

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, FEBRUARY 23, 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, Mayor Gandy, Commissioner Butcher, and Commissioner Campos

**Also Present:** City Manager Williams, Assistant City Manager Jared Cobb, City Finance Director Gary Chapman, City Clerk Carol Ann Hogue, City Attorney Patrick McMahon, Deputy Police Chief Jeff Herweg, City Planner Merideth Hildreth, and Administrative Assistant Anna Juarez

**Invocation:** Commissioner Trujillo gave the invocation

**Pledge of Allegiance:** Commissioner Trujillo led the pledge

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

**Approval of the Regular Minutes of February 9, 2015:** Mayor Gandy called for a motion to approve the regular minutes of February 9, 2015. Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- Finance Director Chapman asked Commissioners to consider a potential time or date for a work session to discuss budget. Commissioners agreed on April 20, 2015 at 5:30 P.M.
- Mayor Gandy asked for an update on Avenue D Park lights and Martin Luther King Park concrete; City Manager Williams stated City is working with Lea County Electric Coop. on adding more lights to park and concrete will look into options
- Commissioner Trujillo asked for an update on vehicles behind police department if vehicles have been moved; City Manager Williams stated vehicles have been moved
- Deputy Chief of Police Herweg stated Chief of Police Rodriguez had messaged stating roads are dangerous; to be careful on drive to Albuquerque for Municipal League Meetings
- City Manager Williams informed Commissioners of capacity of bonding some projects considering the potential legislation that could eliminate the 3/8 hold harmless tax. First thing is to adopt a Gross Receipts Tax Revenue Bond; City will not obligate all projected revenues of 2.8 million over a 15 year bond. City will enact on one bond once a year and after 15 years will only be obligated allowed 64% of anticipated revenue off of 3/8. This will allow City to make capital improvements. City will need to find a financial service to do the bond and fill out procurement paper work; an RFP has been prepared; open and award on March 9, 2015. City Manager Williams stated City would

publish ordinance authorizing City to bond out projects; once ordinance is adopted, ordinance will go to a special election. Special election will need to be held June 4; this will not increase any taxes, this would obligate a portion of the 3/8 towards a bond. City Manager Williams asked Commissioners for permission to proceed with bonding project. Commissioner Bengé asked if the wording on bond will be addressed to not allow the reversal grounds on the bond, since legislative did reverse on 3/8 hold harmless tax; City Manager Williams stated it will not have the ability to reverse the 3/8 if money is obligated to bonds payment. City Manager Williams stated to bond 3.2 million for 15 years a \$295 thousand yearly payment of 24% of anticipated revenue and have another special election the following year. Commissioner Bengé had concerns why go into expense of getting into a 15 year obligation on such a modest amount and how far is the City going to get with 3.2 million; why not increase amount for 15 years. Assistant City Manager Cobb responded to Commissioner Bengé inquiry stating the one benefit is once City reaches the 15 year mark, City will have a bond coming off and one going on; a series of bonds. Commissioner Bengé asked about administrative expenses adding up with series of bonds; Assistant City Manager Cobb stated bond will not be issued every year, bond will vary depending on projects and cost of issuance. Commissioner Bengé commented this will help with interest less amount of years in a small amount; I like the plan. City Manager Williams stated Commissioners will decide amount and when to bond out projects.

#### **NON-ACTION ITEMS:**

**Flags across America Proclamation 201502:** Mayor Gandy presented proclamation to Teri Chrisman. Mrs. Chrisman invited the community to Flags across America event at the Courthouse on Saturday, February 28, 2015.

**Discussion of Lea Community Foundation for the Arts Fundraiser at Lea Theater:** City Manager stated the Lea Community Foundation for the Arts is planning a fundraiser for the restoration of the theater. City Staff was asked about the feasibility of having a winery present at the event. The Foundation would be required to obtain the necessary permits from the State and this would require Commission approval as part of the process. There is nothing in city code that prohibits this type of event so long as State law is followed. Connie Seiver, President of Lea Community Foundation for the Arts, addressed Commissioners of fundraising for Lea Theater to be scheduled for May 2, 2015; this event, as planned, would involve an auction and entertainment.

#### **ACTION ITEMS:**

**Consider Amendment to Resolution 2015-09: Transfer of Area Agency on Agency Grant Funding from General Fund to Senior Center Fund:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider amendment to resolution 2015-09: transfer of area agency on agency grant funding from general fund to Senior Center fund; Commissioner Bengé second. Finance Director Chapman addressed the Commissioners of amending budget transfers required to properly report both revenues and expenditures for the City's senior programs in compliance with Non-Metro Area Agency on Aging's reporting requirements; our general fund transfer of \$155,000 needed to be increased by \$671 to make sure the total revenues plus transfers equal the budget of \$373,313. 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 Resolution 2015-13: City of Lovington Consenting to the Expansion of Eastern Regional Housing Authority's Jurisdiction to Include Property within the Territorial Boundaries of the City of Lovington:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of resolution 2015-13: City of Lovington Consenting to the expansion of Eastern Regional Housing Authority's Jurisdiction to include property within the Territorial Boundaries of the City of Lovington; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approving resolution to allow the Lovington Housing Authority to transfer to the Eastern Regional Housing Authority; the resolution is required by the US Department of Housing and Urban Development. City Manager Williams stated Lovington City employee Jose Quintana will be a retained employee by Eastern Regional Housing Authority; will receive a benefit package and will keep the responsibilities of keeping up properties and possibly one day out of the week travel to Roswell. Commissioner Trujillo asked about the Eastern Regional Housing Authority deadline transferring to the City; City Clerk Rhonda Jones would update Commissioners on status of assuming all responsibility for the City. City Manager Williams stated he is not aware of any deadline; City of Lovington only serves as fiscal agent for the Lovington Housing Authority, City provided only benefit package for employee and vehicle insurance. Commissioner Campos asked if voting on resolution will be a conflict in interest; Attorney McMahon stated as long as Commissioner Campos does not have any ties with Lovington Housing Authority there is not a problem with voting on resolution. Finance Director Chapman stated usually it's the opposite where City's offer a lease for 55 years, the City would borrow funds through HUD for low income project and sale property at a discount price to contractor which would assume full responsibility of maintenance and operation; after the end of 55 year term City would give full ownership of everything. 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 Resolution 2015-15: Soil Boring, Testing, and Analysis on City Owned Property using Economic Development Funds:** Mayor Gandy called for a motion. Commissioner Butcher so moved to approve consideration of Resolution to Approve Resolution 2015-15: Soil Boring, Testing, and Analysis on City Owned Property using Economic Development Funds; Commissioner Bengé second. City Manager Williams addressed Commissioners of the developing and planning of the Lovington Industrial Park. One aspect of this plan, as well as a question asked by parties interested in developing business in the industrial park, is the mineral content and structure of this property. In order for this to be determined, soil boring, testing, and analysis are required. City Manager Williams asked the Commissioners to allow the City to utilize the Lovington EDC Board of Directors recommended funds from the Economic Development for this portion of the project, not to exceed \$25,000. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé, and Mayor Gandy - Yes. Motion was approved.

**Consider Resolution 2015-16: Memorandum of Agreement between Lea County Sheriff's Office and the City of Lovington:** Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-16; memorandum of agreement between Lea County Sheriff's Office and the City of Lovington; Commissioner Campos second. City Manager Williams informed Commissioners of renewal of Memorandum each time a new Sheriff is elected;

resolution authorizes the Mayor to execute a Memorandum of Agreement with the Lea County Sheriff's office to authorize City officers to operate and respond outside of the City limits. Deputy Chief of Police Herweg stated the minimum range from the City is less than five mile radius; allowing City Officers to respond effectively and efficiently proper law enforcement investigations, assistance or services to County residents. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Resolution 2015-18: Sale of Personal Property:** Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-18: sale of personal property; Commissioner Bengé second. City Manager Williams addressed Commissioners to consider resolution so that equipment that is of no further use to the City may be removed from the fixed asset inventory and disposed of at auction on March 7<sup>th</sup>; revenues from auction will be credited to appropriate funds. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Bengé, and Mayor Gandy - Yes. Motion was approved.

**Consider Resolution 2015-19: Certification of Sanitizing and Destruction of Obsolete Computers and Electronic Media:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider resolution 2015-19; certification of sanitizing and destruction of obsolete computers and electronic media; Commissioner Trujillo second. City Manager Williams addressed Commissioners of documentation for disposal of items which are obsolete and can no longer be utilized for City operations; resolution certifies that the sanitizing and destruction of the computers was performed as requested by NM State Auditors. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé, and Mayor Gandy - Yes. Motion was approved.

**Public Hearing** – Mayor Gandy asked the public for any comments on Lovington Comprehensive Plan. There being no comment, public hearing was closed.

**Consider Resolution 2015-20: Adoption of the 2015 City of Lovington Comprehensive Plan:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider resolution 2015-20; Adoption of the 2015 City of Lovington Comprehensive Plan; Commissioner Campos second. Assistant City Manager Cobb informed Commissioners of an action plan to budget each year for project. City Manager Williams stated the City Website has an electronically draft plan available to view; City has goals which will be accomplished and engage with community. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo, and Mayor Gandy - Yes. Motion was approved

**Consider Resolution 2015-21: Approval of Job Description Development Proposal:** Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution 2015-21: approval of job description development proposal; Commissioner Bengé second. City Manager Williams addressed Commissioners of a recent review of the City's pay grade and classification plan reveals the need for our job descriptions to be updated to accurately describe the jobs being performed and to ensure that the City is complying with legal requirements. City staff has reviewed job titles in the City and have discovered that 67 job descriptions need to be updated.

Taos HRganics has provided the City with a proposal to conduct this project, as existing staff does not have sufficient time or resources to conduct this project in a reasonable time. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé, and Mayor Gandy - Yes. Motion was approved

**Consider Approval of Ordinance 531: RV/MH Park Licenses:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider approval of ordinance 531: RV/MH Park licenses; Commissioner Butcher second. Commissioner Trujillo asked about grandfathering of licensing; City Manager Williams stated on 5.52.160:

- All existing RV/MH Parks licensed prior to December 31, 2014 shall be brought into compliance with the amendments adopted by Ordinance 531 no later than January 1, 2020.
- All existing RV/MH Parks licensed prior to December 31, 2014 that do not comply with the 40,000 minimum square feet parcel requirement shall be allowed to continue operation so long as other requirement in this chapter are met.
- Recreational Vehicles licensed for a single lot outside a RV/MH Park as of the date of adoption of Ordinance 531 shall be eligible for one renewal period ending December 31, 2015.

City Manager Williams stated Code Enforcement will notify all RV/MH Parks of changes. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos, and Mayor Gandy - Yes. Motion was approved

**Consider Approval of Ordinance 533: City and NM Economic Development Grant Agreement:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider approval of Ordinance 533: City and NM Economic Development Grant Agreement; Commissioner Trujillo second. City Manager Williams addressed Commissioners of Ordinance 533 has been advertised as required and requires adoption; the \$100,000 grant funding provided to the City by the NM Economic Development Department. Per the agreement, these funds will be utilized by the Lea Community Foundation for the Arts to purchase the digital and audio equipment needed in order to re-open the theater. 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 Award of RFP 011215: Chaparral Park Irrigation System:** Mayor Gandy called for a motion. Commissioner Bengé so moved to consider award of RFP 011215: Chaparral Park Irrigation System; Commissioner Campos second. City Manager Williams informed Commissioners of the six responses received from the publication of RFP 011215: Chaparral Park Irrigation System. This project was presented as having the ability to split the project into 4 phases, with the total estimated budget being \$800,000. Staff recommends awarding the RFP to Accent Landscape Contractor's, Inc. and due to the project budget, that only Phase I and the alternate bid be executed during this current fiscal year even though it exceeds the original projected budget. City Manager Williams recommended the remaining three phases be budgeted for and executed in the next fiscal year. City Manager Williams stated Lone Mountain was a low bid, but did not submit a completed bid packet for all phases. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes,

Commissioner Bengé – Yes, Commissioner Trujillo, 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 Butcher second. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos, and Mayor Gandy - Yes. Motion was approved.

**PUBLIC COMMENT:**

Anthony Herrera from Vencor Engineering introduced himself to the Commissioners. Mr. Herrera stated he is looking into investing in an engineering firm here in Lovington. Mr. Herrera stated he will be providing quality service with an honest quality price.

Eddy Balch, District Sales Manager for M & H Valve and Kennedy Valve introduced himself to the Commissioners. Mr. Balch stated he provides quality products for water systems and training free of charge for hydrants or valves.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:30 p.m.

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

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