

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MAY 22, 2017 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

Present and answering roll call: Commissioner Sanchez, Commissioner Trujillo, Commissioner Gandy, Commissioner Butcher, and Mayor Campos

Also Present: City Manager James Williams, City Attorney Patrick McMahon, Chief of Police David Rodriguez, Fire Chief Terrance Lizardo, Public Works Director Wyatt Duncan, City Clerk Anna Juarez, and Administrative Assistant Joanna Barrera.

Invocation: Commissioner Gandy gave the invocation.

Pledge of Allegiance: Commissioner Gandy led the pledge.

Approval of Agenda: Mayor Campos called for a motion. Commissioner Trujillo so moved to approve agenda as submitted; Commissioner Sanchez seconded. Motion carried unanimously.

Approval of the Regular Meeting Minutes of May 8, 2017: Mayor Campos called for a motion. Commissioner Trujillo so moved to approve the regular meeting minutes of May 8, 2017 as submitted; Commissioner Gandy seconded. Motion carried unanimously.

COMMISSIONER AND STAFF REPORTS:

- Public Works Director Duncan informed commissioners that Street Yard fence has been completed and paid in full to Carreon Construction. Judicial Complex Utilities have also been completed. Currently waiting on final road construction and working with Lea County to complete the project.
- Public Works Director Duncan informed Free Dump Day will take place on June 03, 2017.
- Commissioner Sanchez recommended for everyone to visit New York City.
- Commissioner Butcher commended the Parks and Recreation Department on keeping the City Parks clean.
- City Manager Williams informed commissioners that there will be an excavator at Chaparral Park on May 23 to eliminate cattails.
- City Manager Williams informed commissioners that City Hall will be closed on Memorial Day.

PUBLIC COMMENT: Paula Vancleve stated she disagrees with a 32% utility increase; Ms. Vancleek stated it will cause a hardship on residents and suggested for Water Department to inform customers of the utility increase before it takes place.

NON ACTION ITEMS:

Health & Wellness Center Update: David Shaw from Nor Lea Hospital presented information on the Wellness Center project; Mr. Shaw's presentation included information on activities, membership fees, and discounts. Mr. Shaw informed commissioners Mill Levy Election will take place on June 6, 2017.

Planning & Zoning Commission Discussion of RV Parks: Planning and Zoning Vice Chairman Randy Pettigrew informed commissioners that in 2014 Mobile Home Park/RV code was updated and Mobile Home Park/RV owners were asked to be up to code and standard by December 31, 2020. Mr. Pettigrew informed commissioners that citizens have been requesting variances to be able to keep their porches or storage sheds. Mr. Pettigrew informed commissioners that in representation of the Planning and Zoning Board he is requesting direction from the Commission on finding a resolution; shall ordinance be changed or must variances be granted or not granted. City attorney McMahon suggested for ordinance to be reviewed prior to making any decision. Commissioner Trujillo stated his concern is not the having enough staff or resources to follow up on citations and code violations. Mayor Campos suggested having a work session to discuss topic with City Commission Board, Planning and Zoning Board and Citizens. City Manager Williams informed commissioners Mobile Home/RV Park owners are working to get things under compliance though there will be several complaints from residents when asked to comply with codes and regulations.

ACTION ITEMS:

Consider Ordinance 551: Authorizing the execution of an intergovernmental agreement and a project participation agreement accepting NMEDD funds for the Drylands Brewery Project: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Ordinance 551: Authorizing the execution of an intergovernmental agreement and a project participation agreement accepting NMEDD funds for the Drylands Brewery Project; Commissioner Gandy seconded. City Manager Williams informed commissioners that NMEDD is providing \$100,000 in funding for the Drylands Brewery Company project. Ordinance 551 will authorize the execution of an IGA between the City and the NMEDD and a PPA between the City and Drylands Brewery. The City's role is to act as a fiscal agent in this transaction; these agreements will allow for the transfer of economic assistance funds from the State to Drylands Brewery. Daniel Torrez informed commissioners that the Drylands Brewery project is 92% complete and it will be in production by next week. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-47: Amendment to Fund Balance Reserve Policy: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-47: Amendment to Fund Balance Reserve Policy; Commissioner Gandy seconded. City Manager Williams informed commissioners that the General Fund balance reserve needs to be adjusted. General Fund minimum reserve will be set at 20% and the

enterprise fund will be set at 8%. Commissioner Trujillo requested a monthly update on the General Fund Reserve. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-48: Approval of 2017 – 2018 Interim Budget: Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2017-48: Approval of 2017 – 2018 Interim Budget; Commissioner Trujillo seconded. City Manager Williams informed commissioners that the Interim Budget has to be submitted to DFA by May 31. Any adjustments may be made to the Interim Budget before the final budget adoption which is due by the end of July. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-49: Advertisement of Ordinance 552 – Sunrise Addition Phase II housing incentive: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-49: Advertisement of Ordinance 552 – Sunrise Addition Phase II housing incentive; Commissioner Butcher seconded. City Manager Williams informed commissioners that the Lovington EDC Board of Directors has recommended funding for the infrastructure development for 12 homes in the Sunrise Subdivision. Funding of this project will be through the use of local option gross receipt tax revenue. The City of Lovington would be providing a maximum of \$6,000 per completed home. Contractor would have one year to complete the project and 50% would be reimbursed to the City from the County upon project completion. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-50: Advertisement of Ordinance 553: Amendments to Lovington Municipal Code Title 13, Chapter 13.04-Water Service System, Chapter 13.08-Sewer Service System, and Chapter 13.12 – Rates, Billing, and Collection: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2017-50: Advertisement of Ordinance 553: Amendments to Lovington Municipal Code Title 13, Chapter 13.04-Water Service System, Chapter 13.08-Sewer Service System, and Chapter 13.12 – Rates, Billing, and Collection; Commissioner Sanchez seconded. City Manager Williams informed commissioners that Resolution 2017-50 is to authorize the advertisement of Ordinance 553. City Manager Williams presented a summary of the proposed utility changes and informed commissioners that the final adoption of the ordinance will take place on June 26. City Manager Williams informed commissioners that a notice of the proposed utility changes will be sent out to customers and published in the City of Lovington website. There will be a meeting on June 12, 2017 and June 26, 2017 where public comment will be allowed; if the ordinance is to be adopted it will go into effect July 01, 2017. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-51: Approval of Memorandum of Agreement between City and County for improvements and reconstruction of a portion of Love Street and Washington Avenue: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2017-51: Approval of Memorandum of Agreement

between City and County for improvements and reconstruction of a portion of Love Street and Washington Avenue; Commissioner Butcher seconded. City Manager Williams informed commissioners that Resolution 2017-51 will authorize the execution between the City and Lea County for the reconstruction and improvement of a section of Love Street and Washington Avenue. The City will act as a fiscal agent and will be doing all the advertising. City Manager Williams informed commissioners that the City will make a check to the contractor for the full amount and will then be reimbursed by the County. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-52: Approval of LOGRT funding for GIS Project: Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2017-52: Approval of LOGRT funding for GIS Project; Commissioner Gandy seconded. City Manager Williams informed commissioners that the Lovington EDC has requested the use of LEDA funds for a GIS project. This project will compile various sets of information utilized to recruit and retain business in Lovington in an electronic format that is used industry wide. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-53: Approval of LOGRT funding for Main Street utility reconstruction project: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2017-53: Approval of LOGRT funding for Main Street utility reconstruction project; Commissioner Butcher seconded. City Manager Williams informed commissioners that Resolution 2017-53 will authorize the use of LEDA funds to replace water and sewer infrastructure on Main Street between Avenue A and Polk Avenue. Estimated project cost is \$200,000. Public Works Director informed commissioners there is two separate lines a 12 inch main line and a 16 inch main line. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-54: Approval of agreement between City and the Non-Metro Area Agency on Aging: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-54: Approval of agreement between City and the Non-Metro Area Agency on Aging; Commissioner Gandy seconded. City Manager Williams informed Commissioners that the agreement between the City and the Non-Metro Area Agency on Aging is an annual agreement which provides funding for congregate meals, home delivered meals, and transportation for the Lovington Senior Center. There being no further discussion; motion carried unanimously.

Consider Accounts Payable: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the accounts payable; Commissioner Butcher seconded. There being no further discussion, motion carried unanimously.

CLOSED SESSION: At 6:49 p.m., Commissioner Trujillo moved to adjourn the Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7, regarding threatened or pending litigation - Intrepid Potash Water

rights protest; Commissioner Sanchez seconded, a roll call vote was taken: Commissioner Butcher - Yes, Commissioner Sanchez - Yes; Commissioner Trujillo - Yes; Commissioner Gandy - Yes, and Mayor Campos - Yes.

At 6:58 p.m., Commissioner Butcher so moved to adjourn the 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 Gandy seconded and a roll call vote was taken: Commissioner Gandy – Yes, Commissioner Butcher - Yes; Commissioner Sanchez – Yes, Commissioner Trujillo - Yes; and Mayor Campos – Yes.

City Manager Williams provided an update on the Water Rights Protest for Excel Energy and the Ortega Water Well Protest.

ADJOURNMENT:

There being no further business, Mayor Campos called for a motion to adjourn. Commissioner Trujillo so moved to adjourn meeting; Commissioner Gandy seconded. Meeting adjourned at 7:02 p.m.

APPROVED: _____
PAUL CAMPOS, MAYOR

ATTEST: _____
ANNA JUAREZ, CITY CLERK