

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, AUGUST 22, 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 Trujillo, Commissioner Butcher, Commissioner Sanchez, and Mayor Campos

**Not Present:** Commissioner Gandy

**Also Present:** City Manager James Williams, City Attorney Patrick McMahon, Chief of Police David Rodriguez, Chief of Fire Terrance Lizardo, Public Works Director Wyatt Duncan, Finance Director Gary Chapman, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

**Invocation:** Mayor Campos gave the invocation.

**Pledge of Allegiance:** Mayor Campos led the pledge.

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

**Approval of the Regular Meeting Minutes of August 8, 2016:** Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the regular meeting minutes of August 8, 2016; Commissioner Butcher seconded. Motion carried unanimously.

**COMMISSIONER AND STAFF REPORTS:**

- Finance Director Chapman stated the scheduled date to go live with Tyler Technologies will be the 1<sup>st</sup> week of October; Auditors will not be back until the 2<sup>nd</sup> week of November and City should not have any issues meeting their deadlines.
- Commissioner Butcher asked if the zip line is in working order at the park; City Manager Williams stated yes, received zip line seat and it is up and running.
- Mayor Campos thanked Main Street Director Tabitha Lawson and the board members for hosting a successful conference.
- City Manager Williams updated Commissioners on:
  - MVD will not be able to process any titles or registrations, only driver licenses after 4:00 pm on September 1, 2016; MVD will be 100% on September 6, 2016, due to the transitioning to new state software.
  - Splash Pad work is completed.

**PUBLIC COMMENT:**

Gilbert Arreola addressed the Commissioners with his disappointment on the ditch for the Commercial Street Project. Mr. Arreola stated one entrance is not enough and asked Commissioners to re-consider another entrance.

**NON-ACTION ITEMS:**

**Keep Lovington Beautiful Affiliation:** Elaine Vigil, Keep Lovington Beautiful Director, updated Commissioners of the progress in the City of Lovington with KLB and announced with great pleasure that KLB is being recognized as an official certified affiliate to Keep America Beautiful. Mrs. Vigil stated the mission statement for Lovington “inspire and educate citizens to build a clean green and beautiful Lovington.” Mrs. Vigil thanked Commissioners, Staff, Members, and volunteers for assisting with the KLB; especially, Laura Brock. Andrea Lawrence, Program Manager of New Mexico Clean and Beautiful, thanked Elaine for doing a great job on setting the ground work and stated the City of Lovington is ready to capitalize on tools and resources as an official affiliate of KLB. Cecile Carson, Vice President of Litter and Affiliate Relations for KAB, discussed the expectations, requirements, structures and commitments in place to beautify the City of Lovington. Mrs. Carson presented a plaque and welcomed the City of Lovington to the KAB affiliate network. Mayor Campos thanked KLB group for working on the median this weekend.

**ACTION ITEMS:**

**Consider approval of Ordinance No. 547 Amending Chapter 2.20 City Clerk and Treasurer and creating Chapter 2.25 Treasurer of the Lovington Municipal Code:** Mayor Campos called for a motion. Commissioner Trujillo so moved to consider approval of Ordinance No. 547 Amending Chapter 2.20 City Clerk and Treasurer and creating Chapter 2.25 Treasurer of the Lovington Municipal Code; Commissioner Butcher seconded. City Manager Williams stated this Ordinance 547 has been advertised; ordinance will amend the City Clerk chapter of the City code by removing the treasurer language. There being no further discussion; motion carried unanimously.

**Consider Resolution 2016-69: Adoption of Athletic Field Use Policy:** Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-69: Adoption of Athletic Field Use Policy; Commissioner Sanchez seconded. City Manager Williams stated this policy was run through the Parks and Recreation Board and presented in the July 11, 2016 meeting for discussion; and is ready for Commission adoption. City Manager Williams stated notification of policy to various organized leagues and officers has been made; questions have been asked and were answered. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-70: Approval to advertise an Ordinance amending Chapter 8.16 – Garbage, Refuse, and Weeds of the Lovington Municipal Code:** Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-70:

Approval to advertise an Ordinance amending Chapter 8.16 – Garbage, Refuse, and Weeds of the Lovington Municipal Code; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of Resolution 2016-70 which will authorize the advertisement of an Ordinance that will amend the weed and grass control section of the Lovington Municipal Codes. City Manager Williams stated the ordinance will:

- Require that sidewalks, curbs, and gutters be kept clear of all grass, weeds, dirt or debris.
- Allow for citations to be immediately issued for weeds or grass that exceed 15 inches in height, without requiring a ten day written warning.
- All the repeat offenders will be issued an immediate citation, without requiring a ten day written warning.

City Manager explained to Commissioners the reasoning's behind the change in ordinance and explained the language in the amended ordinance. Ron Price asked if the street sweeper was not going to be used to sweep the City streets; Public Works Director stated Street Department is in the process of sweeping additional streets, but is scooping up dirt and cleaning the gutters with a backhoe. Public Works Director stated there is just too much accumulated dirt and weeds on the curbs, which makes it difficult to sweep the streets. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-71: Designating NMML Annual Conference Voting Delegate:**

Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2016-71: Designating NMML Annual Conference Voting Delegate; Commissioner Butcher seconded. After discussion, Commissioner Sanchez so moved to appoint Paul Campos for voting delegate and David Trujillo for alternate delegate at the Municipal League Conference in Hobbs. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-72: Authorizing Participation in Municipal Arterial Program with NMDOT – 17<sup>th</sup> Street Phase II:**

Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-72: Authorizing Participation in Municipal Arterial Program with NMDOT – 17<sup>th</sup> Street Phase II; Commissioner Butcher seconded. City Manager Williams stated City needs to formally adopt NMDOP MAP Agreement through resolution for the North 17<sup>th</sup> Street Phase II project. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-73: Fair Housing:**

Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-73: Fair Housing; Commissioner Sanchez seconded. City Manager Williams stated Resolution 2016-73 will adopt a compliant Fair Housing Resolution and is required by CDBG; this resolution will ensure that the City will implement programs, within resource constraints that assure equal opportunity in housing. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-74: CDBG Citizen Participation Plan:** Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2016-74: CDBG Citizen Participation Plan; Commissioner Trujillo seconded. City Manager Williams stated the Citizen Participation Plan places some responsibility on the City as to:

- Communication with persons with low and moderate income
- Ensure reasonable and timely access to local meetings, information, and records relating to CDBG funds
- Provide technical assistance to groups and representatives of low and moderated income that request assistance in developing proposals
- Provide at least two public hearings to obtain citizen participation during the CDBG Program
- Provide timely written answers to written complaints and grievances within 15 days
- Identify the needs of non-English speaking residents in the care of public hearings where a significant number of residents can be reasonably expected to participate.

There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-75: Residential Anti-displacement and Relocation Assistance Plan:** Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-75: Residential Anti-displacement and Relocation Assistance Plan; Commissioner Butcher seconded. City Manager Williams stated this plan will require the City to provide one-for-one replacement of lower income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with CDBG activities. In addition, it requires relocation assistance to be provided for in relation to those activities and provides for definitions of qualifying individuals. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-76: HUD Section 3 Plan:** Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-76: HUD Section 3 Plan; Commissioner Trujillo seconded. City Manager Williams stated this plan is required for CDBG eligibility; the components of this plan will identify the City Manager as the Section 3 Coordinator and specifies certain CDBG hiring processes. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-77: CDBG Annual Certification and Commitments:** Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2016-77: CDBG Annual Certification and Commitments; Commissioner Butcher seconded. City Manager Williams stated this resolution adopts CDBG Annual Certifications and Statements and will certify that the City is in compliance with NM and

Federal procurement codes. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-78: Approval of fiscal agent services agreements with the SENMEDD/COG for 2016 Capital Outlay Projects:** Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2016-78: Approval of fiscal agent services agreements with the SENMEDD/COG for 2016 Capital Outlay Projects; Commissioner Sanchez seconded. City Manager Williams stated resolution will approve fiscal agent agreement for Radio Read Meters Project, the Well Field Development Project, the Evidence Storage and Impound Facility Project and a second grant award for the new fire station. The fiscal agent services agreement is required due to Executive Order 2013-006. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-79: Approval of 2016 Capital Outlay Appropriation grant for radio-read water meters:** Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-79: Approval of 2016 Capital Outlay Appropriation grant for radio-read water meters; Commissioner Butcher seconded. City Manager Williams stated City received \$220,000 Capital Outlay Appropriation for the radio water meter project; the RFP specs were reviewed from the NM Environment Department. Public Works Director Duncan stated estimated 1,800 radio read are in the ground, 2,000 marked, about 4,300 serviced and the City is getting close to completing the entire City with radio-read water meters; after finalizing the grant agreement the City will have another 1,200 more additional radio-read water meters in the ground. Water radio-reads are 99.9% accurate and are ultra-sonic meters. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-80: MOU between City of Lovington and SENMEDD/COG for fiscal agent services for Capital Outlay agreements:** Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-80: MOU between City of Lovington and SENMEDD/COG for fiscal agent services for Capital Outlay agreements; Commissioner Butcher seconded. City Manager Williams stated one of the requirements the City needs to have is a MOU, aside from the professional services agreement with the COG. This resolution will authorize the Mayor to sign and execute the attached MOU between the City and the SENMEDD/COG for fiscal agent services. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**Consider Resolution 2016-81: CDBG fiscal agent services agreement:** Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2016-81: CDBG fiscal agent services agreement; Commissioner Sanchez seconded. City Manager Williams stated resolution will authorize the Mayor to execute a Contract for Administrative Services between the City and COG for fiscal agent services; charge cost is 4%, which is already built into program grant. 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 Sanchez so moved to approve the accounts payable; Commissioner Trujillo second. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

**CLOSED SESSION:**

At 6:17 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, acquisition, or disposition of real property – potential purchase of property of property for economic development and quality of life, status of City owned lease property; Subsection H-2, regarding limited personnel matters – employee resignation or termination. Commissioner Sanchez seconded and a roll call vote was taken: Commissioner Trujillo - Yes; Commissioner Butcher - Yes; Commissioner Sanchez - Yes; and Mayor Campos - Yes.

At 6:57 p.m., Commissioner Butcher 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 Sanchez seconded and a roll call vote was taken: Commissioner Trujillo - Yes; Commissioner Sanchez - Yes; Commissioner Butcher – Yes; and Mayor Campos - Yes.

**ADJOURNMENT:** There being no further business, Mayor Campos adjourned the meeting at 6:57 p.m.

**APPROVED:** \_\_\_\_\_  
**PAUL CAMPOS, MAYOR**

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