

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, AUGUST 11, 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 Campos, Commissioner Butcher, Mayor Gandy, Commissioner Bengé and Commissioner Trujillo

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

Invocation: Commissioner Butcher gave the invocation

Pledge of Allegiance: Commissioner Butcher led the pledge

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

Approval of the Regular Minutes of July 28, 2014: Mayor Gandy called for a motion to approve the regular minutes of July 28, 2014. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- City Manager Williams introduces Finance Director Gary Chapman. Finance Director Chapman stated he is from California, feels blessed to be here and feels very welcomed from the City Personnel.
- Mayor Gandy apologized for his attire for the evening
- Commissioner Bengé complemented the Fair & Rodeo and Chamber, stated it was a fabulous event and amazing. Yucca Building hosted lots of community booths. Had a complaint from trucks coming off of Brian Urlacher and Avenue D
- Mayor Gandy agreed with Commissioner Bengé on Fair & Rodeo doing an awesome job.
- City Manager Williams updated Commissioners on Central Plaza suspended work; contractor from Wallach was hit by lightning, which has caused a delay in concrete. Contractors have a lot of the curve and guttered poured; electrical needs to be pulled through the conduit irrigation system. Repairs on North Main on the week of July 28 has had a delayed due to weather conditions and Fair & Rodeo week. City will be conducting three phone interviews for the City Planners position. City Manager Williams asked Commissioners to decide on 3/8 work

session date or to decide on the 3/8 options presented for the next commission meeting. Four options were presented to the Commissioners to consider for next commission meeting, which included 3/8 tax implementation, capital improvement fund, general fund distribution and capital improvement fund at a flat rate, and general fund distribution and capital improvement fund at a 30% rate.

- Commissioner Campos asked Interim Chief Police Rodriguez if they assisted with the Fair & Rodeo. Interim Chief Police Rodriguez stated the police department had a booth and helped with managing traffic control throughout the Fair & Rodeo week.

NON-ACTION ITEMS:

Discussion of 2016-2020 ICIP: Assistant City Manager Jared Cobb presented to the Commissioners the Infrastructure Capital Improvement Plan (ICIP) which the Department of Finance and Administration strongly encourages the municipalities to develop a 5 year plan. The plan provides an orderly process for the replacement, repair, acquisition and improvement of equipment and infrastructure. An ICIP is also critical to receive state capital outlay funds, grants, and loans. The project titles and estimated cost that rank in the first five top are: Water Rights/Well Construction \$4,300,000; Replace Water Meters \$1,080,000; Central Plaza Project \$1,694,000; Irrigation System Chaparral Park \$600,000; Reconstruct N. 17th Street Bypass \$2,536,127. Commissioners accept ICIP list as is. No action taken.

ACTION ITEMS:

Consider Amendment of Resolution 2014-24: City P.E.R.A. Participation: Mayor Gandy called for a motion to consider amendment of resolution 2014-24: City P.E.R.A. participation. City Manager Williams addressed the Commissioners stating that the amendment resolution corrects the mistake of a transposed number of the previously adopted resolution. Commissioner Trujillo so moved to approve amended resolution 2014-26: SNMEDD/COG Membership. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-30: Housing Authority Tax Waiver: Mayor Gandy called for a motion to approve the resolution 2014-30: housing authority tax waiver. City Manager Williams asked Commissioners to waiver payments in lieu of taxes for fiscal years 2011, 2012, and 2013, as granted in previous years. Commissioner Campos abstained from voting, due to working in Housing Authority. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, and Commissioner Butcher – Yes. Motion was approved.

Consider Approval of Resolution 2014-31: City and Lea County Economic Development Agreement: Mayor Gandy called for a motion to approve the resolution 2014-31: City and Lea County Economic Development Agreement. City Manager

Williams addressed the Commissioners to approve agreement with City and Lea County helping with economic development activities reimbursement from Lea County in the amount of \$5,000.00. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes. Motion was approved.

Consider Approval of Resolution 2014-32: City and Non-Metro Area Agency on Aging Agreement: Mayor Gandy called for a motion to approve the resolution 2014-32: City and Non-Metro Area Agency on Aging Agreement. City Manager Williams stated resolution allows for the City Manager and Norma Vejil to sign and enter into contract with the Non-Metro Area Agency on Aging to provide funding for transportation, congregate meals, and activities for the Senior Citizens Center. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved

Consider Approval of Resolution 2014-33: Adoption of City of Lovington 40-year Water Development Plan: Mayor Gandy called for a motion to approve the resolution 2014-33: adoption of City of Lovington 40-year water development plan. City Manager Williams addressed the Commissioners to approve final draft of the 40-year Water Plan which is uploaded on website for public to view. City owns about 6000 acres feet of water rights; currently, City is using 68%. However, with population increase and economy growth; the 2045 growth prediction of 756 acre feet of additional water rights. City Manager Williams discussed the importance of data collection and system audit, evaluation of rate structure, infrastructure improvements, and water reclamation for implementation of a water development plan for system improvements. Commissioner Trujillo so moved. Commissioner Bengé seconded the motion and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-34: City and Lea Community Foundation for the Arts Project Participation Agreement: Mayor Gandy called for a motion to approve the resolution 2014-34: City and Lea Community for the Arts Project Participation Agreement. City Manager Williams addressed the Commissioners to approve project participation agreement to allow the Lea Community Foundation for the Arts to begin the remodeling, upgrading, and operation of the Lea Theater. After one year and all obligations are met, the Foundation has the option purchase at any time during the lease period with consent of City Commission. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy - Yes, Commissioner Butcher –Yes, and Commissioner Campos – Yes. Motion was approved.

Consider Approval of Resolution for a zoning Variance on a portion of land Located on the east side of south 17th street between the 900 and 1200 blocks for the development of a self-storage facility in zone B - multifamily: Mayor Gandy called for

a motion to approve the resolution for a zoning variance on a portion of land located on the east side of south 17th street between the 900 and 1200 blocks for the development of a self-storage facility in zone B - multifamily. Ryan Burkett addressed Commissioners to approve zoning variance on northern half of parcel on plat to be zoned B to allow only for a self-storage facility. Mr. Burkett had a petition of support from neighbors within 600 yards of proposed facility. Joann Domzalski asked where the petition was for the neighbors opposed to the self-storage facility. City Manager Williams explained to Commissioners if variance is approved and business owners decide to sell the property the variance would not transfer to next land owner. Commissioner Campos asked Mr. Burkett what the probability of building new homes would be in this area. Mr. Burkett responded with the possibility of 85% chance of building nice 2000 square foot single family homes. Commissioner Trujillo stated property should be zoned for housing; feels the facility will stop the development in this area and facility should be placed in a different location. Assistant City Manager stated City is looking at areas for development in the City with our comprehensive plan. Commissioners discussed concerns with traffic on 17th Street as it serves for a truck by pass. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – No, Mayor Gandy - Yes, Commissioner Butcher –No, and Commissioner Campos – Yes. Motion was approved.

Consider Approval of Resolution for a zoning variance at 721 W. Taylor Street – Accessory building in rear yard to exceed maximum allowable size: Mayor Gandy called for a motion to approve the resolution for a zoning variance at 721 W. Taylor Street – Accessory building in rear yard to exceed maximum allowable size. City Manager Williams stated Clint Gomez has requested a variance recommended for approval from Planning and Zoning. Mr. Gomez started this process by obtaining State building permit from the State; prior to the State requiring City approval before issuing a building permit. Commissioners discussed concerns with access into the shop. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – No, Commissioner Butcher – No, Commissioner Campos - No, Commissioner Trujillo – Yes, and Mayor Gandy - No. Motion was not approved.

Consider Approval of Resolution for a zoning variance at 1106 W. Tyler Street – Accessory building in rear yard to exceed maximum allowable size: Mayor Gandy called for a motion to approve the resolution for a zoning variance at 1106 W. Tyler Street – Accessory building in rear yard to exceed maximum allowable size. City Manager Williams stated Sergio Andaluz has requested a variance recommended for approval from Planning and Zoning. Mr. Andaluz started to construct shop about 6 years ago, but do to unforeseen circumstances it was placed on hold; though now project is ready to commence and paper work is in order. Commissioners discussed concerns with access into the shop. Commissioner Bengé so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy - Yes, Commissioner Butcher –No, and Commissioner Campos – Yes. Motion was approved.

Consider Approval of Resolution for a zoning variance at College Addition, Block 6 – Change the South half of Block 6 from Zone A – Residential to Zone C - Commercial: Mayor Gandy called for a motion to approve the resolution for a zoning variance at College Addition, Block 6 – Change the South half of Block 6 from Zone A – Residential to Zone C- Commercial. City Manager Williams stated owner Luis Teran requested a variance recommended for approval from Planning and Zoning on the property which is a vacated portion on Monroe. Commissioners discussed concerns with utilities, property line, and land ownership of property. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher - Yes, Commissioner Campos – 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:

- Carolyn Shelby thanked City Manager Williams for handling situation concerning Waste Management very promptly.
- Star Foster suggested fixing broken basket course for Frisbee golf course, replacing the missing baskets, placing concrete tee boxes and placing a map of the course to eventually be able to hold tournaments at the Chaparral Park. Commissioners and City staff agreed course needs improvements and course will be considered on the next Park and Recreation board meeting.
- Clint Laughlin thanked City Manager Williams for handling situation concerning Chaparral Park bridge repairs promptly.
- Monica Salcido and Tabitha Lawson invited Commissioners to 2nd Annual Concert Series on August 23rd, at the Courthouse. Concert event has been promoted in Facebook, newspaper, posters, and radio stations. Commissioner Bengé suggested a different setup for concert stage to improve the sound quality.
- Clint Gomez asked Commissioners for recommendation and or direction of what to do now with variance that was denied; stated a lot has been invested in shop building already. Commissioners clarified misunderstanding of entrance to shop; stated variance will be re-evaluated in next City Commission meeting.

CLOSED SESSION:

At 6:50 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 Campos - Yes, Commissioner Butcher - Yes, and Mayor Gandy – Yes.

At 7:18 p.m., Commissioner Campos 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 Trujillo seconded and a roll call vote was taken: Commissioner Benge - Yes; Commissioner Trujillo - Yes; Mayor Gandy - Yes; Commissioner Butcher - Yes; and Commissioner Campos - Yes.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:20 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK