

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, OCTOBER 27, 2014 @ 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 Bengue, Commissioner Butcher, Commissioner Campos and Mayor Gandy

Not Present: Commissioner Trujillo

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Finance Director Gary Chapman, City Clerk Carol Ann Hogue, City Attorney Michael Newell, Police Chief David Rodriguez, and Administrative Assistant Anna Juarez

Invocation: Commissioner Bengue gave the invocation

Pledge of Allegiance: Commissioner Bengue led the pledge

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

Approval of the Regular Minutes of October 13, 2014: Mayor Gandy called for a motion to approve the regular minutes of October 13, 2014. Commissioner Bengue so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengue – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Finance Director Chapman stated audit went well; Exit interview scheduled for Friday, October 31, 2014
- Mayor Gandy commented on some theft in his surrounding neighborhood; Chief David Rodriguez stated patrol has been increased in this area. The street light in his neighborhood has also been fixed
- City Manager Williams received a letter from the ISO (Insurance Rating Organization) evaluation of the fire department; Chief Lizardo and Staff have received a rating of class 4, highest classification is a 1, but there are only 80 of those. New ISO rating will help lower insurance rates for residents within a five mile radius of the fire station.

- City Manager Williams proposed to Commissioners to consider a pilot program in the downtown area with one or two solar powered trash compactors. Commissioner Bengé agreed, suggested by the courthouse would be great to help with the overflow of trash. Price for the Big Belly Single Station is \$3,200.00, Smart Belly \$1,945.00 and the BigBelly + SmartBelly Double Station is \$4,640.00. Mayor Gandy directed Staff to move forward with proposal. Commissioners agreed with proposal and feel it is an awesome idea.
- Chief Lizardo invited Commissioners to haunted house on Friday, October 31, 2014 from 6 – 12 P.M.

ACTION ITEMS:

Consideration of Resolution 2014-52: State Library Grant Agreement Approval: Mayor Gandy called for a motion to approve the resolution 2014-52: State Library Grant Agreement Approval. City Manager Williams addressed the Commissioners of grant agreement from the State of New Mexico to utilize library collections, staff salaries, staff training, library equipment, and other operational expenditures associated with the delivery of library services. Granted awarded of \$7,780.00, 50% of this funding will be distributed in the fall of 2014 and the remaining distributed in January 2015. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Approval of Resolution 2014-53: Establish Credit Card Master Limit: Mayor Gandy called for a motion to consider approval of resolution 2014-53: establish credit card master limit. City Manager Williams addressed the Commissioners to approve the resolution to allow for the issuing of the additional cards as well as establish the maximum overall credit available on the City VISA Account for Finance Director, Fire Chief, and Police Chief. All credit cards are strictly monitored and balances are paid in full each month, and all receipts are turned into Accounts Payable Clerk Tracy Rodriguez. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Approval of Resolution 2014-54: NMED Grant Agreement 14-1643-STB Water System & Well Field: Mayor Gandy called for a motion to approve the resolution 2014-54: NMED Grant Agreement 14-1643-STB Water System & Well Field. City Manager Williams addressed Commissioners of the grant agreement for the \$100,000.00 Capital Outlay Appropriation for the acquisition of land, planning, design, and construction wells and water system improvements. Commissioner Bengé asked about SNMEDD acting as City fiscal agent; hopefully after the new audit is completed the City will not be required to have a fiscal agent. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Bengé – Yes,

Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy - Yes. Motion was approved.

Consideration Approval of Resolution 2014-55: NMED Grant Agreement 14-1642-STB Water Meters: Mayor Gandy called for a motion to approve the Resolution 2014-55: NMED Grant Agreement 14-1642-STB Water Meters. City Manager Williams addressed Commissioners of the grant agreement for the \$125,000.00 Capital Outlay appropriation for the water meter and equipment project. Commissioner Butcher so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Approval of Resolution 2014-56: NMED Grant Agreement 13-1458-STB Water Meters: Mayor Gandy called for a motion to approve the Resolution 2014-56: NMED Grant Agreement 13-1458-STB Water Meters. City Manager Williams addressed the Commissioners of the grant agreement for the \$350,000.00 Capital Outlay appropriation for the water meter and equipment project. A new agreement and resolution are required as the NMED Changed form and report formats. Phase III will be at about 80% completion of project. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Advertisement of Ordinance 530 – Appointment of City Clerk and Treasurer, Police Chief, and Fire Chief by City Manager: Mayor Gandy called for a motion to approve the advertisement of Ordinance 530 – Appointment of City Clerk and Treasurer, Police Chief, and Fire Chief by City Manager. City Manager Williams addressed Commissioners of amending language in the Municipal Code in regards to the appointment of the City Clerk and Treasurer, Police Chief, and Fire Chief. Prior code does not identify who appoints the City Clerk and Treasurer. The current code also identifies the governing body (City Commission) as appointing the Chief of Police. Current Code requires approval by the City Commission prior to the employment of the Fire Chief by the City Manager. Ordinance 530 places the responsibility for appointment on the City Manager for all three of these positions. City Manager Williams stated if approved for advertisement, the Ordinance will be presented for final adoption at the November 24, 2014 City Commission meeting. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Advertisement of Ordinance 531 – Amending Chapter 5.52: Trailers and

Trailer Courts: Mayor Gandy called for a motion to approve advertisement of Ordinance 531 – Amending Chapter 5.52: Trailers and Trailer Courts. City Manager Williams addressed Commissioners to consider advertisement for submitted Ordinance 531 with changes reviewed by Planning and Zoning during October 14, 2014 work session. Changes include to require a business license, all State permits, annually renewal, business is not transferable (new owner will need to go through application process), all business licenses will expire December 31. Application requirements process incorporate a current survey and a site plan prepared and stamped by a professional engineer. License fees for RV/MH Park initial fee of \$150.00 and renewal fee of \$100.00. Individual sites with water and sewer connections need to be a minimum of 5 feet apart. RV Parks that allow RV's without equipped commode and sink will be required to provide complete restroom facilities; parks having more than twelve total sites shall provide one additional restroom for each sex for each additional twelve sites or fraction thereof. Meet a minimum 40,000 square feet requirement for RV/MH Park. Minimum standards for RV's are 30x45 for infield developments, 30x60 for new developments, MH <18' 40' x 100', MH > 18' 50' x 100', distance of slide outs minimum of 15' separation, with a corner markers, identified pad for RV's, parking for two off street spaces per site per unit, paved 20 foot wide internal streets and plan designed with engineer stamp, streets to comply with fire and safety regulations, and storm water retention plan. RV/MH Parks pre-existing prior to adoption of Ordinance will need to be in compliance by 2020. Parcel size requirements to choose from: Option A – a license lapse for more than 90 days is nonrenewable, Option B – reduce or omit the minimum parcel site, or option C – perpetual license until it expires. Assistant City Manager Cobb stated Ordinance will help with organized, new development; plus Hobbs requires 2 acres for RV/MH Parks. Commissioner Bengé stated the 40,000 square feet minimum was a concern with the already existing businesses that are well managed, and will never be able to meet the 40,000 square requirements. Mayor Gandy stated to consider 40,000 square feet with a grandfather clause, but to meet criteria for standard RV/MH Park space size. Kallie Windsor discussed slide out amount decided in Planning and Zoning was 10 feet not the 15 feet apart; City Planner Hildreth stated change was made because of fire standards. Commissioners and Staff all agreed with change of slide out of 15 feet apart for fire safety concerns. Commissioner Bengé recommended to keep 40,000 square foot parcels size for new development of RV/MH Parks, however do not make requirement for existing RV Parking, but to meet space size allowances; this way owners do not lose their investment. City Manager Williams stated that as of the date of adoption of Ordinance 531 single RVs on individual lots outside of RV parks shall be eligible for one renewal period ending December 31, 2015. The City has the right to cite the owner, manager, or owner representative and suspend RV/MH Park license for non-compliance and shall be punished with a fine up to \$500.00, 90 days imprisonment, or both. Commissioner Butcher amended motion. Commissioner Bengé amended second. Commissioner Butcher motioned to approve 40,000 square foot parcels size for new development RV/MH Parks, however do not require existing RV Parks, but to meet space size allowances. Commissioner Bengé seconded and a roll call was taken:

Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved. Commissioner Trujillo – Abstained from voting, arrived in middle of discussion.

Commissioner Trujillo arrived at 6:15 P.M.

Consideration Appointment of Imogene Hanners as Honorary Life Member to Library Board of Trustees: Mayor Gandy called for a motion to consider appointment of Imogene Hanners as Honorary Life Member to Library Board of Trustees City Manager Williams addressed the Commissioners of appointment to allow Mrs. Hanners to continue to serve in an advisory capacity to the library board as an ex officio member that is allowable under Lovington Municipal Code 2.76.030. Commissioner Campos so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Approval of Street Lights: 700 – 800 Block of West Cottonwood: Mayor Gandy called for a motion to consider approval of street lights: 700-800 block of west Cottonwood. City Manager Williams addressed the Commissioners on request for additional street lights. The average distance between existing lights is 310 to 350 feet in residential areas. Each 150W residential streetlight will increase electrical cost by \$105.96 annually. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Accounts Payable: Mayor Gandy called for a motion to approve the accounts payable. Commissioner Bengé so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT: NONE

CLOSED SESSION:

At 6:20 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session: Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8 regarding the purchase, acquisition, or disposition of real property or water rights. Commissioner Campos seconded and a roll call vote was taken: Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher – Yes; Commissioner Campos – Yes, and Mayor Gandy - Yes.

At 6:58 p.m., Commissioner Bengé 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: Mayor Gandy - Yes; Commissioner Bengé - Yes; Commissioner Butcher – Yes; and Commissioner Campos – Yes; Commissioner Trujillo – Yes.

OTHER:

- City Manager Williams informed Commissioners of being at a Conference in Santa Fe, followed by vacation time.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:00 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK