

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, APRIL 27, 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 Campos, Commissioner Butcher, Mayor Gandy, Commissioner Trujillo and Commissioner Bengé

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

Invocation: Commissioner Bengé gave the invocation

Pledge of Allegiance: Commissioner Bengé led the pledge

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

Approval of the Regular Minutes of April 13, 2015: Mayor Gandy called for a motion. Commissioner Campos so moved to approve the regular minutes of April 13, 2015; Commissioner Trujillo seconded. Roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher asked for an update on Chaparral Park Irrigation; City Manager Williams responded to inquiry stating project is moving along as scheduled, main trunk line is almost completely installed, and working on secondary line of Phase I
- Mayor Gandy asked for a clock with timer
- City Manager Williams informed Commissioners of Beautification day was a success; 197 bags of trash were picked up in various locations around the City

NON-ACTION ITEMS:

Lovington EDC Annual Report: Evelyn Holguin, EDC Director, updated Commissioners of projects: Lea Theater, Central Plaza, 66 Room Complex by Nor-Lea Hospital, and 102 new homes. With LEDS: Domino's, Taco Bell, Hibbet Sports, Family Dollar, Casino's, and other retail in town. Three projects in process will bring about 300 new jobs, non-oil field related jobs.

Lovington MainStreet Annual Report: Mara Salcido spoke in behalf of Tabitha Lawson, MainStreet Director; Mrs. Lawson had a family emergency. Ms. Salcido stated 2014 added six new businesses, 32 new jobs and \$200,000 of private re-investment; 2nd year in a row to be accredited national certification. Ms. Salcido thanked Commissioner Butcher for attending Beautification day and all City personnel who attended.

Discussion of Quarterly Report: Finance Director Chapman informed Commissioners of projected quarterly Financial Report of Fiscal Year 2014-2015:

- Municipal Street Gas Tax revenues are down by \$61,969, due to lower fuel prices
- Economic Development revenues are down by \$171,919, because we have not received “Reimbursements budgeted of \$165,900” for the Central Plaza
- Water and Wastewater revenues are lower for the following reasons:
 - No transfer from Saltwater and Solid waste fund in the amount of \$1,150,000 due to not proceeding with the well field project
 - Charges for Solid Waste are now recorded in the Solid Waste Fund of \$1,815,503; due to accounting purposes
 - Grant funds will not be received until next fiscal year totaling \$948,025

Finance Director Chapman stated general fund expenditures exceeded our budget, primarily from Hail damages of \$265,009 and the 9th Street project at \$394,274, which were not included in our Fiscal Year 2014-15 budget.

Planning and Zoning Commission Appointment: City Manager Williams informed Commissioners of Gus Vejil resignation from the Planning and Zoning Commission as he is moving to Albuquerque. Three individuals have expressed interest in serving on the Planning & Zoning Commission: Gary Clemens, Clint Laughrin, and Dave Rowser; the appointment will be brought to Commission for action at the May 26, 2015 Commission Meeting.

PROCLAMATIONS:

Proclamation 201505: Cinco de Mayo: Mayor Gandy presented Cinco de Mayo proclamation to Evelyn Holguin, Lovington EDC director; Celebration will be held at the Courthouse on May 9, 2015.

ACTION ITEMS:

Consider Approval of Resolution 2015-34: Approval of MOA between Lea County and the City of Lovington for the Construction of a Radio Communications Tower: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution 2015-34: approval of MOA between Lea County and the City of Lovington for the Construction of a Radio Communications Tower; Commissioner Campos second. County Manager Gallagher introduced director of Lea County Communication Angela Martinez and facility director Eric Frank. County Manager Gallagher informed Commissioners of new site for tower which is located at the old animal shelter, MOA will allow the City to share 50% of the cost of construction of the new tower and demolition of the old tower; tower will be jointly owned by the City and County. The building will have to be rehab, site is already fenced, has electricity, and MOA calls for site to be owned by the City of Lovington. The expected life span of tower will be about 30 – 40 years; tower will be limited to the public emergency responders for fire department, animal control, sheriff department and police department. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Non-Action Item:

Discussion of LCCA – County Manager Gallagher presented to Commissioners County wide/County area Emergency Communications & Emergency Medical & Behavioral Health Services Tax:

- Options to fund emergency communications by tax service
 - Eligibility: operate/a JPA for an emergency communications center
 - Lea County: JPA for Lea County Communications Authority
 - Countywide or Unincorporated County
 - Tax Service may not exceed one-fourth of one percent
 - Fund operations of emergency communications center
- County wide Emergency Communications Services Tax:
 - Sufficient funding for all municipalities to join without no additional governmental contribution/membership payment required
 - Dedicated revenue source to fund emergency communications that serve all of Lea County
 - Provide for efficient allocation of resources for personnel, operations, & capital expenditures
- NM combined dispatch Centers with the Emergency Communications Service Tax:
 - McKinley
 - San Juan
 - Santa Fe
 - Lea County – March 12, 2015 County Commission has expressed an interest
- Current FY LCCA Budget:
 - FY 14/15 Operational Budget : \$2,841,391
 - FY 14/15 Capital Budget: \$2,963,000
 - Total Budget: \$5,804,391
 - Lea County & City of Hobbs shall each provide 50% of the funds that are necessary for administrative & Operational expenses
 - In addition: nonmembers maintain NON 911 dispatch services and fund capital of separate dispatch centers (Lovington, Eunice, Jal, and Tatum)
- Discussed estimated Revenue from Additional GRT
- Consideration Process
 - Adoption of an ordinance imposing the Emergency Communications Tax – after an election and majority of voters are in favor of imposing the tax
 - County Commission adopt a resolution calling for an election within 75 days of the date the ordinance is adopted on the tax
 - Special or general election
 - If fails, shall wait one year from the election date
 - In addition, approval of revised LCCA JPA
- Summary
 - Emergency Communications Service Tax
 - County/JPA for a Combined Dispatch Center
 - Consider countywide service tax of 0.125% increase
 - Provide adequate funding for county wide dispatch services, to include each municipality
 - Alleviates the need of LCCA to “charge” for membership/dispatch services
 - Each member entity will save general fund dollars
 - Overall efficient strategy to provide countywide dispatch services
 - Adoption of Ordinance & Election required

City Manager Williams will report to Commissioners of disadvantages and advantages of joining LCCA by the next City Commission.

Consider Approval of Resolution 2015-35: Notice of Intent to Publish Ordinance 536 – Annexation and Zoning Classification of City Property located North of Gilmore Road, the Municipal Water Well Field located approximately 4 miles South of Lovington on Highway 18, and the City Industrial Park located approximately 1.6 miles West of Highway 18 on Stiles Road: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider resolution 2015-35: Notice of Intent to Publish Ordinance 536 –Annexation and Zoning Classification of City Property located North of Gilmore Road, the Municipal Water Well Field located approximately 4 miles South of Lovington on Highway 18, and the City Industrial Park located approximately 1.6 miles West of Highway 18 on Stiles Road; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of approval of resolution which will authorize the City Clerk to publish the Notice of Intent to adopt Ordinance 536 that will allow the City to annex City owned land, which includes the municipal well field and industrial park; the Ordinance will be advertised, will be brought back to Commission at the May 26, 2015 meeting for adoption. Commissioner Trujillo asked about contaminates of soil and will the City is responsible; City Attorney McMahan stated City is not assuming responsibility or liability for operators oil spill and well field ordinance under authority of Oil Conservation Division requiring yearly testing. Police Chief Rodriguez stated if area is in the City limit it will definitely be regulated by police officers. 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 Amendment to Resolution 2015-5: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of amendment to resolution 2015-5; Commissioner Trujillo second. City Planner Hildreth and City Manager Williams stated J.L. Reed Addition has requested an amendment to Resolution 2015-5 to correct the vacation unintentionally left out description to vacate the western 55 feet of Avenue J. 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.

Consider Approval of Resolution to approve Zone Change for Property at 501 E. Washington (Zone B to Zone C): Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of resolution to approve Zone Change for Property at 501 E. Washington (Zone B to Zone C); Commissioner Butcher second. City Planner Hildreth addressed Commissioners of request of zone change for Jessica Padilla to be compliant with codes, zoning needs to be changed from Zone B- multi-family to Zone-C: Commercial to continue operating as Jessica’s Restaurant. 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. City Manager Williams asked Commissioners to request Resolution Number when making the motion to keep resolutions in numerical sequence. Commissioner Trujillo so moved to amend motion to include resolution number 2015-36; Commissioner Butcher second. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution to approve Replat of Lots 22, 23, and 24 of Block 5, Faye Heights Addition: Mayor Gandy called for a motion. Commissioner Bengé so moved to consider resolution to approve Replat of Lots 22, 23, and 24 of Block 5, Faye Heights Addition; Commissioner Trujillo second. City Planner Hildreth and City Manager Williams addressed Commissioners of Lots 22, 23, and 24 of Block 5 of the Faye Heights Addition is requesting a replat to adjust lot lines, vacation of an existing public utility easement, and creation of a new public utility easement. Replat is necessary as a recent survey revealed that the public sanitary sewer line, installed over a decade ago, is not within the defined public utility easement. Instead of moving the line, the owners have agreed to grant an easement over the existing line so long as the old easement is vacated and adjust lot lines. There being no further discussion, a roll call was taken for Resolution 2015-37: Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Ordinance No. 535: Sale of Real Property – 5.00 acres of tract located on Highway 18: Mayor Gandy called for a motion. Commissioner Campos so moved to consider resolution 2015-33: approval of New Mexico Department of Cultural Affairs Capital Appropriation Agreement for Lovington Public Library; Commissioner Butcher second. City Manager Williams addressed Commissioners of approval of resolution which will authorize the sale of the 5.00 acres of City land located on Highway 18 to the south of the Key Energy yard rewarded RFP to Parking Lot Co. because of the value of the sale, an ordinance had to be adopted; ordinance has been advertised. 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 Award of RFP 030215: Financial Management Software and Implementation Services: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider award of RFP 030215: Financial Management Software and Implementation Services; Commissioner Trujillo second. Finance Director addressed Commissioners of decision to move forward with Tyler Software Inc. Cost to implement program will be about \$80,000; annual cost of about \$35,000 to maintain software contract services for the next 7 years. Commissioner Bengé asked about being able to contact customer service without being charged for every call/issues; Finance Director Chapman stated software contract will cover the cost. City Manager Williams informed Commissioners of changing the way data is handled, instead of a server it will be hosted; increasing annual maintenance fee. The conversion will be handled by Tyler Software; transition period will take 6 – 9 months. 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.

Consider Approval of Accounts Payable: Mayor Gandy called for a motion. Commissioner Bengé so moved to approve the accounts payable; Commissioner Trujillo 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:

Clint Laughrin addressed Commissioners with concerns to LCCA asking Commissioners not to consider joining the County. Mr. Laughrin stated 911 dispatchers are not familiar with the area

and responders take longer than anticipated to reach victims. Mr. Laughrin stated at what cost is LCCA worth the loss of lives. Commissioner Benge agreed with Mr. Laughrin with 911 dispatchers are not familiar with area and calling direct line gets you a faster response. Commissioner Trujillo stated LCCA is occurring, it is going to happen, moving forward City will save \$350,000. City Manager Williams stated the tax will need to be voted on by a Special or General Election by the County; the cost to run LCCA is flipped between the City of Hobbs and County, City of Lovington contribute nothing to LCCA. City Manager Williams gave a short history of 911 between the City of Lovington and State. City Manager Williams stated sitting down and conversing with Chief of Police and Fire to list the pros and cons for the Commissioners to be able to make a decision on whether to become a member or not of LCCA.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:46 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK