

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, APRIL 14, 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: Mayor Gandy, Commissioners Campos, Butcher, Benge, and Trujillo.

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Clerk Carol Ann Hogue, Administrative Assistant Imelda Gutierrez, City Attorney Patrick McMahon and Chief of Police Danny Bryant

Invocation: Commissioner Campos gave the invocation

Pledge of Allegiance: Commissioner Campos led the pledge

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

Approval of Regular Minutes of March 24 & Called Minutes of April 7, 2014: Mayor Gandy called for a motion to approve the regular minutes of March 24 & called minutes of April 7, 2014. Commissioner Trujillo so moved. Commissioner Benge seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Benge – Yes, and Mayor Gandy - Yes. Motion was approved.

NON-ACTION ITEMS:

Discussion of City Board Appointments: City Manager Williams addressed the Commissioners stating that the terms for some of the City Board members have expired. The members have expressed desire to continue serving as board members.

<u>Lodger's Tax Board:</u>	<u>Expires:</u>
➤ Kallie Richards	3/14/14
➤ Lisa Spears	4/12/14
➤ Robbie Roberts	9/2013
<u>Planning & Zoning:</u>	<u>Expires:</u>
➤ David Lynch	3/26/14
➤ Betty Price	4/2014
➤ Kallie Richards	3/2014
➤ Lynda Kreybig	3/26/14

The appointments will be on the agenda as an action item at the next regular commission meeting. No action was taken.

Discussion of Summer Basketball Program: Athletic Director Chief Bridgforth from Lovington High School addressed the Commissioners requesting funds for the summer basketball program. This year they want to have 5 adult teams and 3 high school teams for a month long plus a tournament. This program can help improve our high school players. Commissioner Campos stated that maybe increase the entry fee from \$150 to \$200 per team. Commissioner Bengé asked City Manager Williams if the City can afford to help fund the program and Mr. Williams replied with a yes. Commissioner Bengé is for the program and would like to add it as an action item on the next commission meeting. Commissioner Trujillo suggested adding the basketball program to the next year's budget. Mayor Gandy asked to add this item on the agenda at the next regular meeting. No action was taken.

ACTION ITEMS:

Consideration of Approval of Ordinance 525 – Personnel Policy Amendment: Mayor Gandy called for a motion to approve Ordinance 525 – Personnel Policy Amendment. City Manager Williams addressed the Commissioners giving a brief explanation of Ordinance 525: this will amend Municipal Code Title 2, Division VI, Chapter 2.92 – Personnel Merit System – 2.92.250 – Prohibited political activities by enacting section E which reads “Any employee elected to municipal office in the City shall resign from the employ of the City”. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Aye, Commissioner Butcher – Aye, Commissioner Trujillo – Aye, Commissioner Bengé - Yes, and Mayor Gandy – Aye. Motion was approved.

Consideration of Approval of Ordinance 526 – Wind Erosion Control: Mayor Gandy called for a motion to approve Ordinance 526 – Wind Erosion Control. City Manager Williams addressed the Commissioners giving a brief explanation of Ordinance 526: this will enact a new chapter of the Municipal Code (15.24) of Title 15 which will require wind erosion control measures to be implemented during construction and development activities. The purpose and intent of this section is to protect and maintain the natural environment and to reduce the health effects and safety issues caused by the creation of fugitive dust to blowing sand and particulate matter caused by anthropogenic (man-made) activities by requiring mitigation measures for activities that create fugitive dust. This does have some exemptions. If in violation of this ordinance, the fee is \$500 per day or 90 days or a combination of both for each occurrence. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher - Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes. Motion was approved.

Consideration of Approval of Ordinance 524 – Annexation of Property near 17th & Jefferson & Zoning Classification: Mayor Gandy called for a motion to approve Ordinance 524 – Annexation of Property near 17th & Jefferson & Zoning Classification. Commissioner Trujillo so moved. Commissioner Campos seconded. City Manager Williams mentioned that the identified tracts will be zoned as specified in the ordinance:

- Annexation Tract 1: Zone B – Multifamily, Annexation Tract 2: Zone C – Commercial, Annexation Tract 3: Zone B – Multifamily, Annexation Tract 4: Zone B – Multifamily, Annexation Tract 5: Zone C – Commercial, Annexation Tract 6: Zone C – Commercial, Annexation Tract 7: Zone B – Multifamily, Annexation Tract 8: Zone C – Commercial, Annexation Tract 9: Zone C – Commercial, Annexation Tract 10: Zone C – Commercial, Annexation Tract 11: Zone C – Commercial, Annexation Tract 12: Zone C – Commercial, Annexation Tract 13: Zone C – Commercial, and Annexation Tract 14: Zone C – Commercial.

Gene Samberson addressed the Commissioners stating his concern about the windstorm on April 3, 2014. Mr. Samberson stated that the wind was a mess and he couldn't see outside his windows for no more than 50 feet. It's not tolerable! It's a nuisance and it's one that affects public health and public safety. Mr. Samberson is requesting to table the annexation until the wind erosion ordinance goes into effect. Commissioner Trujillo stated that he would like to see Ordinance 526 take place before they approve ordinance 524. Mayor Gandy asked City Attorney McMahon if they can add an amendment to ordinance 524. City Attorney McMahon explained to Mayor Gandy that it might be a problem and that the City has not done that before and the next approach would be to table the ordinance until the next meeting. City Manager Williams explained that it would be a 15 day publication notice for a zoning change to at least 25 individuals. Commissioner Trujillo and Commissioner Campos withdrew their motion. Commissioner Bengé so moved to table until the first regular commission meeting in May. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Aye, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Aye, and Mayor Gandy – Aye. Motion was approved.

Consideration of Approval of Resolution 2014-12: Consent to Assignment of Franchise – Transfer Comcast Cable to TDS Baja Broadband: Mayor Gandy called for a motion to approve Resolution 2014-12: Consent to Assignment of Franchise – Transfer Comcast Cable to TDS Baja Broadband. City Manager Williams stated that the City has received a request to consent to transfer Comcast franchise to TDS Baja Broadband LLC. The existing franchise agreement requires that the City provide written consent to do the transfer. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Butcher – Aye, Commissioner Campos – Aye, Commissioner Bengé – Aye, Commissioner Trujillo – Aye, and Mayor Gandy – Aye. Motion was approved.

Consideration of Approval of 5th Annual Smokin' on the Plaza Event Temporary Street Closures & Beer Garden: Mayor Gandy called for a motion to approve the 5th Annual Smokin' on the Plaza Event Temporary Street Closures & Beer Garden. Commissioner Butcher asked City Manager Williams if they were going to set up a portable restroom for this event. City Manager Williams mentioned that there will be one portable restroom setup for this event and for the Farmer's Market. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Benge – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of Approval of Lea Community Foundation for the Arts Lea Theater Project Funding using LEDA & City Participation: Mayor Gandy called for a motion to approve the Lea Community Foundation for the Arts Lea Theater Project Funding using LEDA & City Participation. City Manager Williams explained 2 different options from the Due Diligence Committee:

Option 1. Provide \$200,000 matching funds and \$50,000 to start up to secure a \$400,000 bank loan that would require expanding \$400,000 in CD's. Once the loan is paid it would release funds back to LEDA.

Option 2. Provide a one-time funding of \$250,000 to the City of Lovington from LEDA funds for the purchase of the Lea Theater from the Joy Family with the funding terms:

1. The City will own the Lea Theater building.
2. The City would enter into an agreement with the Lea Community Foundation for the Arts that would allow them to operate a theater. The Foundation would be responsible for all improvements, insurance, repairs, maintenance, operating costs, etc.
3. Within one year of City acquisition of the building, the Foundation would be required to begin operation. Operation is deemed as holding its first regular digital movie or performing arts production, as defined by the foundations mission statement and goals. Fundraisers, of any form, held at the theater will not satisfy this requirement.
4. The City will enter into an agreement with the Lovington EDC that will transfer the right to operate the facility as a theater should the Foundation not meet the goals defined in the agreement.
5. Should the foundation request to purchase the building, the Lovington EDC will provide approval of the sale in conjunction with the City.
6. Foundations by-laws require a Lovington EDC director to be on the board. That member will be appointed by Lovington EDC by majority vote on an annual basis.

City Attorney McMahon explained ordinance 495 stating what a “qualifying entity” and “cultural facility” means. Mark Roper addressed the Commissioners stating that the Foundation does qualify as an entity under 501C3. Commissioner Trujillo stated that with all due respect to City Attorney McMahon he recommends moving forward with this project. Commissioner Bengé stated that she understands and knows how important an appraisal is for the City especially for the amount of money involved but she thinks it’s one more step to stabilizing downtown Lovington and the changes with Lovington MainStreet. Commissioner Campos so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of Approval of Variance at 303 W. Avenue J: Mayor Gandy called for a motion to approve the variance at 303 W. Avenue J. City Manager Williams explained that Paula Alonso requested a variance to the rear yard size. The required rear yard setback should be 28 feet. Mrs. Alonso requested a 27.5 rear yard setback to accommodate the addition to her home. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Aye, Commissioner Butcher – Aye, Mayor Gandy – No, Commissioner Trujillo – Aye, and Commissioner Bengé – No. Motion was approved.

Consideration of Approval of Variance at 1300 W. Avenue K: Mayor Gandy called for a motion to approve variance at 1300 W. Avenue K. City Manager Williams stated that Danielle Ramirez is requesting a 5 foot side yard setback variance versus the required 15 foot side yard for a corner lot. Code Enforcer Brock addressed the Commissioners recommending not approving this variance as the home will fit within the required setbacks if moved. David Gallegos addressed the Commissioners stating that the city application process was done. Lonnie Ramirez addressed the Commissioners stating that the State gave them permission to begin the work and didn’t know he had to come to Planning & Zoning for approval. Mayor Gandy stated that it’s partial responsibility of the residents to be informed of the laws in the City. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – No, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration of Approval of Lodger's Tax Funding Recommendations: Mayor Gandy called for a motion to approve the Lodger's Tax Funding Recommendations. City Manager Williams stated that the Lodger's Tax Board recommended that in the future that \$3,000 be automatically provided for Visitor Center Upkeep, if funding is available. The Rabbit Show and HPJRA was not recommended for funding because listed expenses were not eligible and the application did not specify what the funding would be utilized for. The remaining funds were allocated utilizing the evaluation system approved by the City Commission as followed:

- 5D Classic Barrel Race - \$802.04
- Party at the Park - \$797.40
- Downtown Farmers Market - \$1,230.28
- Smokin' on the Plaza - \$6,870.20
- Live on Love Concert Series - \$4,449.47
- Winter Spring Concert Series - \$1,963.92
- NM TX Challenge Marathon - \$1,006.69
- **Total** **\$20,120.00**

Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Ad Hoc Committee Appointment: Mayor Gandy called for a motion to approve the Ad Hoc Committee Appointment. RaeLynn Stuart stated that Ryan Burkett was appointed by Lovington Chamber of Commerce. Commissioner Bengé was appointed to the Steering Committee. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Butcher – Aye, Commissioner Campos – Aye, Commissioner Trujillo – Aye, Commissioner Bengé – Aye, and Mayor Gandy – Aye. Motion was approved.

Consideration of Approval of Accounts Payables: Mayor Gandy called for a motion to approve the accounts payables. Commissioner Bengé so moved. Commissioner Campos 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.

PUBLIC COMMENT: None

CLOSED SESSION:

At 7:11 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, Mayor Gandy – Yes, Commissioner Butcher – Yes, and Commissioner Campos – Yes.

At 7:32 p.m., Commissioner Campos so moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion and no action was taken. Commissioner Bengé seconded and a roll call vote was taken: Commissioner Butcher – Aye, Commissioner Campos – Aye, Mayor Gandy – Aye, Commissioner Trujillo – Aye, and Commissioner Bengé – Aye.

OTHER COMMENT: City Manager Williams stated that the Budget Work Session will be held at the Chamber of Commerce on Wednesday, April 16, 2014 at 5:30 p.m. Commissioner Bengé would like to set up a work session with the Commissioners, Planning & Zoning Board members, and Code Enforcement to discuss Planning & Zoning.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:35 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

**CALLED MEETING OF THE CITY COMMISSION
WEDNESDAY, APRIL 16, 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 Trujillo and Commissioner Bengé.

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Clerk Carol Ann Hogue, Administrative Assistant Imelda Gutierrez, Accounting/Payroll Clerk Shannon Lester

Not Present: City Attorney Patrick McMahon and Maria Hernandez – Motor Vehicle Director

Department Heads: Wyatt Duncan- Water Supervisor, Miguel DeLaCruz – Wastewater Supervisor, Carl Weaver – Street Supervisor, Danny Reynolds – Cemetery Supervisor, Laura Brock – Animal/Code Enforcement Supervisor, Terrance Lizardo – Fire Chief, Dennis Martin – Parks Supervisor, Jesse Munoz – Recreation Supervisor, Jami Bailey – Youth Center Director, Norma Vejil – Senior Center Director, Tueredia McBride – Library Director, Danny Bryant – Chief of Police and Barbara Campbell – Municipal Judge

Invocation: Commissioner Butcher gave the invocation

Pledge of Allegiance: Commissioner Butcher led the pledge

NON-ACTION ITEMS:

Discussion of FY 14/15 Budget Work Session: City Manager Williams thanked the Department Heads and the City staff for all their hard work getting the budget done. Mr. Williams stated that the budget looked good and it's still on the conservative side. The City can expect the revenue to be higher because we are a sales tax driven but can't always really bank on that. A percentage (47%) of Revenues comes from local taxes and the state share. The City wants to take care of the employees and has incorporated into the budget to add a 2% COL adjustment and 2% merit increase based upon performance evaluation. It would be an incentive to excel at their jobs. Commissioner Bengé agrees on the merit increase based upon their performances.

The expenditures for the general fund summary are:

- Judicial – \$90,277 budget request (20% increase), restore a part-time municipal clerk position - 25 hours/week.
- Executive – \$191,725 budget request (1% increase) – City Manager & Assistant City Manager
- Legislative – \$75,382 budget request (3% increase) – City Clerk
- MVD – \$152,146 budget request (0% increase), tint windows at Motor Vehicle
- Finance – \$3,092,306 budget request (14% increase), hire a Finance Director, pays multiple salaries, health insurance, retirement plans, comprehensive plan, equipment and machinery, accounting system and licensing's
- Parks – \$580,984 budget request (85% increase), pump controls replaced for irrigation system, developing a one year around maintenance plan (turf, herbicides, pesticides, fertilizer, testing soil, etc.), park equipment, tables, benches, water fountains, pet waste stations, trash cans, mulch, shop heater, and ac/heater system for the home at the park
- Recreation – \$470,814 budget request (1% increase), athletic field restrooms/concession, replace mower, camera system at athletic fields, and field improvements.
- Pool – \$122,291 budget request (29% increase), circulating pump, and camera system
- Museum – \$65,009 budget request (12% increase), utility cost
- Senior Citizens - \$373,313 budget request (1% increase), ac/heater installation
- Library - \$369,310 budget request (8% increase), one part-time employee to full-time
- Cemetery - \$220,664 budget request (34% increase), replace flagpole, irrigation system, storage building, lawnmower replaced, and more herbicides & pesticides applications.
- Animal Shelter - \$75,711 budget request (5% increase), quarantine building, fence replacement, and vehicles expenses
- Code Enforcement - \$185,640 budget request (85% increase), create one new person/position, add one vehicle, tracking software – warnings/violations
- Police - \$2,805,606 budget request (20% increase), safety equipment replacement, radio upgrades, dispatch console, replacement of four vehicles,
 - Dispatch Consolidation – A member of the Lea County Communications Authority.
- Fire - \$1,290,433 budget request (13% increase), addition of 3 shift personnel, radio upgrades, fire station planning, and 41% increase in calls
- Troy Harris - \$20,450 budget request (-22% decrease), cleaning cost
- Street - \$753,667 budget request (-33% decrease), additional school zone & stop signs, salt/sand spreader, and striping machine
- Denton Building - \$15,826 budget request (12% increase), utility cost
- Economic Development - \$10,959,653 budget request (11% increase), LEDA, expenses, and Lea Theater
- Correction – total revenues \$41,064 (14%) and total expenditures \$22,000 (10%)
- EMS - \$14,700 budget request (0% increase), NMDOT Grant
- Fire Protection Fund - \$78,443 budget request (5% increase)

- Law Enforcement Protection - \$35,000 budget request (9% increase), equipping vehicles
- Lodger's Tax Act - \$72,000 budget request (6% increase)
- Special Gasoline Tax - \$449,092 budget request (163% increase), Commercial bypass repairs
- Special Recreation - \$40,268 budget request (-28% decrease), replace heating and cooling units
- Other funds -\$188,946 budget request (25% increase), lab fees
- Ambulance – total revenues \$584,240 (11%) and total expenditures \$691,255 (56%), ambulance replacement
- Solid waste - \$1,784,810 budget request (14% increase), more customers
- Utilities Fund – total revenue \$5,277,784 (12%) and total expenditures \$5,620,518 (56%)
- Water Fund - \$4,732,738 budget request (96% increase), hot valve installation, utilities increase, replace booster pump #2, water meter replacement, water well project, water well field project, and debt service
- Wastewater - \$887,780 budget request (-25% decrease), door replacements, supply increase, utility cost

City Manager Williams mentioned that the reserve is 37% and would like for the Commissioners to approve the budget on May 12, 2014 at the regular commission meeting.

Commissioner Bengé would like to see more improvements on infrastructure.

Commissioner Trujillo thanked the Department Heads for doing a good job.

Commissioner Butcher had a concern about the lake being dredged.

Mayor Gandy thanked the Department Heads for their hard work.

PUBLIC COMMENT: None

ADJOURNMENT:

There being no further business the meeting adjourned at 7:35 p.m.

APPROVED: _____

SCOTTY GANDY, MAYOR

ATTEST: _____

CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: FY 2014/2015 Budget
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: April 28, 2014

STAFF SUMMARY:

Staff have prepared a summary of additional items to the FY 2014/2015 budget.

A copy of the draft budget, that includes these items, has been uploaded to the website.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Summary

RECOMMENDATION:

Information only.

Department Head

James R. Williams

City Manager

Summary of Budget Changes

- **Code Enforcement**

- **Salaries (101-4100-1209) increased by \$4,160 and FICA (101-42010-1209) by \$319.** In lieu of an untrained officer, the Department proposes to hire an experienced officer as a Lead Code Enforcement Officer. This position would be responsible for training and field supervision.

- **Police**

- **Vehicles (101-48070-1953) unchanged.** Originally, the Department budgeted for three marked Dodge Chargers (patrol) and one marked Chevrolet Tahoe (administrative). To increase the number of vehicles on the street the Department has proposed to purchase two unmarked Chevrolet Impalas (investigative) instead of the Chevrolet Tahoe. These vehicles cost less to purchase and equip.
- **Vehicles (101-48070-1953) decreased by \$14,000.** The budget for the police unit radio upgrade has been reduced by \$14,000. This is due to a lower than anticipated quote for the programming and installation.

- **Streets**

- **Other Supplies – Street Signs (101-46900-2160) increased by \$4,000.** The Department proposes to swap the new stop signs at Avenue D and Commercial with flashing stop signs. These will match the existing signs located from the north and south approaches to Avenue D.

- **Solid Waste**

- **Professional Services (504-45900-2140) increased by \$30,000.** Staff proposes to budget the funds for condemnation and nuisance abatement out of solid waste.

- **Water**

- **Equipment and Machinery (505-48020-2125) increased by \$20,000 and Wells and Equipment (505-48950-2125) decreased by \$20,000.** The quote for Booster Pump #2 came in \$20,000 higher than anticipated. The Department has reviewed past capital expenditures and proposes the additional funds come from a reduction in the Wells and Equipment account.

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: 40 Year Water Plan Presentation
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

Shomaker and Associates will be providing the Commission information regarding the 40 year water plan.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

A copy of this plan is available as a separate file in the digital folder and has been uploaded to the City website.

RECOMMENDATION:

Information only. Commission will adopt this plan at a later date.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: Discussion of Carport Ordinance
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

Executive staff have directed Code Enforcement to address carports in the City that do not comply with existing City ordinance. As a result of the warnings being given, staff are beginning to receive variance requests. We are requesting that Commission provide direction to City staff as to how they view an acceptable variance in terms of carports. This information and direction will be shared with the Planning and Zoning Commission as well.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Current carport ordinance and recent changes

RECOMMENDATION:

Information only.

Department Head

James R. Williams

City Manager

Chapter 17.20
"A" SINGLE-FAMILY DWELLINGS DISTRICT

Sections:

- 17.20.010 Regulations-In general.
- 17.20.020 Permitted uses.
- 17.20.030 Height restrictions.
- 17.20.040 Front yard requirements-Carport.
- 17.20.050 Side yard requirements-Carport.
- 17.20.060 Rear yard requirements-Carport.
- 17.20.070 Intensity of use.
- 17.20.080 Carports-Additional requirements.

17.20.010 Regulations-In general.

The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the "A" single-family dwelling district regulations. (Prior code § 11-3-1 (part))

17.20.020 Permitted uses.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings of not less than eight hundred square feet of floor space of a permanent nature. Specifically excluding trailer houses and mobile homes, notwithstanding the fact, the mobile home is set on a permanent foundation and the wheels and mobile characteristics removed;
- B. Municipality owned or operated parks and playgrounds;
- C. Churches;
- D. Public schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools;
- E. Golf courses, except miniature courses and driving tees operated for commercial purposes;
- F. Nurseries and truck gardening, but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences;
- G. Home occupations;
- H. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a private garage. Any accessory building that is not a part of the main structure shall be located not less than sixty feet from the front lot line;
- I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- J. Church or public building bulletin board not exceeding ten square feet in area and temporary signs not exceeding six square feet in area appertaining to the lease, hire or sale of a building or premises; provided, however, that there shall be no more than one such sign on any one lot. (Prior code § 11-3-1 (a))

17.20.030 Height restrictions.

No building shall exceed two and one-half stories or thirty-five feet in height, except as provided in Section 17.16.030 of this title.
(Prior code § 11-3-1 (b))

17.20.040 Front yard requirements-Carport.

A. There shall be a front yard having a depth of not less than twenty-five feet, unless forty percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than thirty-five feet. Where lots have double frontage, the required front yard shall be provided on both streets.

B. A carport no larger than four hundred eighty square feet or twenty feet long and twenty-four feet wide may be added and attached to the structure, but only if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time. "
5. It must be constructed of metal or wood of such design and size as to adequately and safely support the structure and shall conform to the design and materials of which it is attached.
6. Ingress and egress must be assured by a concrete driveway the width of the carport.
7. The front yard must be a depth of at least five feet before reaching the area immediately below the roof of the carport. (Ord. 344 (part), 1987; prior code § 11-3-1 (c) (1))

17.20.050 Side yard requirements-Carport.

A. There shall be a side yard on each side of the one story portions of buildings having a" width of not less than five feet and a side yard on each side of the two story portions of buildings having a width of not less than seven and one half feet. The side yard on the street side of a corner lot shall not be less than fifteen feet, except as to lots of record as of August 9, 1960. The side yard line in regard to such lots of record shall be that which has been established by usage, but in no case less than five feet.

B. A carport shall be allowed if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design but in no event shall it contain plastic materials.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time.
5. Ingress and egress must be assured by a concrete driveway the width of the car port.
6. The side yard must be a width of at least five feet before reaching the point immediately below the roof line of the carport. (Ord. 344 (part), 1987; prior code § 11-3-1(c) (2))

17.20.060 Rear yard requirements-Carport.

A. There shall be a rear yard having a depth of not less than thirty feet or twenty percent of the depth of the lots, whichever amount is smaller.

B. A carport shall be allowed if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time.
5. Ingress and egress must be assured by a concrete driveway the width of the car port. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (3))

17.20.070 Intensity of use.

Every lot shall have an area of not less than seven thousand square feet per family; except that, if a lot has less area than required in this chapter and was a lot of record prior to February 12, 1971, the effective date of the ordinance codified in this section, such lot may be used for one single-family dwelling, provided that all other district regulations are observed. The single-family dwelling may have a carport provided it has no garage and provided that all requirements provided in this chapter are strictly complied with. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (4))

17.20.080 Carports-Additional requirements.

A. The city manager and/or his approved personnel shall inspect and approve, if all requirements are properly met:

1. The location and design of all carports;
2. The carport after it is finally completed;
3. All city and state regulations and rules must be complied with.

B. A city permit must be obtained and all city requirements complied with. Current lists of city requirements shall be provided to each applicant after issuance of a building permit. Such list may be changed from time to time as deemed necessary by the city manager.

C. A state building permit must be secured and all state rules complied with.

D. In an area where the construction of carports violates local private restrictive covenants, the city shall not approve or allow the construction or modification of carports unless and until all city requirements have been met and the approval has been obtained of all the homeowners on petitioner's block.

E. This chapter shall in no way limit or compromise the rights of any past, present or future land owner who has standing to enforce any existing or future private restrictive covenants dealing with the subject matter of this section.

F. Any carport constructed without obtaining prior approval by virtue of this contract shall be in violation of this chapter and subject to penalties of ninety days in jail and/or a three hundred dollar fine.

G. If a structure, including a carport, is built (1) without prior approval, (2) with prior approval, but does not conform to the petition, the city shall notify the landowner by certified mail:

1. That the structure does not conform to this chapter;
2. That demand is made that the structure be modified to conform to this chapter;
3. That if the structure is not made to conform within the time allotted, the structure will be torn down within fifteen days from the mailing of such notice;
4. That the city will tear the structure down and bill the landowner for the cost of tearing the structure down;
5. That if payment is not made within thirty days after demand for payment, the city will file a lien against the landowner's property for the amount plus interest that is allowed by law. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (5-12))

ORDINANCE NO. 520

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.20 – "A" Single-Family Dwelling District, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.20 BE AND HEREBY IS AMENDED AS FOLLOWS:

17.20.040 Front yard requirements – Carport.

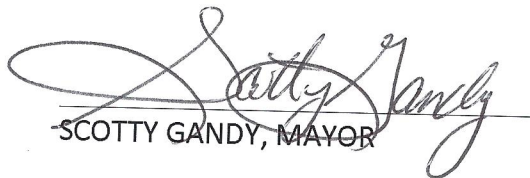
B. A carport no larger than seven hundred twenty (720) square feet may be added and attached to the structure, but only if it meets the following:

17.20.070 Intensity of use.

Every lot shall have an area of not less than seven thousand square feet per family; except that, if a lot has less area than required in this chapter and was a lot of record prior to February 12, 1971, the effective date of the ordinance codified in this section, such lot may be used for one single-family dwelling, provided that all other district regulations are observed.

APPROVED, PASSED, AND ADOPTED this 10th day of March, 2014.

CITY OF LOVINGTON


SCOTTY GANDY, MAYOR

ATTEST:


CAROL ANN HOGUE, CITY CLERK



ORDINANCE NO. 521

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.24 – “B” Multiple Dwelling District, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.24 BE AND HEREBY IS AMENDED AS FOLLOWS:

17.24.050 Yard regulations

- A. Yard size regulations shall be the same as in the “A” single family dwelling district.
- B. Carport regulations shall be the same as in the “A” single family dwelling district, except:
 - i. Carports are not required to be attached to a permanent building; and
 - ii. Carports are not required to match or conform to the permanent building in materials, character, and design.
- C. All interior courts shall have a width equal to at least the height of the highest part of the building forming the court.

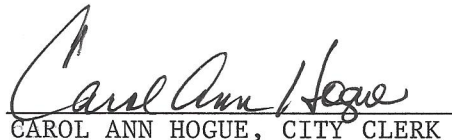
APPROVED, PASSED, AND ADOPTED this 10th day of March, 2014.



CITY OF LOVINGTON


SCOTTY GANDY, MAYOR

ATTEST:


CAROL ANN HOGUE, CITY CLERK

ORDINANCE NO. 522

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.22 – Manufactured Homes and Mobile Homes, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.22 BE AND HEREBY IS AMENDED AS FOLLOWS:

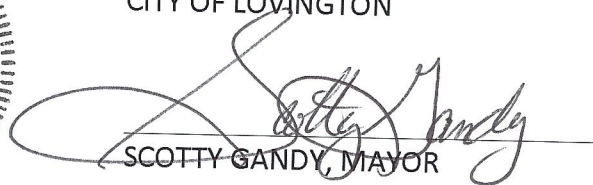
17.22.150 Carports

Regulations of Chapter 17.24 shall apply.

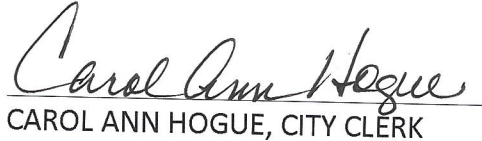
APPROVED, PASSED, AND ADOPTED this 10th day of March, 2014.



CITY OF LOVINGTON


SCOTTY GANDY, MAYOR

ATTEST:


CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: Resolution 2014-13
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

Resolution 2014-13 requires Commission adoption so the land transaction with Haarmeyer Electric may be completed. This document is being requested by the company providing the title insurance.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Resolution 2014-13

RECOMMENDATION:

Motion to adopt Resolution 2014-13

Department Head

James R. Williams

City Manager

**RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO**

RESOLUTION NO. 2014-13

A RESOLUTION APPROVING THE ACQUISITION OF PROPERTY

WHEREAS, the Governing Body of the City of Lovington, a New Mexico Municipal Corporation, declares that the real estate described below is essential for municipal purposes; and

WHEREAS, the Haarmeyer Electric, Inc, owns the following described real estate in Lea County, New Mexico:

Tract A2 of the Haarmeyer Electric, Inc. Plat for City of Lovington Summary Review, filed 2-20-14, in Book 1878, Page 896, Lea County Records, Lea County, New Mexico, being a Tract of land located in Section 10, Township 16 South, Range 36 E, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a ½" rebar w/PVC cap marked "NM 15079 TX 5204" found as the Northwest corner of this tract, which lies South – 390.00 feet from the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 10; thence East – 20.00 feet to a ½" rebar w/PVC cap marked "NM 15079 TX 5204" set as the Northeast corner of this tract; thence South – 340.00 feet to a ½" rebar w/PVC cap marked NM 1`5079 TX 5204" set as the Southeast corner of this tract; thence West – 20.00 feet to a ½" rebar found as the Southwest corner of this tract; thence North – 340.00 feet to the point of beginning.

All in Lovington, New Mexico; and

WHEREAS, the City of Lovington has identified issues related to the location of its utilities and the purchase of this property would alleviate those issues.

WHEREFORE, I, Scotty Gandy, Mayor of the City of Lovington, do hereby certify that the foregoing is a true copy of the Resolution adopted by the City of Lovington Council at a meeting held on April 28, 2014. I further certify that the above-referenced signatures are true and correct and that this Resolution does not conflict with any other documents governing the City of Lovington.

IN WITNESS WHEREOF, I approve this Resolution on this 28th day of April, 2014.

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: Summer Basketball Program Funding
DEPARTMENT: Legislative
SUBMITTED BY: Paul Campos, Commissioner
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

As presented at the April 14, 2014 meeting, the Lovington Summer Basketball Program has requested City funding and support. They have requested approximately \$2,400 in City support.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

\$2,400 increase to Recreation Department Budget. This is a General Fund appropriation.

ATTACHMENTS:

RECOMMENDATION:

Motion to approve funding.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: 2014 Fireworks Funding
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

The Lovington Chamber of Commerce has requested financial support for the 2014 Public Fireworks Display. The amount requested is the same as last year and provided the community with a 35 minute fireworks display.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

\$4,500 - General Fund Allocation

ATTACHMENTS:

RECOMMENDATION:

Motion to approve funding.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: Lodgers Tax Board Appointments
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

The following individuals currently serve on the Lovington Lodgers Tax Board and desire to remain as members. Staff have not received any additional interest.

Kallie Richards
Lisa Spears
Robbie Roberts

These individuals would be appointed for three year terms.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to re-appoint members to the Lodgers Tax Board.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 28, 2014



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

SUBJECT: Planning and Zoning Commission Appointments
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: April 23, 2014

STAFF SUMMARY:

The following individuals currently serve on the Lovington Planning and Zoning Commission and desire to continue their service. No other interest from the public has been received.

David Lynch
Betty Price
Kallie Richards
Lynda Kreybig

The individuals appointed will serve two year terms

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to reappoint members.

Department Head

James R. Williams

City Manager