REGULAR MEETING OF THE CITY COMMISSION
MONDAY, OCTOBER 28, 2013 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

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

Also present: City Manager James Williams, Assistant City Manager Jared Cobb, Finance Director Mashell Stephens, City Clerk Carol Ann Hogue, Chief of Police Danny Bryant, Administrative Assistant Imelda Gutierrez and City Attorney Patrick McMahon.

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

Invocation: Mayor Drummond gave the invocation

Pledge of Allegiance: Mayor Drummond led the pledge

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

Approval of the Called Meeting & Regular Meeting Minutes of October 14, 2013: Mayor Drummond asked for a motion for approval of the called and regular minutes of October 14, 2013. Commissioner Trujillo so moved to amend the wording "passenger watercrafts" to "personal radio control watercrafts" in the regular minutes on page 2: Discussion of parks and recreation rules and regulations. Commissioner Gandy seconded. Motion was approved.

NON-ACTION ITEMS:

Lea County Fair Board Presentation: Randy Pettigrew addressed the Commissioners on behalf of the Lea County Fair Board to present the Commissioners with site pictures of all the artists and the top ten (10) events at the Fair & Rodeo 2013 and to thank the City for all the support. The attendance record for 2013 was 98,208 and 108,525 for 2012. Commissioner Benge stated she would like to thank the Fair Board for the growth, development and their support. No action was taken.

Discussion of LEDA Fund & State Intergovernmental Agreement: City Manager Williams addressed the Commissioners stating that the Due Diligence Committee of the Lovington EDC has reviewed two separate projects that have requested funding from LEDA. The LEDC Board will be voting on the recommendation for either project on October 30, 2013. One project has received partial funding from the State of New Mexico. Lovington MainStreet submitted an application to utilize LEDA funds to purchase, upgrade to digital and start operations of Lea Theater. The amount requested for this first project is $450,000 with a three (3) year term of $150,000 annual payment. The city will be funding for the purchase of the building only and will not own the Theater. The total of funds in LEDA is $886,000. Mark Roper of NMED, Region 6 –

Southeastern NM addressed the Commissioners on behalf of the Lovington Warehouse requesting authorization of the execution of an intergovernmental agreement and a project participation agreement accepting from the New Mexico Economic Development Department $100,000 for economic assistance for improvement of a 800 feet, 40 feet wide both sides unloading and loading zone project adjacent to Lovington Warehouse and the Railroad. Mr. Roper stated that $100,000 must be guaranteed in order for the State to fund the project. Commissioner Trujillo asked Mr. Roper who owned and who will maintain the property. Mr. Roper stated that Dale Saxton is the property owner and he will maintain the property. Commissioner Gandy stated he would like to keep and bring business to Lovington and he has no problem keeping it here. No action was taken.

ACTION ITEMS:

Consideration of Approval of Inflatable Structure Use Policy: Mayor Drummond called for a motion to approve the inflatable structure use policy that was presented to the Commissioners at the last meeting. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Approval to Advertise Ordinance 517 – Park & Recreation Rules & Regulations: Mayor Drummond called for a motion to approve to advertise Ordinance 517. City Manager Williams stated that the policy includes:

- Anyone found guilty of violating the provisions of this chapter shall be punished by a fine of up to $300 maximum or imprisonment of up to ninety days, or by both such fine and imprisonment.

Commissioner Granath so moved. Commissioner Benge seconded. Motion was approved.

Consideration of Approval to Advertise Ordinance 518 – Uniform Traffic Ordinance Changes: Mayor Drummond called for a motion to approve to advertise Ordinance 518. City Manager Williams stated that the amendments will create changes such as:

- Section 12-6-12.6 Unlawful Use of License; Driving Privilege to do so have been Suspended or Revoked.
- Section 12-12-3 Conduct of Officer – Notices by Citation
- Section 12-12-3.1 Electronic Uniform Traffic Citation
- Section 12-12-11 Abstract of Traffic Cases – Report on Convictions

Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Ordinance 512 – Off Street Parking: Mayor Drummond called for a motion to approve Ordinance 512 – Off Street Parking. City Manager Williams stated that this ordinance has been published on the newspaper, City website and public notice has been mailed to each property owner. The public notice has been published for thirty days. Commissioner Benge so moved. Commissioners Trujillo seconded. Bobby McCraw of 714 W. Ave E addressed the Commissioners stating his concerns about how expensive a six inch concrete pad and storing his RV trailer will cost plus insurance for not being on site. Mr. McCraw stated other concerns which are weeds, junk cars, trash, and loud noise around the neighborhood. Clint Laughrin addressed the Commissioners stated his concerns about how some residents cannot afford to pave their

driveways. A four inch concrete pad is typical for a driveway but not a six inch concrete pad. The residents will be forced to park on the streets and which will cause a bigger problem to the City. Commissioner Benge stated that the ordinance was not proposed to raise money. The property owners need to take pride of their homes, yards, and neighborhoods. Commissioner Gandy stated that the City is trying to clean up the community and as a community we need to work together. The property owners seem to take more pride on their vehicles than on their yards. Some residents bend and stretch the laws. He also stated that he applauds the residents that do attend the City Commission meetings. Lola Jackson addressed the Commissioners stating she has done some improvements to her home but cannot afford to build a driveway. She asked why not start beautifying Main Street where she thinks the problem is at. The off street parking is not beneficial, when children start dashing between parked vehicles where there will be less visibility and more accidents that can occur. Connie Sevier addressed the Commissioners stating that in Lubbock and Midland no one parks in their front yards. The residents park in the alleys. Water Supervisor Wyatt Duncan stated that the City's infrastructure is in the alley. Jesse Juarez addressed the Commissioners stating her concerns about her rental properties which her tenants drive their company work trucks home and the business the tenants work for are from out of town. Pete Rasmus of 211 S. 3rd Street addressed the Commissioners stating that he has RV's and ATV's which his concern is if he has to add a concrete pad for all recreational vehicles in his backyard. Ann Pavelek addressed the Commissioners stating that the GVW needs to be changed from 10,000 to 26,000 because it will affect many residents. This is an oilfield town. Lola Jackson stated that the letter she received stated "a public hearing to solicit public input will be held on October 28, 2013 at 5:30 p.m. at the City Hall. Estela Garcia addressed the Commissioners stating that she commends the City for trying to clean up the community. Her main concern is in the Commercial Zone where there is a big problem with semi-trucks driving through the alleys and a mixture of mobile homes and truck tires sitting on the ground making the area look very bad. Jerry Williams addressed the Commissioners stating his concerns on how this ordinance will affect the parking at apartments around the City. Commissioner Benge so moved to table until more clarification on Paragraph E: B & Paragraph G: C&D and bring back to the meeting on November 25, 2013. Commissioner Trujillo seconded and a roll call was taken: Mayor Drummond; aye, Commissioner Trujillo; aye, Commissioner Benge; aye, Commissioner Gandy; aye and Commissioner Granath; aye. Motion was approved to be tabled. Randy Pettigrew addressed the Commissioners stating that Planning & Zoning Board Members spent a lot of time and effort into bringing this recommendation to the Commission. The ordinance was presented to the Commission several times and he thinks that the Commission needs to take a stand at some point in time and take a vote. The P&Z Board has changed the way they publicize the agendas and he challenges the city residents to read the newspaper or come by the City Hall for information. The resident's points are valid points and are important he stated. Mr. Pettigrew stated "If I'm going to invest my time into this, I expect the same from everyone else too".

Consideration of Approval of Ordinance 513 – Annexation: Mayor Drummond called for a motion to approve Ordinance 513 – Annexation. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Ordinance 514 – Industrial Zone Changes: Mayor Drummond called for a motion to approve Ordinance 514 – Industrial Zone Changes. Hilda Marquez addressed the Commissioners stating that her family business is located at 18 E. Ave D and would like to put a mobile home to live in next to her business. Code Enforcer Brock stated the concerns about not allowing residential homes/mobile homes be developed in this zone due to different companies having hazardous chemicals. Gary Jones addressed the Commissioners stating his concerns on land he owns on Dencoe Drive. Mayor Drummond mentioned to Mr. Jones that it is partial residential and commercial in that area. City Attorney McMahon suggested that Mrs. Marquez could request a variance but it would be up to the Commissioners to decide if the zone will be allowed only for industrial and a commercial zone for commercial. Another suggestion is to request to change the zoning. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

PUBLIC COMMENT:

Marla Price addressed the Commissioners stating that seventy-five (75) teenagers attended the Halloween Dance at the Youth Center on Saturday, October 26, 2013. Mrs. Price also thanked the Chamber of Commerce and LEDC for their help in advertising. Hope Vasquez addressed the Commissioners stating her concerns about her residence at 1217 W. Ave K being annexed in from County to City. Gary Jones addressed the Commissioners stating his concerns about the speeding problem there is on Avenue M. Mr. Jones mainly concern is the safety of the children. City Manager Williams stated that this particular issue will be on the Planning & Zoning meeting on November 4, 2013.

OTHER:

- Commissioner Granath mentioned that the Commissioners should be open-minded to all suggestions and ideas from the public.
- Commissioner Gandy stated that he lends more to what Randy Pettigrew's commented regarding the Planning & Zoning recommendations to the City Commission and that the Commissioners should be ready to vote.
- Mayor Drummond mentioned that she attended the Maddox Foundation Dinner last week.
- City Manager Williams mentioned to the Commissioners about the Veteran's Parade that will be held November 11, 2013 at 4:00 p.m. down Main Street.

ADJOURNMENT:

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

APPROVED: _____

DIXIE DRUMMOND, MAYOR

ATTEST: _____

CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Discussion of PERA and Senate Bill 27
DEPARTMENT:
SUBMITTED BY: Jayme Rhoades
DATE SUBMITTED: November 1, 2013

STAFF SUMMARY:

Ms. Rhoades has requested time to address the Commission regarding recent changes to PERA, suggested language changes we should support, and changes affecting some current City employees.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Letter from Ms. Rhoades

RECOMMENDATION:

Information only.

_____
Department Head

_____
City Manager

TO: James Williams

City Manager for the City of Lovington

FROM: Jayme Rhoades

DATE: November 1, 2013

Reference: Request support from City of Lovington and assistance in contacting State Senators and Representatives on the new changes to the Public Employees Retirement Association (PERA) Senate Bill 27.

I would like to be added to the agenda for the next City Council meeting for the City of Lovington.

While employed with the City of Lovington in 2006 PERA came to Lovington and presented to employees with different PERA plans. The employees had a choice to stay with the 401K plan or join PERA. In the program presented by PERA, they said if you join PERA and you stay with PERA for 5 years in Lovington then you are vested with PERA, and at that point you can purchase past service time while you were employed with Lovington. The plan that was chosen for the police department was Plan 1, which was 30 years at 60%. PERA advised on purchasing past service time it would be best to purchase it at this plan because of cost. PERA then said the City of Lovington could change plans after the 5 years and go to a lower year's higher percentage rate, and once you were with that plan for 3 consecutive years you were vested at that plan. PERA also said if you were vested with Lovington and went to another agency under PERA, you would have to be with that agencies plan for 3 consecutive years, then you would be vested at that agencies plan.

After reaching the 5 years with PERA in Lovington, I purchased past service time with money I had in my 401K. I had to purchase both the employees and employers portion. Again this was my money and it cost me right at $200,000.00. After I purchased my past service time, I talked to the city about changing its plan and was told "no; maybe in a couple years".

The constant problems within the department, administration issues, and retirement I was forced to look for another job.

Senate Bill 27 dealing with the Public Employees Retirement Association (PERA) was passed and went into effect on July 1, 2013, this bill changed many sections. The section I am here to speak to you about is where if a member of PERA has two (2) or more plans as of July 1, 2013 and do not have three (3) years with current plans as of July 1, 2013 you then revert back to the plan where you do have three years.

The law did not say from July 1, 2013 forward, it went backwards. They just dropped the way the law had been and did not grandfather in and took away. They also did not include what you had paid at a higher rate on the second plan (Plan 5) for the period of time I had been with that plan. They said as of July 1, 2013 then I could use the 3 ½ % from that point forward, but any I had paid in before July1, 2013 would be calculated at a 2% rate. This is now what they refer as a blended rate.

I talked with PERA and was told the legislators got a wild hair and made the changes. PERA personal also said "when PERA went around the state last year and told about what the plan entailed it NEVER included this part, this is something the legislators did on there on".

PERA suggested I contact my local senators and representatives and tell them how harmful this was to the employees who had made changes prior to July 1st and were not locked into the new plans. PERA also said "They could have written the law differently to say people who already made the transition as long as they stayed three (3) consecutive years would have been grandfathered in". "This part of the legislation was not written correctly it harms people".

Modify the language in Senate Bill 27 to the members who made transitions and stay the three (3) consecutive years would be grandfathered in and would be vested on the new plan.

I have been in contact with several past employees from Lovington Police Department that changed departments, this has also affected them, not to the extent as it does me, but when it comes time for retirement it affect them.

I am asking that the City of Lovington, Mayor, City Council, City Attorney, City Manager and any citizen please contact or write their local Senators and Representatives and let them know what happened, ask them to modify the language in Senate Bill 27. The City of Lovington contributes money to PERA, they are involved in this, we were employed by the City of Lovington, and you all were our representatives to PERA.

I would like to also bring to the attention, the same person who came and presented this to the City of Lovington and sold this to the employees also put the dispatchers and fire department secretaries under the wrong plan. With recent changes in plans, PERA learned this was done incorrectly. PERA said stop taking money out of their checks for PERA till this could be straightened out. So dispatchers and fire department secretaries have not had PERA taken from there paychecks in several weeks. This is a break in continuous coverage. With what PERA has done statewide with their members what will they do with these employees.

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Senior Citizen Board Appointments
DEPARTMENT: Senior Citizen Center
SUBMITTED BY: Norma Vejil, Director
DATE SUBMITTED: No

STAFF SUMMARY:

The following individuals have been recommended for reappointment to the Lovington Senior Citizen Advisory Council for two year terms:

Shirley Choate
Fred Browning
Ben Quiroz
Thomas Griffin

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

Letter from Director

RECOMMENDATION:

Discussion only. Other interested parties may submit for consideration. Action on this item will be requested at the November 25, 2013 Commission meeting.

_____ **Department Head**

_____ **City Manager**

Bill McKibben Senior Center

18 West Avenue F

Lovington, NM 88260

(575)396-4161

October 25, 2013

Lovington City Commission
214 South Love Street
Lovington, NM 88260

Dear Mayor Drummond & Fellow Commissioners:

I would like to take this opportunity to recommend the following citizens be reappointed to the Senior Citizen Advisory Council. Each term will be for two years and will expire in January 2016.

Shirley Choate
Fred Browning
Ben Quiroz
Thomas Griffin

It has been a pleasure working with these board members in the past and with your approval, I look forward to another two years.

Sincerely,

Norma Vejil, Director
Bill McKibben Senior Citizen Center

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Discussion of Central Plaza Construction Bid
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 5, 2013

STAFF SUMMARY:

Bids for construction of Central Plaza Phase I were opened on October 29, 2013. There was only one respondent to the bid. SMA has tabulated the bids for your review.

The bid received is higher than engineer estimates. Staff would like to discuss options for this project for you to consider and take action on at a later meeting.

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

Bid tabulation

RECOMMENDATION:

Information only.

_____ **Department Head**

_____ **City Manager**

Souder, Miller & Associates ♦ 500 North Main Street, Suite 504 ♦ Roswell, NM 88201
(575) 624-2400 ♦ (800) 648-8505 ♦ fax (575) 624-2442

October 31, 2013

Mr. James Williams, City Manager
City of Lovington
P.O. Box 1268
Lovington, New Mexico 88260-1268

Re: Central Plaza Streetscape Project
NMDOT CN: 2100540

Dear Mr. Williams,

The Bid Opening took place on Tuesday, October 29, 2013 at 2:00 p.m. Those in attendance were:

Jared Cobb, City of Lovington
Amelda Gutierrez, City of Lovington
Cindy Jaquez, Abraham's Construction, Inc.
Claudia Jaquez, Abraham's Construction, Inc.
Paul A. Zagone, Souder, Miller & Associates
Maureen Zagone, Souder, Miller & Associates

There was only one bid received and opened. We have reviewed Abraham's Construction, Inc. submitted bid and all required documents were in order. Abraham's Construction, Inc. bid is as follows:

TOTAL BASE BID	$ 387,635.50
Additive Alternate 1	$ 82,640.00
Additive Alternate 2	$ 27,640.00
TOTAL	**$ 497,915.50**

Enclosed please find bid tabulation for the subject project. The contractor's Base Bid was $134,731.00 (53.27%) over the Engineer's Estimate. The Total Bid including Alternates was $95,043.00 (23.59%) over the Engineers Estimate. All costs do not included NMGRT. Please feel free to call with any questions you may have.

Sincerely,

Paul A. Zagone, PE
Senior Engineer, Souder, Miller & Associates

Xc: Jessica Hunter, NMDOT (via email)
Lee Gamelsky, Lee Gamelsky Architects, P.C. (via email)
Jim Smith, SMA Sr. Engineer (via email)

BID TABULATIONS

PROJECT: Central Plazaa Streetscape NMDOT CN: 2100540
BID DATE & TIME: October 29, 2013 at 2:00 p.m.

SMA
Engineering - Environmental Surveying
www.sauderandmiller.com

					ENGINEER'S ESTIMATE		Abraham's Construction, Inc.	
ITEM	No.	ITEM DESCRIPTION	UNIT	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	207000	Subgrade Preparation (6" depth subgrade preparation)	SY	825	$ 4.00	$ 3,300.00	$ 5.00	$ 4,125.00
2	304160	Base Course 6"	SY	825	$ 15.00	$ 12,375.00	$ 21.00	$ 17,325.00
3	416000	Minor Paving (HMA SP IV - 3")	SY	800	$ 30.00	$ 24,000.00	$ 41.00	$ 32,800.00
4	515000	Reinforced Concrete for Minor Structures	CY	19	$ 700.00	$ 13,020.00	$ 800.00	$ 14,880.00
5	601000	Removal of Structures and Obstructions	LS	1	$ 20,000.00	$ 20,000.00	$ 17,000.00	$ 17,000.00
6	608006	Concrete Sidewalk - 4"	SY	400	$ 75.00	$ 30,000.00	$ 46.00	$ 18,400.00
7	608106	Concrete Drivepad (6" Thick)	SY	57	$ 50.00	$ 2,850.00	$ 89.00	$ 5,073.00
8	609424	Concrete Vertical Curb & Gutter B 6" X 24"	LF	700	$ 15.00	$ 10,500.00	$ 33.00	$ 23,100.00
9	609636	Concrete Valley Gutter 6" X 36"	LF	335	$ 30.00	$ 10,050.00	$ 44.00	$ 14,740.00
10	621000	Mobilization	LS	1	$ 25,000.00	$ 25,000.00	$ 65,000.00	$ 65,000.00
11	663602	Polyvinyl Chloride Pipe 2"	LF	300	$ 5.00	$ 1,500.00	$ 19.00	$ 5,700.00
12	663772	Connection to Existing Waterline	EA	1	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00
13	667510	Tree Grate Outer Frame (Installed)	EA	9	$ 400.00	$ 3,600.00	$ 2,800.00	$ 25,200.00
14	701000	Panel Signs	SF	26	$ 25.00	$ 650.00	$ 40.00	$ 1,040.00
15	701100	Steel Post and Base Post for Aluminum Panel Signs	LF	70	$ 10.00	$ 700.00	$ 41.00	$ 2,870.00
16	702800	Traffic Control Plan	LS	1	$ 10,000.00	$ 10,000.00	$ 17,000.00	$ 17,000.00
17	704000	Retroreflectorized Painted Markings	LF	3,264	$ 0.25	$ 816.00	$ 3.00	$ 9,792.00
18	704212	Retroreflectorized Plastic PVMT Stripe 12"	LF	196	$ 10.00	$ 1,960.00	$ 15.00	$ 2,940.00
19	704530	Retroreflectorized Plastic Handicap Symbol	EA	6	$ 350.00	$ 2,100.00	$ 600.00	$ 3,600.00
20	706001	Waterproof Power Outlet (2 plug)	EA	14	$ 30.00	$ 420.00	$ 180.00	$ 2,520.00
21	706230	Meter Pedestal (Combination)	EA	1	$ 5,000.00	$ 5,000.00	$ 6,000.00	$ 6,000.00
22	709020	Rigid Electrical Conduit 2"	LF	700	$ 3.94	$ 2,758.00	$ 12.00	$ 8,400.00
23	710000	Electrical Pullbox (Standard)	EA	7	$ 400.00	$ 2,800.00	$ 700.00	$ 4,900.00
24	711104	Single Conductor 4	LF	1,150	$ 1.30	$ 1,495.00	$ 2.50	$ 2,875.00
25	711106	Single Conductor 6	LF	1,150	$ 1.75	$ 2,012.50	$ 2.05	$ 2,357.50
26	716610	12' A850SR LED Old Town Series with Outlet	EA	14	$ 3,000.00	$ 42,000.00	$ 4,000.00	$ 56,000.00
27	801000	Construction Staking by the Contractor	LS	1	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
28	901010	Contractor Testing	LS	1	$ 7,000.00	$ 7,000.00	$ 7,000.00	$ 7,000.00
						$ -		
		Base Bid Total				$ 252,906.50		$ 387,637.50
		ADDITIVE ALTERNATE 1						
1	664000	Landscaping Complete	LS	1	$ 82,360.00	$ 82,360.00	$ 82,640.00	$ 82,640.00
		Total Bid Alternative 1				$ 82,360.00		$ 82,640.00
		ADDITIVE ALTERNATE 2						
1	664001	Street Furniture	LS	1	$ 67,608.00	$ 67,608.00	$ 27,640.00	$ 27,640.00
		Total Bid Alternate 2				$ 67,608.00		$ 27,640.00
		BID RECAP						
		Base Bid Total				$ 252,906.50		$ 387,637.50
		Total Bid Including Alternates 1 & 2				$ 402,874.50		$ 497,917.50

Paul A. [illegible] 11/5/13

(Name of Project Manager) Date

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Discussion of Off Street Parking Ordinance
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

This item has been included to discuss any changes or clarifications needed for the proposed off street parking ordinance.

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

Ordinance 512

RECOMMENDATION:

Discussion only.

A word version of Ordinance 512 has been added to the Dropbox Folder.

_____ **Department Head**

_____ **City Manager**

ORDINANCE NO. 512

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.16 – General Use Regulation, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.16 BE AND HEREBY IS AMENDED AS FOLLOWS:

17.16.080 Off Street Parking

A. No truck tractor, semitrailer, the truck tractor individually, or the semitrailer individual is permitted to park anywhere within any residential zone of the City.

B. No commercial vehicles are to be parked and/or stored in the front yard, side yard, or rear yard setbacks within any residential zone of the City. Commercial vehicles are defined as vehicles with more than two axles, a vehicle used to transport hazardous materials requiring Department of Transportation placarding, construction vehicles designed for off road usage, and vehicles requiring the driver to have either a Class A or Class B drivers license or the equivalent. A non-commercial vehicle is defined as one that has a gross weight rating of not more than ten thousand (10,000) pounds and can be legally parked in a standard eight and a half (8.5) foot by twenty (20) foot parking space.

C. Parking generated by residential occupation shall not be permitted in the front, side, or rear yard setbacks except that the existing driveway, improved driveway, or parking pad may be used.

D. No more than forty (40) percent of the front, side, or rear yard setback can be dedicated to off-street parking.

E. All open off-street parking surfacing and access drives shall be designed and constructed utilizing the following types of acceptable coverage:

a. Four (4) inches of base coarse covered with a two (2) inch layer of asphalt; or
b. Minimum depth of six (6) inches of concrete; or
c. Compacted gravel; or
d. Cinder; or
e. Crushed stone

Parking surfaces constructed of compacted gravel, cinder, or crushed stone must have a delineated edge.

Grass and bare earth parking areas are prohibited.

F. No recreational vehicle shall be parked within the front or side yard setbacks of any property in any residential zone for more than a seventy-two (72) hour period. A recreational vehicle means each of the following:

a. Bus;
b. Camp trailer;
c. Camper;
d. Fifth-wheel travel trailer;
e. Trailer;
f. Motor-coach
g. Motor home
h. Boat;
i. Jet ski or other watercraft
j. All terrain vehicle

G. The follow exceptions and restrictions apply to off-street parking of recreational vehicles:

a. A single recreational vehicle may be parked adjacent to the driveway on a permitted paved area or pad provided that the recreational vehicle is parked a minimum of five (5) feet behind the back of the sidewalk, or eight and one-half (8 ½) feet behind the property line in cases where there is no sidewalk.
b. In addition to parking on parking pads, a single recreational vehicle may be parked on the driveway of a two-car garage of a residence, provided that the vehicle meets the setback requirements prescribed above for parking pad use.
c. Recreational vehicles may be parked within a street-side side yard setback provided such vehicles are behind a six (6) feet tall solid fence.
d. Recreational vehicles may be parked on an approved off-street parking surface or parking pad within the side and rear yard setbacks.

H. No recreational vehicle may be occupied for living, sleeping, or any other purposes while parked per the limitations listed above other

than a visitor's recreational vehicle, which may be used for the guest's accommodations for not more than seven (7) days.

APPROVED, PASSED, AND ADOPTED this _____ day of _____, 2013.

CITY OF LOVINGTON

_____

DIXIE DRUMMOND, MAYOR

ATTEST:

_____

CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Update on 2012-2013 Audit
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 5, 2013

STAFF SUMMARY:

Staff wish to update Commission on the status of the current audit.

FISCAL IMPACT:

REVIEWED BY: Mashell Stephens
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Information only.

Mashell Stephens
Department Head

City Manager

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Traffic Control Measures
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

Staff received a request for the installation of a stop sign at 13th and Avenue M. This issue was presented to Commission, who requested more study on the impact of placement of a stop sign at this intersection.

Staff presented this issue to Planning and Zoning for discussion at their September 4, 2013 meeting. At the November 4, 2013 meeting, the Planning and Zoning Commission recommended placement of a 4-way stop sign at the intersections of 13th and Avenue M and 13th and Avenue N.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Map of area.

RECOMMENDATION:

Staff recommend tabling this issue.

_____
Department Head

_____
City Manager

W Ave J
W Ave K
W Ave L
13th St
S 13th St
W L Ave
W Clayton Ave
S 17th St
S 16th St
W Ave M
W Ave N
© 2013 Google
Google earth
1996
Imagery Date: 3/2/2012 32°56'06.15" N 103°21'52.88" W elev 3926 ft eye alt 6260 ft

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolutions for Authority to Sign Easements
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

Staff have received petitions from the owners of the properties located at 622 W. Aspen, 710 W. Polk, and 621 W. Aspen requesting encroachment easements be granted to them by the City. This issue was addressed previously by granting a variance to setback requirements. However, in order to clear up title and deed issues, encroachment easements must be obtained.

The resolutions attached to this document will provide the Mayor signatory authority to sign easement agreements (attached) for these particular properties.

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

Resolutions 2013-3, 2013-4, 2013-5
Petitions
Easements

RECOMMENDATION:

Motion to adopt resolutions 2013-3, 2013-4, and 2013-5.

_____ **Department Head**

_____ **City Manager**

RESOLUTION NO. 2013-3

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND ENCROACHMENT EASEMENT FROM THE CITY OF LOVINGTON AS GRANTOR TO DONAVIN DANIEL SANCHEZ AND CASSIE SANCHEZ AS GRANTEES.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that the Mayor be and hereby is authorized and directed to execute on behalf of the City of Lovington an Encroachment Easement covering one tract of land situated in the twelve (12) foot easement parallel to 7th Street on the West side of Lot 36, Sunrise Addition to the City of Lovington, Lea County, New Mexico, more fully described upon the Improvement Location Report attached hereto and made a part hereof.

PASSED, ADOPTED, AND APPROVED this 11th day of November, 2013.

CITY OF LOVINGTON
NEW MEXICO

_____
DIXIE DRUMMOND
MAYOR

ATTEST:

_____
CAROL ANN HOGUE
CITY CLERK

ENCROACHMENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the City of Lovington, acting for good and valuable consideration, grants to Donavin Daniel Sanchez and Cassie Sanchez, a married couple, residing at 621 W. Aspen, Lovington, New Mexico 88260, an encroachment easement over the following described lands located in Lovington, New Mexico, to-wit:

> One tract of land situated in the twelve (12) foot wide easement running parallel to 7th Street on the West side of Lot 36, Sunrise Addition to the City of Lovington, Lea County, New Mexico being further described as follows:
>
> A tract approximately forty-seven (47) feet and seven (7) inches in length, being a portion of the house as shown upon the Improvement Location Report attached hereto and incorporated herein by reference.

TO HAVE AND HOLD the encroachment easement unto Donavin Daniel Sanchez and Cassie Sanchez, a married couple, and their successors and assigns, forever, provided, however, that in the event that the encroaching portion of the house within said easement as described herein is removed or destroyed, or if at any future time said easement is needed for any type of municipal use, then said easement shall be void and the easement canceled automatically, without any type of financial consideration.

WITNESS its hand and seal this 11th day of November, 2013.

ATTEST:

_____
DIXIE DRUMMOND
MAYOR

_____
CAROL ANN HOGUE
CITY CLERK

PETITION

TO: Honorable City Commission, City of Lovington

COME NOW, Donavin Daniel Sanchez and Cassie Sanchez, a married couple, residing at 621 W. Aspen, Lovington, New Mexico 88260, and respectfully petitions the City of Lovington to grant an encroachment easement for so long as the existing encroachment remains in its present location in the twelve (12) foot wide utility easement running parallel to 7th Street and parallel to Aspen Avenue in Lovington, NM held by the City of Lovington as shown on the Improvement Location Report, a copy of which report is attached hereto and is incorporated herein by reference, for the real property located at 621 W. Aspen, Lovington, New Mexico 88260, and states to the Commission:

1. That the existing house extends a distance of approximately ten (10) feet and four (4) inches into the twelve (12) feet into a utility easement held by the City of Lovington at this location as shown upon said Improvement Location Report.
2. That is not feasible or practical to remove said portions of the home.
3. That the twelve (12) foot utility easement in not in use by the City of Lovington.
4. That no inconvenience would be caused to the City of Lovington by granting the encroachment easement of the said footages of land upon said utility easement.
5. That there be granted to Petitioner and his assigns, successors, or heirs, an encroachment easement for the house approximately ten (10) feet and four (4) inches into the twelve (12) feet into a utility easement on the West side of the house held by the City of Lovington as shown on the Improvement Location Report for so long as the existing structures remain on the property, and that in

the event the encroaching portions of the house are removed or destroyed, then that portion or those portions of the easement would be void automatically.

WHEREFORE, Petitioner requests that the City Commission pass a resolution approving the granting of this encroachment easement within the City of Lovington, Lea County, New Mexico.

Respectfully submitted,

Donavin Daniel Sanchez, spouse
of Cassie Sanchez
621 W. Aspen
Lovington, New Mexico 88260

Cassie Sanchez, spouse of
Donavin Daniel Sanchez
621 W. Aspen
Lovington, New Mexico 88260

STATE OF NM)
)
COUNTY OF Lea)

The foregoing instrument was acknowledged before me this 28th day of Oct., 2013, by Donavin Daniel Sanchez, a married man.

Kallie Richards — Notary Public

Aug 7, 2016 — My commission expires

OFFICIAL SEAL
KALLIE RICHARDS
Notary Public State of New Mexico
My Commission Expires 8-7-2016

STATE OF NM)
)
COUNTY OF Lea)

The foregoing instrument was acknowledged before me this 28th day of Oct, 2013, by Cassie Sanchez, a married woman.

Kallie Richards — Notary Public

Aug 7, 2016 — My commission expires

OFFICIAL SEAL
KALLIE RICHARDS
Notary Public State of New Mexico
Commission Expires 8-7-2016

RESOLUTION NO. 2013-4

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND ENCROACHMENT EASEMENT FROM THE CITY OF LOVINGTON AS GRANTOR TO NATHAN SANCHEZ AS GRANTEE.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that the Mayor be and hereby is authorized and directed to execute on behalf of the City of Lovington an Encroachment Easement covering one tract of land situated over a twelve (12) foot wide utility easement held by the City of Lovington traversing Lot 37, Sunrise Addition to the City of Lovington, Lea County, New Mexico, being a portion of a house including a covered porch, which tract is approximately two (2) feet wide by approximately forty-five (45) feet two (2) inches in length as more fully described upon the Improvement Location Report attached hereto and made a part thereof.

PASSED, ADOPTED, AND APPROVED this 11th day of November, 2013.

CITY OF LOVINGTON
NEW MEXICO

_____
DIXIE DRUMMOND
MAYOR

ATTEST:

_____
CAROL ANN HOGUE
CITY CLERK

ENCROACHMENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the **City of Lovington**, acting for good and valuable consideration, grants to **Nathan Sanchez**, residing at 710 W. Polk, Lovington, New Mexico 88260, an encroachment easement over the following described lands located in Lovington, New Mexico, to-wit:

One tract of land situated in the twelve (12) foot wide utility easement held by the City of Lovington traversing Lot 37, Sunrise Addition to the City of Lovington, lea County, New Mexico, being further described as follows:

A tract approximately two (2) feet wide by forty-five (45) and two (2) inches in length, being a portion of the house including a covered porch as shown upon the Improvement Location Report attached hereto and incorporated herein by reference.

TO HAVE AND HOLD the encroachment easement unto Nathan Sanchez and his successors and assigns, forever, **provided, however**, that in the event that the encroaching portion of the house within said easement as described herein is removed or destroyed, or if at any future time said easement is needed for any type of municipal use, then said easement shall be void and the easement canceled automatically, without any type of financial consideration.

WITNESS its hand and seal this 11th day of November, 2013.

ATTEST:

_____
DIXIE DRUMMOND
MAYOR

_____
CAROL ANN HOGUE
CITY CLERK

PETITION

TO: Honorable City Commission, City of Lovington

COMES NOW, Nathan Sanchez, residing at 710 W. Polk, Lovington, New Mexico 88260, and respectfully petitions the City of Lovington to grant an encroachment easement for so long as the existing encroachment remains in its present location over the twelve (12) foot wide utility easement held by the City of Lovington as shown on the Improvement Location Report, a copy of which report is attached hereto and is incorporated herein by reference, for the real property located at 710 W. Polk, Lovington, New Mexico 88260, and states to the Commission:

1. That the existing house including a covered porch extends a distance of approximately two (2) feet into said utility easement held by the City of Lovington at this location as shown upon said Improvement Location Report.
2. That is not feasible or practical to remove said portions of the building and storage building structures.
3. That said utility easement is not in use by the City of Lovington.
4. That no inconvenience would be caused to the City of Lovington by granting the encroachment easement of the said footages of land upon said utility easement.
5. That there be granted to Petitioner and his assigns, successors, or heirs, an encroachment easement for the house including a covered porch approximately two (2) feet deep by no more than approximately forty-five (45) feet and two (2) inches wide into the twelve (12) foot deep utility easement held by the City of Lovington as shown on the Improvement Location Report for so long as the

existing structures remain on the property, and that in the event the encroaching portions of the house and/or covered porch are removed or destroyed, then that portion or those portions of the easement would be void automatically.

WHEREFORE, Petitioner requests that the City Commission pass a resolution approving the granting of this encroachment easement within the City of Lovington, Lea County, New Mexico.

Respectfully submitted,

Nathan Sanchez
710 W. Polk
Lovington, New Mexico 88260

STATE OF NM)
)
COUNTY OF Lea)

The foregoing instrument was acknowledged before me this 28 day of Oct, 2013, by Nathan Sanchez, a single man.

OFFICIAL SEAL
KALLIE RICHARDS
Notary Public State of New Mexico
My Commission Expires 8-7-16

Notary Public

My commission expires:

Aug 7, 2016

RESOLUTION NO. 2013-5

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND ENCROACHMENT EASEMENT FROM THE CITY OF LOVINGTON AS GRANTOR TO JOSE YANEZ AS GRANTEE.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that the Mayor be and hereby is authorized and directed to execute on behalf of the City of Lovington an Encroachment Easement covering one tract of land situated in the right-of-way of 7th Street adjacent to Lot 25, Sunrise Addition to the City of Lovington, Lea County, New Mexico, and also situated on a twelve (12) foot utility easement held by the City of Lovington adjacent to 7th Street and twelve (12) feet into said lot 25 as more fully described upon the Improvement Location Report attached hereto and made a part thereof.

PASSED, ADOPTED, AND APPROVED this 11th day of November, 2013.

CITY OF LOVINGTON
NEW MEXICO

_____
DIXIE DRUMMOND
MAYOR

ATTEST:

_____
CAROL ANN HOGUE
CITY CLERK

ENCROACHMENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the **City of Lovington**, acting for good and valuable consideration, grants to **Jose Yanez**, residing at 622 W. Aspen, Lovington, New Mexico 88260, an encroachment easement over the following described lands located in Lovington, New Mexico, to-wit:

> One tract of land situated in the right-of-way of 7th Street adjacent to Lot 25, Sunrise Addition to the City of Lovington, Lea County, New Mexico, and also situated over a twelve (12) foot utility easement held by the City of Lovington being further described as follows:
>
> A tract approximately twelve (12) feet nine (9) and one-half (1/2) inches wide and approximately forty-five (45) and two (2) inches in length, being a portion of the house as shown upon the Improvement Location Report attached hereto and incorporated herein by reference.

TO HAVE AND HOLD the encroachment easement unto Jose Yanez and his successors and assigns, forever, **provided, however**, that in the event that the encroaching portion of the house within said easement as described herein is removed or destroyed, or if at any future time said easement is needed for any type of municipal use, then said easement shall be void and the easement canceled automatically, without any type of financial consideration.

WITNESS its hand and seal this 11th day of November, 2013.

ATTEST:

_____
DIXIE DRUMMOND
MAYOR

_____
CAROL ANN HOGUE
CITY CLERK

PETITION

TO: Honorable City Commission, City of Lovington

COMES NOW, Jose Yanez, residing at 622 W. Aspen, Lovington, New Mexico 88260, and respectfully petitions the City of Lovington to grant an encroachment easement for so long as the existing encroachment remains in its present location in the 7th Street right-of-way and in the twelve (12) foot in length utility easement held by the City of Lovington as shown on the Improvement Location Report, a copy of which report is attached hereto and is incorporated herein by reference, for the real property located at 622 W. Aspen, Lovington, New Mexico 88260, and states to the Commission:

1. That the existing house extends a distance of approximately nine (9) inches into the 7th Street right-of-way and twelve (12) feet into a utility easement held by the City of Lovington at this location as shown upon said Improvement Location Report.
2. That is not feasible or practical to remove said portions of the building and storage building structures.
3. That the twelve (12) foot utility easement in not in use by the City of Lovington.
4. That no inconvenience would be caused to the City of Lovington by granting the encroachment easement of the said footages of land upon said right-of-way and aforementioned utility easement.
5. That there be granted to Petitioner and his assigns, successors, or heirs, an encroachment easement for the house approximately nine (9) inches into the 7th Street right-of-way and twelve (12) feet into a utility easement held by the City

of Lovington as shown on the Improvement Location Report for so long as the existing structures remain on the property, and that in the event the encroaching portions of the house are removed or destroyed, then that portion or those portions of the easement would be void automatically.

WHEREFORE, Petitioner requests that the City Commission pass a resolution approving the granting of this encroachment easement within the City of Lovington, Lea County, New Mexico.

Respectfully submitted,

Jose Yanez

Jose Yanez
622 W. Aspen
Lovington, New Mexico 88260

STATE OF NM)
)
COUNTY OF Lea)

The foregoing instrument was acknowledged before me this 28th day of Oct., 2013, by Jose Yanez.

Kallie Richards

Notary Public

My commission expires:

Aug 7, 2016

OFFICIAL SEAL
KALLIE RICHARDS
Notary Public State of New Mexico
My Commission Expires 8-7-16

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Approval to Advertise Ordinance 519
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

Staff have prepared Ordinance 519 for advertisement. This ordinance will grant the City the ability to enter into a Intergovernmental Agreement with the NMEDD and Project Participation Agreement with Lovington Warehouse. These documents will provide $100,000 of funding for the development of the loading and unloading zone for rail cars.

FISCAL IMPACT: *REVIEWED BY:* Machell Stephens *(Finance Director)*

Advertising costs.

ATTACHMENTS:

Ordinance 519
IGA
PPA

RECOMMENDATION:

Motion to approve advertisement. This ordinance would be acted on at the December 9, 2013 Commission Meeting.

Department Head **City Manager**

ORDINANCE NUMBER 519

AN ORDINANCE OF THE CITY OF LOVINGTON AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT AND A PROJECT PARTICIPATION AGREEMENT ACCEPTING FROM THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT $100,000.00 FOR ECONOMIC ASSISTANCE FOR IMPROVEMENT OF LOADING AND UNLOADING ZONE ADJACENT TO LOVINGTON WAREHOUSE AND THE RAILROAD

WHEREAS, the ***City of Lovington*** has passed Ordinance No. 495, relating to Economic Development Planning; and

WHEREAS, the purpose of the Economic Development Plan is to "allow public support of economic projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources;" and

WHEREAS, ***Lovington Warehouse*** meets the requirements as stated in Ordinance No. 495, as a qualifying entity by being "an industry for manufacturing, processing, or assembling of any agriculture or manufactured products;" and

WHEREAS, ***Lovington Warehouse*** serves a number of industries and businesses and improvement of the Rail loading and unloading will allow the creation of jobs for ***Lovington Warehouse***, as well as for tenants and lessees; and

WHEREAS, the State of New Mexico Economic Development Department desires to support ***Unloading and Loading Zone Project*** through its 2013 Capital Outlay Fund by entering into a Contract with the ***City of Lovington*** to contribute $100,000.00 toward the construction of the ***Unloading and Loading Zone Project*** ; and

WHEREAS, the ***City of Lovington City Commission*** wishes to enter into an agreement with ***Lovington Warehouse,*** in the form of a Project Participation Agreement, as provided for in Ordinance No. 495.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE *CITY OF Lovington*, NEW MEXICO:

Section 1. That the Mayor is authorized to execute on behalf of the ***Lovington City Commission*** an Intergovernmental Agreement with the State of New Mexico Economic Development Department to accept $100,000.00 under Ordinance 495 to be used specifically for the ***Unloading and Loading Zone Project.***

Section 2. That the Mayor is authorized to execute on behalf of the ***City of Lovington Commission*** a Project Participation Agreement with ***Lovington Warehouse***, user of the ***Unloading and Loading Zone Project.***

Section 3. Repealer. All ordinances or parts of ordinances or provisions of the ***City of Lovington Code*** in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such conflict or inconsistency, and as to all other ordinances, this ordinance is hereby made cumulative. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

Section 4. Severability. If any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 5. Effective date. This ordinance shall be effective five days after publication.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2013.

_____
Mayor Dixie Drummond

ATTEST:

_____
Carol Ann Hogue
City Clerk

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND CITY OF LOVINGTON INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (Agreement) entered into as of the date of the last signature affixed below by and between the New Mexico Economic Development Department (EDD), acting through its cabinet secretary, and the City of Lovington, and collectively referred to as "the Parties" with reference to the following facts.

SECTION 1: RECITALS:

WHEREAS, the New Mexico State Legislature, pursuant to Laws 2009, Chapter 125, Section 22(6): "to provide grants to political subdivisions of the state for infrastructure improvements necessary to attract new companies or expand existing businesses to achieve job growth pursuant to the Local Economic Development Act statewide"; and

WHEREAS, the New Mexico State Legislature, pursuant to Laws 2013 Chapter 227 Section 5 to provide grants to political subdivisions of the state to achieve job growth by attracting new companies or expanding existing businesses pursuant to the Local Economic Development Act"; and

WHEREAS, the purpose of the Local Economic Development Act, NMSA 1978 §§ 5-10-1 through 5-10-13 (2007) ("LEDA"), is to provide "public support for economic development to foster, promote and enhance local economic development efforts…"; and

WHEREAS, the **City of Lovington** has adopted LEDA by Ordinance No. 495 which established the **City of Lovington** Economic Development Act Plan that promotes economic development within the **City of Lovington**; and

WHEREAS, the **City of Lovington** has adopted Ordinance No. **[Insert Ordinance Number]** ("Ordinance") to approve the economic development project ("Project") proposed by **Lovington Warehouse**, it is understood by the Parties that the source of the Appropriation is severance tax bond proceeds appropriated by the New Mexico Legislature to DFA as described above.

SECTION 2. SCOPE OF WORK:

The **City of Lovington** will act as fiscal agent for the Appropriation supporting the Project. The **City of Lovington** will be reimbursed, pursuant to Section 5-10-3(D) of LEDA, for costs and expenses incurred to grade and pave eight hundred ten (810) feet by forty (40) feet on both sides of existing track, to provide loading and unloading capabilities. In exchange for the Appropriation, the Company certifies it will provide warehouse space and associated labor and create a minimum of **5** jobs, by themselves and/or their tenants or lessees within the **City of Lovington** by the end of November 2015.

Review: The City of Lovington will review project timeline, progress and job creation annually until two year anniversary of this agreement. Job creation reporting will be supported by reports and documentation from the New Mexico Department of Workforce Solutions demonstrating the headcount of the operation to demonstrate compliance with this Agreement at each review cycle annually, and another at thirty (30) days prior to the anniversary date of this Agreement, for a period of two years.

EDD and the **City of Lovington** agree that failure of the Qualifying Entity to create and/or maintain the minimum number of jobs, and failure of the qualifying entity to meet its obligations set forth under the PPA entered into by and between the **City of Lovington** and **Lovington Warehouse** on _____, will result in a violation of the terms and conditions of this Agreement. Such violation requires that the City of Lovington foreclose on the security interest. Any monies received by the **City of Lovington** as a result of the sale or foreclosure of the security and any funds recovered by the **City of Lovington** pursuant to said promissory note and security agreement shall be returned to EDD within thirty (30) days after they are received by the **City of Lovington**. Any property acquired or developed by the **City of Lovington** as a result of this Project, shall be used by the **City of Lovington** for future economic development purposes only. All the terms, conditions and requirements set forth under the PPA are incorporated into this Agreement by reference. **[Insert Security Interest]**

SECTION 3. CITY OF LOVINGTON RESPONSIBILITIES:

The **City of Lovington** shall:

1. Request to be reimbursed from the Appropriation for economic development purposes as set forth in the Appropriation, the Ordinance, the PPA and this Agreement. The **City of Lovington** shall submit requests for reimbursement, with supporting documentation, for activities associated with the Project to EDD. EDD shall review requests for reimbursement and certify to DFA, in writing, compliance with the Appropriation, the Ordinance, the PPA and this Agreement. EDD shall then transmit the requests for reimbursement to DFA's Capital Outlay Bureau, Local Government Division (the "Bureau"). The Bureau will forward the requests for payment, supporting documentation and EDD certification to the New Mexico Board of Finance for payment to the Village.

2. Serve as Fiscal Agent for the funds transferred to it under this Agreement;

3. Complete all of the following goals identified in this Agreement within the time limits agreed upon by the Parties:

   a. distribute the funds transferred to the **City of Lovington** by Board of Finance to **Lovington Warehouse** Project

   b. account for receipts and disbursements of said monies; and

   c. provide EDD with the required financial documentation pertaining to this disbursement.

   d. submit all required and reasonably requested documentation to EDD including the endorsed LEDA Ordinance approved by the **City of Lovington** Commission accepting **Lovington Warehouse** Project as a qualifying entity for LEDA, with the

accompanying endorsed Project Application and PPA entered into by the **City of Lovington** and **Lovington Warehouse** , a fully executed and copy of the security interest by way of a mortgage on the real property, and copies of invoices and other documentation as required by EDD within the time required;

4. Not impose any obligations on EDD with respect to the administration of this Project, other than the reimbursement of funds described in this agreement.

SECTION 4. CITY OF LOVINGTON CERTIFICATIONS:

As Fiscal Agent, the **City of Lovington** hereby assures and certifies that:

A. It will comply with all applicable State laws, regulations, policies, guidelines, and requirements with respect to the acceptance and use of State funds, including but not limited to Article IX, Section 14, of the New Mexico Constitution known as the "anti-donation clause";

B. It has the legal authority to receive and expend the funds;

C. It will enforce the provisions of Ordinance No.**[Insert Ordinance Number]** approving a LEDA Project for **Lovington Warehouse** Project involving grading and paving**,** creating and retaining approximately **5** new job-years within the **City of Lovington** over the end of **November 2015**;

E. It has exercised due diligence in certifying that **Lovington Warehouose** Project is a viable economic development initiative with potential long term economic development benefits, The **City of Lovington** will provide EDD all documentation and references to expertise it has relied upon in approving this Project;

F. It has entered into a PPA requiring (1) a substantive contribution of value from the qualifying entity, (2) the security provided to the **City of Lovington** by the qualifying entity in the form of a lien, mortgage or other indenture, (3) the pledge of the qualifying business's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement, (4) a schedule for project development and completion, including measurable goals and time limits for

those goals, and (5) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory. The qualifying entity's substantive contribution may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

G. It has obtained all financial documentation necessary to protect the **City of Lovington** investment under this project;

H. It shall not at any time during the life of this Agreement convert any property acquired or developed pursuant to this Agreement to uses other than those within the Project description as defined in Section 2 - Purpose of Agreement and Section 3 - Scope of Work stated above;

I. It will notify EDD of any default on the part of **Lovington Warehouse** within 10 days of the event of default;

J. It will comply with the State Procurement Code and local procurement codes and will keep files of all related procurement documents, including but not limited to requests for professional services, advertisements, minutes of pertinent meetings, selection and award criteria, contacts, subcontracts and agreements;

K. No member, officer or employee of the **City of Lovington** or its designees or agents, no member of the governing body of the locality of which the program is situation, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one (1) year thereafter, shall have any interests, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the Project that is the subject of this Agreement. The **City of Lovington** shall incorporate in all contracts or subcontracts a provision prohibiting such interest pursuant to this certification;

L. Any monies received by the **City of Lovington** as a result of the sale or foreclosure of the security and any funds recovered by the **City of Lovington** pursuant to said promissory note and security agreement shall be returned to EDD within thirty (30) days after they are received by the **City of Lovington.** Any property acquired or developed by the **City of Lovington** as a result of this Project, shall be used by the **City**

of Lovington for future economic development purposes only.

SECTION 5. EDD RESPONSIBILITES:

A. EDD shall review requests for reimbursement and certify to DFA, in writing, compliance with the Appropriation, the Ordinance, the PPA and this Agreement. EDD shall then transmit the requests for reimbursement to DFA's Capitol Outlay Bureau, Local Government Division (the "Bureau"). The Bureau will forward the requests for payment, supporting documentation and EDD certification to the New Mexico Board of Finance for payment to the **City of Lovington**.

B. EDD shall, at their discretion, review and audit the Project if it is deemed to be necessary or desirable.

SECTION 6. TERM OF AGREEMENT:

This Agreement shall become effective on the date it is fully executed and shall terminate on November 30, 2015.

SECTION 7. LIABILITY:

No party shall be responsible for liability incurred as a result of the other party's acts or omissions. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act. The **City of Lovington** and EDD may agree to reimburse one another under these liability provisions, subject to sufficient appropriation by the New Mexico Legislature or sufficient funds being available to the party, as determined by the party responsible for payment.

SECTION 8. DISPOSTION OF PROPERTY; RECORDS; RETURN OF SURPLUS FUNDS:

A. Property purchased under this Agreement for the Project shall remain with the purchasing party unless otherwise agreed upon.

B. The **City of Lovington** shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Project, the purposes for which such funds were used and such other records as EDD may require,

C. If, upon the expiration of the Project or the termination date of this Agreement, any surplus funds are possessed by the **City of Lovington**, the **City of Lovington** shall return said funds shall revert in accordance with law.

SECTION 9. STRICT ACCOUNTABILITY:

The City of Lovington shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EDD and the New Mexico State Auditor upon request, and shall maintain all such records for a period of six (6) years following completion of all the records and any audits.

SECTION 10. REPORTS:

The City of Lovington shall submit bi-annual reports during the life of this Agreement to EDD respecting direct and indirect job creation attributable to the State appropriation and a Final Report to EDD either on or before the termination of this Agreement or upon final reimbursement to the **City of Lovington**, whichever occurs first. The Final Report shall contain a description of work accomplished, the methods and procedures used, a detailed budget breakdown of expenditures, a description of any problems or delays encountered and the reasons therefore, and such other information as may be requested by EDD.

SECTION 11. NOTICES; REPRESENTATIVES OF THE PARTIES:

Any notice required to be given to either party by this Agreement. shall be in writing and shall be delivered in person, by courier service or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

To EDD:
Antoinette Vigil, Finance Development Team Leader
Joseph M. Montoya State Office Building
1100 St. Francis Drive
Santa Fe, New Mexico 87505

To The **City of Lovington**
James R. Williams
214 S. Love Street
Lovington, NM 88260

SECTION 12. AMENDMENTS:

This Agreement shall not be altered, changed or amended, except by instrument in writing executed by all of the Parties hereto.

SECTION 13. GOVERNING LAW:

This Agreement shall be governed by the laws of the State of New Mexico.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the last date of signature below,

CITY OF LOVINGTON , NEW MEXICO

By:_____

Its: Mayor_____

Date:_____

By:_____

Its: Attorney for the City of Lovington

ECONOMIC DEVELOPMENT DEPARTMENT

By:_____

Its: Cabinet Secretary

Date:_____

By: _____

Its: General Counsel

PROJECT PARTICIPATION AGREEMENT

The City of Lovington, NEW MEXICO and Lovington Warehouse a New Mexico corporation (the Project Party), agree:

1. Recitals:

A. Pursuant to the Local Economic Development Act, NMSA 1978, §§ 5-10-1 through 5-10-13, (LEDA); the City of Lovington adopted the Ordinance #495, authorizing the City of Lovington to consider applications for economic development assistance; and Ordinance No. [Note New Ordinance Number] approving an Economic Development Project.

B. The Project Party has submitted an application to the City of Lovington for assistance under the LEDA Ordinance. In the application, the Project Party has proposed that the project will grade and pave eight hundred ten (810) forty (40) feet wide on both sides of the railroad track which it will own and develop in accordance with the Application for Development Incentives Plan. The application also proposes that the City of Lovington act as Fiscal Agent for approximately 2 years granted by the City of Lovington through the Economic Development Department. The Project Party will then develop the property using the grant monies to build loading and unloading areas from the railroad to Lovington Warehouse.

C. The City of Lovington has adopted Ordinance No. [X] finding that the Project Party is a qualifying entity as defined in Section 5-10-3 (G) NMSA 1978 and approving this Project Participation Agreement (this agreement) as meeting the requirements of LEDA.

2. Contribution by Lovington Warehouse: In order to implement the Project, the City of Lovington will act as Fiscal Agent and Project Management to the Project entity after certification.

3. Substantive Contribution from the Project Party: The Project Party will provide a minimum of 5 jobs within the City of Lovington. These jobs will be provided directly through the Project Party and or through its Tenants of Lessees. Additionally the Project Party agrees to provide a minimum of seventy thousand (70,000) square feet of warehouse space for warehousing and distribution services at a discounted rate not to exceed two dollars ($2) per square foot for the duration of this agreement. The terms and obligations of the parties under the Ordinance and Application are incorporated into this Agreement by reference.

4. Security Provided to the City of Lovington: The City of Lovington will require a [X – describe type of security – ie, Special Warranty Deed to be placed in Escrow (such escrow funded by the Project Party) transferring the property and all development to the COMMUNITY]. Should the Project Party cease operation during the term of this agreement clawback provisions are $100,000. Any funds recovered by the City pursuant to said promissory note and security agreement shall be returned to EDD

within thirty (30) days after they are received by the City, and any property acquired or developed by the City as a result of this Project, shall be used by the City for future economic development purposes only.

5. Review: City of Lovington will review project timeline, progress and job creation annually until two year anniversary of this agreement. Job creation reporting will be supported by reports and documentation from the New Mexico Department of Workforce Solutions demonstrating the headcount of the operation to demonstrate compliance with this Agreement at each review cycle annually, and another at thirty (30) days prior to the anniversary date of this Agreement, for a period of two years.

6. Ratification: The City of Lovington and Lovington Warehouse hereby ratify all actions consistent with this Agreement the Project Party or their respective agents may have taken in furtherance of the Project.

7. Miscellaneous: This Agreement binds and insures to the benefit of the loading and unloading grading and paving upgrade for Lovington Warehouse and their respective successors and assigns. This Agreement may be amended or modified, and the performance by any party of its obligations hereunder may be waived, only in a written instrument duly executed by the parties. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument. This Agreement is governed by and is to be construed in accordance with the laws of the State of New Mexico, without giving effect to its choice-of-law principles.

8. Term of Participation Agreement: Will be agreed upon through the City of Lovington and Lovington Warehouse by the 30th of November until the second year anniversary.

Adopted by the City of Lovington

On the [day] of [month], [year]

_____
Its Mayor

_____
Attest: City Clerk

_____
Lovington Warehouse – Mark Saxton

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Approval of Accounts Payable
DEPARTMENT: Finance
SUBMITTED BY: Mashell Stephens, Finance Director
DATE SUBMITTED: November 7, 2013

STAFF SUMMARY:

Staff have prepared the accounts payable for your review and approval.

FISCAL IMPACT: *REVIEWED BY:* Mashell Stephens *(Finance Director)*

See payables detail

ATTACHMENTS:

Accounts payable detail

RECOMMENDATION:

Motion to approve accounts payable.

Mashell Stephens
Department Head

City Manager

Vendor Name	
4River Equipment	1,086.88
ALCO Stores, Inc	315.50
Alsco	715.02
Amazon	197.58
American Medical Group, Inc	250.98
Ammol's Auto	381.23
Arreola Chiropractic Center	210.00
Battery Store Plus, LLC	1,513.40
Betsy Ross Flag Girls, Inc.	412.80
Blaine Industrial Supply	776.76
Bob's Thriftway	548.76
Bound Tree Medical, LLC	2,052.86
Breen Glass Service	527.50
Brodart-McNaughton Inc.	2,030.08
C & S Motor Parts Co.	989.73
Caprock Communications	9,543.78
Comp-Ray, Inc	69.55
Copies, Inc.	96.13
Cowboys Corner	195.10
Cowboys Corner	60.00
E.N.M.U.R.	2,168.60
ENM Emergency Medical Services	5.00
Farmer Brothers Company	378.71
Forrest Tire Co.	655.27
Gardner Media, LLC	141.21
Gary's Lock and Key	566.44
Gasco Mfg. Corp.	138.48
Gebo Credit Corporation	209.99
Gempler's, Inc	266.88
General Welding Supply	671.51
Grey House Publishing	454.95
H & K Pest Control Co.	117.32
Harland Clarke	283.10

Higginbotham-Bartlett Co.	4,641.14
Higginbotham-Bartlett Co.	48.49
High Plains Refrigeration, Inc	128.18
Hospital Services Corporation	68.48
Inventory Trading Company	558.55
Klein Automation & Electric	536.18
Lea County Roadside	123.00
Lea County Septic Tank Service	263.75
LightHouse BIS, LLC	133.75
Lovington Auto Supply	383.47
Lovington Leader	670.75
Lovington Tire Service	2,939.06
Lovington Veterinary	130.00
M & R Tire Service, LLC	819.18
Master Plumbers	820.31
Med-Vet International	285.20
Michael's Prescription Corner	55.72
MicroMarketing LLC	706.89
Mustang Country	1,410.71
Neve's Uniforms	860.80
New Mexico Jr. College	1,449.00
NM Municipal League	600.00
Noble Industrial Supply Corp	524.41
OCLC, Inc.	208.19
Oriental Trading Co., Inc.	666.05
OverDrive	2,559.34
Overhead Door Co.	455.29
P & D Petroleum, Inc	15,688.36
Parkway Cleaners	24.01
Patriot Pipe & Supply LTD	124.41
Patterson Medical Supply Inc	95.82
Permian GMC	145.53
Premier Electric	2,247.28
Pro-Treat Power Equipment	326.04

ProForce Law Enforcement	3,249.10
Public Safety Center, Inc.	225.59
Roberts Oil & Lube	497.00
Rogers All Electric Service	264.81
Roto-Rooter	122.84
Sebco Books	51.75
Sleuth Systems	1,338.82
Staples Advantage	1,391.90
Stericycle, Inc.	1,598.54
SWAT, LLC	1,352.97
The Radar Shop Inc	372.64
Tom's Sharp Shop	39.99
U S Food Service	3,351.71
United Refrigeration, Inc.	176.30
United Rotary Brush Corp.	11,700.00
USA Today	283.54
Valentine Auto Service	6,621.46
Wall Street Journal	448.40
Watermaster Irrigation Supply	5,122.05
Wylie Manufacturing Co.	56.93
Total Page One	106,994.78

Subtotal from Page One 106,994.78

Admn. Office of the Courts	Lab & Court Automation Fees for Sept., 2013	908.00
ALCO Stores, Inc	Police-Supplies	4.36
ALCO Stores, Inc	Recreation-Water	47.92
ALCO Stores, Inc	Swimming Pool-Drinking Water	18.00
ALCO Stores, Inc	Swimming Pool-Supplies	20.95
Alfredo Gomez	Lodgers Tax-Advertising for Softball Oct 2013	2,000.00
Antonio Parra	Police-Reimb Fuel to NMJC	10.00
AT&T Mobility	Gen-Cell Phone Bills Sept 13	2,043.97
Auld Sign Company	Vet/Animal Control-Sign	3,045.94
Blaine Industrial Supply	Denton-Cleaning Supplies	38.19
Blaine Industrial Supply	Youth Center-Supplies	136.67
Bob Turner Ford	Finance-New Car Jared Cobb	16,178.00
Bound Tree Medical, LLC	Ambulance-Medical Supplies	1,773.74
C. A. Short Co., Inc.	Finance-Service Pins	280.55
Clovis Media Inc	Lodgers Tax-Advertising Explore Magazine	543.10
Copies, Inc.	Finance-Service on Copier	326.13
Copies, Inc.	Judicial-Maint Agreement on Copier	1,500.00
Cruz Neblett	Police-Reimb/Meals/Training in Lubbock	36.86
Daniel Elizando	Recreation-Hours Work Swimming Pool Landscaping	1,500.00
David Rodriguez	Police-Reimb Uniforms	99.96
Ecosystem Management	Finance-Categorical Exclusion For Central Plaza Final Invoic	3,503.72
Elite K-9 Inc	Police-Scent Case	169.19
Elite Sign & Design	Swimming Pool-1st half of Sign	3,396.35
Gary's Lock and Key	Finance-Remove/install new Lock	316.50
Irish Garden Club	Library-Red Rubber mulch	187.28
Jami Bailey	Youth Center-Reimb Supplies	176.95
Jeannette Sandoval	Police-Reimb Battery	5.33

Jim Trujillo	Judicial-Alternate Judge Sept 20, Oct 3 2013	128.24
Joe Clark	Police-Reimb Meals for Training	108.67
Johnnie's Floral & Gifts	Fire-Fresh Arrangement	46.75
Johnnie's Floral & Gifts	Finance-Sympathy Arrangement/R Jones	106.88
Kaufman's West LLC	Police-Uniforms j Buford/J Lopez	1,760.00
Laura Manning	Animal Control-Reimb for Wheel Gate	24.82
Lea County Electric	Gen-Electric Utility Bill Sept 2013	22,692.97
Lea County Museum	Museum Lodgers Tax-Reimb	4,021.79
Lea County Roadside	Police-Case #s1301052 Towing Fuel	259.10
Lea County Roadside	Police-Case #s1301052 Towing, Fuel	259.10
Lea County Treasurer	Judicial-Inmate Housing Sept 2013	2,783.75
Library Petty Cash	Reimburse Library for Petty Cash	85.95
LightHouse BIS, LLC	Finance-Work on Imedla Computer	104.70
Lonnie Voyles	20% Per Diem for trip to Ruidoso for Fire Service Conference	55.00
Lovington Chamber of Commerce	Finance-Auxiliary Funding Oct-Dec 2013	8,750.00
Lovington Chamber of Commerce	Lodger Tax-Vistor Up-Keep Oct 2013	1,000.00
Lovington Main Street	Lodgers Tax-3rd Qtr Advertising	3,642.91
Lovington Main Street	Finance-1st qrt Billing 07/01/13-/09/31/13	8,750.00
M & L Development	Reimb for 4 Homes Completed at Sunrise Addition	24,000.00
MailFinance	Finance-Lease Payment/Mail Machine 8/19/13-11/18/13	1,015.50
Med-Vet International	Animal Control-Euth III	247.70
Melloy Dodge	Police-Dodge Charger 2013	49,792.00
New Mexico Gas Company	Gen-Utility Gas Bill Sept 2013	676.36

New Mexico Municipal League	Finance-Registration/Election School	290.00
NM Compilation Commission	Judicial-Criminal/Traffic Manuel	39.00
NM Judicial Education Center	Judicial Fees for Sept., 2013	455.00
NM Municipal League	Mun Officials Leadership Ints Regis	300.00
Nor-Lea General Hospital	Finance-Flu Vaccine	366.68
Norma Vejil	Senior Center-Reimb for Supplies	373.59
Padge's Flower Shop	Finance-Fresh	63.06
Phillips 66 Co.	Gen-Fuel Credit Card Sept 2013	573.91
Postmaster	Finance-Post Office Box Rental 10/31/13	180.00
Remy's Carpet & Tile Cleaning	Troy Harris-Carpet Cleaning	267.18
Sam's Club	Purchase Candy for Halloween/ Safe Stop	1,350.59
Senior Citizen Petty Cash	Reimburse Senior Citizens Petty Cash	71.58
Shell Oil Co.	Police-Credit Fuel	180.77
Solar Traffic Systems	Streets-Solar School Zone Signs	12,500.00
Staples	Finance-Office Supplies	265.40
Staples	Finance-Office Supplies	189.33
Staples	Police-Office Supplies	126.67
Staples Advantage	Finance-Office Supplies	210.73
Staples Advantage	Finance_Office Supplies	15.28
Staples Advantage	Finance-Office Supplies	198.65
Staples Advantage	Motor Vehicle-Office supplies	13.09
SWAT, LLC	Finance-Internet Connecting Problems	181.58
Terrance Lizardo	20 % Per Diem for travel to Ruidoso for NM Fire Conference	55.00
The Rock Center	Swimming Pool-Granite	2,740.00
U.S. Postal Service	Library-Roll of Stamps	138.00
Visa	Police - Lodging Joe Clark Training Las Cruces	97.05
Visa	Police - Lodging Training Cruz Neblett Lubbock	174.02
Visa	MVD - Travel expenses VIN Inspection Certification	361.97

Visa	Street - Weedeaters, wrench set	561.68
Visa	Street - Supplies	54.94
Visa	MVD & Cemetery - Solar Flag Lights	119.97
Visa	Police - NMML Uniform Traffic Ordnance	10.00
Visa	Police - Supplies	149.15
Visa	Ambulance - Transworld Systems Agreement	5,617.50
Visa	Finance - Efile	26.70
Windstream	Gen-Main Phone Bill Sept 2013	131.00
Windstream	Gen-Phone Bill Chamber of Commerce	245.22
Windstream	EDC-Phone Bill Oct 2013	157.32
Windstream	Gen-Phone Bill Sept 2013	4,369.78
Windstream	Finance-Phone Bill Main Sept 2013	131.13
Windstream	Gen-Phone Bill EDC Sept 2013	179.89
Total		**309,107.04**

Vendor Name	
A & L Plains Agricultural Lab	1,026.00
American Medical Group, Inc	112.18
ASCO	1,071.53
B.I.C.I., LLC.	6,242.37
Blaine Industrial Supply	93.35
Bob's Thriftway	99.72
Brandon & Clark, Inc	1,862.70
C & S Motor Parts Co.	146.36
California Cont. Supplies, Inc	14.00
Cardinal Laboratories	672.92
Dana Kepner Co.	7,074.08
DPC Industries Inc.	1,148.21
Farmer Brothers Company	13.14
Forrest Tire Co.	12.29
Gasco Mfg. Corp.	31.23
Gebo Credit Corporation	100.55
General Welding Supply	85.00
Haarmeyer Electric	2,041.20
Hach Co.	195.55
Higginbotham-Bartlett Co.	473.92
Hospital Services Corporation	34.24
Huber Technology, Inc.	1,409.00
Industrial Muncipal Products	1,310.00
Lovington Auto Supply	164.20
Lovington Leader	418.95
M & R Tire Service, LLC	17.10
NXKEM Products	784.58
NXTEC Sales Group Inc.	118.78
Odessa Pumps & Equipment	6,974.45
P & D Petroleum, Inc	3,157.88
Patriot Pipe & Supply LTD	392.33
Polydyne Inc.	504.00

Pro-Treat Power Equipment	59.98
Rocky Mountain Cummins	1,725.00
Solid Waste Authority	4,008.75
Staples Advantage	75.28
Star Welding Service	6.04
SWAT, LLC	90.79
Tom's Plumbing	200.39
W-H-B, Inc.	1,332.31
Wallach Concrete	269.33
Total Page One	45,569.68

Subtotal from Page One		45,569.68
AT&T Mobility	Water-Cell Phone Sept	594.45
C. A. Short Co., Inc.	Water-Service Pins	55.73
Chevron USA, Inc.	Water/WasteWater-Fuel	160.12
General Welding Supply	WasteWater-Cylinder Rental	42.50
General Welding Supply	Water-Cylinder Rental	42.50
Lea County Electric	Water-Utility Electric Bill Sept 2013	27,215.61
LightHouse BIS, LLC	Water-Tele/Support Computer Locked	62.50
MailFinance	Water-Lease Payment/Mail Machine 8/13/13-11/13/13	1,015.50
New Mexico Environment Dept.	Clean Water Rev Fund #1438048	355,563.10
New Mexico Finance Authority	Loan #Lovington Drinking Water	26,701.51
New Mexico Gas Company	Water-Utility Gas Bill Sept 2013	117.88
Nor-Lea General Hospital	Water-Flu Vaccine	183.32
Pettigrew & Associates, P. A.	Water-Project 2013-1025 Wells 28,29 & 30	15,735.65
Phillips 66 Co.	Water-Fuel Credit Card Sept 2013	155.31
Solid Waste Authority	Solid Waste-Can Pull Convi Station/ Aug 2013	5,765.57
Staples	Water-Office Supplies	241.86
Taxation & Revenue Department	Workers Comp Report for Quarter ending Sept., 2013	77.40
Taxation & Revenue Dept.	Gross Rec Tax & State Withholding for quarter ending Sept., 13	18,298.98
Taxation & Revenue Dept.	Water Conservation Fee for Sept., 2013	159.24
Visa	Solid Waste - TS Certification Kenneth Chism	200.00
Waste Management of New Mexico	Water-Polycart Aug 2013	115,786.58
Waste Management of New Mexico	Solid Waste-Rolls-off Sept 2013	8,563.28
Windstream	Water-Phone Bill Sept 2013	456.81

Windstream	WasteWater-Internet Service Sept 2013	123.59
TOTAL		**577,318.99**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Closed Session
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

Staff are requesting a closed session to discuss the purchase, acquisition, or disposition of real property or water rights and for limited personnel matters.

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to go into 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 and Subsection H-2, regarding limited personnel matters.

_____ **Department Head**

_____ **City Manager**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 11, 2013

TYPE: ☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2013-6: 405 N. Commercial
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: November 4, 2013

STAFF SUMMARY:

This resolution will be presented at this meeting by legal counsel.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Resolution will be provided at meeting.

RECOMMENDATION:

Motion to adopt resolution 2013-6.

_____
Department Head

_____
City Manager