

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MAY 11, 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, Commissioner Butcher, Commissioner Campos and Mayor Gandy

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, Police Chief David Rodriguez, City Finance Director Gary Chapman 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. Commissioner Trujillo so moved to approve the agenda. Commissioner Campos seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos - Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes.

Approval of the Called Meeting Minutes of April 20, 2015 and Regular Minutes of April 27, 2015: Mayor Gandy called for a motion. Commissioner Bengé so moved to approve the called meeting minutes of April 20, 2015 and the regular minutes of April 27, 2015; Commissioner Campos 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:

- Mayor Gandy asked if graffiti could be removed at Liberty Finance on Avenue A; has been there since Friday
- Commissioner Bengé thanked Street Supervisor Carl Weaver for helping plant a tree at the museum; asked Evelyn Holguin how the turnout was for the Cinco de Mayo Celebration due to the wind? Evelyn Holguin responded to Commissioner Bengé inquiry by stating it was windy from 8 am – 4 pm; not sure how many attended but the number of signups for a drawing for grill totaled 2,814 entries. Commissioner Campos thanked Evelyn Holguin for a fabulous turn out and applauded the City and Staff for their hard work
- Assistant City Manager Cobb announced the Lea Community Foundation for the Arts Gala Event is Saturday, May 16, 2015 from 7 – 9 p.m. at the Lea Theatre; tickets cost \$50.00 per person will include wine tasting, hors d'oeuvre, and a silent auction
- City Manager Williams informed Commissioners of recommendation for dispatch will be available for review in Commission meeting in June
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NON-ACTION ITEMS:

Discussion of Police Department Body Cam Policy: Police Chief Rodriguez informed Commissioners of Body Cam Policy Draft which included: responsibilities on deleting,

downloads, supervisor responsibilities, handling of erasing data for Police Chief, minimum time to keep recordings is 3 years, and disclosing to courts. Commissioner Campos addressed concerns with policy for SRO in reference to school students and employees and if language is needed to protect the City; Police Chief Rodriguez stated on page 6 section O, any and all contacts involving juveniles. City Attorney McMahon stated City will need to take a look at the plan and policy for SRO with body cam and communicate with the schools to view their policies in reference to videotaping.

ACTION ITEMS:

Consider Approval of Ordinance No. 534: Issuance and Sale of Hold Harmless Gross Receipts Tax Revenue Bonds: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of Ordinance No. 534: Issuance and Sale of Hold Harmless Gross Receipts Tax Revenue Bonds; Commissioner Benge seconded. Tommy D. Hughes, Attorney of Hughes Law, addressed Commissioners stated he will be working with Financial Advisor Brad Hanks from George K. Baum with the structuring and selling bonds, the ordinance No. 534 will allow the authorization of the sale of \$3,500,000.00 Hold Harmless Gross Receipts Tax Revenue Bond. Mr. Hughes explained to Commissioners the details on DTC process of bonds, maturity, purchase price, redemption before maturity, City will sign a continuing disclosure under taking and Mayor will sign purchase agreement; bond is not to exceed 12% and this is not a general obligation bond. City Manager Williams stated the Industrial Revenue Bond with DFA; the transaction is taking care of by the buyer and seller. There being no further discussion, a roll call was taken: Commissioner Benge – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-38: Dedication of Public Right of Way in J.L. Reed Addition, Unit 3, to the City of Lovington, Lea County, New Mexico: Mayor Gandy called for a motion. Commissioner Benge so moved to consider resolution 2015-38: Dedication of Public Right of Way in J.L. Reed Addition, Unit 3, to the City of Lovington, Lea County, New Mexico; Commissioner Butcher seconded. City Manager Williams addressed Commissioners of approval of resolution which will amend resolution; City has received plat requesting dedication of public right of way in cul-de-sac be referenced by resolution to finalize plat. There being no further discussion, a roll call was taken: Commissioner Trujillo – Yes, Commissioner Benge – Yes, Commissioner Campos – Yes, Commissioner Benge – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-39: Approval of Lease Agreement for property at Lea County Lovington Airport: Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-39: Approval of Lease Agreement for property at Lea County Lovington Airport; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approval of resolution 2015-39 which authorizes the City Manager to renew the lease between the City and Lea County for the hangar located at the Lea County Lovington Airport for three year term; the hangar is utilized for evidence and large item storage by the City. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Benge – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-40: Memorandum of Understanding between Lea County and the City of Lovington for Walking Path from Chaparral Park to the Lea County

Courthouse: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of resolution to approve Zone Change for Property at 501 E. Washington (Zone B to Zone C); Commissioner Campos seconded. City Manager Williams addressed Commissioners of request of approval of resolution will authorize the City Manager to sign a Memorandum of Understanding with Lea County to conduct a study and develop a plan for the proposed walking trail from Chaparral Park to the Lea County Courthouse; estimated cost is \$927,000.00 of which approximately 50% of the funding has been secured through a “Rails to Trails” grant. Assistant City Manager Cobb stated grant is broken up in two parts: design engineering would be on a federal fiscal year starting October 1, 2015 through September 30, 2016 and then following year for constructing; trail will connect to existing trail at Chaparral Park. There being no further discussion, a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-41: Agreement to House Inmates between Lea County and City of Lovington: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider approval of Resolution 2015-41: Agreement to House Inmates between Lea County and City of Lovington; Commissioner Campos seconded. City Manager Williams addressed Commissioners of approval of resolution 2015-41 will authorize the Mayor to enter into an agreement with Lea County for the housing and care of City inmates; this is an annual agreement. City Manager Williams stated reviewing agreement City Attorney McMahon recommended amending language “or arrested by other law enforcement agencies within the jurisdiction of Lovington” under the first whereas; City only wants to be responsible for the individuals Lovington Police department arrest. Commissioners and Police Chief discussed the possibility of rejection of housing inmates from the Lea County Detention; Police Chief Rodriguez stated it is very low. 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 2015-42: Change Order no. 1 for Chaparral Park Irrigation System: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of Resolution 2015-42: Change order no. 1 for Chaparral Park Irrigation System; Commissioner Trujillo seconded. City Manager Williams addressed Commissioners of approval of resolution which will authorize Change Order No. 1 of the Chaparral Park Irrigation System Project; Phase I, with Option No. 1, is scheduled for completion on June 15, 2015. City Manager Williams stated work will cease on July 1 – 4, 2015 so that the area can be made safe for the 4th of July Celebration; Parks Supervisor Dennis Martin will do a walk through. July 5 work will resume and an estimated completion date of August 7, 2015 all 4 Phases will be completed. 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 2015-43: Revocation of Business License for Improper Zoning – TRC Oilfield Service, LLC: Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-43: Revocation of Business License for Improper Zoning – TRC Oilfield Service, LLC; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of City Clerk issuing a business license to TRC Oilfield Services located in the Lovington Lea County Extraterritorial Zone (ETZ) and a business of this type is not allowed to

operate in zone R-1; the ETZ Authority did appoint an enforcement officer and the officer was directed to notify the property owner of the non-conforming use. As this is a non-conforming use, the City Commission is authorized to revoke the business license; TRC Oilfield Services does not have to have a city business license to operate out in the county, but the following steps are by City Municipal codes is to remove city business license. TRC Oilfield Services Company, Attorney Alexander Ching stated, to be clear business license is being removed not because of zoning, the error in agenda but because physically or legally the City business license are not issued to the County; zoning problem is with County not with City. City Manager Williams stated City Clerk and City Planner will be working together to make sure when a company applies for a business license City will verify place of business before issuing a business license. 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.

Consider Approval of Resolution 2015-44: 2015 – 2016 Interim Budget Approval: Mayor Gandy called for a motion. Commissioner Butcher so moved to consider approval of Resolution 2015-44: 2015 – 2016 Interim Budget Approval; Commissioner Campos seconded. Finance Director addressed Commissioners of approval of resolution 2015-44 accepting the proposed interim Budget for the 2015 – 2016; budget does not include increase on COLA or merit to employees. Finance Director Chapman stated assuming all revenues and expenditures come in as planned, City will have a 47% contingency reserved of all funds combined; general fund would have a 49% reserve. Finance Director Chapman explained water funds transferred to solid waste funds and recording monies in solid waste that belong in the solid waste. City Manager Williams stated the budget that is being submitted does not include merit increases, City is looking at an estimated 10% reduction in general funds revenues, and health insurance dropped .6%; recommending approving proposed budget. Commissioners and Staff discussed possible consideration of retroactive pay if funds are available. There being no further discussion, a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2015-45: J.F. Maddox Foundation Grant Agreement: Mayor Gandy called for a motion. Commissioner Campos so moved to consider approval of Resolution 2015-45: J.F. Maddox Foundation Grant Agreement; Commissioner Bengé seconded. City Manager Williams addressed Commissioners of partnership with Elizabeth Graham from Afterschool Adventures, to enhance summer program for children in Kindergarten to 5th grade in age; programs included summer adventures program, continuing education for the students with the Lovington public schools, swimming pool, and library. City Manager Williams stated program is being made possible through a partnership between the City, Lovington Schools, Afterschool Adventures, Nor Lea Hospital, and NMJC. The J.F. Maddox Foundation will provide \$15,000 in funding to support 15 scholarships; City would be the fiscal agent to provide scholarships up to 15 students. Commissioner Bengé liked the idea, even though it is limited to the number of children; Elizabeth Graham applied for the grant. Scholarship will be based on income needs. Commissioner Trujillo asked who would oversee the funds and or project; City Manager Williams stated Elizabeth Graham will be coordinator of entire project and as for the scholarships; it is still in discussion process. City Manager Williams stated the funding would be released similar to auxiliary programs and there will be a formal partnership presented in the next meeting. There being no further discussion, a roll call was taken: Commissioner Campos –

Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Award of RFP 042215: Lea Theater Digital Conversion: Mayor Gandy called for a motion. Commissioner Bengé so moved to consider award of RFP 042215: Lea Theater Digital Conversion based upon the recommendation of the staff; Commissioner Trujillo seconded. City Manager Williams addressed Commissioner on tabling until next City Meeting; Sonic Systems amount of \$113,000 and City only has budgeted \$100,000 towards this project. City Manager Williams stated for Commission to wait until the fundraising Gala for this Saturday, to see where the funding is at before awarding project. There being no further discussion, a roll call was taken on tabling RFP 042215: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Award of RFP 050715: Sale of Real Property at Main and Jefferson: Mayor Gandy called for a motion. Commissioner Trujillo so moved to consider award of RFP 050715: Sale of Real Property at Main and Jefferson; Commissioner Butcher seconded. City Manager Williams informed Commissioners no bids were received for RFP 050715; City will re-advertise the RFP. Commissioner Trujillo so moved to amend motion to table award; Commissioner Campos seconded. 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.

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 Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

PUBLIC COMMENT:

Chamber Director Raelynn Stuart addressed Commissioners with concerns of recent high volume of calls soliciting for calendars and magnets. Mrs. Stuart stated one outside company, H&H Promotions will be working on updating address book for Chamber. Assistant City Manager Cobb stated CGI Communications might be calling vendors on behalf of City of Lovington.

Commissioner Bengé stated the Avenue K side and east side of the Chaparral Park lighting is not working on the bathrooms

ADJOURNMENT:

There being no further business the meeting adjourned at 6:34 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK