

**REGULAR MEETING OF THE CITY COMMISSION
TUESDAY, MAY 28, 2013 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

Present and answering roll call: Mayor Drummond, Commissioners Gandy and Bengé.

Also present: City Manager James Williams, Finance Director Mashell Stephens, Administrative Assistant Imelda Gutierrez, City Clerk Carol Ann Hogue, Lieutenant Troy Brackeen, and City Attorney Mike Newell,

Not Present: Chief of Police Danny Bryant, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, Commissioners Neil Granath and David Trujillo.

Call to Order: The meeting was called to order by Mayor Drummond at 5:30 p.m.

Invocation: Commissioner Bengé gave the invocation

Pledge of Allegiance: Commissioner Bengé led the pledge

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Gandy so moved to amend the agenda and change the Youth Center Board Member Justin Davis' term expiration date from April 27, 2009 to April 27, 2013. Commissioner Bengé seconded. Motion was approved.

Approval of the Regular Minutes of May 13, 2013: Mayor Drummond asked for a motion for approval of the regular minutes of May 13, 2013. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

NON-ACTION ITEMS:

Discussion of Library Board Appointment: Mayor Drummond stated that Jill Johnson is moving and has turned in her resignation from the Lovington Public Library Board. Mrs. Johnson's term expires in January of 2016. City Manager Williams is requesting input from the public to provide names of interested individuals in the community willing to serve on this board. No action was taken.

Discussion of Youth Center Board Appointment: Mayor Drummond stated that Justin Davis' term expired in April 27, 2013. City Manager Williams is requesting input from the public to provide names of interested individuals in the community willing to serve on this board. No action was taken.

Discussion of Planning & Zoning Board Appointment: Mayor Drummond stated that Nell Lewis and John Benard have resigned from the P&Z Board. Mrs. Lewis current term expires May 2014 and Mr. Benard term expired April 2013. The P&Z Board has recommended Abel Cabello as an appointment. The Board feels that a representative from local utility companies be appointed to serve on the board. No action was taken.

ACTION ITEMS:

Consideration of Approval of 2013-2014 Interim Budget: Mayor Drummond called for a motion to approve the 2013-2014 Interim Budgets. City Manager Williams stated that no major changes have been made since the Commission Workshop. Once the interim budget is approved, it will be submitted to DFA for review and approval. Once that has been received, a resolution adopting the budget will be presented to Commission. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

Consideration of Approval of Resolution 052813-01 – Central Plaza Phase II & Exhibit A: Mayor Drummond called for a motion to approve the resolution 052813-01 – Central Plaza Phase II and Exhibit A. City Manager Williams stated that staff is working with Lovington MainStreet on a grant application offered through the New Mexico MainStreet Program. If awarded, the funding would be used to construct the second phase of Central Plaza. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Amendment to Minutes of August 13, 2012 Regular Commission Meeting: Mayor Drummond called for a motion to approve the amendment to minutes of August 13, 2012. City Manager Williams stated the vacation plat reflected the vacation of Main Street from Highway 82 to Gum Street, in order to keep the same address of the hospital, the vacation plat was modified. It is recommended that the minutes be amended to reflect Commission action on this item to read “as filed”. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Drought Conditions Proclamation: Mayor Drummond called for a motion to approve the Drought Conditions Proclamation. City Manager Williams stated that the Fire Department prepared the Palmer Drought Index summary report it listed our area in an extreme drought condition. By enacting this proclamation, it will restrict the sale and use of certain fireworks. In addition, it will limit the areas where fireworks may be used. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

Consideration of Approval of Two Hour Parking on Central & Washington between Main & Love Street: Mayor Drummond called for a motion to approve the two hour parking. City Manager Williams stated that business owners on the North & South sections of the town square have requested that a two hour parking limit signs be placed. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Hibbett Sports Request for City Sales Tax Rebate: Mayor Drummond called for a motion to approve the request from Hibbett Sports for City Sales Tax Rebate. The initial request for tax rebate would be the City’s portion of sales tax collected for the first three years. Hibbett Sports reports an annual sale of \$800,000 at each of their locations. Commissioner Gandy stated that some business owners he spoke to did not agree to this request. Commissioner Gandy so moved. Commissioner Bengé seconded and a roll call vote was taken: Mayor Drummond, no; Commissioner Gandy, no; and Commissioner Bengé, no. Motion was not approved.

Consideration of Approval of Ordinance 506 – Lovington Affordable Housing Ordinance: Mayor Drummond called for a motion to approve Ordinance 506. City Manager Williams stated that every county has adopted this ordinance. It has been published for over 30 days to allow for public comment. This ordinance has been reviewed and approved by the NM Mortgage Finance Authority. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Ordinance 507 – Lovington Parks & Recreation Board: Mayor Drummond called for a motion to approve Ordinance 507. City Manager Williams stated that the Commissioners will need to appoint one Commissioner, three individuals who reside in the City of Lovington, one individual who resides in the Lovington Extraterritorial Zone (ETZ), and two individuals between the ages of fifteen and twenty. It has been published for over 30 days to allow for public comment. Mayor Drummond recommended Clint Laughrin & Commissioner Neil Granath and Commissioner Gandy recommended Tanner Gandy. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Ordinance 508 – Mobile Business License & Transient & Itinerant Vendor Licenses: Mayor Drummond called for a motion to approve Ordinance 508. The ordinance will enact a mobile business permit for use by established businesses who wish to conduct mobile operations. A fee of \$100 per year would be charged if businesses elect to operate in this manner. The transient & itinerant vendor license will be amended to a license issued for a period of 7 consecutive days. A \$500 fee would be assessed each time the license is applied for. A penalty fee of \$500 per violation will be assessed. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

Consideration of Approval of Ordinance 509 – Amend Industrial Water Rate Definition and Establish Industrial Water Rate II: Mayor Drummond called for a motion to approve Ordinance 509. This ordinance will modify the definition to incorporate the definition that an Industrial Water Rate will be collected for businesses that obtain service for use in production or manufacturing services on the site of their place of business. A new chapter will be established that states that a rate of \$7.10 will be charged for the first 1,000 gallons or less, and each additional 100 gallons at a charge of \$0.67. Charges will be collected from customers obtaining service for use or sale of water off site of their principal place of business or from City of Lovington supply sites. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Ordinance 510 – Amend Notice to Abate & Removal of Nuisances by City – Lien: Mayor Drummond called for a motion to approve Ordinance 510. This ordinance will allow the City to remove nuisances and file liens if necessary. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Setback Variance for Lots 25 & 36 at Sunrise Addition: Mayor Drummond called for a motion to approve the variance. The developers made an error when building two homes on Aspen & 7th Street not conforming to the requirements of having a 15 feet setback for the street side of a corner lot. The P&Z Board recommended approving the variance. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Setback Variance for Lot 9 at Fairview Addition:

Mayor Drummond called for a motion to approve the variance. This is a triangle shape property. Due to the shape, the home will not fit properly within the required 25 feet setbacks. The P&Z Board recommended approving the variance contingent upon Mrs. Perales having the valid title to the land. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Variance at 505 W. Harrison – Foundation for Manufactured Home:

Mayor Drummond called for a motion to approve the variance. This variance is to leave a double-wide trailer blocked vs. permanent foundation required by the City Ordinance. The P&Z Board recommended denying the request. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was not approved.

PUBLIC COMMENT: None

OTHER:

- City Attorney Mike Newell stated that it was a pleasure to be at the meeting.
- Commissioner Gandy stated that the sign on U.S. 82 & 17th Street needs to be fixed.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:00 p.m.

APPROVED: _____
DIXIE DRUMMOND, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK