

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, JANUARY 12, 2015 @ 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 Trujillo, Commissioner Bengé, Mayor Gandy, and Commissioner Butcher

**Not Present:** Commissioner Campos

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

**Invocation:** Commissioner Trujillo gave the invocation

**Pledge of Allegiance:** Commissioner Trujillo led the pledge

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

**Approval of the Regular Minutes of December 8, 2014:** Mayor Gandy called for a motion to approve the regular minutes of December 8, 2014. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- City Clerk Hogue swore in Chief of Police David Rodriguez
- Commissioner Butcher welcomed everyone back and hoped everyone has a blessed New Year. Commissioner Butcher asked City Manager Williams how the theater project is coming along; City Manager Williams stated State Economic Development has turned it over to another individual; individuals are reviewing project participation agreement and warranty to meet the deadline by June 30, 2015; City will need to adopt it by ordinance
- Mayor Gandy asked City Manager Williams concerning barrels on Main Street, when street will be repaired; City Manager Williams stated until weather warms up we are be unable to mix coal. Mayor Gandy asked about the ranking of the streets; City Manager Williams stated it will take about a couple of months
- Commissioner Trujillo had same questions as the Mayor

- Commissioner Bengé stated driving North on Love Street the signs are discolored; City Manager Williams will check with department
- Assistant City Manager Cobb stated first draft of comprehensive plan will need to be reviewed by Steering Committee to be followed by a joint work session from City Commissioners and Planning & Zoning Committee tentative date of February 17, 2015.
- City Manager Williams:
  - received results of pay classification is at a fair pay compared to other municipalities with our size, employees and budget; with the exception of six positions which pay will increase based on seniority
  - asked if Mayor Gandy and Commissioner Trujillo would represent the City in the ETZ Authority Board; Mayor Gandy and Commissioner Trujillo agree to serve
  - informed Commissioners of zoning responsibilities issues, zoning regulation issues, and ETZ subdivision regulations issues which will be addressed in next Zoning Authority Meeting
  - informed Commissioners of irrigation RFP to be open on February 16, instead of January 12; due to the size of the project
  - informed Commissioners of Financial Software RFP to replace our current accounting software and management system; accepting responses till March 2, reward proposal April 29
  - informed Commissioners of turf management training on Thursday, January 15 given by Dr. Joy Young from Texas Tech University; training will include year round program, designing, and how to manage turf
  - informed Commissioners of New Mexico Municipal League will be held on February 24 thru 26, need to know by the first week of February
  - informed Commissioners of Chamber Banquet to be held on February 5
  - asked Commissioners if February 17 will work for a work session to converse of infrastructure capital improvement fund, strategy on how to get capital improvement project completed, and the brand for the City; it will be after hours
- City Attorney McMahan handed out memo in reference to Ordinance #530 for Commissioners to review

**NON-ACTION ITEMS:**

**Discussion of Reappointment to Personnel Board:** City Manager Williams stated that Jeanette Faris has been recommended for reappointing to the Personnel Board. No action was taken.

**Discussion of Quarterly Financial Report:** Commissioners reviewed the financial report. Any concerns of the report were explained by Finance Director Chapman.

**ACTION ITEMS:**

**Consideration Resolution 2015-01: Census Update:** Mayor Gandy called for a motion to consider resolution 2015-01: Census Update. City Manager Williams addressed the Commissioners of significant changes from the last 2010 census. Debra Hicks President of the Lea County Community Improvement Corporation is requesting for City of Lovington, Lea County, City of Hobbs and the J. F. Maddox Foundation to partner up to update estimate of local census for 2015. Debra Hicks stated this project will help with providing more accurate data for private investments, population forecast projection, and economic analysis; thanked the Commissioners for considering the resolution. Resolution 2015-01 will allow for the expenditure of \$25,000.00 from the LEDA Fund for the purposes of providing a 2015 update to our census count as well as projections through 2020. Commissioner Trujillo so moved. Commissioner Butcher second and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo - Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consideration Resolution 2015-02: Approval of Transportation Alternative Program Grant Project – Washington Avenue:** Mayor Gandy called for a motion to approve consideration of Resolution 2015-02: Approval of Transportation Alternative Program Grant Project – Washington Avenue. Assistant City Manager Cobb addressed Commissioners to consider adopting resolution to allow City to submit application for the Transportation Alternatives Grant Program agreeing to provide a 14.56% match; project will complete the streetscape improvements on Washington Avenue. Commissioner Bengé asked if design would be better than the Central Plaza Project; Assistant City Manager Cobb stated lessons were learned from Central Plaza Project. Assistant City Manager Cobb stated if resolution is approved by Commissioners, resolution will allow the City to apply for the grant and the City is committing to fund the project if accepted; for the federal fiscal year of 2016-2017. Commissioner Butcher so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration Resolution 2015-03: Approval of Recreational Trails Program Grant Project – Lovington Multiuse Trail:** Mayor Gandy called for a motion to approve consideration of Resolution 2015-03: Approval of Recreational Trails Program Grant Project – Lovington Multiuse Trail. Assistant City Manager Cobb addressed Commissioners of NMDOT has a five year backlog of funding, this grant requires 14.56% match but City is proposing a 50% match while also seeking additional grants. Commissioner Bengé asked if it is required for sidewalk to be concrete; Assistant City Manager Cobb will look into requirements, but long term, maintenance and durability concrete is better. Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration Resolution 2015-04: Approval of Roadway Grant Project – North 17<sup>th</sup> Street:** Mayor Gandy called for a motion to approve consideration of Resolution 2015-04: Approval of Roadway Grant Project – North 17<sup>th</sup> Street. Assistant City Manager Cobb addressed Commissioners to consider adopting resolution to allow City to submit application for the Roadway Grant Program agreeing to provide a 14.56% match; City is proposing to reconstruct the Northwest Truck Bypass on 17<sup>th</sup> Street from Avenue D to Jefferson Avenue. Estimated Cost is \$815,084.00, City is proposing to match 50%. Mayor Gandy asked if road will comply with truck bypass standards; Assistant City Manager stated yes. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration Resolution to Approve Vacation of 15<sup>th</sup> Street and a Portion of Avenue J, J.L. Reed Addition, Unit 3:** Mayor Gandy called for a motion to approve resolution to approve vacation of 15<sup>th</sup> street and a portion of avenue J, J.L Reed Addition, Unit 3. City Manager Williams addressed Commissioners of the request from JoAnn Domzalski to vacate portions of 15<sup>th</sup> Street and Avenue J in order to create a cul-de-sac and adjust lot sizes. The request was presented to the Planning and Zoning Commission and they recommended approval. Commissioner Trujillo asked about sewer access; City Manager Williams stated there is alley way utility access. Mayor Gandy and Commissioner Bengé discussed possible reimbursement of vacation of property; City Attorney McMahan stated it is something to look at, but there is no language address this issue because land was given to City to begin with. Robert Fierro, representative for JoAnn Domzalski, addressed Commissioners of benefits to consider cul-de-sac to help with the off road vehicles messing up road and growth development in this area. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration Resolution to Approve Variance in Faye Heights Addition, Block 3 (Lots 37-43), Block 4 (Lots 7-19), and Block 5 (Lots 1-24): Front Yard Setback:** Mayor Gandy called for a motion to approve variance in zoning at 110 South 7<sup>th</sup> Street, Lovington: unattached carport in Zone A. City Planner Hildreth addressed Commissioners of property owner Robbie Roberts has requested a variance for the front yard setback in the Faye Heights Addition for Block 3 (Lots 37-43, Block 4 (Lots 7-19, and Block 5 (Lots 1-24) allowing Mr. Roberts units with a 15 foot front setback as compared to the required 25 feet. City Planner Hildreth stated property is zoned as Multifamily; only the garages will be the only portions of the housing units that will be constructed within the 25 foot setback. Robbie Roberts discussed construction and staggering affect with housing in the Avenue Q area; stated only garages will sit at the 15 feet setback instead of the 25 feet setback for housing. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration of Resolution to Approve Replat of Lots 4, 5, 6, and 7 of Block 5, Faye Heights Addition:**

Mayor Gandy called for a motion to approve the resolution to approve replat of Lots 4, 5, 6, and 7 of Block 5, Faye Heights Addition. City Planner Hildreth addressed Commissioners of request a replat of Lots 4, 5, 6, and 7 in Block 5 of the Faye Heights Addition to create 2 additional lots. Robbie Roberts addressed Commissioners of corner effect in keeping with houses looking more uniformed; including meeting all setbacks. Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo, and Mayor Gandy - Yes. Motion was approved.

**Consideration of Resolution to Approve Stop Sign Placement at Carter and Avenue Q:**

Mayor Gandy called for a motion to approve the resolution to approve resolution to approve stop sign placement at Carter and Avenue Q. City Manager Williams addressed Commissioners of request of a stop sign to be installed at the corner of Carter Avenue and Avenue Q. Chief of Police Rodriguez indicated placement is warranted for increased safety. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

**Consideration of Award of Bid: Janitorial Services:** Mayor Gandy called for a motion to award the bid for Janitorial Services. City Manager Williams addressed Commissioners of bids received on January 6:

- Janitorial Services Incorporated \$13,221.00 per month
- Kleen Tech Services Corporation \$ 5,115.67 per month
- Squeaky Clean \$ 4, 275.00 per month

Squeaky Clean is our current contractor; City staff recommends Kleen Tech be awarded this contract due to Squeaky Clean irregularities in bid and past history of performance. Commissioner Bengé asked if references are positive; City Manager Williams stated yes. Bid will be awarded to Kleen Tech. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – No, and Mayor Gandy - Yes. Motion was approved.

**Consideration of Award of Bid: Fire Extinguisher Inspection and Maintenance:** Mayor Gandy called for a motion to award the bid for fire extinguisher inspection and maintenance. City Manager Williams addressed Commissioners of bids received on January 6:

- Western Fire Extinguisher Company
- LWH Fire Extinguisher LLC

Western Fire Extinguisher Company is our current contractor; City staff recommends LWH be awarded this contract due to overall lowest bid for this contract. City Manager Williams informed Commissioners of the responsibilities of the contractor to include maintenance, hydrostatic testing, and or replace extinguisher as needed; both companies are certified. Bid will be awarded to LWH Fire Extinguisher Company.

Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher– No, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consideration Senior Citizen Board Appointment:** Mayor Gandy called for a motion to approve the recommendations from the Senior Citizens Board. The following individuals have been recommended by the Board.

- Wilma Kimbell
- Virginia Spears
- Thomas Griffin

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

**Consideration Approval of Lodgers Tax Funding:** Mayor Gandy called for a motion to approve the Lodger’s Tax Funding Recommendations. City Manager Williams informed Commissioners of the Lodger’s Tax Board recommendations from the January 5, 2015 meeting. City Manager Williams stated during the Lodger’s Tax meeting, the Board determined that given the limited amount of funding available, the maximum award for any one program would be capped at 25% of the amount of estimated available funding. Recommended level of funding for each project:

• NM TX Challenge Marathon	\$ 4,092.92
• LCM Newsletter	\$ 507.69
• Open Mic	\$ 1,099.77
• Branding Launch	\$ 3,174.07
• Beautification Day	\$ 1,914.24
• Farmers Market	\$ 4,092.92
• Wildbunch Softball Tournament	<u>\$ 1,480.61</u>
	Total of <u>\$16,362.22</u>

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

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

**PUBLIC COMMENT:** None

**CLOSED SESSION:**

At 6:22 p.m., Commissioner Bengé moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-2, regarding limited personnel matters and Subsection H-8-regarding the purchase, acquisition or disposition of real property or water rights. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher - Yes; and Mayor Gandy - Yes.

At 7:12 p.m., Commissioner Trujillo so moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the motion and no action was taken. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher - Yes; and Mayor Gandy - Yes.

**OPEN SESSION:**

**Consider Approval of City Manager Evaluation:** Mayor Gandy called for a motion for approval of City Manager Evaluation. Commissioner Bengé so moved to approve as a result of favorable evaluation of City Manager Williams to award the 2% COLA that was awarded last year to our City employee on the last budget process and 2 ½% merit increase that was included in budget that has been applied in the general City fund. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Butcher - Yes; Commissioner Trujillo - Yes; Commissioner Bengé - Yes; and Mayor Gandy - Yes.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 7:14 p.m.

**APPROVED:** \_\_\_\_\_  
**SCOTTY GANDY, MAYOR**

**ATTEST:** \_\_\_\_\_  
**CAROL ANN HOGUE, CITY CLERK**