

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, APRIL 13, 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, Commissioner Campos, Commissioner Trujillo and Commissioner Butcher

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 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. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher - Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes.

Approval of the Regular Minutes of March 23, 2015: Mayor Gandy called for a motion. Commissioner Trujillo so moved to approve the regular minutes of March 23, 2015; Commissioner Campos seconded. Roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Finance Director Chapman informed Commissioners of presentations for new software has been completed; City will make final decision on April 29. Reminder to Commissioners of budget work session on April 20 at 5:30 P.M.
- Mayor Gandy encouraged public to stay to the right on Jefferson and Main; barrels are set up due to potholes
- Police Chief Rodriguez introduced two newly promoted officers: Officer Martinez and Alfredo Sanchez. Officer Martinez has been with City since August 2012 as a Corporal on patrol. Officer Alfredo Sanchez has 26 years in law enforcement and is currently assigned to Training Corporal
- Assistant City Manager Cobb stated City has received two grants: Recreational Trail from Chaparral Park to downtown for \$467,000 and Central Plaza \$393,000. Assistant City Manager Cobb stated funding will be for next fiscal year for design and construction the following fiscal year.
- City Manager Williams informed Commissioners:
 - Monday, April 20 at 5:30 P.M. is the work session for budget
 - MVD will be closed from April 28 – May 1 for a mandatory State wide training
 - Stuart Roberts updated Commissioners and Staff on services which will be provided by TBS, previously Baja Broadband Company; a new improved fiber

optic base cable company. Mr. Roberts thanked the Community and Commissioners for their patience and understanding for the digging of the alleys, which is about to come to an end. Mr. Roberts stated old aluminum and copper will be taken out; current plan date to turn on service is May 29. Mr. Robert stated TBS will be selling in an area by area base on April 1 for local businesses and April 20 for resident. Mr. Robert stated a variety of channels and program services will be offered; stated TBS will create permanent employment for the store on Polk Street.

- Brad Angst with George K. Baum New Mexico Municipal League Advisor and Financial Advisor specializing in public finance and working with local governments, city, and county across NM. Four different request are being considered tonight:
 - Publication of notice of intent to consider a bond ordinance will assist with notifies residents to give them ample time to consider bond minimum 14 day wait period
 - Reimbursement of projects utilizing bond proceeds allows staff to start working on capital projects improvements using money from general funds or other funds established from hold harmless GRT; allow to be repaid from bonds proceeds when City closes on bond transaction
 - Approval of engagement agreement with George K. Baum & Company for Municipal Bond Services requirement by MSRB allows George K. Baum to continue to work with City and establishes George K. Baum are fiduciary agent for the City; act in the best interest in representing City on selling bonds
 - Approval of engagement agreement with Hughes Law, LLC for Bond will assist with legal work and will structure bonds; Hughes is very well acquainted with this type of legal work

NON-ACTION ITEMS:

Discussion of CGI Community Video Program: Assistant City Manager Cobb asked Commissioners for input to pursue an agreement with CGI Communications; video will be linked to City website. Assistant City Manager Cobb stated service is provided at no cost to the City; City's obligation will be to allow CGI to sale advertisement through the links to video. City Manager Williams presented a slideshow of CGI video. Mayor Gandy stated video shows no negativity, looks great, and for Staff to move forward. Assistant City Manager Cobb stated City will assist with content and script development.

Discussion of Keep Lovington Beautiful Program and Committee: City Manager Williams informed Commissioners of implementing a Keep Lovington Beautiful Campaign, in which Elaine Vigil expressed desire as the program chair. City Manager Williams stated there will be a one time application fee of \$2,000 and an annual fee of \$100 to maintain affiliation. City Manager Williams asked Commissioner for recommendation to form a core committee for Keep Lovington Beautiful Campaign. Tabitha Lawson, MainStreet Director, stated Keep Lovington Beautiful Campaign will not affect the Beautification Day; Beautification Day is mostly Downtown not City wide. City Manager Williams stated Community will benefit with year round involvement to Keep Lovington Beautiful. Commissioners and Staff discussed Code Enforcement issuing warnings, tickets, and compliances. City Manager Cobb stated City has had

demonstration on different modules; one in particular module will help with tracking violations and warnings per property.

PROCLAMATIONS:

Proclamation 201504: Ross Black Day: Mayor Gandy read Ross Black Day proclamation; the NMJC will be dedicating the new track field to Ross Black on April 18, 2015 at 9:00 a.m., proclamation to be presented during the field dedication.

ACTION ITEMS:

Consider Resolution 2015-28: Approval of Non-Metro Area Agency on Aging Contract Amendment and Grant Award: Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution 2015-28: approval of Non-Metro Area Agency on Aging Contract Amendment and Grant award; Commissioner Bengé second. City Manager Williams informed Commissioners of the contract amendment received by the Senior Citizens Center which will increase total contract amount for congregate and home delivered meals that City will receive from the Non-Metro Area Agency on Aging with an increase of \$3,000.00. 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 Resolution 2015-29: Publication of Notice of Intent to Consider a Bond Ordinance: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider resolution 2015-29: publication of Notice of Intent to consider a Bond Ordinance; Commissioner Trujillo seconded. Assistant City Manager Williams addressed Commissioners of approval of resolution which will authorize the City Clerk to publish the Notice of Intent to adopt Ordinance 534 that will allow the City to issue and sell Hold Harmless GRT bonds in the amount of \$3,500,000; the Ordinance will be presented to Commission for final approval on May 11, 2015. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-30: Reimbursement of Projects Utilizing Bond Proceeds: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-30: reimbursement of Projects Utilizing Bond proceeds; Commissioner Campos second. City Manager Williams addressed Commissioners of approval of resolution which will allow for the reimbursement to the General Fund from the proceeds of the HHGRT Revenue Bond proceeds to the costs associated with Phase I of the Chaparral Park Irrigation system. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-31: Approval of Engagement Agreement with George K. Baum & Company for Municipal Bond Services: Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution 2015-31: approval of engagement with George K. Baum & Company for Municipal Bond Services; Commissioner Bengé second. City Manager Williams addressed Commissioners of approval of resolution which will authorize the City Manager to execute the Fiduciary Services Agreement with George K. Baum & Company in order to proceed with the issuance and sale of the Hold Harmless Revenue Bonds. There being no

further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-32: Approval of Engagement Agreement with Hughes Law, LLC for Bond: Mayor Gandy called for a motion. Commissioner Bengé so moved to consider resolution 2015-32: approval of engagement with Hughes Law, LLC for Bond; Commissioner Trujillo second. City Manager Williams addressed Commissioners of approval of resolution which will authorize the City Manager to sign the engagement letter to the Hughes Law firm that will be providing Bond Counsel services on behalf of the City of Lovington. There being no further discussion, a roll call was taken Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Resolution 2015-33: Approval of New Mexico Department of Cultural Affairs Capital Appropriation Agreement for Lovington Public Library: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-33: approval of New Mexico Department of Cultural Affairs Capital Appropriation Agreement for Lovington Public Library; Commissioner Bengé second. City Manager Williams addressed Commissioners of approval of resolution which will authorize the City Manager to execute an agreement with the NM Department of Cultural Affairs for a GO Bond distribution for library enhancements. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Lovington Economic Development Corporation Cinco de Mayo Celebration Beer Garden Permit and Temporary Road Closures: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider Lovington Economic Development Corporation Cinco de Mayo Celebration Beer Garden Permit and Temporary Road Closures; Commissioner Trujillo second. City Manager Williams addressed Commissioners of approval of temporarily closing Central Street between Main and Love, as well as Love Street between Avenue A and Washington on May 9th, 2015; EDC has also requested approval of a beer garden in the parking lot between the Lea Theater and Lister Building. Evelyn Holguin, director of EDC, informed Commissioners of events beginning at noon, 25 food and craft vendors already registered, including live bands and dj and mariachi; lots of entertainment. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Award of RFP 031015: Lea Theater Digital Conversion: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider award of RFP 031015: Lea Theater Digital Conversion; Commissioner Campos second. City Manager Williams informed Commissioners of two responses received for the RFP's for Lea Theater Digital Conversion; proposals from Sonic Systems and Professional Business Systems. The proposal from Sonic was incomplete, due to missing required documentation, as well as information requested in the RFP document. The response from PBS was reviewed, but it was determined the project cost was too far outside of the original project budget. City Manager Williams stated Staff recommendation is to reject both responses and be given direction to re-advertise the RFP. After discussion of motion, a roll call was taken: Commissioner Bengé – No, Commissioner Trujillo – No, Commissioner Butcher – No,

Commissioner Campos – No, and Mayor Gandy – No. Motion was not approved. Commissioner Trujillo so moved to direct staff to re-advertise RFP Lea Theater Digital Conversion Proposal; Commissioner Bengé second. There being no further discussion, a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Lodgers Tax Board Funding Recommendations: Mayor Gandy called for a motion. Commissioner Bengé so moved to consider approval of Lodgers Tax Board Funding Recommendations; Commissioner Campos second. City Manager Williams addressed Commissioners of Lodgers Tax Board funding recommendation included that regardless of the size of the request by each entity that prior to utilizing the funding formula a maximum of 20% of the available anticipated funding be used as a request cap.

HPJRA – HPJRA Rodeo Weekend	\$ 1,095.00
Chamber of Commerce – Classis Barrel Race	\$ 1,125.00
Chamber of Commerce – Party in the Park	\$ 899.49
Museum – Advertising	\$ 179.18
Museum – Art Show Openings	\$ 834.04
Museum – Spring Concerts and Open Mic	\$ 926.14
Museum – NM-TX Challenge Marathon	\$ 1,141.05
EDC – Cinco de Mayo Celebration	\$ 936.38
Lovington Main Street – Beautification Day	\$ 0.00
Lovington Main Street – Smokin’ on the Plaza	\$ 1,284.32
Lovington Main Street – Summer Concert Series	\$ 1,197.33
Farmers Market – Downtown Farmers Market	\$ 787.99
Lea Community Foundation for the Arts – Gala Event	\$ 1,141.05

TOTAL: **\$ 11,547.65**

Commissioner Bengé asked how often the Lodger’s Tax fund receipts are tracked; City Manager Williams stated every month. City Manager Williams stated Lodger’s Tax leaves a reserve of \$4,000 cushion and \$3,000 dedicated to Chamber Commerce. 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 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 – Yes, and Mayor Gandy – Yes. Motion was approved.

PUBLIC COMMENT:

RaeLynn Stuart, Chamber Director, informed Commissioners of calendar of events for the month of April through June 2015.

CLOSED SESSION:

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

At 6:57 p.m., Commissioner Campos 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 Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes.

OPEN SESSION:

Consider Award of RFP 040615: Sale of Real Property – 5.00 acre Tract located on Highway 18: Mayor Gandy called for a motion. Commissioner Trujillo so moved to award RFP 040615: Sale of Real Property – 5.00 acre Tract located on Highway 18 to Christopher Olivas dba The Parking Lot Depot, LLC for the amount of \$50,000.00 and direct staff to advertise the ordinance; Commissioner Campos second. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:58 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK