

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, SEPTEMBER 28, 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, Commissioner Butcher, Commissioner Campos, and Mayor Gandy

**Also Present:** City Manager James Williams, City Attorney Patrick McMahon, Police Chief David Rodriguez, 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 Bengé so moved to approve the agenda with an amendment under Action Item include Consider Amendment to Resolution 2015-84 and before Non-Action Item to take a picture for the Lovington Leader. Commissioner Trujillo seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé - Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

**Approval of the Regular Meeting Minutes of September 14, 2015:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to approve the regular meeting minutes of September 14, 2015; Commissioner Campos seconded. Roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- City Planner Merideth Hildreth stated her last day with the City is today, September 28, 2015; she is going to work with the City of Roswell, NM.
- Mayor Gandy stated a citizen concern with potholes at the Cemetery; City Manager Williams stated Cemetery is in the process of getting quotes.
- City Manager Williams informed Commissioners of County demolition of Old Jail House is still in the process of permitting; County will notify the City with a timeline for fencing, parking, and demolition this week.

**NON-ACTION ITEMS:**

**Picture of the City Commissioners and City Manager is taken by the Lovington Leader Editor.**

**Discussion of Library Board Appointment:** City Manager Williams informed Commissioners of Kenda Medillin position has become vacant; term expires in January 2016. Vacancy will be advertised, with final appointment by the City Commission at the October 12, 2015 meeting. Discussion only, no action was taken

**Discussion of Youth Center Board Appointment:** City Manager Williams informed Commissioners of Kay Hardin, Marla Price and Robert DeLaCruz terms expiring. Vacancy will be advertised, with final appointments by the City Commission at the October 12, 2015 meeting. Commissioner Trujillo suggested recommending someone who is involved with hotel industry. Discussion only, no action was taken

**Discussion of Saltwater Disposal Well Agreement:** City Manager Williams informed Commissioners of saltwater disposal well out south of town on City property; operated by Vanguard Operating the initial agreement was 10 years. Vanguard Operating in the first 5 years was paying City \$0.06 per barrel and after 5 years cost increased to \$0.08 a barrel. Vanguard has requested the current rate of \$0.08 per barrel be maintained in the agreement; Vanguard has made a verbal request to staff for City to consider a flat annual rate, but it was determined that it would not be in the best interests of the City to pursue that option and no formal written request has been made. City Attorney McMahan stated pricing have changed significantly; prices are closer to \$0.15 a barrel and with a portion of skim oil collected. City Attorney stated his recommendation to get agreement current price per barrel standards and move forward, since Vanguard has been operating at a 10 year old price set; if Vanguard does not agree pursue another company. City Attorney stated Vanguard Operating could have had a leak or spill was taken care of quickly. Discussion only, no action was taken

**ACTION ITEMS:**

**Consider Approval of Resolution 2015-84: Participation in Local Government Road Fund Program Administered by NMDOT:** Mayor Gandy called for a motion. Commissioner Benge so moved to consider Resolution 2015-84: Approval of Fund Policy; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approval of resolution which was approved in last meeting; signed resolution had a missing language. New language is: City of Lovington shall pay all costs, which exceed the total amount of \$62,500. There being no further discussion, a roll call was taken: Commissioner Benge – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved

**Consider Approval of Resolution 2015-85: Memorandum of Understanding Between City of Lovington and the Lovington Municipal School District for Public Use of Athletic Facilities:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider Resolution 2015-85: Memorandum of Understanding Between City of Lovington and the Lovington Municipal School District for Public Use of Athletic Facilities; Commissioner Campos seconded. City Manager Williams addressed Commissioners of approval of resolution which allow the Public Schools to give community access to High School

Football Field to promote physical fitness throughout the community; with exception to the football turf. In the agreement the City will provide security, provide personnel to lock the facilities, provide a visible law enforcement presence, and provide cleanup assistance. Commissioner Campos stated there are no monies involved in the City to the school or any liabilities for property damage. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution 2015-86: Amendment to Project Participation Agreement with Lea Community Foundation for the Arts:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approving Resolution 2015-86: Amendment to Project Participation Agreement with Lea Community Foundation for the Arts; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of request for an amendment of agreement from Lea Community Foundation for the Arts. Amendments are as follow: a sixty day extension (operation of the theater must begin prior to 12:01 a.m. November 30, 2015), LCFA bylaws will be adopted that will create a permanent voting position on the Foundation Board of Directors for a representative appointed by the Lovington City Commission, and the City will provide the Foundation space for an office at location separate from the Theater if needed during the initial term and lease period specified in the agreement. During review by the Lovington EDC, they have requested that their representative be a permanent member of the Executive Committee. Commissioner Bengé asked if Mike Farris could be appointed tonight; City Attorney McMahon responded to inquiry to recommend having as a specific agenda item in next commission meeting. 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 2015-87: Housing Development Incentive Agreement with Roberts Ranches – Bridlewood Estates:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider Resolution 2015-87: Housing Development Incentive Agreement with Roberts Ranches – Bridlewood Estates; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approving resolution to allow Housing Production Services Incentive Agreement between the City and Roberts Ranches for reimbursement of off-site infrastructure built for each completed home. This project will create 46 additional single family homes in Lovington; reimbursement for each completed home is \$6,000. City Manager Williams stated a few items were added to agreement: vacant homes and lots within the project must be maintained to meet all City codes and ordinances, failure to comply with City codes and ordinances shall void reimbursement for that completed home, and any variances or encroachments granted after September 28, 2015 for a particular lot or home shall void reimbursement for that completed home. 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 2015-88: Housing Development Incentive Agreement with Stanley J. Dimsha and GL Green & Associates – Dimsha Estates:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider Resolution 2015-88: Housing Development Incentive Agreement with Stanley J. Dimsha and GL Green & Associates – Dimsha Estates; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approving resolution to allow Housing Production Services Incentive Agreement between the City and Stanley Dimsha/GL Green & Associates, LLC for reimbursement of off-site infrastructure built for each completed home. This project will create 13 additional single family homes in Lovington; reimbursement for each completed home is \$6,000 and agreement is the same. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Benge – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution 2015-89: Housing Development Incentive Agreement with M & L Development – Sunrise Addition Phase II:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider Resolution 2015-89: Housing Development Incentive Agreement with M & L Development – Sunrise Addition Phase II; Commissioner Benge seconded. City Manager Williams addressed Commissioners of approving resolution to allow Housing Production Services Incentive Agreement between the City and M & L Development, LLC for reimbursement of off-site infrastructure built for each completed home. This project will create 7 additional single family homes in Lovington; reimbursement for each completed home is \$6,000. Commissioner Campos commented on some residential concerns in reference to weeds and road not paved yet; City Manager responded no reimbursement will be issued until road is paved and code enforcement will take care of weed issue. There being no further discussion, a roll call was taken: Commissioner Benge – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution Approving Variance for side yard setback at 705 South Love Street, Lovington, New Mexico:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-90: Approving Variance for side yard setback at 705 South Love Street, Lovington, New Mexico; Commissioner Butcher seconded. City Planner Merideth Hildreth informed Commissioners of property owner, Gerardo Fuentes, located at 705 S. Love Street request for a variance to the 5 foot side yard setback on their existing single family dwelling home. The South wall was built in 1945 approximately 3’6” from the property instead of the required 5 foot; issue was identified during a building permit application for a back porch. City Planner Hildreth stated Mr. Fuentz owns Lots 3 and 4 adjacent to his property; lots are fenced with a recreational area. Planning and Zoning Commission

recommended approval at the September 15, 2015 meeting. 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 Approving Variance for front yard setback and location at 1205 West Avenue O, Lovington, New Mexico:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of Resolution 2015-91: Approving Variance for front yard setback and location at 1205 West Avenue O, Lovington, New Mexico; Commissioner Trujillo seconded. City Planner Hildreth informed Commissioners of consolidation of two lots at 1205 W. Avenue O, the front yard has been redefined as Avenue P, instead of Avenue O. With the new configuration, the owner has requested that a variance be granted to allow for a 20 foot front yard setback, instead of the required 25 feet. The Planning and Zoning Commission recommended approval of this variance request at the September 15, 2015 meeting. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution Approving Street Light Installation in Faye Heights Addition:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-92: Approving Street Light Installation in Faye Heights Addition; Commissioner Butcher seconded. City Manager Williams informed Commissioners of new housing development in the Faye Heights Subdivision requiring installation of additional street lights for safety and security. City Manager Williams will consult with Lea County Electric regarding light regulations, dark sky compliance, and shadowing. Each 150W residential light will increase electrical costs to the City by \$8.83 per month or \$105.96 annually; this will increase annual electrical costs by \$741.72. 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 Publication of Ordinance No. 538: Changing Zoning Classification from Zone A – Single Family to Zone B – Multiple Family for 4 lots adjacent to and north of the Morningside Addition to the City of Lovington (800 and 900 Block of East Monroe):** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider Publication of Ordinance No. 538: Changing Zoning Classification from Zone A – Single Family to Zone B – Multiple Family for 4 lots adjacent to and north of the Morningside Addition to the City of Lovington (800 and 900 Block of East Monroe); Commissioner Bengé seconded. City Planner Hildreth informed Commissioners of zone change at the Fairview and Morningside Additions in 1996 from Zone A to Zone B; during this process, the zoning of four lots to the north of the Morningside Addition was not changed. City Planner Hildreth stated a member of the current family wants to install a single wide mobile home with an address assigned by the County. City Planner Hildreth stated in

order to accommodate land historical with zoning; staff is requesting a residential zone change to multifamily. Planning and Zoning Commission did recommend approval at their September 15, 2015 meeting. City Planner Hildreth stated approval of ordinance is for publication for public hearing on October 26, 2015. Commissioner Bengé asked about accident/emergency in the area; City Planner Hildreth stated Chief Lizardo gave okay to entry concerning responder vehicles. Commissioners and Staff discussed easement, paving, alley and addressing of 911 roads. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Award of RFP 091415: Portable Pipeline Television Inspection System:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider Award of RFP 091415: Portable Pipeline Television Inspection System; Commissioner Bengé seconded. City Manager Williams informed Commissioners of budgeted portable pipeline television inspection system; Wastewater Superintendent Miguel DeLaCruz will utilize equipment to inspect sewer lines during trouble calls as well as perform an infrastructure assessment. The RFP did request interested parties to submit an optional response for a lateral line inspection system; however, due to the cost of the primary unit City will budget for equipment for next year. Three vendors provided responses to the RFP: Aries Industries, Inc, Arizona Wastewater Industries, and Dawson Infrastructure Solutions. Commissioners Bengé stated equipment is a great investment and addition to wastewater assets, given the condition of infrastructure and issues of the wastewater plant. There being no further discussion, a roll call was taken to award RFP 091415 to Dawson Infrastructure Solutions in the amount of \$65,433.00: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Lodgers Tax Board Appointments:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider Khalid Farooq to fill the Lodgers Tax Board vacancy; Commissioner Campos seconded. Lodgers Tax Board term is 3 years and will expire on September of 2018. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – 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 Campos second. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**PUBLIC COMMENT:**

Robbie Roberts stated he will miss City Planner Hildreth and appreciates all of her hard work with Robert's Ranches and Bridlewood Estates.

**ADJOURNMENT:** There being no further business, Mayor Gandy adjourned, the meeting at 6:15 p.m.

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

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