

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JUNE 28, 2016 @ 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 Gandy, Commissioner Trujillo, Commissioner Butcher, Commissioner Sanchez, and Mayor Campos

Also Present: City Manager James Williams, City Attorney Patrick McMahon, Deputy Chief of Police Geoff Herweg, City Clerk Carol Ann Hogue, Finance Director Gary Chapman, Fire Chief Terrance Lizardo, and Administrative Assistant Anna Juarez

Invocation: Commissioner Sanchez gave the invocation.

Pledge of Allegiance: Commissioner Sanchez led the pledge.

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

Approval of the Regular Meeting Minutes of June 13, 2016: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the regular meeting minutes of June 13, 2016; Commissioner Trujillo seconded. Motion carried unanimously.

COMMISSIONER AND STAFF REPORTS:

- Finance Director Chapman informed Commissioners of progress made for the implementation of the Incode software which will be fully implemented before October is over; an updated fiscal report for this year will be available in a month per Commissioner Trujillo request.
- Commissioner Sanchez thanked the community and MainStreet for the Smokin on the Plaza event; Director Tabitha Lawson reported 52 BBQ teams, 26 vendors, 36 judges and 25 volunteers. Mrs. Lawson thanked the Police department, Fire department and City Staff who helped with the event.
- Commissioner Trujillo thanked the Staff for taking care of issue at the softball fields.
- Commissioner Gandy offered congratulations on the car show and appreciated LCFA for hosting the event; had a great time. Commissioner Gandy asked City Manager Williams if City could trim the tree in front of the old Lea County State Bank.
- Deputy Chief of Police Herweg stated everything has been going very well; department has been quite busy with scheduled events, trying to plan our resources. Deputy Chief of Police Herweg stated all positions are filled.

- Fire Chief Lizardo thanked the citizens for keeping the July 4th season safe to this point and reminds the citizens to only pop fireworks from 7 to 11, until the 4th of July; it is from 7 to 12.
- City Manager Williams updated Commissioners on:
 - City executed a water well amendment to extend the length of time for the 3 water wells for the capital outlay appropriation
 - Commercial street project on phase II is 60% complete; City will have to have another change order, during the excavation on the north end the construction crew found a substantial amount of clay where City will need to excavate one foot more down to avoid any potential problems. Project is on track and will be completed by July 15, 2016. City Manager Williams stated each property owner will have paved access to their property.
 - Invited everyone for the July 4th ribbon cutting for the Splash pad at the Chaparral Park at 4 pm after the Lizard race.
 - CDBG awarded City with \$490 thousand funding for the street works improvement projects; Commissioner Butcher, City Manager Williams and Public Works Director Duncan attended CDBG grant allocation.

NON-ACTION ITEMS:

Discussion of agenda format: City Manager Williams addressed Commissioners with request from Augustine Vigil to consider changing the means by which public comment is made; concerns with public not able to stay for the hour to get to the public comment. City Manager Williams asked Commission for direction on how to address public comment. Mayor Campos stated to consider adding it before the action item to get an understanding before Commission vote. Commissioner Sanchez stated he would prefer to leave as is, since the public has an option to view online. Commissioner Gandy stated public does have plenty of opportunities to voice their opinions prior to item becoming an action item and feels if it is changed, the meeting will get too lengthy. Commissioner Trujillo stated if leaving as is, Commission does allow the public to raise their hand to come to the podium and voice their opinion; it is just a matter of educating the public. City Attorney stated historically an issue that may affect a number of individuals the City allows for the individuals to speak and comment on what City is voting on; reinforcing and opening up the meeting to ask if someone has something to say to have them raise their hand and possibly consider limiting the discussion. Commissioner Butcher stated the public does have a chance to speak, but it is limited. City Attorney suggested trying a couple of different approaches and seeing which one works best. Discussion only, no action was taken.

ACTION ITEMS:

Consider Resolution 2016-44: Nor Lea Hospital Wellness Center Agreement: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-44: Nor Lea Hospital Wellness Center Agreement; Commissioner Sanchez seconded. City Attorney McMahan stated after reviewing the draft, it is more in depth

than what the City needs. City Attorney McMahon stated referencing the original Resolution 2016-2; the information the hospital requested from the City input on how to develop center on how to utilize it for the community and City's involvement for monthly payment. City Attorney McMahon stated he is going to send a draft back to hospital attorney to focus on this particular portion of agreement; since the City does not have any City personnel offering any type of instruction. City Attorney McMahon stated his recommendation is to table item until next meeting, until he is able to separate out agreement from schools. Commissioner Trujillo rescinds motion to table item until next meeting; Commissioner Sanchez seconded. There being no further discussion; motion carried unanimously.

Consider Resolution 2016-45: Financial assistance for the acquisition of real property for the development of the new Lea County Judicial Complex agreement between the City of Lovington and Lea County: Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-45: Financial assistance for the acquisition of real property for the development of the new Lea County Judicial Complex agreement between the City of Lovington and Lea County; Commissioner Trujillo seconded. City Manager Williams stated this item was tabled in previous meeting to allow for some changes to language in the resolution, the original resolution stated City would use funding for parking; requirement has been met to assist Lea County to obtain additional acreage to build Judicial complex. City Manager Williams stated to make it cleaner, the City added language to original resolution which was presented the last time read "additional parking has been created by the City and the dedicated \$400,000 can be utilized to facilitate the purchase of additional property to construct the new Judicial Complex in downtown Lovington." There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Resolution 2016-50: Certification of Fixed Assets: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2016-50: Certification of Fixed Assets; Commissioner Butcher seconded. Finance Director Chapman stated every year the City is required to certify the assets the City owns before presenting to the auditors. Finance Director Chapman stated this is an updated list from last year; this was a finding, only because the City did not certify the assets before. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Resolution 2016-51: Adoption of LGRF Project L200350 – 17th Street Phase II: Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-51: Adoption of LGRF Project L200350 – 17th Street Phase II; Commissioner Sanchez seconded. City Manager Williams stated resolution will authorize the City to enter into an agreement with the NMDOT Local Government Road Fund Program for grant funding for the second phase of the 17th Street Reconstruction Project. The second phase includes improvements from Jefferson Street to North of Polk Avenue; cost of Phase II is \$1.2 million with a grant funding of \$37,500. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Resolution 2016-52: Charge-off of inactive and uncollectible water, sewer, and trash accounts: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-52: Charge-off of inactive and uncollectible water, sewer, and trash accounts; Commissioner Gandy seconded. City Clerk Hogue stated these are water bill inactive accounts of one year old and the charge offs are accounts that are five years old. City Clerk Hogue informed Commissioners of waiver property owner fills out and renters is required to pay a \$200 deposit, instead of the \$80; in hopes that this will cover the water bill after the renter moves out. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Resolution 2016-53: Execution of a Grant Agreement between NM DHS and the City for Winter Storm Disaster Assistance: Mayor Campos called for a motion. Commissioner Gandy so moved to consider Resolution 2016-53: Execution of a Grant Agreement between NM DHS and the City for Winter Storm Disaster Assistance; Commissioner Butcher seconded. City Manager Williams stated City has been working with NM DHS to recoup some of the cost of the 2015 Winter Storm “Goliath.” The City of Lovington is eligible for a reimbursement of \$14,624.25. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

Consider Resolution 2016-54: 2016 – 2017 City Meetings and Holidays: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-54: 2016 – 2017 City Meetings and Holidays; Commissioner Gandy seconded. City Manager Williams stated resolution 2016-54 creates the legal notices that will be published, setting the dates of City Commission meetings and all other boards in the City for July 2016 – June 2017. In addition, the official holidays are declared. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

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

PUBLIC COMMENT:

RaeLynn Stuart, Director of Chamber of Commerce, invited everyone to attend the Chaparral Park events on July 4th; will include games, raffles and prizes.

Tabitha Lawson, LCFA, reported on the 1st Wheels and Reels event had 74 entries for the car show and received lots of positive comments; the plan is to have as an annual event.

CLOSED SESSION:

At 6:18 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 of property for drainage and Subsection H-2, regarding limited personnel matters – employee resignation or termination. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Gandy - Yes; Commissioner Butcher - Yes; Commissioner Sanchez - Yes; Commissioner Trujillo – Yes; and Mayor Campos - Yes.

At 6:52 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 Gandy - Yes; Commissioner Trujillo - Yes; Commissioner Butcher - Yes; Commissioner Sanchez – Yes; and Mayor Campos - Yes.

ADJOURNMENT: There being no further business, Mayor Campos adjourned, the meeting at 6:52 p.m.

APPROVED: _____
PAUL CAMPOS, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK