not a garage sale permit, they are called itinerant peddlers. Ms. Gray stated they are a business at large and the one in question does have a business license. Mayor Pro Tem asked if they had to display the license, Ms. Gray stated that they would need to display it. Commissioner Gutierrez asked if anyone was checking them to make sure they had a business license. Mayor Pro Tem Litchfield asked if this summer the Code Enforcement Officers would have to go to all the neighborhoods and check the garage sales. Mr. Langenegger stated that they can inspect garage sales and see if they have a permit and they do stop and check if the vendors have their permits and it's something they will be

doing, we're not requiring them to check every garage sale but if there are complaints and the notice they have, shows more than three in the year and if there is a reason to then yes they will inspect them. He stated the ordinance also gives hours for garage sales which are 7:00 a.m. until 7:00 p.m. and you cannot conduct a sale for more than three consecutive days. The other part of this has to do with signage, it allows you to place signs that are no larger than 24 x 24 and all signs must be removed no later than twenty-four hours after the sale is finished and it limits the signs to four in total. This will address a lot of the issues with people having garage sales every weekend and it will address the issue of some people basically having a business and being able to say it's a garage sale. This isn't on the agenda for adoption because he wanted to have a discussion and get everyone's thoughts and once we do that we can get a draft and get the attorney's input then put it on the agenda for adoption.

Commissioner Moya asked what kind of penalty they will receive if they don't have a permit. Mr. Langenegger stated that it's the general penalty that's under the municipal code; they will be required to come to municipal court and be fined \$5 to \$500 depending on what the judge decides. Mayor Lumpkin stated that he personally isn't opposed to having four garage sales per year and there are some people that don't have very much and this is one source of income for birthdays, Christmas and paying for living, so if they had four sales a year that will allow them more and he is not opposed to that or even five a year. Commissioner Moya stated that he thinks four because he knows people that go out and buy storage units and sale them and that's not fair to someone that is paying for the license and paying gross receipts tax, that's a business not someone who is trying to pay their utilities or medical expenses which is great because sometimes those sales give them money so they can stay with their loved ones. Mayor Lumpkin stated that he doesn't know how they could enforce where you got that stuff that you're selling at your garage sale if we say they can't purchase things and then sell it. Mayor Pro tem Litchfield stated that in the past they have had garage sales at the Del Norte Center and a family had donated stuff to them that their family member had purchased and didn't use before passing away. Commissioner Gutierrez stated she has seen examples of people selling thirty items of soap and its situations like that where you know they bought it in bulk and are not trying to sell it. Mayor Pro Tem Litchfield stated that she thinks some people would misunderstand that you can't resale something. Mr. Langenegger stated that he could look at some better wording. One thing that was mentioned was doing garage sales to help out people, like a benefit, he noticed that had exceptions for benefits and non-profits; we can easily add something like that in this ordinance so if Altrusa or someone wanted to have a benefit garage sale they would be exempt from the ordinance.

Mayor Lumpkin stated that he isn't opposed to allowing more than three a year. Mayor Pro Tem Litchfield stated that she is all for the restrictions and rules for signs because there are times where they are never picked up. Commissioner Gutierrez asked if anything would be done on that because there is a time limit to retrieve their signs. Commissioner Mihm stated that Code Enforcement will pick them up and return them and cite them. Mr. Langenegger stated that they would be brought to court then the Judge would decide if there will be a fine.

Mayor Pro Tem Litchfield stated the permit bothers her because she doesn't know if some people will understand that they will need to have a permit and how to get it. Commissioner Gutierrez suggested adding it to the water bill. Mr. Langenegger stated they could get information out like they have for the other things. Mayor Lumpkin commented that they could word it so if there is an intentional violation we could warn them and make it where there is no penalty for the first offense. Mr. Langenegger stated that the Code Enforcement always have discretion. Commissioner Moya stated that at the beginning there might be a problem but after while there won't be so many problems.

Miscellaneous

Mayor Lumpkin stated that he believes the representatives and senators did a great job this year and is asking that the entire Commission sign a thank you letter that will be sent to the legislators. He also asks that when they had a Commissioner defeated or leave that has served maybe getting them a letter, certificate or even a plaque thanking them for their service to the City of Tucumcari after they are no longer on the Commission.

Commission adjourned at 5:38 p.m.

Submitted by:

Angelica M. Gray
City Clerk