

THE REGULAR MEETING OF THE LIBERAL CITY COMMISSION

July 28, 2015

The regular meeting of the Liberal City Commission was held at 6:30 p.m. in the Commission Chambers located at 325 North Washington on Tuesday, July 28, 2015.

Commissioners Present: Mayor Joe Denoyer, Vice Mayor Dean Aragon, Jack Carlile, Dave Harrison and Tony Martinez.

City Staff Present: City Manager Mark Hall, Finance Director Chris Ford, City Clerk Debbie Giskie, Human Resources Director Sheena Schmutz, Communications Director Pam Johnson, Fire Chief Kelly Kirk, Chief of Police Al Sill, Wastewater Director Kenneth Williams, Recreation Director William Weber and City Attorney Shirla McQueen.

Mayor Denoyer declared the meeting called to order, and City Clerk Giskie read the roll call declaring a quorum present. The Pledge of Allegiance was recited, and the invocation was given by Jack Cooley.

1. Awards/Proclamations/Presentations.

a) Mayor Denoyer presented a proclamation to Susan Lukwago and Elizabeth Irby designating Liberal as a Community Supporting Breastfeeding.

- Ms. Irby advised this is an important accomplishment for our community and thanked the Commission for making this designation.

b) Police Department Employee Awards.

Life Saving Award: Chief Sill advised acts of outstanding bravery and devotion to duty were made during an incident last month where Mr. Esteban Estrada was trapped inside his house during a residential fire. He noted responding police officers and firefighters worked in unison to locate and extricate the man from the burning building, meanwhile the telecommunications remained on the phone line keeping Mr. Estrada calm and providing him with instructions so he could be located and rescued. He advised if not for the complete team effort of these professionals, Mr. Estrada would have succumbed to smoke inhalation.

- Police Chief Sill, Fire Chief Kirk, Telecommunications Director Johnson presented employee awards, as follows:
 - Firefighter Jose Pando
 - Firefighter Aaron Luman
 - Telecommunicator Esperanza Martinez
 - Telecommunicator Desiree Andrade
 - Telecommunicator Candace Chacon
 - Corporal Sean Schooley
 - Officer Conner Cook
 - Office Robert Breeden
 - Corporal Chris Head
- Chief Sill presented Mr. Estrada with his personal coin and noted he knew what a horrific event he had experienced. He thanked him for his cooperation. The Commission and audience applauded their efforts.

Distinguished Service Award: Chief Sill advised this is the second highest award given out by the police department and to date, only one distinguished award has been given out. He reported what began as a routine traffic stop, quickly turned into a potentially deadly encounter. Corporal Almes quickly gave chase as the passenger fled on foot. Sergeant West backed up Corporal Almes by driving a patrol unit ahead of the subject, in an attempt to apprehend him. The subject reacted by firing multiple shots directly at Sergeant West striking the patrol unit. The subject was quietly apprehended after he dropped to the ground. He noted both officers showed great composure and restraint in an encounter that put them both in harm's way and noted they reacted in the most professional and humanitarian way.

- Chief Sill presented the distinguished Service Awards, along with a flag that was flying that day, to:
 - Corporal Russell Almes
 - Sergeant Mark West
- The Commission and audience applauded their outstanding efforts.
- Mayor Denoyer thanked the officers for their service, their professionalism and their code of conduct, but also thanked their spouses for loaning their husbands to the community. He told their children that they have wonderful parents to look up to as a role model and encouraged them to keep loving their parents and family.

2. Approval of Agenda.

Mayor Denoyer requested approval of the agenda.

Commissioner Carlile moved to approve the agenda, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

3. Approval of Minutes.

Vice Mayor Aragon moved to approve the minutes of the July 14, 2015 regular meeting, as presented. The motion was seconded by Commissioner Martinez and carried unanimously.

4. Items from Citizens.

Mayor Denoyer read the rules of the Commission and requested members of the audience approach the podium to address the Commission.

- Kelly Malowitz, Liberal, appeared before the Commission to get some clarification on a statement made by Commissioner Harrison during the last commission meeting. He noted during the meeting, Commissioner Carlile brought up some concerns he had regarding the land deal between the City and Walmart. Commissioner Carlile stated he had contacted the FAA regarding the deal and the possibility that the city might not have complied with some of the restrictions of the sale of the land. During the discussions that followed between Commissioner Harrison and Commissioner Carlile, Commissioner Harrison asked Commissioner Carlile if he had talked to the city manager prior to contacting the FAA. When Commissioner Carlile stated that he had not contacted the city manager before contacting the FAA, Commissioner Harrison accused Commissioner Carlile of violating the chain of command.
- Mr. Malowitz noted his question this evening is how it would be a violation of chain of command for a commissioner to contact another governmental agency to discuss city business regarding a city sale. He noted the question of whether the commissioners works for the city manager or if the city manager works for the commission was raised during the

last city election and all the incumbent candidates stated that the city manager is the employee of the Commission. He questioned if that is the case, under what circumstances would the employer ever be required to contact an employee for permission to do anything. He requested Commissioner Harrison to clarify for the citizens, how this is a violation and why any of the commissioners would be required to contact the city manager for permission to inquire to about what he feels is a potential problem for the city.

- Commissioner Harrison stated for clarification sake, at the end of his prior statement, he stated that it was his opinion and it is still his opinion. He noted he didn't care what kind of business it's in, and if you are a businessman and have employees or you have people that work for you, if somebody comes in and wants to discuss business about your business, do you want that employee to do it or the person that's in charge to do; and he assumed it would be the you [the person in charge]. He noted that is his belief about the chain of command.
- Commissioner Harrison advised Mr. Hall's job is to run the city and our job is to support that as long as we can and if they can no longer support Mr. Hall running the city, then they will remove him and put somebody else in that position. He continued by stating, but for them as commissioners to get involved in a matter like this is, which is still ongoing to this day, it just muddies the water and makes it more difficult to resolve. He thought if he would take a few moments to visit with legal counsel, you would probably get a little better picture than what you get just reading statements in the paper. He stated this thing is a lot more involved than any commissioner by themselves can resolve. He noted this has been going on for over a year and there is some discrepancy in how it is to be handled and that is ongoing. He noted every time you turn around, someone has something to throw out that is just a bit or piece, instead of having all the information. He noted that bit or piece, all it does is it tends to stir the fire of public discontent. He thought in a matter like this, we are a lot better served to have one or two spokespersons, that's the people who are actually involved with doing the job, without himself, Mr. Aragon, Mr. Martinez and Mr. Carlile or the mayor trying to get ourselves involved. He further noted that if they aren't resolving it to our satisfaction, then we take action.
- Mr. Malowitz repeated the question; who is the employer and who is the employee?
- Commissioner Harrison advised it was real simple; we are the employer and we only have one employee, which is the city manager.
- Mr. Malowitz asked why Commissioner Carlile had to get permission from the city manager?
- Commissioner Harrison advised he had just explained the answer and he can't couldn't do it any better than that and if it wasn't good enough, he was sorry.
- Commissioner Martinez advised he was one of the candidates that answered that question and it was Mark Hall who answers to the Commission and I see he does that. He noted it is not our business to run the daily activities of the city; that is not our job. He advised if we see something, we can make our input and he directs his staff to do it and if he doesn't, then we can follow up on that. He understood that you talk to the person who takes care of daily business. He noted many of the commissioners don't have time to go to city hall to check on business on a daily basis. That's not really our job other than following up on what citizens want. If there is something that needs taken care of, I guarantee he follow through and he will get back to you. I do not feel that we work for Mark Hall. He works for us.
- Mr. Malowitz asked how it would be a violation for any commissioner to inquire about something that is important to the city; how is that a violation?

- Commissioner Harrison advised he wasn't sure if he used the word "violation" and asked if Mr. Malowitz was sure he used that word. He noted if he did, it was misspoken.
- Mr. Malowitz advised no, he wasn't sure and noted he would be happy to recheck that.
- Commissioner Harrison advised there is no violation there, it is just a term of every board he has ever been on; whoever the administrator in charge is, they are actually the person in charge. We direct them, but we don't jump out in front of them if they are working on something – we don't do that. He felt it was, in his opinion, improper, noting it causes more problems than it solves and he thinks Joe and Dean here have been involved in stuff like this too and it's just not helpful.
- Mayor Denoyer advised he also called the FAA, because he was copied in the very same e-mail that went to the city manager. His phone call was to find out what was going on. He further noted once he found out that this is where we're at, he directly called legal counsel and then legal counsel and the city manager have taken it over since that point. He noted they would bring all the findings that they get back from the FAA to the Commission. Mayor Denoyer advised he did make a phone call as well, only because he was copied in the e-mail to the city manager to find out what was going on, because it was new to us. He agreed with the rest of the commission; we here as the commission, we only have one employee, and if we feel at some point in time things are not being handled, then by a vote of the majority of the commission, we would seek a new city manager. But that is the only employee that we do have. He noted as far as the FAA, legal counsel is taking the lead at this current time. He stated he hasn't spoken to FAA since the initial contact to find out why this letter was generated.
- Vice Mayor Aragon noted he isn't personally qualified to get into this legal process. He noted City Manager Hall is our employee and we trusts him until we are given reason or evidence not to. He supports him and has no reason not to. He noted he isn't qualified to contact FAA and ask for legal information; and believed that is why we have the city attorney.
- The Commission thanked Mr. Malowitz for coming forward with his concerns.
- Doug LaFreniere advised he watched a great awards presentation tonight and noted you have some wonderful people working for the city and the Commission is doing some great things. He noted that he is becoming concerned that at every commission meeting, you are putting on a dog and pony show, so he was going to give his show.
- He noted the commissioners have only one vote, not two or three; but you can't undermine each other. He noted we have great people here and there is a protocol to follow here. He noted that is how businesses work and that is how everything works professionally. He advised Mr. Hall's responsibility is to get everyone in the boat and rowing in the same direction. He further noted if he has someone in the boat not doing it, it is his job to get them out of the boat. Mr. LaFreniere added that if he isn't doing it, don't string him along at every meeting; that is not fair to him. He suggested calling Mr. Hall and let him know where he stands. He noted Mr. Hall does a great job and we have great people working here. He noted Liberal is a great city to live in and asked that they get on with the business at hand.

5. Items from Groups.

Mayor Denoyer read the rules of the Commission and requested members of the audience approach the podium to address the Commission. *No items were presented.*

6. Consent Agenda.

a. Acknowledge Receipt of Minutes:

1. Liberal Housing Authority, June 9, 2015.

- Mayor Denoyer inquired if the Commission wished to remove any items for further discussion.

Commissioner Harrison moved to approve the Consent Agenda, as presented, with Vice Mayor Aragon seconding the motion. The motion carried unanimously.

7. Maintenance Pro Program - Wastewater Department.

Wastewater Director Williams requested consideration for a computer maintenance program because their current program is not supported by the new system. He reported the current system is operating on Windows 95 and it is still operational, but isn't connected to the Internet. Mr. Williams reported MTC-Pro can take all the information/data off and put it on the new system. He referred to the cost, estimated at \$2,487 and this is a budgeted item.

- Mayor Denoyer asked if this system will work for the new plant. Mr. Williams advised it would work.
- It was noted that the support plan for this system would cost about \$400 per year.

Commissioner Harrison moved to approve the purchase of the MTC-Pro Professional maintenance program for the wastewater department from Innovative Maintenance in the amount of \$2,500, as presented, The motion was seconded by Vice Mayor Aragon and carried unanimously.

8. Teen Center Computers - Recreation Department.

- Recreation Director Weber reported some enhancements were made to the Recreation Center to better serve the youth in our community. These enhancements included a computer center. Mr. Weber advised grant funds were received from a private local foundation for two additional computers. He recommended staying with the Lenovo computers, based on staff's experience.

Commissioner Carlile moved to accept the grant funds and to approve the purchase of two computers from CDWG in the amount of \$2,042.56, to be funded from the gifts and donations fund, as presented. Commissioner Martinez seconded the motion, which carried unanimously.

9. CITY MANAGER'S REPORT.

- City Manager Hall reported City staff continues working on the ball fields and other projects around town. He noted another picture of the Commission and City staff will be arranged since commissioners were out-of-town and because of the significance, everyone should be included. He hoped to have the photo taken this week or next week. He also noted there would be a formal presentation of the generous donation received from National Beef. Mr. Hall noted there is play at the ball fields except when we have rain. He noted Mr. Weber has done a great job and there will be an official grand opening once all the construction is completed.
- Mr. Hall noted so far we have a little spell of no moisture and he expressed appreciation for everyone's understanding of the weeds, noting the City is having a hard time keeping up with theirs.

- City Manager Hall reminded the Commission of the Council of Governments meeting this Thursday at 7:00 a.m., at SCCC and Mayor Denoyer noted Representative Francis would give a legislative overview.

10. ITEMS FROM COMMISSIONERS.

Vice Mayor Aragon advised he was very speechless of the presentations the evening. He noted our Police and Fire Departments are awesome and he couldn't explain how proud of them and what they, not only the recognition tonight but they do it every day. He advised we have a wonderful Police and Fire Department and he believed that it comes from the top down and we are lucky to have Chief Sill and Chief Kirk. He noted that he has been hearing so many good things and receiving phone calls, including praise from those who were screaming the loudest in the beginning about how good the ball fields are. He thanked Mr. LaFreniere for his comments and thanked City staff for all they do.

Commissioner Harrison echoed Vice Mayor Aragon's comments and noted the Commission as very proud of the employees this evening. He also noted that Vice Mayor Aragon didn't mean to leave out the Communications Department is and we all know how important they are to the community.

Commissioner Carlile advised he agreed.

Commissioner Martinez advised it was good to recognize these valuable employees and noted he couldn't agree more with what Mr. LaFreniere said. He noted we all need to work together and advised we have positive things going on and wants to see our community move forward.

Mayor Denoyer expressed appreciation to the City staff that worked on the ball fields, for economic development for the things that are yet to come, and thanked the firefighters, police officers and communications employees for laying their lives on the line for the community. He reminded the officers to maintain that code of conduct and to be careful and cautious. He also reported we have the best employees working for the City.

- Mayor Denoyer advised the budget session had been painless, as a result of Finance Director Ford having it very well laid out and he noted the process would be easier next year.
- Mayor Denoyer advised the public this is an open session; that you are welcome to come forward and we will talk to you and give you the best answer we can.

11. VOUCHERS.

\$1,373,341.04, dated July 28, 2015. *Vice Mayor Aragon moved to approve the vouchers, as presented, with Commissioner Martinez seconding the motion. The motion passed unanimously.*

The meeting was adjourned by motion of Commissioner Harrison.

Joe Denoyer, Mayor

ATTEST:

Debra S. Giskie, CMC, City Clerk