

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MARCH 25, 2013 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

Present and answering roll call: Mayor Pro-Tem Gandy, Commissioners Trujillo, Bengé, and Granath.

Not Present: Mayor Drummond

Also present: City Manager Williams, Chief of Police Bryant, City Attorney McMahon, City Clerk Hogue, Administrative Assistant Gutierrez and Finance Director Stephens.

Call to Order: The meeting was called to order by Mayor Pro-Tem Gandy at 5:30 p.m.

Invocation: Commissioner Trujillo gave the invocation

Pledge of Allegiance: Commissioner Trujillo led the pledge

Approval of Agenda: Commissioner Trujillo made the motion to add a non-action item: Discussion of Youth Center Board Appointment-Herb Smith. Commissioner Granath seconded. Motion was approved.

Approval of the Regular Minutes of March 11, 2013: Mayor Pro-Tem Gandy asked for a motion for approval of the regular minutes of March 11, 2013. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

NON-ACTION ITEMS:

Discussion of Housing Authority Board Appointment: Committee submitted to reappoint Maria Rios to the Housing Authority Board for a five year term. No action was taken at this time. Consideration of approval will be on the next regular meeting.

Discussion of Vendor License Fees: City Clerk Hogue did some research to see if we were able to obtain GRT paid by vendors in our community. NM Taxation & Revenue did inform City Clerk Hogue that in order to obtain the information, we would have to have a release form signed by each vendor. Staff does agree that vendor fees should be increased and recommend a fee of at least \$2,500 annually. We would require a \$5,000 bond and written permission from the property owner of the location they wish to utilize. We also recommend a partial refund of the annual fee based on the amount of taxes paid on the goods sold in Lovington. In order to qualify for a refund of up to \$2,000 based on the amount of taxes paid. The current penalty for violation of the vendor ordinance is a fine of up to \$300 or imprisonment of up to 90 days, or by a combination of both. Mayor Pro-Tem Gandy and Commissioner Bengé stated interest on the \$500 vendor license for 7 consecutive days and a mobile permit \$100 and a \$25 business license.

Discussion of Industrial Water Rates: City Manager Williams recommends the following items to be addressed, if favorable by the Commission:

- Amend Chapter 13.12 to include definitions for Residential, Commercial, and Industrial users.
- Develop an Industrial Water Rate II to include definition of this tier. A suggested definition is “customers who obtain service from the waterworks system of the City for use of such water off site of their principal place of business or from City of Lovington supply sites.”
- The Industrial Water Rate II would assess a fee of \$7.10 for the first 1,000 gallons and \$0.67 for each additional 100 gallons.
- Provide funding for and develop a water fill station at the Lovington Convenience Center. This will be presented at a future date and will be incorporated into the next fiscal year operating budget if the Commission finds this issue favorable.

The proposed rate structure would make the City competitive with other nearby municipalities. Commissioner Bengé stated that the City is stepping in the right direction.

Discussion of Windstream Internet Service: Commissioner Granath requested to discuss the internet services. Commissioner Bengé stated she was not happy with the service at Windstream. City Manager Williams called and complained to Windstream. They are working to get the services better. Two types of complaints with PRC are informal and formal. Each customer needs to call Windstream and complain.

Discussion of Legislative Session Update: City Manager Williams provided the Commission with an update on legislation from the recent 60 day session that wrapped up on March 16, 2013. A few bills are:

- **HB641**-This particular piece of legislation stands to have a significant impact on the City of Lovington. The expense will come in the form of a repeal of the hold harmless provisions for GRT on food and medical. The hold harmless provision will be phased in over the next fifteen years, with no “negative impact” to municipalities the first two years. In order to offset the loss, municipalities may enact a new local option called a “Hold Harmless GRT” of 3/8 % by ordinance.
- **SB60**-Severance Tax Bond Projects-Lovington awarded \$350,000 for radio read water meters. The original request was for \$450,000. I have been informed that if final award is given to the City, we will be able to complete the installation of 833 meters. We will still need to find funding for 1,100 meters in the approximate amount of \$462,000.
- **SB461**-This bill raises the minimum wage to \$8.50 per hour. It has passed and is waiting signature.
- **HB21**-This legislation amends the Open Meetings Act to require public bodies to make final agendas available from at least 24 hours prior to a meeting to 72 hours, except in the case of an emergency. It also adds the requirement that any public body taking action on an emergency matter must report the action and the nature of the emergency to the AGO within five days of that action. This bill did pass and is awaiting signature.
- **SB27**-This bill provides measures to change P.E.R.A. At present, City of Lovington has the Fire and Police Departments in this program, and will affect all

current members and retirees. The aim of this legislation is to reduce unfunded liabilities in the program. This bill passed and is awaiting signature. The following changes: Cost of Living Adjustment, Employee and Employer Contribution Rates, New Benefit Structure after July 1, 2013.

ACTION ITEMS:

Consideration of Approval of Equipment Use at Chaparral Park: Mayor Pro-Tem Gandy called for a motion to approve the equipment use at Chaparral Park. A certificate of liability was amended by the First Baptist Church insurance carrier to include the language “Activities will include a Bounce House and food and beverages.” A letter has been provided from their carrier specifically stating that this type of equipment is an acceptable activity. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Approval of County Display Board Agreement: Mayor Pro-Tem Gandy called for a motion to approve the display board agreement which specifies the City will be reimbursed up to \$50,000 for this project. The City may incur a small additional cost for materials and installation of the power and ethernet connection. The location the City has determined for the sign is on the north Main Street entrance to the Motor Vehicle Department. In addition, a sign for the MVD will be placed on the pole. Commissioner Granath so moved. Commissioner Bengé seconded. Motion was approved.

Consideration of Approval of Public Fireworks Display Funding: Director RaeLynn Stuart of Chamber of Commerce addressed the Commissioners to request financial assistance of \$4,500 for the 2013 Fourth of July public fireworks display. The City has provided assistance in the past. Mayor Pro-Tem Gandy called for a motion to approve the public fireworks display funding for July 4, 2013. Commissioner Bengé so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Approval of Lodger’s Tax Request: City Manager Williams stated that the requests submitted to the committee were for a larger amount. The Committee has recommended the total amount of \$21,500 to be distributed as follow:

- Lovington MainStreet-\$10,000
- Lea County Museum-\$6,000
- Lovington USSSA Baseball League-\$1,000
- Chamber of Commerce-\$4,500

Mayor Pro-Tem Gandy called for a motion to approve the lodger’s tax requests. Commissioner Bengé so moved. Commissioner Trujillo seconded. Motion was approved.

PUBLIC COMMENT:

-Linda Pritchett addressed the Commissioners stating that the City is still not getting taxes on the sold goods in Lovington from vendors.

-Pastor Danny Kirkpatrick from First Baptist Church addressed the Commissioners to thank them for allowing the Jumper on the volleyball court for their Easter Hunt on March 30, 2013 from 11:00a.m.-3:00p.m.

OTHER: City Manager Williams said:

- Picture and Dedication for Troy Harris will be in three weeks.
- An informal evaluation of the City Manager will be conducted on the next regular meeting per Mayor Drummond's request.
- A public hearing for Beer & Wine License on Thursday, March 28, 2013 @ 5:30p.m.
- Day of Service went well and Iris Garden also participated on 9th Street.
- Beautification Day will be on April 27, 2013.
- LadyCats Basketball Proclamation on the next regular meeting April 8, 2013.
- Assistant City Manager-Jared Cobb has been hired and will begin work April 29, 2013

ADJOURNMENT:

There being no further business the meeting adjourned at 6:20 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR PRO-TEM

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK