

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, MAY 26, 2015 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

**Present and answering roll call:** Commissioner Bengé, Commissioner Trujillo, Commissioner Butcher, Commissioner Campos and Mayor Gandy

**Also Present:** City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Lewis Cox, Police Chief David Rodriguez, City Finance Director Gary Chapman, City Clerk Carol Ann Hogue, City Planner Merideth Hildreth and Administrative Assistant Anna Juarez

**Invocation:** Mayor Gandy gave the invocation

**Pledge of Allegiance:** Mayor Gandy led the pledge

**Approval of Agenda:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to approve the agenda. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos - Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes.

**Approval of the Regular Meeting Minutes of May 11, 2015:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to approve the regular minutes of May 11, 2015; Commissioner Campos seconded. Roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- Mayor Gandy addressed concerns with potholes
- Commissioner Trujillo to consider closing Madison and Commercial due to dangerous conditions with potholes and standing water
- Commissioner Bengé stated lots of people are mowing yards; thanked street department for adding dry compound on intersection of Commercial and Avenue D

**NON-ACTION ITEMS:**

**Chamber of Commerce Annual Report:** Director of Chamber of Commerce Rae Lynn Stuart reported to Commissioners of various events from community activities to business ribbon cuttings. Mrs. Stuart attends various activities and receives numerous calls, emails, and other points of contacts from citizens in reference to City of Lovington activities and businesses.

**ACTION ITEMS:**

**Consider Resolution 2015-46: Approval of Police Department Body Worn Camera Policy:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution 2015-46: approval of Police Department Body Worn Camera Policy; Commissioner Campos seconded. Police Chief Rodriguez addressed Commissioners of incorporated language in the proposed policy which identifies use of the camera by the SRO; the language in the MOU for the SRO program describes the use of standard issue equipment, including the carrying of a

firearm and taser. Police Chief Rodriguez stated routine use of camera devices on medical responses was not incorporated due to patient privacy and HIPAA. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Resolution 2015-47: Fiscal Year 2015 – 2016 Meetings and Holiday Schedule:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-47: Fiscal Year 2015 – 2016 Meetings and Holiday Schedule; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approval of resolution which will establish the meeting and holiday schedule for the 2015 – 2016 Fiscal Year. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Resolution 2015-48: Agreement between City and After School Adventures for Summer Adventures Program:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-48: Agreement between City and After School Adventures for Summer Adventures Program; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of approval of resolution 2015-48 which will create the formal partnership between the City and After School Adventures; agreement identifies duties of each entities. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Resolution to Approve Preliminary Plat creating the Domzalski Subdivision to the City of Lovington, Lea County, New Mexico:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution to approve Preliminary Plat creating the Domzalski Subdivision to the City of Lovington, Lea County, New Mexico; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of request to approve resolution which will approve the Preliminary Plat for the Domzalski Subdivision to create eight additional lots for housing on a new extension of West Avenue K and will create a cul-de-sac; plat was reviewed and provided a recommendation for approval by the Planning and Zoning Commission at their regular meeting conducted on May 12, 2015. There being no further discussion, a roll call was taken for approval of resolution 2015-49: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Resolution to Approve Variance in Zoning for Driveway to and beneath Carport at 2309 North 1<sup>st</sup> Street:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-50 to approve Variance in Zoning for Driveway to and beneath Carport at 2309 North 1<sup>st</sup> Street; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of owner of property has requested a variance that will allow Porfirio Rojas to construct a carport over his existing caliche and chat sealed driveway without requiring him to construct a concrete driveway the width of the carport as required in the Municipal Code; Lovington Planning and Zoning Commission recommended approval of this variance at the May 12, 2015 regular meeting. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Butcher - Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Ordinance No. 536: Annexation and Zoning Classification of City Property located North of Gilmore Road, the Municipal Water Well Field located approximately 4 miles South of Lovington on Highway 18, and the City Industrial Park located approximately 1.6 miles West of Highway 18 on Stiles Road:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider approval of Ordinance No. 536: Annexation and Zoning Classification of City Property located North of Gilmore Road, the Municipal Water Well Field located approximately 4 miles South of Lovington on Highway 18, and the City Industrial Park located approximately 1.6 miles West of Highway 18 on Stiles Road; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approval of ordinance will annex about 4,000 acres of City owned land, which includes the municipal well field and industrial park; ordinance has been advertised and public notification of zoning changes have been made. Commissioner Trujillo asked about additional funding with Emergency Services; City Manager Williams stated Emergency Law Enforcement is based on Certified Officers; State Fire Protection Grant is based on ISO rating, EMS grant based on size of the community. Mayor Gandy asked about production wells; City Manager Williams stated any new wells will need to comply with City Ordinance. Melba Soto owner of land behind cheese plant, asked for clarification concerning her property. City Manager Williams stated property is right outside the annexation property Mrs. Soto property will not be re-zoned. Commissioner Trujillo stated there is an ETZ which Mrs. Soto will need to comply with their rules and regulations. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Amendment of School Resource Officer Memorandum of Understanding between the City and Lovington Municipal Schools:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider amendment of School Resource Officer Memorandum of Understanding between the City and Lovington Municipal Schools; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of amendment of language found in Section 11.0 of the MOU and will remove the original indemnification language; the reason for this change is that the School insurance provider will not allow for this type of language in the agreement. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Planning and Zoning Commission Appointment:** Mayor Gandy called for a motion. Commissioner Bengé so moved to nominate Dave Rowser for appointment to the planning and zoning commission; no second, motion was withdrawn. Commissioner Campos so moved to appoint Clint Laughrin to the planning and zoning commission; Commissioner Trujillo seconded. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Award of RFP 042215: Lea Theater Digital Conversion:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of Resolution 2015-45: J.F. Maddox Foundation Grant Agreement; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of proposal of digital conversion; City of Lovington is the fiscal agent for the State grant and make sure procurement are followed. The first proposals were rejected

due to incompleteness and over budget; proposal was re-advertised. City Manager Williams stated only one proposal for this project was received by Sonic Equipment Co.; the total for this project, with additional options, excluding GRT is \$120,115. City Manager Williams stated revenue from State Grant is \$100,000 – Gala net at \$12,489 – Pending Lodger Tax at \$1,141 with a funding gap of \$1,667. Commissioner Campos asked if Lea Community of Foundation Arts will be fundraising anymore; Assistant City Manager Cobb stated the next fundraising event required the use of the digital system in place to host a family event. Commissioners and Staff discussed State award of \$100,000 being jeopardized, extension from the State, possible sponsorships, and consider an “I owe you” to Foundation of Arts. Commissioners agreed to allow the City of Lovington to invest, but be reimbursed. Commissioner Trujillo so moved to amend motion to include \$7,400 used general funds with an “I owe you”; Commissioner Campos seconded. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Award of RFP 052215: Sale of Real Property at Main and Jefferson - omitted from agenda**

**Consider Approval of Accounts Payable:** Mayor Gandy called for a motion. Commissioner Bengé so moved to approve the accounts payable; Commissioner Butcher second. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

**PUBLIC COMMENT:** none

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:10 p.m.

**APPROVED:** \_\_\_\_\_  
**SCOTTY GANDY, MAYOR**

**ATTEST:** \_\_\_\_\_  
**CAROL ANN HOGUE, CITY CLERK**