

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MARCH 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, Mayor Gandy, and Commissioner Butcher

Not Present: Commissioner Campos & Commissioner Trujillo

Also Present: City Manager Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, Police Chief David Rodriguez, City Clerk Carol Ann Hogue, City Finance Director Gary Chapman and Administrative Assistant Anna Juarez

Invocation: Commissioner Butcher gave the invocation

Pledge of Allegiance: Commissioner Butcher led the pledge

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

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

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher inquired about a follow up on the Steve's Appliance; City Manager Williams stated still working with property owner.
- Commissioner Bengé announced on April 25, 2015 Lea County Water Master Garden will be presenting a water wise program on landscaping principals and conserving water, selling native plant, and entertaining speakers at the Western Heritage Museum; fee is \$35.00 includes lunch
- Assistant City Manager Cobb contacted by CGI's communications a marketing firm specially design to streamline communication and strengthen communities at no cost to the City; Commissioners were asked to review "mayors.tv" and give feedback in next meeting
- City Manager Williams informed Commissioners of Phase I of Chaparral Park Irrigation Project; completed date June 15, 2015. City Manager Williams stated City Employees will be setting the example of weed control; Code Enforcement will be working with the public to control weed nuisances. City Manager Williams informed Commissioners of MVD closing for mandatory training on April 28 at noon until May 1, 2015 required by the State.
- City Manager Williams and Water Superintendent Wyatt Duncan addressed Commissioners concerning Boil Advisory Order on March 12, 2015:

- Lovington Water Department is committed to providing the City with clean and safe drinking water; meeting all State and Federal drinking water requirements.
- **Overview of Municipal Water System:** The City has a total of 17 active Water Wells; located 4 miles south of town. All 17 Wells pump water into two water storage tanks located at Booster #1. In the process of transferring the water to the tanks it is Chlorinated and stored in the tanks for a time period ranging from 6 – 12 hours and is constantly circulating. All water is treated with 100% chlorine gas at concentrations recommended by the State Drinking Water Bureau prior to being transferred in to town. The water is then pumped into town from Booster #1 to Booster #2. Booster #2 is located at Chaparral Park, which has a storage capacity of 4.4 million gallons. The water is then stored as booster #2 until needed by the customers. From booster #2 the water is transferred into distribution to the three water towers around town.
- **Safety and Quality Testing:** Each month, fifteen samples are obtained throughout the City: 5 samples are taken the 1st – 3rd Tuesday each month, sites are selected from 45 State approved locations, quarterly testing performed by the State of NM, and tests are performed and results can be found in published CCR. Each week a sample is obtained, it is taken from a specific area. The site sampling plan is divided into North, Center, and South areas of town. These samples test for BAC-T. This detects the presence of total coliforms, which is an indicator of an *E. coli* organism. It does not indicate the level or amount, just the presence of it. A copy of the latest CCR can be found at the City's website Lovington.org in the Water Department section. These reports always run at least one year behind due to the States scheduling. You can anticipate the next CCT to be released no later than July 1, 2015 for the year 2014.
- **Boil Advisory Incident:**
 - Tuesday, March 10, 2015 at 10:47 a.m. – city employee obtained routine BAC-T sample from 5 locations around town.
 - Wednesday, March 11, 2015 9:00 a.m. – Hobbs lab notified City employee that the 805 W. C sample tested positive for *E. coli*, State notified by City, State requires: retesting of 805 W. C, test on one upstream sample, test on one downstream sample, test of all 16 active water wells. All testing required is conducted between 10 a.m. and 2 p.m. Samples submitted to Hobbs lab
- **What is *E. coli*?** It is bacteria found in many places, including water sources, most strains of *E. coli* are harmless and live in the intestines of healthy humans and animals, and some strains can produce powerful toxins that can cause severe illness in human beings. Symptoms can range from headaches, nausea, vomiting, and diarrhea.
 - Thursday, March 12, 2015 at 9:00 a.m. – results of resample of 805 W. Avenue C upstream test and downstream test are negative
 - 10:20 a.m. – State contacts Wyatt Duncan and advised of: positive *E. coli* result in Well #31, Tier I Public Notice will be issued, Boil Advisory Order will be issued
 - 10:25 a.m. – City Manager is notified, Well #31 is isolated from system, Assistant City Manager, Fire Chief, Police Chief contacted for meeting at City Hall

- 10:40 a.m. – meeting with City Manager, Assistant City Manager, Water Superintendent, Fire Chief, and Police Chief occurs: Incident Management Plan developed, press release, and notification procedures.
- **Incident Management Plan:** Public Information Officer: release of information designated as 1:00 p.m., emphasis on consistent, factual information, direct to City Hall for information. Water Department tasked with complying with State instructions, restoring water well status.
- **Press Release:** Press release was drafted from examples found on NMED site and translation performed on Microsoft Word software and verified/corrected by City bilingual staff (example utilized was from the Buckeye incident at the beginning of the year and elements found in the Tier I release).
- **Notification:** Newspaper, radio, website, social media, school (school call back system and take home bi-lingual press release to each student), hospital, business, dispatch, and code red system.
 - 11:58 a.m. – Tier I public notice received from State, official notification of boil advisory order, and required to notify public within 24 hours of incident
 - 12:00 p.m. – sanitizing of Well #31 initiated
 - 1:00 p.m. – meeting with department heads and official release of information of City occurs
 - 2:00 p.m. – water department personnel disconnect Well #31
 - 4:30 p.m. – State inspects Well #31 and submits paperwork to Santa Fe requesting lift of Boil Order
 - 5:00 p.m. – press release update distributed
- **State NMED gave City 2 options**
 - Option 1 – disconnect water well #31 from distribution
 - Option 2 – take 5 water sample for two consecutive with negative BAC-T results
 - Friday, March 13, 2015 at 9:00 a.m. – press release update distributed
 - 10:55 a.m. – boil order lifted by State and updated press release issued and distributed
 - Tuesday, March 17, 2015 at 9:00 a.m. – regular BAC-T samples obtained and required 5 samples from Well #31 obtained
 - 11:30 a.m. – department heads critique incident
 - Wednesday, March 18, 2015 – 9:00 a.m. – 5 required samples obtained from Well #31
- **What caused the positive *E. coli* test result?** – Sampling procedures were followed, no errors were identified, no mechanical issues identified, and no operational procedures identified.
- **Other Items;** mass printing issues, digital message boards need to be utilized, contain pre-mature release of information, and assign early on support roles.
- **Moving forward:** all management and department heads will undergo NIMS training, review and update Emergency Operations Plan, regular crisis management drills, complete EOC update, and public education and awareness (code red notification).

NON-ACTION ITEMS:

Lovington Lights It Up Blue Proclamation 201503: Mayor Gandy presented proclamation to Carson and Missy Blez. Mrs. Blez invited the community to Lovington Lights It Up Blue event at the Fairgrounds on Saturday, April 11, 2015.

Discussion of Bonding Capital Improvement Fund Projects: City Manager Williams informed Commissioners of meeting with George K. Baum, the Financial Advisor the City has employed, in regards to the bonding process. City Manager Williams explained projections, debt, and capital improvement projects; projected revenue from 3/8th enacted Hold Harmless GRT is approximately \$1,092,006. Assistant City Manager informed Commissioners of issuing bond every 2 years versus every year to eliminate costly fees; fee is unknown. City Manager Williams stated they recommend getting a credit rating; adopt an ordinance to bond projects out and then hold a special election. Commissioner Bengé asked at what level will the credit rating cost prohibited and at what level shall City not proceed with bond. Finance Director Chapman responded buying bond insurance will increase credit rating, also gives a guarantee on repayment of bond; it's a matter of how much money is City receiving and is it worth the cost to buy bond insurance. Finance Director Chapman feels City will receive a good grading score and does not perceive City getting below an "A-" rating.

ACTION ITEMS:

Consider Resolution 2015-24: Extension of Lease – 400 ~~W~~ E. Avenue H: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-24: extension of lease – 400 E. not W. Avenue H; Commissioner Bengé second. City Manager Williams addressed the Commissioners of approval of resolution will provide an extension to New Tex, LLC until June 30, 2015; tenant has requested an extension due to logistical issues. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-25: Capital Improvement Fund: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-25: capital improvement fund; Commissioner Bengé seconded. Finance Director Chapman addressed Commissioners of approval of resolution which will authorize the creation of Fund 301 – Capital Improvement Fund; this particular fund will receive the revenue's generated by the 3/8's Hold Harmless Tax that went into effect January 1, 2015; insuring proper authority and approval to submit to the State. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

Consider Resolution 2015-26: Fireworks Display Funding: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-26: fireworks display funding; Commissioner Bengé second. City Manager Williams addressed Commissioners of approval of resolution authorizing \$4,500 expenditure for this year's fireworks purchase and direct the Finance Department to incorporate this expense into our normal operating budget each year; due to a lack of donations to support the program. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy - Yes. Motion was approved.

Consider Resolution 2015-27: Budgetary Increases: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-27: budgetary increases;

Commissioner Bengé second. City Finance Director Chapman informed Commissioners of request to approve resolution to allow budget adjustments and transfers for our Emergency Medical Services Grant (EMS), Corrections and Special Recreation fund which has exceeded their approved Fiscal Year 2014-2015 budgets; the EMS fund due to unanticipated revenues received; the Corrections fund due to insufficient expense budget total; and the Special Recreation fund due primarily to unanticipated expenses from capital repairs. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, and Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Lea County Community Foundation for the Arts Alcohol and Gaming Public Celebration Permit: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of Lea County Community Foundation for the Arts Alcohol and Gaming Public Celebration Permit; Commissioner Bengé second. City Manager Williams informed Commissioners of approval of alcohol and gaming public celebration permit to allow Cottonwood Winery to serve wine at the Lea Community Foundation for the Arts fundraising gala at the Lea Theater on May 16, 2015. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, and Commissioner Bengé – 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 Butcher second. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT: None

CLOSED SESSION:

At 6:26 p.m., Commissioner Bengé 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 or water rights and Subsection H-7 regarding pending litigation. Commissioner Butcher seconded and a roll call vote was taken: Commissioner Butcher - Yes; Commissioner Bengé - Yes; and Mayor Gandy - Yes.

At 6:55 p.m., Commissioner Bengé 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 Bengé - Yes; Commissioner Butcher - Yes; and Mayor Gandy - Yes.

OPEN SESSION:

Consider Award of RFP 030315: Sale of Real Property – 5.00 acre Tract located on Highway 18: Mayor Gandy called for a motion. Commissioner Bengé so moved to table consideration of award of RFP 030315: Sale of Real Property – 5.00 acre Tract located on Highway 18 and re-announce so proper formality can be observed; Commissioner Butcher second. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy - Yes. Motion was approved. Commissioner Bengé explained decision to table proposal because of irregularities of wrong time and keeping with auditors proper procedures; next meeting bid will be considered.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:57 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK