

CITY OF LOVINGTON
REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MARCH 11, 2013 @ 5:30 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

OPEN MEETING

Call to Order
Roll Call
Invocation- Mayor Drummond
Pledge of Allegiance- Mayor Drummond
Approval of Agenda
Consideration of Approval of the Regular Meeting Minutes of February 25, 2013 TAB 1

NON-ACTION ITEMS

Discussion of Public Hearing Date for Restaurant Beer & Wine License Application TAB 2
Discussion of Vendor License Fees TAB 3

ACTION ITEMS

Consideration of Approval of Central Plaza NMDOT Contract Amendment TAB 4
Consideration of Approval of Equipment Use at Chaparral Park TAB 5
Consideration of Approval of Replat at 119 E. Simpson Dr. TAB 6
Consideration of Approval of Variance at 1801 N. Main St. TAB 7
Consideration of Approval of Accounts Payables TAB 8

PUBLIC COMMENT

CLOSED SESSION

Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7-Pending Litigation and
Subsection H-8-Discussion of the purchase, acquisition, or disposal of real property TAB9

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, FEBRUARY 25, 2013 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

Present and answering roll call: Mayor Drummond, Commissioners Trujillo, Benge, Scott and Granath.

Not Present: Administrative Assistant Gutierrez

Also present: City Manager Williams, Chief of Police Bryant, City Attorney McMahon, City Clerk Hogue, and Finance Director Stephens.

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

Invocation: Commissioner Gandy gave the invocation

Pledge of Allegiance: Commissioner Gandy led the pledge

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Trujillo so moved. Commissioner Benge seconded. Motion was approved.

Approval of the Regular Minutes of February 11, 2013: Mayor Drummond asked for a motion for approval of the regular minutes of February 11, 2013. Commissioner Granath so moved. Commissioner Gandy seconded. Motion was approved.

NON-ACTION ITEMS:

Discussion of City Debt: City Manager Williams stated to the Commissioners that the only debt the City currently owed was the financing of the wastewater treatment facility, which is split into two separate loans. The first loan from the Clean Water State Revolving Fund is in the amount of \$5,813,966.28 for a 20 year term with a 2.00% interest rate. The annual payment on this debt is \$355,563.10. The City currently owes \$5,081,662.23 to this present time. The second loan is through the NMFA. The payments began in 11/1/2008 with principal payments beginning on 5/1/2011. The original loan amount was for \$3,535,000.00 with an interest rate at 1.750% the City is still obligated for another 18 years. The present balance of this loan is \$3,398,448.00

Discussion of Utilities Operating Costs: City Manager Williams explained to the Commissioners that the cost to treat every 1,000 gallons of water is \$10.98 and to treat every 1,000 gallons of wastewater is \$2.32. He also stated that maybe putting a metered fill station at the convenience station and sending the bill to the companies. Foreman Wyatt Duncan stated that in Hobbs the first 1,000 gallons is \$7.01 and 6,000 gallons for trucks is \$45.00. The City is selling water for trucks at \$15.00.

Discussion of Synthetic Intoxicants Ordinance: City Manager Williams and Chief Bryant met with the Lea County Community Drug Coalition on February 11, 2013 and discussed an ordinance that the City of Hobbs recently adopted, which includes the chemicals being used to manufacture these substances. Mr. Williams mentioned that a copy of the Hobbs Ordinance was attached for the Commissioners to review. Mayor Drummond asked City Attorney McMahon to draw up a similar ordinance for Lovington.

ACTION ITEMS:

Consideration of Approval of Proclamation 022513-01-Smokin' on the Plaza: Mayor Drummond called for a motion to approve the Proclamation 022513-01-4th Annual Smokin' on the Plaza on June 14 & 15, 2013. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Approval of HGAC Purchasing Agreement: Mayor Drummond called for a motion to approve the HGAC agreement. Commissioner Bengé so moved. Commissioner Granath seconded. Motion was approved. City Manager explained that the City can go out for more brands and types of equipment that are not available through CES.

Consideration of Temporary Closure of Streets for Relay for Life: Mayor Drummond called for a motion to approve the Temporary Street Closure on May 3 & 4, 2013. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved. This event has been moved from the Park to the Courthouse.

Consideration of Approval for Replat of Property 119 E. Simpson Dr: Mayor Drummond called for a motion to approve to replat property at 119 E. Simpson Dr. Commissioner Bengé so moved. Commissioner Granath seconded. Member Betty Price of the Planning & Zoning stated that property owner Mary Ann Marquez was asked to come to the Commission Meeting to consider her request. Due to that Mrs. Marquez was not present at the meeting the Commissioners all voted nay. Motion was not approved.

Consideration of Approval for a Cinder Block Fence at 1404 S. Love St: Mayor Drummond called for a motion to approve a 10 ft. cinder block fence on the south side of 1404 S. Love St. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Review/Approval: Ameri-Tech Assignment: Mayor Drummond called for a motion to approve to assign its rights to another company for the City of Lovington. It gives Mr. Williams authority to sign the form. Commissioner Trujillo so moved. Commissioner Bengé seconded. Motion was approved.

PUBLIC COMMENT:

Mayor Drummond called for public comment: None

OTHER: City Manager Williams:

- The Police Department has been training with active shooters the last two Saturday's-Exceptional job by Police & Fire Department.
- Day of Service will be March 16, 2013 all employees will work on Ave D Park to give back to the community.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:05 p.m.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☒ INFORMATION ☐ OTHER ACTION

SUBJECT: Discussion of Public Hearing for Beer and Wine License
DEPARTMENT: City Clerk
SUBMITTED BY: Carol Ann Hogue, City Clerk
DATE SUBMITTED: March 4, 2013

STAFF SUMMARY:

The City has received a certified letter advising that Taqueria Jalisco has received preliminary approval for its restaurant beer and wine license with on-site consumption.

The City is required to conduct a public hearing in the question of whether the department should approve the proposed issuance or transfer within 45 days of receipt of this notice (April 2, 2013). We are required to advertise this public hearing for two consecutive weeks prior to the hearing.

Staff are requesting that a date be chosen by the Commissioners between March 26 and April 1 in order to conduct this hearing.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

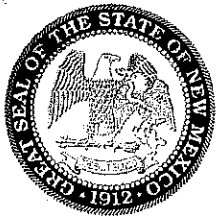
Certified letter from NM Regulation and Licensing Division.

RECOMMENDATION:

Establish date so the meeting may be advertised.


Department Head


City Manager



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

February 13, 2013

Certified Mail No.: 7009 2250 0000 9393 2445

City of Lovington
Attn: Rhonda Jones, Clerk
PO Box 1268
Lovington, NM 88260

Re: License /Appl. No.: Appl. No. A-842195
Name of Applicant: Francisco J. Hernandez
Doing Business As: Taqueria Jalisco
Proposed Location: 928 W. Avenue D
Lovington, NM 88260

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISE CONSUMPTION ONLY.

The governing body may disapprove the issuance or transfer of the license if:

Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
DEPUTY
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Jennifer M. Anderson
DIRECTOR

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580


Administrative Services Division
(505) 476-4800

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) ☒ Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) TMN Investments Ltd

B. Date and term of lease Original lease and renewal 8/16/2009 - 8/16/2010 & 5/1/2012 - 4/30/2017
then reverts to month

3. Premises location is zoned (example C-1) C
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet 1000 ft Name of church Iglesia Cristiana Address/location of church 518 S 11th Street Livingston NM

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 1250 ft Name of school Taylor Middle School Address/location of school 700 S 11th Street Livingston NM

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

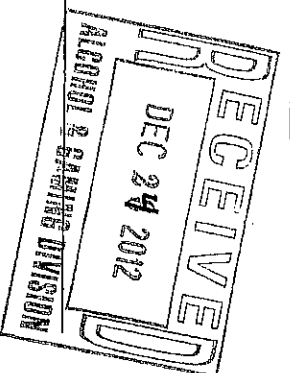
Miles 130.4 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant ☒ Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☒ INFORMATION ☐ OTHER ACTION

SUBJECT: Discussion of Vendor License Fees
DEPARTMENT: City Clerk
SUBMITTED BY: Carol Ann Hogue, City Clerk
DATE SUBMITTED: February 27, 2013

STAFF SUMMARY:

We have received a request from Linda Pritchett to present to you a request for increase in Vendor License Fees.

Multiple citizens have contacted City Hall during the most recent holiday complaining about temporary vendors selling goods that are provided by our local businesses. At the present time, individuals who apply for a vendor license are required to pay \$500 and have a \$5,000 bond in place.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Copy of Linda Pritchett request.

RECOMMENDATION:

Information only.

Department Head



City Manager

JOHNNIE'S FLORAL AND GIFTS

**117 EAST WASHINGTON
LOVINGTON, NEW MEXICO 88260
1-575-396-3673/1-800-200-9065
johnniesfloral@gmail.com**

February 27, 2013

**Lovington City Commission
P.O. Box 1268
Lovington, New Mexico 88260**

I would like to have a moment with the City Commission on Monday, March 11th, 2013 to present a request for increase in Vendor License Fee.

**Thank you,
Linda Pritchett**



**DBA Johnnie's Floral and Gifts
Lovington, New Mexico**

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consider Approval of NMDOT Project Amendment
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: March 6, 2013

STAFF SUMMARY:

We have received an amendment from the NMDOT in regards to the Central Plaza Enhancement project. The reason for this amendment is due to having to move the funding from the 2011/2012 cycle to the 2012/2013 funding cycle. This is necessary because of the delays in obtaining clearances to proceed with the project.

FISCAL IMPACT:

REVIEWED BY: Marshall Stephens
(Finance Director)

\$262,500 in grant funding to the City. The local 25% match is \$87,500 for a project total of \$350,000.

ATTACHMENTS:

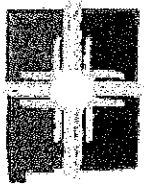
Copy of First Amendment to Cooperative Project Agreement - CN 2100540

RECOMMENDATION:

Motion to approve amendment. The Mayor is required to sign this document, as well as the City Attorney. The originals will be returned to NMDOT, at which time they will finalize their signature and put an effective date on the document. An original signed agreement will be returned to the City.

Department Head

City Manager



NEW MEXICO DEPARTMENT OF
TRANSPORTATION

March 4, 2013

Mr. James Williams
Interim City Manager
City of Lovington
P.O. Box 1269
Lovington, New Mexico 88260

RE: Control Number: 2100540

Dear Mr. Williams:

Enclosed for your coordination of signatures are three originals of the First Amendment to Cooperative Project Agreement referenced above. Please return them to my attention at the address shown below.

Also, please Do Not fill in the date on the first page of the enclosed amendments. An original will be mailed to you at the time they are fully executed.

If you have any questions concerning the amendment or if I can be of further assistance, please contact me at 505-827-5309.

Sincerely,

Kimberly Wildharber
Contract Manager

Enclosures

c: Ralph Meeks, Acting District 2 Engineer
Jessica Hunter, Project Development Engineer

Susana Martinez
Governor

Tom Church
Interim Cabinet Secretary

Commissioners

Pete K. Rahn
Chairman
District 3

Ronald Schmeits
Vice Chairman
District 4

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Contract Number	D13705/1
Vendor Number	0000054388
Control Number	2100540

FIRST AMENDMENT TO COOPERATIVE PROJECT AGREEMENT

This Amendment is made and entered into this _____ day of _____, 2013, by and between the New Mexico Department of Transportation (Department) and the City of Lovington (City), collectively referred to as the "Parties."

RECITALS

Whereas, the Department and the City entered into a Cooperative Project Agreement on December 28, 2011, attached as Exhibit "A" and made part of this Amendment; and,

Whereas, page 11, Section Twenty Two, of the Agreement allows both parties to make alterations and revisions to the said Agreement; and,

Whereas, a STIP amendment re-programmed the TPE funding from FY 2012 to FY 2013.

Whereas, it has become necessary to amend this Agreement to move funding from 2011/2012 to 2012/2013. The termination date shall remain the same; and,

Whereas, the Department and the City agree that the original Cooperative Project Agreement be amended.

In consideration of the covenants contained herein and pursuant to NMSA 1978, Section 67-3-28, the Parties agree as follows:

1. Page 1, Section Two, Paragraph 1, delete in its entirety and insert the following:
 1. The total funding for Project Control No. 2100540, is Three Hundred Fifty Thousand Dollars (\$350,000) which will be shared by the Parties as follows:

A.	<u>2012/2013 Surface Transportation Enhancements (TPE) Funds</u>	
	<u>Department's 75% share</u>	\$262,500
	To construct enhancements on FL5190 (Central Ave.) from Main Street to Love Street to include sidewalk, ADA, crosswalks, landscaping, and pedestrian lighting.	
B.	<u>City's matching 25% share</u>	\$87,500
	For the purpose stated above.	
C.	<u>The Total Project Funding</u>	<u>\$350,000</u>

Except for the above amendments the original Cooperative Project Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

In witness whereof, the Parties have set their hands and seal the day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Kathryn E. Bender, Deputy Secretary
Programs & Infrastructure

Date: _____

**REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE
DEPARTMENT'S OFFICE OF GENERAL COUNSEL**

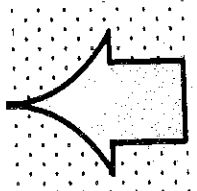
By: Cynthia A. Christ
Assistant General Counsel

Date: 3-4-13

CITY OF LOVINGTON

By: _____
Mayor

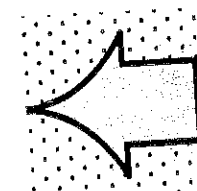
Date: _____



ATTEST

By: _____
City Clerk

Date: _____



APPROVED AS TO FORM BY THE CITY ATTORNEY

By: _____
City Attorney

Date: _____



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consider Approval of Equipment Use at Chaparral Park
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: March 6, 2013

STAFF SUMMARY:

The City has received a request from Danny Kirkpatrick of First Baptist Church in regards to using a Jumper/Bounce House at Chaparral Park on May 30, 2013.

Several years ago, the City adopted a policy to prohibit use of this type of equipment at our City Parks in order to preserve turf and reduce the liability to the City. In our discussions with Mr. Kirkpatrick, the intent of this event is to provide a venue for a community gathering. They have agreed to stage the jumper on pavement at the park and name the City of Lovington as an additional insured, if the Commission approves this request.

FISCAL IMPACT:

None.

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Copy of insurance statement.

RECOMMENDATION:

Motion to approve the use of a jumper at Chaparral Park.

Department Head



City Manager



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/06/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Church Mutual Insurance Company 3000 Schuster Lane Merrill WI 54452		CONTACT NAME: Julie F Aift PHONE (A/C No. Ext): 1-800-554-2642 Option 1 E-MAIL: jfalf@churchmutual.com FAX (A/C No): 855-264-2329	
INSURED FIRST BAPTIST CHURCH OF LOVINGTON 110 N 2ND ST LOVINGTON NM 88260-4206		INSURER(S) AFFORDING COVERAGE INSURER A: Church Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18767	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		0187926-02-257651	11/13/2010	11/13/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 104, Additional Remarks Schedule, if more space is required)

Evidence of Liability Insurance for use of Chaparral Park, South Commercial Street, Lovington, NM for the Picnic Event on 3-30-13 from 11:00 AM to 3:00 PM.
517**CERTIFICATE HOLDER**City of Lovington
214 S. Main Street
Lovington, NM 88260**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Julie Aift

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CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: MARCH 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consideration of Approval of Replat at 119 E. Simpson Dr

DEPARTMENT:

SUBMITTED BY: MaryAnn Marquez/Juan Leon

DATE SUBMITTED: 2/5/2013

STAFF SUMMARY:

MaryAnn is requesting to split lot 13 in half and give half to lot 12 & lot 14. Both parties are in an agreement on splitting lot 13. Juan Leon is buying lot 12 from owner MaryAnn.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Site Plan Review. Site Plan Illustration.

RECOMMENDATION:

Approve the replat

Department Head

City Manager

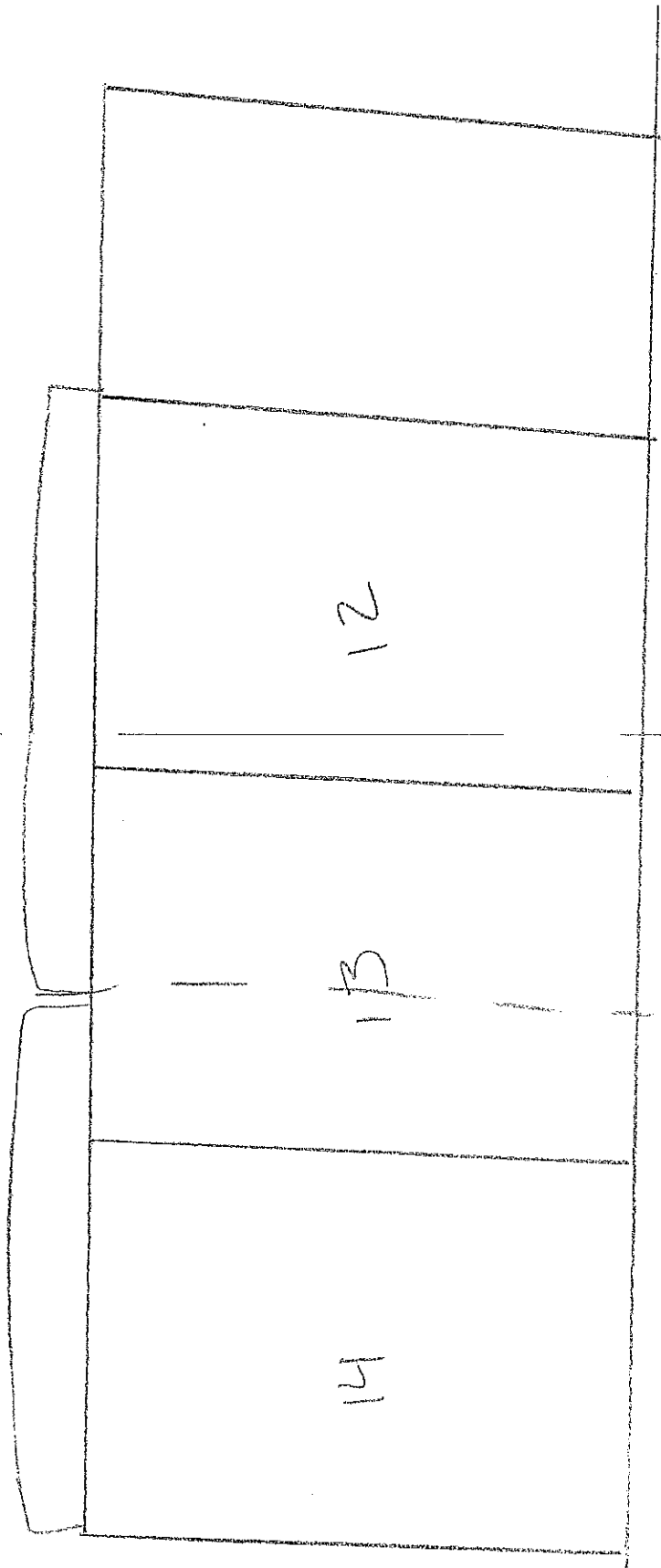
Site Plan Review Form

Applicants Name: <u>Joan Ayivar Leon</u>			
Applicants Address: <u>119 E Simpson Dr.</u>			
Applicants Phone Number, Fax, Email: <u>575-8936-5100</u>			
Brief Description of Project: <u>Replat lots 14, 13, 12</u> <u>to two lots 14, 12 75x100</u>			
Subdivision, Zoning Information: Zone A,B,C,D, Name, Block, Lot, District <u>Zone C, Simpson Sub blk 1, lot 12, ^{13, 14} 011</u>			
Owner number <u>21835</u>		Parcel Number <u>4000218300001</u>	
Applicants Status: Date Tentative <u>2-5-13</u>		P&Z Date and Time <u>2-20-13 4:30pm</u>	
Officer Recommendations: <u>owner - may Marquez</u>			
Applicants Signature <u>Joan Ayivar Leon</u>	Date <u>2-5-13</u>	Officer Signature <u>Laura Brode</u>	Date <u>2-5-13</u>

NA

14 75x100

12 75x100



Simpson

Lea County New Mexico

Printed Tue Mar 5 2013

Maps are for Tax Purposes Only, Not to be Used for Conveyance.

Powered by EMapsPlus.com

N89°49'E 1827.56 (2035.5)

22	21	20	19	18	17	16	15	14	13	12	11	10
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22	21	20	19	18	17	16	15	14	13	12	11	10
50	25				25							

S89°49'W 1361.5 1885

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consider Approval of Variance 1801 N. Main Street
DEPARTMENT: Planning and Zoning
SUBMITTED BY:
DATE SUBMITTED: March 7, 2013

STAFF SUMMARY:

Catalyst Oilfield service has requested a variance for the storage of chemicals at 1801 N. Main Street (formerly Reed & Stevens). The reason for this variance is the types of chemicals are listed in the prohibited uses section of the Commercial Zoning Ordinance.

This issue was presented to the Lovington Planning and Zoning Board on March 7, 2013 and they have made the recommendation to approve this variance.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning and Zoning Staff Summary
Aerial map of area

RECOMMENDATION:

Motion to approve variance.

Department Head



City Manager

CITY OF LOVINGTON
STAFF SUMMARY FORM



☒ PLANNING AND ZONING BOARD
☐ LOVINGTON ETZ BOARD

MEETING DATE: March 7, 2013

SUBJECT: Consider Approval fo Variance at 1801
N. Main Street
REQUESTED BY: Catalyst Oilfield
ADDRESS:

DATE SUBMITTED: March 5, 2013

STAFF SUMMARY:

Catalyst Oilfield is considering the purchase of the property located at 1801 N. Main Street (formerly Reed and Stevens). During their research into the property, the Fire Chief was asked about current zoning and prohibited practices. They do intend on having small amounts of chemicals on site used in the petroleum industry, which they will in turn sell to their customers.

The location is currently zoned as Commercial. According to Lovington Municipal Code, section 17.28.30 addressed prohibited uses. Specifically, item 33 states "petroleum or its products, refining or wholesale storage of". The Fire Chief researched if this prohibited use exists in the Industrial zone class and determined it is the same.

Catalyst Oilfield has requested a variance be granted so they may utilize this site to conduct business operations. In the past, there have been businesses of a similar type located in the area. In addition, it is noted that Pro-Kem, located on south Main Street, is operating in a Commercial zone and has multiple chemicals on site being distributed in the same, if not larger fashion. The proposed location is actually more favorable as the prevailing winds will direct any odors or fumes that may or may not be present away from a high density residential area.

The materials that they wish to have on site which are in conflict with the ordinance are in the oil soluble classification. These types of materials are corrosion inhibitors and emulsion breakers. The quantity they anticipate on site would be no more than 7,500 gallons at one time, and would be based on demand. Storage of these chemicals would be achieved in either 330 gallon D.O.T. approves "totes", 55 gallon drums, or in a bulk tank. In the event a bulk tank is utilized, it would have a containment area established, which would be capable of containing 110% of the volume of the tank.

The Fire Chief has recommended that if this variance be granted, a containment area is would be a requirement for the bulk storage. We are also recommending that Catalyst work closely with the Fire Department to adopt emergency response plans and procedures for the facility.

ATTACHMENTS:

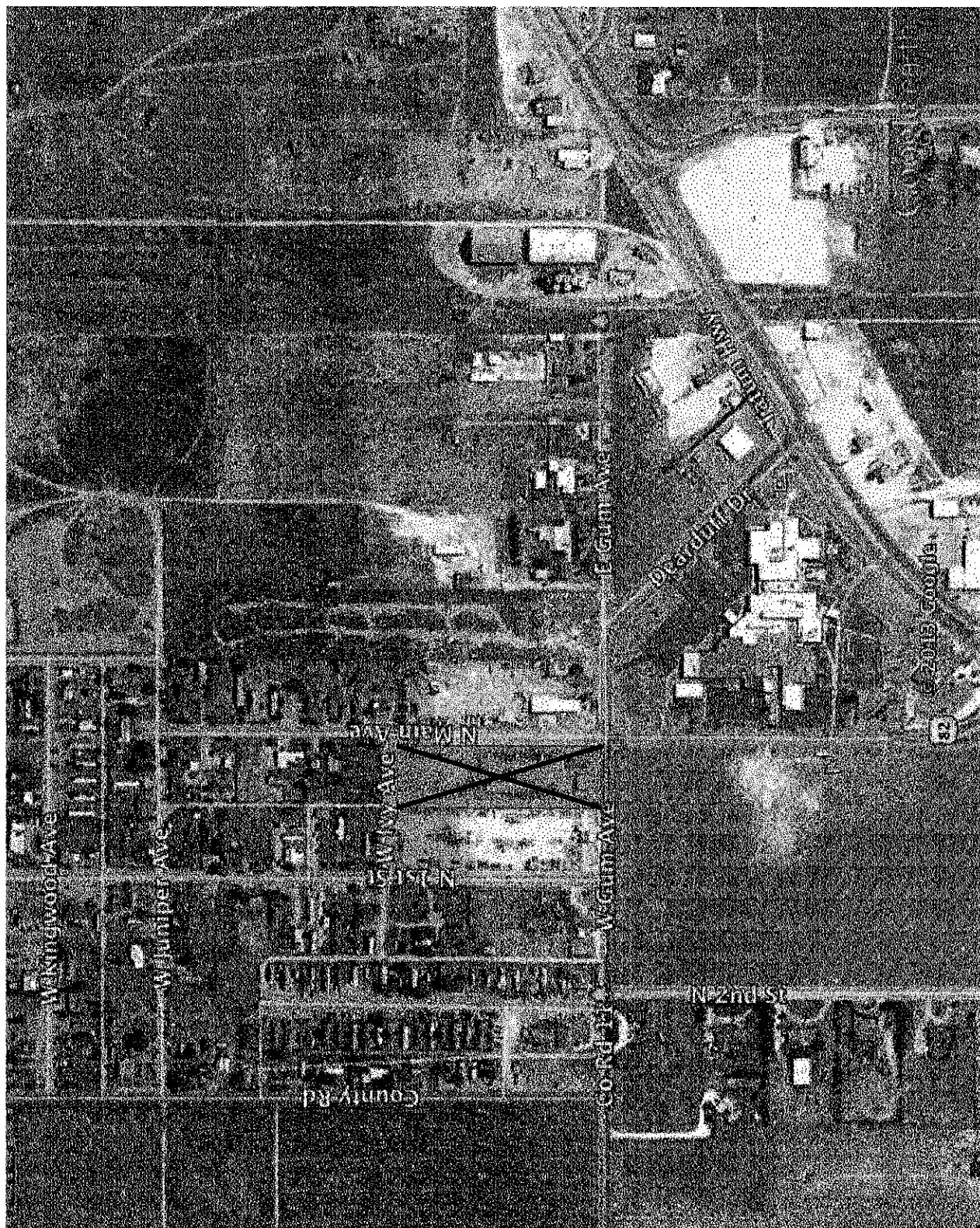
Aerial map of area

RECOMMENDATION:

Act in the best interests of Lovington.

Code Enforcement Officer

City Manager



Google earth

feet
meters

1000

500



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Consider Approval of Accounts Payable
DEPARTMENT: Finance
SUBMITTED BY: Mashelle Stephens, Finance Director
DATE SUBMITTED: March 4, 2013

STAFF SUMMARY:

Staff have prepared accounts payable for your review and approval.

FISCAL IMPACT:

REVIEWED BY: Mashelle Stephens
(Finance Director)

See accounts payable detail.

ATTACHMENTS:

Accounts Payable

RECOMMENDATION:

Motion to approve accounts payable.

Mashelle Stephens
Department Head

ARW
City Manager

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

<u>Vendor Name</u>	<u>Current Balance</u>
Albuquerque Publishing Co.	1,075.56
ALCO Stores, Inc	326.86
Alsco	709.92
American Tactical Advantage	258.54
Aquatic Environmental Systems	1,217.29
Artesia Fire Equipment	75.00
Atco International	150.00
Benchmark	175.00
Blaine Industrial Supply	899.18
Bob's Thriftway	731.00
Bound Tree Medical, LLC	1,238.79
Breen Glass Service	94.95
C & S Motor Parts Co.	577.12
C. W. Associates	88.81
Caprock Communications	261.69
Comp-Ray, Inc	69.55
Constructors, Inc	1,475.33
Copies, Inc.	441.57
Cowboys Corner	200.70
David Rodriguez	0.00
Farmer Brothers Company	278.18
Forrest Tire Co.	96.19
Galls, An Aramark Company	425.00
Gary's Lock and Key	106.88
Gebo Credit Corporation	7.50
Gempler's, Inc	130.00
General Welding Supply	666.50
H & K Pest Control Co.	175.98

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

Higginbotham-Bartlett Co.	3,408.25
High Plains Refrigeration, Inc	128.18
Hobbs News-Sun	1,059.76
Hospital Services Corporation	34.24
Johnnie's Floral & Gifts	52.90
Kayo Strickland	0.00
Klean Machine/Ironing	28.50
Lookout Books	679.24
Lovington Auto Supply	511.87
Lovington Leader	1,463.77
Marker Services, LLC	319.56
Master Printers	577.45
Med-Vet International	320.00
Medtech Forensics, Inc.	304.00
Michael's Prescription Corner	1,632.10
MicroMarketing LLC	1,688.94
Music World	2,999.99
New Mexico Jr. College	1,147.00
OCLC, Inc.	202.61
P & D Petroleum, Inc	10,509.28
Parkway Cleaners	245.26
Premier Electric	309.88
Pro-Treat Power Equipment	146.31
Quill Corp.	131.93
Raburn Consulting	900.00
Reid Insurance Group, Inc.	844.00
Retail Acquisition/Development	9.92
Roberts Oil & Lube	399.50
Southwest Polygraph	534.06
Staples Advantage	1,214.44

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

Stericycle, Inc.	503.30
Sunbird Home Resort Products	591.26
SWAT, LLC	1,161.59
Tbl and Associates, LLC	1,748.47
The Cop Shop	92.25
The Gale Group	183.67
Triple H Engine Service	126.60
U S Food Service	3,961.30
University of New Mexico Press	53.36
University of Texas Press	37.40
Veridian Limited	5,734.20
Watson Truck & Supply	1,968.87
WTG Fuels, Inc	5,432.75
Zia Consulting, Inc.	480.00
Zia Towing & Recovery	<u>306.17</u>
Report Balance	<u>66,137.22</u>

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

Vendor

Subtotal from page one		66,137.22
Aaron Lawson	80% per diem for travel to Firefighters Academy	84.00
Alfredo Gomez	Lodgers Tax-Advertising Softball Club-A Gomez	3,000.00
AT&T Mobility	Gen-Cell Phone Bill Feb 2013	1,109.89
Carmen Murillo	80% per diem for Nutrition Training Class	160.00
Chevron USA, Inc.	Police-Fuel	34.50
Danny Bryant	Reimburse for postage	19.95
David Rodriguez	Police-Reimb D Rodriguez-Meals	82.26
David Rodriguez	Police-Reimb Laptop & Software	1,318.95
Eddy Burkett	20% per diem for Pump Ops Class	87.40
Gilbert Rodriguez	20% per diem for Pump Ops Training	87.40
Heidel, Samberson, Newell, Cox	Finance-Professional Service	9,755.62
Hobbs News-Sun	Lodgers Tax-Advertising Churches-AF-AM Programs	576.80
Hospital Services Corporation	Finance-Criminal History I Gutierrez	34.24
Jami Bailey	Youth Center-Reimb for Pizza	55.51
Jami Bailey	Youth Center-Reimb J Bailey Food	81.65
Jim Trujillo	Judicial-Alternate Judge	192.37
Jose Lara/L A Graphics	Police-Graphic Design on Tahoe	517.00
Jose Lara/L A Graphics	Police-Graphic Design Unit 2	617.00
Jose Lara/L A Graphics	Police-Graphic on 2nd Tahoe	517.00
Jose Lara/L A Graphics	Police-Remove Decals Unit 11	75.00
Jose Lara/L A Graphics	Police-Remove Decals Unit 14	75.00
Kayo Strickland	Cemetery-Reimb Gopher Trap	10.67
KLEA Radio	Lodgers Tax-Advertising Churches-AF-AM Programs	156.00
Larry Mahan's Paint & Body	Police-Repairs on unit 3	5,313.25
Lea County Treasurer	Judicial-Inmate Housing Jan 2013	2,521.75
Library Petty Cash	Reimburse Library Petty Cash	25.78
LightHouse BIS, LLC	Finance-System Support	936.27
Lovington Economic Development	Jan-June, 2013 funding	25,000.00
Lovington Economic Development	2013 Membership Dues	500.00
Lovington Leader	Lodgers Tax-Advertising Churches & AF-AM Programs	476.13
Lovington Veterinary	Vaccinations and Spaying	243.00

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

Manuela Rivera	80% per diem for Nutrition Training Class	160.00
Maria Bartholic	80% per diem for Nutrition Training Class	160.00
Marisela Porras	80% Per Diem for Nutritional Training Class	160.00
Michael Ontiveros	20% per diem for Pump Ops Class	87.40
New Mexico Gas Company	Museum-Monthly Gas Bill Jan 2013	199.51
NM EMS Bureau	Ambulance-Re-Licensure Fee	360.00
NM Judicial Education Center	Judicial Education for the month of January '13	478.00
Noalmark Broadcasting Corp.	Lodgers Tax-Advertising Arts &	681.34
Norma Vejil	80% Per Diem for Nutritional	160.00
Peanut Kustom Paint and Body	Police-Repairs 2006 Equinox LS	368.88
Peanut Kustom Paint and Body	Police-Tahoe	2,070.60
Peanut Kustom Paint and Body	Police-hail damage unit 5	3,016.71
Phillips 66 Co.	Fuel-Phillips 66	303.46
Porter Lee Corp.	Police-Portable Palm Pilot	1,370.00
Postmaster	Postage for Library	138.00
Reid Insurance Group, Inc.	Finance-Insurance Inland Marine	165.00
Robert Odom	Police-Reimb Carrier & Jotto Desk	92.99
Rufus Campbell, CEO	Fire-Res-Q-Jack 4-Point Deluxe	11,000.00
Shell Oil Co.	Gen-Shell Fuel Bill Jan 2013	156.11
Squeaky Clean	Gen-Cleaning	4,253.63
Squeaky Clean	Gen-Cleaning offices Feb 2013	4,253.63
Staples	Police-Office Supplies	430.46
Staples Advantage	Police-Office Supplies	321.75
Terrance Lizardo	Reimburse Terrance for purchase of Flags for Uniforms	114.85
UNM- Judicial Education Center	Judicial Education for the month of January '13	478.00
Valentine Auto Service	Police-Repairs on unit 19	300.34
Visa Card Service	EMT - Basic EMT for Jeffrey Coffman	70.00
Visa Card Service	Finance - Lunch Dept Head Training	102.60
Visa Card Service	Finance - Lunch Dept Head Training	51.30
Visa Card Service	Finance - Lunch Dept Head Training	253.92
Visa Card Service	Police - Supplies	107.84
Visa Card Service	Recreation - Food for inmates	116.32
Visa Card Service	Recreation - Food for inmates	122.33
Visa Card Service	Recreation - Food for inmates	122.85
Visa Card Service	Finance-Meal for Fire Chief Interview Board at Pioneer	117.43

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeting - General
From 3/1/2013 Through 3/31/2013

Visa Card Service	Finance-Adams Rite 4510 Deadlatch- Left Handed	56.58
Visa Card Service	Finance-Adams Rite 4510 Deadlatch- Right Handed	56.58
Visa Card Service	Finance-Adams Rite Exit Paddle-Left Handed	74.29
Visa Card Service	Finance-Adams Rite Exit Paddle-Right Handed	74.29
Visa Card Service	Finance-Shipping	27.08
Visa Card Service	Finance-Lodging for J Williams=EMS Region III Bod Meeting La	92.51
Visa Card Service	Finance-Lunch During EMS Region III Bod Meeting Taco Villa J	7.10
Visa Card Service	Finance-Security Locks for City Hall	385.28
Visa Card Service	Finance-Kaba Programming Kit	125.00
Visa Card Service	Finance-Kaba E-Plex E203111626	528.28
Visa Card Service	Streets-Class Sign Up Recycling Coalition	225.00
Visa Card Service	Fire-Secutiry locks for Fire Department	385.28
Visa Card Service	Ambulance-Advanced emergency Care Books	409.52
Visa Card Service	Ambulance-Shipping and Handling	31.92
Visa Card Service	Ambulance-Holes Essentials of Anatomy and Physiology	657.96
Visa Card Service	Ambulance-Shipping and Handling	6.96
Visa Card Service	Ambulance-National Registry Reactiv- J Williams	20.00
Visa Card Service	Ambulance-National Registry Renewal- J Hayes	20.00
Visa Card Service	Ambulance-National Registry Renewal- A Lawson	20.00
Visa Card Service	Ambulance-National Registry Renewal- L Voyles	<u>20.00</u>
Watermaster Irrigation Supply	Cemetery-Supplies	495.90
Windstream	PHONE Bill EDC-Feb 2013	153.45
Windstream	Phone Bill-Main Feb 2013	<u>129.20</u>

90,011.82

TOTAL

156,149.04

<u>Vendor Name</u>	<u>Current Balance</u>
Atco International	280.00
Blaine Industrial Supply	215.65
BMN Meter Measurement	524.45
California Cont. Supplies,	379.87
Cardinal Laboratories	224.31
Dana Kepner Co.	10,196.12
DPC Industries Inc.	2,062.06
Farmer Brothers	12.56
General Welding Supply	85.00
Haarmeyer Electric	811.89
Hach Co.	103.90
Higginbotham-Bartlett	510.38
Hose Products	13.86
IMR Corporation	4,271.36
Larry Mahan's Paint &	3,986.90
Lovington Auto Supply	444.97
Master Printers	597.75
NMWWA-SE Section	72.00
NXTEC Sales Group Inc.	343.27
P & D Petroleum, Inc	2,618.96
Patriot Pipe & Supply	152.90
Polydyne Inc.	504.00
Pro-Treat Power	140.63
QA Balance Services, Inc	1,165.00
Scott Lunsford	69.47
Solid Waste Authority	4,113.78
Tbl and Associates, LLC	317.92
Tom Growney Equipment	1,100.51

City of Lovington (New)
Summary A/P Ledger - A/P Summary CCMeeting - Water
From 3/1/2013 Through 3/31/2013

Tom's Plumbing	1,496.25
Tyler Technologies	8,846.93
USA Bluebook	855.18
Wagner Equipment Co	<u>303.21</u>
Report Balance	<u><u>46,821.04</u></u>

Vendor

Subtotal from page one

AT&T Mobility	Water-Cell Phone Bill Feb 2013	383.91
Bernardo Gutierrez, Jr.	20% Per Diem for trip to Las Cruces for Water School	89.00
Chevron USA, Inc.	WasteWater-Fuel	42.73
David Rodriguez	WasteWater-Reimb Plumber	79.13
Gardner Denver, Inc.	WasteWater-Filter	76.75
Miguel De La Cruz	20% per diem for travel to Cert. Advisory Bd Meeting	
Ron Woods	20% Per Diem from trip to Las	89.00
Shell Oil Co.	Water-Shell Fuel Charges	79.00
Solid Waste Authority	Solid Waste-Residential Pickup-Dec 2012	4,211.15
Travelers	WasteWater-Deductible Sewer Line	2,500.00
Waste Management-Desert Region	Solid Waste-Roll-Offs Jan 2013	
		7,550.67
TOTAL		54,371.71

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 11, 2013



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Closed Session
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: March 6, 2013

STAFF SUMMARY:

Staff have requested a closed session to discuss the purchase, acquisition, or disposal of real property and for pending litigation.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to go into closed session, pursuant to Section 10-15-1 NMSA 1978, Subsection H-7 - Pending Litigation. and Subsection H-8 -discussion of the purchase, acquisition or disposal of real property.

Department Head

City Manager