

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JULY 27, 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 Clerk Carol Ann Hogue, City Planner Merideth Hildreth and Administrative Assistant Anna Juarez

Invocation: Commissioner Bengé gave the invocation

Pledge of Allegiance: Commissioner Bengé led the pledge

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

Approval of the Regular Meeting Minutes of July 13, 2015 and Special Called Meeting Minutes of July 20, 2015: Mayor Gandy called for a motion. Commissioner Trujillo so moved to approve the regular minutes of July 13, 2015 and Special Called Meeting Minutes of July 20, 2015; Commissioner Campos seconded. Roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Mayor Gandy asked why flashing sign on 11th and H street is missing; Water Supervisor Duncan responded, signs are taking down for the summer due to vandalism
- Commissioner Bengé stated there have been lots of complaints on fireworks display, citizens were irritated with fireworks season, and suggested looking at hours allowed for fireworks to be fired
- City Manager Williams stated:
 - August 13 in Artesia, New Mexico Main Street is having annual conference; City of Lovington Main Street will be receiving some awards; registration is required
 - Lea County Environmental will be spraying tonight; weather dependent

- City of Lovington will be closing on Hold Harmless Gross Receipt Bonds on August 4, 2015; City of Lovington will be able to start work on a lot of the projects that were identified for the series of bonds
- Code Enforcement Laura Brock is working on updating and provide recommendation for Animal Code ordinance to bring up to compliance with what current State Laws recognizes; ordinance will be reviewed by Commissioners

ACTION ITEMS:

Public Hearing Regarding City ADA Transition Plan: Mayor Gandy Open Public Hearing at 5:36 p.m. for public comments: Dave Rowser asked what is ADA? Assistant City Manager Cobb responded American Disability Act is a transition plan will help to identify all intersections of town, all the areas that should have handicap accessibility and every year City will have a plan to finance improvements and eventually all new and existing streets will be ADA compliance; this is designed to take care of all existing streets and intersections. Public hearing closed at 5:38 p.m.

Consider Approval of Resolution 2016-66: Approval of Lea County Alcohol and Gaming Special Dispenser Permit Application for the Lea County Fair & PRCA Rodeo: Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution 2015-66: Approval of Lea County Alcohol and Gaming Special Dispenser Permit Application for the Lea County Fair & PRCA Rodeo; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approving permit for Baja Grill to serve alcohol at the Fair and Rodeo Beer Garden. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-67: Approval of City of Lovington Annual Membership in the Southeastern New Mexico Economic Development District/Council of Governments for FY 2015-2016: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-67: approval of City of Lovington Annual Membership in the Southeastern New Mexico Economic Development District/Council of Governments for FY 2015-2016; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of approval of agreement which is required to be renewed each fiscal year per state statute. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-68: 4th Quarter Financial Report: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-68: 4th quarter financial report; Commissioner Trujillo seconded. Finance Director Chapman addressed Commissioners of 4th Quarter report required by the DFA; reports show completed budget and revenue expenditures. Finance Director Chapman stated report

reconsolidates revenue expenditures and ending cash balance that will be used for City's next fiscal year. Finance Director Chapman and Commissioner Campos discussed clerical error changes and the reporting of reclassifying funds to match auditor's projection of financial statement. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-69: 2014-2015 Budget Amendments: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-69: 2014-2015 Budget Amendments; Commissioner Trujillo seconded. Finance Director Chapman addressed the Commissioners of complying with ordinance the City has to bring annual budget to match annual expenditures. Finance Director Chapman, Commissioners, and Staff discussed increase in expenditures due to unexpected hail damage and carryover of 9th street reconstruction project. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-70: Final Budget Adoption FY 2015-2016: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-70: Final Budget Adoption FY 2015-2016; Commissioner Butcher seconded. Finance Director Chapman addressed Commissioners of Summary of Budget Changes made from original budget; detailed by item, fund, and department. City Manager Williams stated the biggest increase in general liability is due to automobile insurance, but City did receive 18% credit; credit is due to policies Commission has approved, which has reduced accident and reduction in amount of claims which have been paid out. Increase in insurance fee is due to growth in City's budget and amount of police officers and vehicles. City Manager Williams stated communications tower project has been moved to this fiscal year and some redistribution to split cost of auditing and insurance fees between different funds were detailed in the summary of budget changes report. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-71: Approval of Tate Branch Street Closure Permit: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-71: approval of Tate Branch Street closure permit; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of Tate Branch Dodge annual Sales event at Gibson's parking lot; an application has been submitted to temporarily close South Love Street between Avenue O and East Avenue R on August 8, 2015 from 8:00 a.m. to 6:00 p.m. The dealership will be utilizing the First Assembly parking lot and will be applying for special vendor permit. 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 for zone change from Zone C – Commercial to Zone A – Single Family at 102 East Madison Avenue, Lovington, New Mexico: Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution for zone change from Zone C – Commercial to Zone A – single family at 102 East Madison Avenue, Lovington, New Mexico; Commissioner Trujillo seconded. Assistant City Manager Cobb addressed Commissioners of item discussed in Planning and Zoning Commission meeting on July 14, 2015; Commission denied request because it is not in components with City’s 2003 Comprehensive Plan, City zoning ordinance and City’s new comprehensive plan that was recently adopted. Commissioner Trujillo stated Ms. Stroh agrees with Planning and Zoning recommendation and has another alternative for current situation. Commissioner Trujillo amended motion to accept Planning and Zoning recommendation to deny request for zone change from Zone C – Commercial to Zone A – single Family at 102 East Madison Avenue, Lovington, New Mexico; Commissioner Campos seconded. 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 Resolution for street vacation for a portion of East Jackson Avenue between Eddy Street and Chaves Street: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution for street vacation for a portion of East Jackson Avenue between Eddy Street and Chaves Street; Commissioner Campos seconded. City Manager Williams addressed Commissioners of owner to South is requesting for the undeveloped but plated street of East Jackson be vacated; when a property is vacated, property is split; however there are public utilities present. City Manager Williams stated Planning and Zoning listened to request and denied request for street vacation. Owner, Victor Lopez, was not present. Water Supervisor Duncan stated there is a main 16 inch water line that runs east to west and this line is a main line that feeds the west side of town. Assistant City Manager Williams stated during Planning and Zoning members discussed a need for general longevity with streets; to consider looking at future development and accessibility before vacating streets. Commissioner Trujillo amended motion to accept Planning and Zoning recommendation to deny request for street vacation for a portion of East Jackson Avenue between Eddy Street and Chaves Street; Commissioner Campos seconded. 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 Resolution for replat of a 1.38 acre parcel of land located at Lot 7, Block 28, College Addition to the City of Lovington, New Mexico: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-72 for replat of a 1.38 acre parcel of land located at Lot 7, Block 28, College Addition to the City of Lovington, New Mexico; Commissioner Butcher seconded. City Planner Hildreth addressed Commissioners of owner Daniel Valdez is requesting to subdivide parcel of land located on Eddy Street, between Madison and Jefferson into 5 lots. City Planner Hildreth stated owner is dedicating a 25 foot alley way on his property and dedicating

40 feet of Eddy Street. Commissioner Bengé asked if this will help in cleaning up this area; City Planner Hildreth stated it will clean up this block. City Planner Hildreth stated final plat intent is to request vacation of inside 40 foot strip; property is 200 feet deep, owner has room for a 25 foot easement and 40 foot right away which will make lots 135 feet deep. Assistant City Manager Cobb stated surveyors Chad Harcrow and Robert Fierro are aware of situation; all utilities are on property owner Valdez and on Eddy Street there is a 80 feet of right away which is on owner Valdez portion. Daniel Valdez stated let's do it right and clear it up. Assistant City Manager Cobb stated this is a preliminary plat, once all utilities are developed; plan will come back at that time street and alley easement will be dedicated. 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 Accounts Payable: Mayor Gandy called for a motion. Commissioner Bengé so moved to approve the accounts payable; Commissioner Trujillo second. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

PUBLIC COMMENT:

Carolyn Selby addressed Commissioners concerns with Waste Management due to broken trash can, trash not picked up, and trash all over town when Waste Management leaves it behind. Mrs. Selby asked Commissioners to fix it.

ADJOURNMENT: There being no further business the meeting adjourned at 6:18 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK