

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JUNE 22, 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 Bengé, Commissioner Trujillo, Commissioner Butcher, Commissioner Campos and Mayor Gandy

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

Invocation: Commissioner Campos gave the invocation

Pledge of Allegiance: Commissioner Campos led the pledge

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

Approval of the Regular Meeting Minutes of June 8, 2015: Mayor Gandy called for a motion. Commissioner Campos so moved to approve the regular minutes of June 8, 2015; Commissioner Trujillo seconded. Roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Finance Director Chapman informed Commissioners of pre-audit on Monday; auditors will be arriving at 11 a.m.
- Mayor Gandy thanked MainStreet for great turn out for the Smokin' on the Plaza. Mayor Gandy recommended to discuss process of nominees to the boards in next Commission Meeting
- Commissioner Trujillo asked about fireworks; City Manager Williams stated City did pay for fireworks; also, there is an ordinance which states dates and hours of discharge of fireworks
- Commissioner Bengé stated Smokin' on the Plaza had 35 contestants and concert was amazing.
- City Manager Williams informed Commissioners of NMML conference is in Albuquerque and is scheduled for September 2 – 4; City Manager Williams asked

Commissioners to decide by July 27, so accommodations are made in a timely manner

ACTION ITEMS:

Consider Approval of Ordinance No. 537: An Ordinance Repealing Ordinance 535 and Replacing it with an Ordinance to Authorize the Sale of 5.0 Acres of Real Property on Highway 18: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of Ordinance No. 537: an ordinance repealing ordinance 535 and replacing it with an ordinance to authorize the sale of 5.0 acres of real property on highway 18; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approving Ordinance 537 which will repeal Ordinance 535 and will replace it to authorize the sale of the 5.0 acre tract of land; this is necessary so that the property legal description is described correctly and meets the title company's requirements. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-55: Naming Individuals Authorized to Sign Closing Documents for Sale of 5.0 Acres of Real Property on Highway 18: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-55: naming individuals authorized to sign closing documents for sale of 5.0 acres of real property on highway 18; Commissioner Campos seconded. City Manager Williams addressed Commissioners of approval of resolution which is another document required by title company; which restates the content of Ordinance 537 in regards to who is authorized to sign on behalf of the City. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-56: Establish Keep Lovington Beautiful Committee: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of Resolution 2015-56: establish keep Lovington beautiful committee; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approval of resolution 2015-56 which will endorse and support the Lovington affiliate application in addition to naming the initial core committee members. Elaine Vigil thanked the Commissioners and is anxious to get program started. Mrs. Vigil named selected core committee members are Jackie Ruggs, Debi Feltman, Frederick Vaughn, Linda Pritchett and Ava Bengé. Monday a meeting will be held to create a slogan and mascot to help get the schools and community involved in Keeping Lovington Beautiful. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-57: Street Closure/Block Party Policy: Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of

Resolution 2015-57: street closure/block party policy; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of request to approve resolution which allows for residents to request to temporarily close streets for private events and block parties. Items that were amended include: removal of the holiday restriction and inclusion of the City providing waste containers for these events along with traffic barricades. City Manager Williams stated the limitations on the number of closures and block parties on the same day and contiguous neighborhoods will be left to the discretion of City staff. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-58: Certification of Fixed Asset Inventory: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution 2015-58: certification of fixed asset inventory; Commissioner Campos seconded. Finance Director Chapman addressed Commissioners of recommendation for approval resolution declaring that the City has completed an inventory of its Capital Assets for all its funds and the results are an accurate reflection of the City’s assets as of the 16th of June; a requirement by the Office of the State Auditor. Commissioner Bengé asked about requirements to be listed as inventory, Finance Director Chapman stated items needs to be an excess of \$5,000.00 to be added to fixed asset; fixed asset cost includes all associated funds used to make it operable. Finance Director Chapman stated the fixed items are treated as long term assets and will increase equity position for the City. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo - Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-59: Support of the Lovington and NMEDD MainStreet Program: Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of resolution 2015-59: support of the Lovington and NMEDD MainStreet Program; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of recommendation for approval of resolution which renews the City of Lovington’s commitment of support for the MainStreet Program; resolution authorizes the Mayor and City Manager to execute the MOU between the City and NMMS for the Lovington program; budgeted expense of \$35,000 each year for the next two years. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-60: Approval to Publish Draft of ADA Transition Plan and Obtain Public Input: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution 2015-60: approval to publish draft of ADA transition plan and obtain public input; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of recommendation for approval to adopt ADA transition plan; required in order to remain eligible for state and federal funding. City

Manager Williams discussed the plan which will identify areas in the road and highway system of Lovington that are both compliant and non-compliant with ADA standards. City Manager Williams stated plan will prioritize the improvements, classify facilities, and create the overall strategy of the City to achieve ADA compliance. City Manager Williams discussed public hearings will be held, summarized ADA plan, inventory, transition plan, targeted barrier removal projects, strategy, funding, and construction projects schedule. Commissioner Bengé asked how it affects a utility pole in the middle of a sidewalk on Main Street will the State be responsible; City Manager Williams stated yes; it would have to be factored into the planning process with any utility or infrastructure work. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-61: Participation in LGRF for North 17th Street Project: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution 2015-61: participation in LGRF for North 17th street project; Commissioner Campos seconded. Assistant City Manager Cobbs addressed Commissioners of recommendation to approve resolution in order to approve the cooperative agreement with NMDOT for the Local Government Road Fund Grant; City received for the North 17th project – Phase 1, grant will provide \$45,000 to be allocated to design phase. Assistant City Manager Cobb stated an amendment will need to be made to resolution on total project cost is \$83,745.00, should be corrected to \$60,000.00. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution to Approve Side Yard Setback Variance for Porch and House at 902 West Jackson Avenue: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution to approve side yard setback variance for porch and house at 902 West Jackson Avenue; Commissioner Bengé seconded. City Planner Hildreth addressed Commissioners of recommendation for approval of resolution of request of a variance on 902 West Jackson for the side yard setback requirement on the western side of their property. Property is a single family residential property; owners are replacing and enlarging porch. The house was built in 1955 and was built close to western side of property line. City Planner Hildreth recommended allowing the owners to continue with re-roof, up keep maintenance on the house; resolution will allow owners to continue with their project to allow the porch in the five-foot setback. Commissioner Bengé stated she did not have a problem as long as neighbors do not have a problem; making improvements and adding value to the neighborhood, go for it. There being no further discussion, a roll call was taken for resolution 2015-62: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution to Approve Side Yard Setback Variance for Proposed Carport and House at 1416 West Dogwood Avenue: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-63 to approve side yard setback variance for proposed carport and house at 1416 West Dogwood Avenue; Commissioner Campos seconded. City Planner Hildreth addressed Commissioners of recommendation for approval of variance in zoning that will allow the irregular shape of property for property owner to build on site an attached carport; to be allowed to be partially built within the required five-foot setback. Commissioner Bengé asked if any neighbors have protested; City Planner Hildreth stated no; property owner will gutter carport so water will be retained on owner’s property. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Accounts Payable: Mayor Gandy called for a motion. Commissioner Bengé so moved to approve the accounts payable; Commissioner Butcher second. There being no further discussion, 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

ADJOURNMENT:

There being no further business the meeting adjourned at 6:12 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK