

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JUNE 13, 2016 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

Call to Order: The meeting was called to order by Mayor Campos at 5:30 p.m.

Present and answering roll call: Commissioner Sanchez, Commissioner Butcher, and Mayor Campos

Not Present: Commissioner Trujillo

Also Present: City Manager James Williams, City Attorney Patrick McMahon, Chief of Police David Rodriguez, City Clerk Carol Ann Hogue, Finance Director Gary Chapman, Planning and Zoning Coordinator Ball and Administrative Assistant Anna Juarez

Invocation: Commissioner Butcher gave the invocation.

Pledge of Allegiance: Commissioner Butcher led the pledge.

Approval of Agenda: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the agenda; Commissioner Butcher seconded. Motion carried unanimously.

Approval of the Regular Meeting Minutes of May 23, 2016: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the regular meeting minutes of May 23, 2016; Commissioner Butcher seconded. Motion carried unanimously.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher thanked the City Staff and Parks department for the equipment at the park; it is looking good.
- Mayor Campos asked Chamber Director RaeLynn Stuart to discuss mobile app; Mrs. Stuart stated as of today app has over 500 downloads. To be a Chamber Member cost is \$175 per year; Mrs. Stuart explained how to download app.
- Mayor Campos stated investigation on fatally accident has been wrapped up; Chief Rodriguez stated it took longer than anticipated because of mechanical which needed to be addressed before presenting to District Attorney. Mayor Campos thanked Lovington Police Department for their work in investigation.
- Finance Director Chapman stated interim budget is approved by the Department of Finance.

NON-ACTION ITEMS:

Discussion of Nor Lea Hospital Wellness Center presentation: CEO of Nor-Lea Hospital, David Shaw presented and updated Commissioners of Wellness Center. Wellness Center

will be 40,000 square feet; cost of project is \$10.5 million, two story building, and lots of space for all sorts of activities. Mr. Shaw stated contract should be ready to be signed by the June 27 Commission meeting. Membership fees have not been decided at this time. Discussion only, no action was taken.

Continued COMMISSIONER AND STAFF REPORTS:

- City Manager Williams updated Commissioners on:
 - Shaun Fest does not need to go to Commission; there are policy and procedures in place for this type of event.
 - Smokin on the Plaza is this weekend hosted by the Lovington MainStreet; Beer Garden has been submitted and approved.
 - Mosquito spraying will start tonight from Monday thru Thursday from 7-11 pm, weather permitting; department will follow waste management route but Thursday and Friday route will be combined.
 - Splash Pad is working, City Staff and Victor Tarin, with Fastcats Landscaping, is working on landscaping to be completed by July 1. On the 4th of July event, the City will be having a ribbon cutting.
 - Commercial street project is on schedule, they have put on the 1st lip of asphalt this morning; project is moving along. City has had to sign a change order to include concrete to the culverts, to make sure culverts do not wash out.
 - Youth Center will conduct a 2nd survey for 18 years and younger; only 44 responses from previous survey.
 - Youth Center will have new hours:
 - Monday, Tuesday, Thursday, and Friday from 3 to 8 pm
 - Wednesday from 6 to 8 pm
 - Saturday from 1 to 8 pm
 - TeenScape program will be taught by Dante Rios at no charge; he will teach art and graffiti art:
 - Monday, Tuesday, and Thursday from 3:30 to 5:30 pm
- CDBG is requesting the presence of Commissioners on June 22, 2016 to present the allocation of funds.
- Mayor Campos thanked the Fire department for taken over the Lizard Race for the 4th of July event. John Graham had held event for 38 years.

Commissioner Gandy arrived at 5:58 p.m.

Discussion of Weed Ordinance: City Manager Williams informed Commissioners of weed ordinance limitations and recommended some suggestions. City Manager Williams read code 8.16.130 and suggested educating the public to make them aware of code; this is a private public partnership. City Manager Williams suggested some changes which included: property owners need to keep the sidewalks clear (grass, weeds, or dirt) regardless of the height issue; in addition, specify accumulation of debris in the curb and gutter area needs to be kept clean because of drainage issues. City

Manager Williams stated for the health and safety issue suggested anything that exceeds 15 inches in height to immediately give a citation; hopefully will help keep things in control. City Manager Williams stated to change a typo on the last sentence reads "A citation of citation" which needs to read "A citation of violation." Commissioners agreed it is something the City needs to do to keep the City clean. Discussion only, no action was taken.

ACTION ITEMS:

Consider approval of Ordinance 543: 2016 – 2016 Uniform Traffic Ordinance Amendments: Mayor Campos called for a motion. Commissioner Butcher so moved to consider approval of Ordinance 543: 2016 – 2016 Uniform Traffic Ordinance Amendments; Commissioner Gandy seconded. City Manager Williams stated advertised Ordinance 543 will adopt the 2016 Uniform Traffic Ordinance amendments by reference; changes will affect off-highway motor vehicle on streets and highways. There being no further discussion; motion carried unanimously.

Consider approval of Resolution 2016-43: Amendment to Water Well Engineering Agreement to include Water Meter Installation and Construction Management Services: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2016-43: Amendment to Water Well Engineering Agreement to include Water Meter Installation and Construction Management Services; Commissioner Butcher seconded. City Manager Williams stated City entered into an agreement in 2013 with Pettigrew & Associates for the drilling of the three new water wells in the municipal well field; at the same time working on the radio read replacement project. City Manager Williams stated due to the cost of the project the New Mexico Environment Department requiring the City to obtain services from engineer to provide planning, design, and construction management for the water meter replacement project, which is in State procurement code. City Manager Williams stated Resolution 2016-43 will authorize the Mayor to execute an amendment to the Professional Services Agreement, which will include engineer's services. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-44: Nor Lea Hospital Wellness Center Agreement: Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2016-44: Nor Lea Hospital Wellness Center Agreement; Commissioner Butcher seconded. City Manager Williams stated to table item until the June 27, 2016 meeting because contract was not ready for signature. Commissioner Gandy so moved to table item until the June 27, 2016 meeting; Commissioner Butcher seconded. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-45: Financial assistance for the acquisition of real property for the development of the new Lea County Judicial Complex agreement between the City of Lovington and Lea County: Mayor Campos called for a motion.

Commissioner Gandy so moved to approve Resolution 2016-45: Financial assistance for the acquisition of real property for the development of the new Lea County Judicial Complex agreement between the City of Lovington and Lea County; Commissioner Butcher seconded. City Manager Williams stated in January Resolution 2016-1 was adopted for the work of the Lea County Judicial Complex in the original resolution it specified for additional parking; the design of Judicial Complex has changed. City Manager Williams stated the County has completed the acquisition of the additional block to the east and the concept is to put the building there and original detention center will be used for parking. City Manager Williams stated the way the MOU is written does incorporate language to use for additional parking or construction of the new facility. City Attorney McMahan suggested putting this item on next agenda meeting take a look at an amendment or to deal with the language that is on the resolution or the MOU. Commissioner Gandy so moved to table item until the June 27, 2016 meeting; Commissioner Butcher seconded. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-46: Memorandum of Understanding between Immigration and Customs Enforcement, Homeland Security Investigations and the City for the reimbursement of joint operations expenses from the Treasury Forfeiture Fund: Mayor Campos called for a motion. Commissioner Butcher so moved to approve Resolution 2016-46: Memorandum of Understanding between Immigration and Customs Enforcement, Homeland Security Investigations and the City for the reimbursement of joint operations expenses from the Treasury Forfeiture Fund; Commissioner Gandy seconded. City Manager Williams stated Police Chief Rodriguez received this MOU which will allow the City to obtain reimbursement for joint operations and task force participation from Homeland Security Investigations. City Manager Williams informed Commissioners of some changes City Attorney McMahan recommended a couple of language changes for example in the title change “Local” to the “City of Lovington” and edit some typos and add some omitted “City of Lovington”; nothing changes the volume of the agreement. Police Chief Rodriguez stated surrounding areas are having issues with immigration and this agreement will allow the City to assist ICE and HIS during joint operations and task forces and to be reimbursed for certain overtime expenses; this is mainly to expand into other investigations with them. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-47: Approval of TDS contract for high speed internet at the Lovington Youth Center: Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-47: Approval of TDS contract for high speed internet at the Lovington Youth Center; Commissioner Gandy seconded. City Manager Williams informed Commissioners of enhancement in the computer lab will require a faster internet connection speed that cannot be provided by Leaco wireless; TDS will provide high speed fiber internet at the Lovington Youth Center. City Manager Williams stated this is a budgeted item with a cost of \$39.95 per month

and will require a 3 year agreement with TDS. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-48: Inmate Housing Agreement between the City and Lea County: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve Resolution 2016-48: Inmate Housing Agreement between the City and Lea County; Commissioner Gandy seconded. City Manager Williams stated this is an annual agreement to house inmates between the City of Lovington and Lea County; no issues with contract. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval of Resolution 2016-49: Banking Services Contract: Mayor Campos called for a motion. Commissioner Butcher so moved to approve Resolution 2016-49: Banking Services Contract; Commissioner Gandy seconded. Finance Director Chapman requested to table item until the June 27, 2016 meeting because the City needs some more information from the bank. Commissioner Gandy so moved to table item until the June 27, 2016 meeting; Commissioner Butcher seconded. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Award of Bid for Grazing Lease: Mayor Campos called for a motion. Commissioner Gandy so moved to Award of Bid for Grazing Lease; Commissioner Butcher seconded. City Manager Williams stated City of Lovington released a request for bids that would allow for the grazing to reduce the risk of wildland fire on Highway 18. City Manager Williams stated three bids were received from on May 9th:

- Dale Dunlap - \$4.10 per acre/\$3,075 per year
- Derek Norris - \$3.00 per acre/\$2,250 per year
- Roy Taylor - \$15.00 per unit/\$4,500 per year

City Manager Williams recommended approval to award bid to Roy Taylor for the amount specified and permission for City Manager and City Attorney to work out the details of draft with the bidder and execute the lease agreement. City Manager Williams stated bidder would have to follow all the rules and policy with operating in the municipal water well fields; they would be responsible for maintaining and repairing all gates, fences and cattle guards in the area. City Manager Williams stated with this agreement the City will provide two water meter taps, but they would be responsible for maintaining the tanks. There being no further discussion bid was awarded to Roy Taylor; Mayor Campos called for a vote. Motion carried unanimously.

Consider Award of RFP 042316 – Cheerleading, Tumbling, and Dance Classes: Mayor Campos called for a motion. Commissioner Butcher so moved to Award of RFP 042316 – Cheerleading, Tumbling, and Dance Classes; Commissioner Gandy seconded. City Manager Williams stated City was approached by LaToya Jackson Hooks who wanted to teach cheerleading, tumbling, and dance class at the Lovington Youth Center. Mrs. Hooks does do this as a business but the only way to allow her to teach a class is to go through an RFP process; Mrs. Hooks was the only respondent. City Manager Williams

stated Mrs. Hooks would be employed as an independent contractor with the City; students would pay their tuition to the City, then City would make a monthly payment to Mrs. Hooks. Mrs. Hook submitted an RFP for \$40 per student per month with a \$5.00 sibling discount for the children 3 to 18 years of age. City Manager Williams stated Mrs. Hooks will be purchasing professional liability insurance and mats will be owned by the City. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Award of RFP 52616 – Lease of 5.00 acres of real property on Highway 18 with office, shop, and fencing: Mayor Campos called for a motion. Commissioner Sanchez so moved to Award of RFP 52616 – Lease of 5.00 acres of real property on Highway 18 with office, shop, and fencing; Commissioner Gandy seconded. City Manager Williams stated the Key Energy lease had expired; as discussed an RFP was advertised and opened on June 9, 2016 with only one bidder. City Manager Williams stated Key Energy submitted an amount of \$1,200 per month; with a five year lease contract and a one-time five year renewal option. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Parks and Recreation Board appointment: Mayor Campos called for a motion. Commissioner Butcher so moved to consider Parks and Recreation Board appointment; Commissioner Gandy seconded. City Manager Williams informed Commissioners of expired term for board member Marla Price; following individuals have expressed a desire to serve in this position: Marla Price, Clint Laughrin, and LeGina Thomas. Commissioner Butcher so moved to re-appoint Marla Price to the Parks and Recreation Board; Commissioner Sanchez seconded. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider approval to pursue additional State Economic Development funding for the Lea Theatre: Mayor Campos called for a motion. Commissioner Gandy so moved to approve to pursue additional State Economic Development funding for the Lea Theatre; Commissioner Sanchez seconded. City Manager Williams stated the Lea Community Foundation for the Arts has requested the City apply for an additional \$100,000 grant for the Lea Theatre from the State of New Mexico Economic Development Department. City Manager Williams stated if City awards the grant, the City would have to adopt an ordinance, sign a Project Participation Agreement, and sign a Guarantee Document; the Guarantee Document states if the project does not meet the certain provisions the City would be required to return the awarded amount. City Manager Williams informed Commissioners of revenues, expenses, and attendance at the Lea Theatre. City Manager stated Lea Theater have implemented a POS system, hired Star McKee as a full time Manager, working on advertisement, partnered with Schools, offering community youth night on Wednesday, and are seeking other grant funding into the Theater. City Manager Williams stated if awarded the funding, would be used for replacement seating, roof repair, HVAC, and concession area repair. City Manager Williams stated, given the state of the economy, recommended to hold off on applying for the funding

until the City sees a revenue recovery through the increase of GRT and revisit in 2 or 3 months. Commissioner Gandy so moved to table item for three months; Commissioner Sanchez seconded. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Approval of Accounts Payable: Mayor Campos called for a motion. Commissioner Gandy so moved to approve the accounts payable; Commissioner Butcher second. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

PUBLIC COMMENT:

Paula Vancleve stated she loves the idea of the fitness center and recommended for Commission to consider daily fees for the center. Mrs. Vancleve asked, about the property acquired by the County, if two households which were renting if they were offered any type of assistance to move out of property. City Manager Williams responded it was a transaction between County and property owner; City offered lots to the County, to offer to owners for a land trade.

Connie Sevier, LCFA, addressed Commissioners stated the LEDA grant will not be available in three months. Mrs. Sevier stated people are coming to the theater since they cannot go on vacations. Mrs. Sevier stated they are keeping up with Hobbs if they were a single screen theater; theater has exceeded expectations.

Elaine Vigil addressed Commissioners of concerns with weeds; maybe the City needs to clean Avenue D and Main Street and show the citizens what it is to clean gutters and curbs. Mrs. Vigil gave an example of the department mowing by TDS, employee left weeds in the gutter; this is not acceptable. Mrs. Vigil stated if the City of Lovington cannot set the example we cannot expect the citizens to know what to do; this needs to be addressed.

Debbie Feltman stated the weeds are an issue to her; Mrs. Feltman is a longtime resident and enjoys the people in the community. Mrs. Feltman has taken master gardening courses for some time and feels City of Lovington should follow City of Albuquerque codes because City of Lovington is infested with obnoxious weeds and thousands of seeds come from overgrown weeds. Mrs. Feltman stated weeds should be a priority to eradicate to control allergy season; Mrs. Feltman stated she agrees with Mrs. Elaine, to show by example.

Tabitha Lawson, Lovington MainStreet Director, thanked everyone for their hard work and stated lots of improvements had been made downtown. Mrs. Lawson invited everyone to the 7th Annual Smokin on the Plaza event this weekend and will include three concerts for the weekend. Mrs. Lawson informed Commissioners of concert in July and on June 25, 2016 downtown area will have its 1st Annual Car Show to benefit the theater.

Clint Laughrin asked for some clarification on Youth Center not renting out rooms, but allowing a woman to run a business out of the Youth Center and not insure with the City; City Manager Williams responded the City will be named as an additional insurer under her insurance and after discussion with the Youth Center board, if the Youth Center was rented out on Saturday's it was rented out for the entire day and children would not be able to utilize it. Clint Laughrin asked if this is not different than softball league charging admission; how is it LaToya Jackson Hooks can charge? City Attorney McMahon stated the tumbling program is more instructional fee paid by guardian of individual, so they are receiving some sort of instructions. City Attorney McMahon stated there would not be an ability to charge if citizens are just sitting on the bench and watching or observing versus receiving instruction on how to do something; concerning the softball league issue.

Elaine Vigil stated the Keep Lovington Beautiful is moving along; the median by the hospital is getting landscaped. Mrs. Vigil stated the next project, with the help of Commissioner Butcher, is to educate the citizens in his district.

CLOSED SESSION:

At 7:00 p.m., Commissioner Gandy moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7, regarding the threatened or pending litigation – Central Plaza Project. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Gandy - Yes; Commissioner Butcher - Yes; Commissioner Sanchez - Yes; and Mayor Campos - Yes.

At 7:10 p.m., Commissioner Gandy so moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion and no action was taken. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Gandy - Yes; Commissioner Sanchez - Yes; Commissioner Butcher - Yes; and Mayor Campos - Yes.

ADJOURNMENT: There being no further business, Mayor Campos adjourned, the meeting at 7:11 p.m.

APPROVED: _____
PAUL CAMPOS, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK