

**City of Tukumcari
City Commission Meeting Minutes
October 10, 2013**

The Tukumcari City Commission met in a regular meeting on Thursday, October 10, 2013, at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were, Jimmy Sandoval, Mayor Amiel Curnutt, Ernest Dominguez, Robert Lumpkin, and Dora Salinas-McTigue.

City Staff members present were: Charlie Sandoval, Interim City Manager; Angelica Gray, City Clerk; Dennis Dysart, Finance Director; Vicki Strand, Community Development Director; Jessica Elebario, Senior Center Director; Jason Braziel, Chief of Police; Rachelle Arias, Assistant Financial Director; Crystal Shipley, Budget Clerk; Alex Arias, Wastewater Superintendent; Mercedes Rudisill, HR Specialist; and Kayleen Evans, Project Manager.

Others present: City Attorney, Randy Knudson.

Rick Haymaker Pastor at Agape West Church led the invocation and City Commissioner Ernest Dominguez led the group in the Pledge of Allegiance.

Public Hearing

Mayor asked if there was anyone present who wanted to oppose the liquor license. No one opposed.

Mr. Lumpkin made the motion to approve the liquor license to K-Bob's Restaurant and Mr. Sandoval seconded the motion. Roll Call:

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

Consideration of Changes for Deletions to the Agenda

Interim City Manager Charlie Sandoval requested to move Item 9 after Item 3.

Mr. Sandoval made the motion to delete Item 10 B "Consideration of Reinstatement of Employment of Douglas Powers" and Ms. Salinas-McTigue seconded the motion. Roll Call:

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

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

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

Bid and Contracts

Request for Approval of ALTSD Capital Outlay Contract 2013-1159, 2013-1160, 2013-1161; 2013-1162, and 2013-1163 – Ms. Elebario stated these contracts are through Aging and Long Term Services Department, which she requested two (2) years ago. Contract 2013-1159 is for \$8,900 and will be used to purchase other equipment, which will be utilized at the Senior Center, 2013-1160 is for \$45,000 to purchase a hot shot vehicle to deliver home delivered meals; 2013-1161 is for \$18,000 to purchase renovation and code compliance; 2013-1162 is for \$29,900 for additional code compliance and renovation; and 2013-1163 is for \$24,500 to purchase meal equipment. This will be for the Tucumcari and House Senior Centers. She stated they are 100% grant with no matching funds from the City.

Mr. Lumpkin thanked Ms. Elebario for applying for these grants for the Senior Center.

Mr. Lumpkin made the motion to approve ALTSD Capital Outlay Contracts 2013-1159, 2013-1160, 2013-1161; 2013-1162, and 2013-1163 and Ms. Salinas-McTigue seconded the motion. Roll Call:

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

Ms. Elebario gave the commissioners an update on the legislative mock hearing for senior programs. This is where she goes for additional legislative funding for next budget year. She requested an \$11,000 increase and after presenting to a Senator, Representative, members of the advisory council, and the Aging Department, they agreed and suggested she receive a 15% increase, which means she will receive \$48,000 increase to her budget for next year.

Items from Commissioners

Mr. Sandoval stated he is happy to see so many people at this meeting.

Mr. Dominguez welcomed everyone this evening.

Ms. Salinas-McTigue thanked everyone for coming.

Mr. Lumpkin stated that at the last commission meeting the commission voted to fire our city manager. He feels it was the wrong decision for Tucumcari and Quay County. Our City Manager Doug Powers has worked twenty years for the City of Tucumcari with excellent evaluations. He has been successful in his job. The reasons that were given were the Cemetery, Cheese Factory, wastewater treatment plant, landfill and not communicating or reacting with all the commissioners.

Mr. Lumpkin stated he is the liaison to the Cemetery Advisory Board and with Mr. Powers leadership they have made progress. Mr. Lumpkin read a letter from the Cemetery Advisory Board.

Mr. Lumpkin further stated the Cheese Factory uses chemicals and cleaning process that have been a problem for the wastewater treatment plant. Four city managers have worked on this problem. The Cheese Factory is a Tucumcari industry that we do not want to lose. Mr. Powers

was working with EDC and other parties to put a pre-treatment tank to treat the wastewater before it went to the plant and it would be less of a problem. The wastewater treatment plant lost its long time manager to a tragic passing. Mr. Powers offered the position to the next employee in line and asked him to start getting things fixed the way the interim wanted it done. Mr. Powers is also advertising for more personnel at the wastewater treatment plant. Due to the qualifications needed for this position, it is a difficult one to fill.

While working at the new landfill and having to close the old landfill by law, this effort uses the same personnel and equipment, which makes it difficult to get things done. The new landfill was supposed to last two and a half years; it lasted less than two years. The reason is Santa Rosa had a contract to bring their trash to Tukumcari and they brought more trash than estimated, along with Tukumcari and Logan who also had more trash than estimated. In addition, the trash compactor was broken.

Mr. Lumpkin stated that Santa Rosa's contract furnishes 1/3 of the revenue from the landfill. Santa Rosa and the outlined areas bring \$300,000 per year in revenue to the City of Tukumcari; revenue that we would have to make up if we didn't sell space in the landfill. It makes our landfill a regional landfill that gives us leverage to receive grants.

It was said if we did not sell area from the landfill to Santa Rosa and outlined areas that City of Tukumcari would not have to haul our trash to Clovis. Mr. Powers started working on this problem over a year ago, foreseeing that we needed to get a new cell built, which takes time. The first Request for Proposal for the new cell was challenged, which delayed the action.

Mr. Lumpkin stated the new cell will be complete in less than 30 days. He received a letter from Gordon Environmental Engineering for Mr. Powers, which states he saved the taxpayers of the City of Tukumcari over \$500,000 by using the City's equipment and landfill personnel.

Mr. Lumpkin also stated that another issue was lack of communication. He stated that the commission asked for more communication.

Mr. Lumpkin referenced the article in the Quay County Sun which spoke of the awards he received. Mr. Lumpkin stated that just this year alone, Mr. Powers brought over \$7,000,000 in projects to Tukumcari.

During the time of the Recovery Act, Mr. Powers and his staff scored \$13,000,000 for the City of Tukumcari. We were the first in the State to receive the Recovery Act monies because of the efforts of Mr. Powers and his staff.

Mr. Powers has approximately six months on his contract. If you fire Mr. Powers now, it will affect his retirement and the City will have to pay him \$31,125.24 of taxpayers' money to buy Mr. Powers contract.

Mr. Lumpkin stated that when someone is terminated, there must be due process, which comes from the Fourteenth Amendment. Even if the item on the agenda was legal, it was still questionable due to the reasons that are obviously unsupportable and exposes our City to a huge liability. He stated at the end of this meeting he will be asking for the commission to do the right and fair thing for the City of Tukumcari.

Mayor Curnutt thanked everyone for coming tonight and he appreciates the City involved.

Approval of Minutes

Mr. Lumpkin made the motion to approve the September 26, 2013 minutes and Mr. Dominguez seconded the motion. Roll Call:

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

Items from Citizens

Mr. Daniel Garcia – He stated that he supports the three commissioners who voted to terminate Mr. Powers contract. It is his understanding that the manager serves at the pleasure of the city commission. When he read the articles in the Quay County Sun that there was a committee to recall the three commissioners, he thought that the differences could be resolved before going to those extremes. He stated they must have had a reason to terminate his contract and it was done legally and that is the most important.

Mr. Gary Montano – He stated that pursuant to the City code, Code 2.08.040 – Removal by a majority of all members of the commissioner, the city manager may be removed, period. In addition, Mr. Montano stated City Code 2.08.050, which states any city manager who resigns or is removed from office shall immediately deliver to the city clerk, all monies, records, property or things in his/her charge and belonging to the City. He asked if that was done.

He further stated that we are all governed by laws and he is a veteran and we follow the military code of justice and the City of Tukumcari has the municipal code. The code is not open to interpretation especially by attorneys or lawyers. He then reiterated Municipal Code 2.08.040 – Removal.

He stated that when the vote was taken on September 26, 2013, the item was listed as “Discussion regarding commission-manager communication requested by Mayor Pro Tem, Jimmy Sandoval” and stated that we are governed by laws, federal, state and local and they are not open to interpretation.

Warren Frost – He stated although this is about Mr. Powers and his future, however, from his perspective it is much about the public perception of the City of Tukumcari in our State and whether or not there is a public perception that we act appropriately and we do things competently. He stated whether you are trying to get the City of Tukumcari a new racetrack or a new business, one of the most important things is whether or not we have a city government and whether or not your elected officials are doing things competently and appropriately. He further stated that he understands there are issues with Mr. Powers and he does not know if they are right or not. However, a stable and competent city government does not have three of its commissioners meeting outside the regular business and deciding that they are going to fire the city manager. A competent city commission does not come in here and totally unbeknownst to the mayor and the other commissioner who had no idea they were considering firing the city manager, does not show competence and it does not demonstrate to the public, and to the state that we have our act together.

Leonard Griego – He stated he is foreman at the Cemetery. He said that thanks to Mr. Powers he was able to get them equipment when they needed it the most. For example, Mr. Powers was able to get them a safety cage along with another mower.

Rick Haymaker – He stated he has nothing to gain but he has seen more improvement in the City of Tucumcari since Mr. Powers has been the city manager in the nine (9) years he has been here. He appreciates that Mr. Powers worked with the city commission however, the commission/mayor and city manager work for the City of Tucumcari, primarily. He hopes the commission can come to a conclusion that is best for the City of Tucumcari.

Yvonne Braziel – She asked the commission to reinstate Mr. Powers. It is not fair to the citizens, our employees and to the people in our community to have this done to us. We cannot be set back again. Every time we get someone who is doing a great job that person is ousted. She asked that he be put back in the position and let him do what he is doing.

Cinda Barber – Ms. Barber stated that she is here in support of Mr. Powers. She represents Versatile Construction and Versatech Industries. We have been in business for 12 years. They became acquainted with Mr. Powers with the construction when he worked at planning and development. He is professional, honest, and he is the kind of person they like to do business with. Because of Mr. Powers, this is their favorite place to work. His hand shake is as good as gold. She hopes they reinstate Mr. Powers.

Mark Lake – When he took the position at the Mainstreet program he did not know Mr. Powers. They worked together very closely on the depot project. He thinks this is one of the best projects that happened in Tucumcari. Although they also had communication issues, they were able to resolve those in ways that worked for both of them. He thinks Mr. Powers is very professional in his approach and highly respected throughout the State.

George Evetts – He stated that the City has a chance if they listen to what has been said tonight. All the projects that have been worked on have been damaged. If we continue this way we will lose our real chance on the Racino. He hopes they reinstate Mr. Powers and if they truly have problems, discuss the issues. The commission cannot micromanage the City but have to work as a team. He stated Mr. Powers has done a great job.

Sherry Bruhn – She is the Circle K manager and has been in HR for five years. How this was handled was wrong. You suspend or write them up but you don't terminate.

Ordinances or Resolutions

Resolution 2013-29 – Budget Adjustment Resolution (BAR) – 2012-2013 Budget – Mr. Dysart stated this resolution is an administrative issue. The quarterly budget adjustments are in the amount of \$12,000. A few have an explanation to justify the BAR.

Mr. Lumpkin made the motion to approve Resolution 2013-29 and Ms. Salinas-McTigue seconded the motion. Roll Call:

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

Resolution 2013-30 – Resolution 2013-30-Approval of Fiscal Assets – Mr. Dysart stated this is also administrative and is required before we can take anything off the assets list. We have major changes as the \$18,000,000 wastewater project has been completed. We are deleting all the construction project for the wastewater and also airport renovation. We are moving this from construction progress to new assets and we are taking about \$4,000,000 of the old infrastructure from the wastewater because it is no longer usable.

Mr. Lumpkin made the motion to approve Resolution 2013-30 and Mr. Dominguez seconded the motion. Roll Call:

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

City Manager Report

Interim City Manager, Charlie Sandoval, reported that he had a pre construction meeting with the landfill contractors and he asked them to consider locals as requested by the commission.

The HR department has contacted two applicants for the wastewater department.

In addition, the compaction test is going well on cell 2, leach lines are moving ahead and work is progressing on scheduled, if not ahead of schedule. The liner installation will begin on Monday and the completion date is estimated between November 1 through November 14th.

Mr. Dominguez inquired about the applicants at the wastewater. Mr. Sandoval stated that Mr. Rivera has asked to be put back into his regular position as an operator due to stress.

New Business

Comments from City Attorney, Randy Knudson – Mr. Knudson thanked Commissioner Sandoval for the invitation to attend this meeting. He has served as the contracted city attorney since 2004. He appreciates all commissioners comments.

Consideration of Reinstatement of Employment of Douglas Powers – Mr. Lumpkin reiterated that Mr. Powers contract will expire in six months and it should continue on the regular contract.

Mr. Lumpkin made the motion that they reinstate Doug Powers as the City of Tucumcari’s City Manager and Mr. Dominguez seconded the motion. Roll Call:

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

Mr. Lumpkin stated the motion carried and Mr. Powers has been reinstated.

Items from Commissioners

Mr. Sandoval said he is glad that everyone is happy about the reinstatement. He stated he has been helping the cemetery for a couple of years and it seems that all of a sudden things are getting done and he wonders why. They have had a veteran who has been refused a plot at the cemetery. His wife had to come and purchase the plot. Nobody apologized to him. He stated he does not want to be bothered by the cemetery board. He has tried his best to help them and he was stabbed in the back by them.

In addition, Mr. Sandoval stated the person who refused the plot for our veteran is fighting for our country and to have something like this happen is not good. It has taken years and he has been ignored by the commission and by the city manager.

He thanked Russell B. for his accurate reporting on the radio.

There are issues that need to be corrected in this community. He has asked for things to be done to save our community and to keep it safe and it has not been done. He stated if that is the kind of leadership this community wants, he will work with Mr. Powers.

He is always complaining about how this town is shrinking and is still shrinking. He is not happy because he has worked hard with our business people and this community, who have been turned down on bids. He has tried different ways and the bids are still denied.

This community is evaluated low and that's why jobs are going elsewhere.

He stated he will stand his ground and he will try to defend and help the City of Tucumcari whether it is liked or not, until his term is over.

Mr. Dominguez thanked everyone for coming tonight. He stated we need to get past what has been done and we must move forward. Now that Mr. Powers has been reinstated and the advice from our attorney, we have placed things that should've been in place for a long time. Now, he thinks they will be stronger and we have learned from past mistakes. He wants to be a part of the solution, not part of the problem. He was honored by his appointment. He is in it for the community and his district and he wants to see Tucumcari like it was in the '60's and 70's. He asked that they try to move forward.

Ms. Salinas-McTigue thanked everyone for coming.

Mr. Lumpkin thanked everyone for coming and the involvement. He thanked the commission for doing what is best for Tucumcari.

Mayor Curnutt thanked all the citizens for coming tonight. He stated that sometimes things happen and we get divided but he hopes that does not happen. He thinks the commission had a great meeting with Mr. Knudson and we are going to try hard to work together. It is the citizens job to keep the commissioners in line.

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:

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

Meeting adjourned at 7:04 p.m.

Amiel Curnutt, Mayor

ATTEST:

Angelica M. Gray, City Clerk