

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, JULY 22, 2013 @ 5:30 P.M.**

**CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

**Also present:** City Manager James Williams, Assistant City Manager Jared Cobb, Finance Director Mashell Stephens, City Clerk Carol Ann Hogue, Administrative Assistant Imelda Gutierrez, Chief of Police Danny Bryant and City Attorney Lewis Cox.

**Not Present:** Commissioner Trujillo

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

**Invocation:** Commissioner Gandy gave the invocation

**Pledge of Allegiance:** Commissioner Gandy led the pledge

**Approval of Agenda:** Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Gandy so moved with the removal of the discussion of the Assistant City Manager Report. Commissioner Granath seconded. Motion was approved.

**Approval of the Regular Minutes of July 8, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of July 8, 2013. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of Governors Executive Order 2013-006:** City Manager James Williams addressed the Commissioners stating that it was recently discovered that our Capital Outlay appropriation for \$350,000 for the second phase of the radio read water meter project has been placed on hold but the funds are not lost due to an Executive Order signed by the Governor on May 2, 2013. No official notification was given by the State. No contracts were in place. This was due to individuals not turning their audits in a timely manner. This is intended to correct all audit findings and internal controls. The auditors will be here in November. The auditors will provide their advice to the City and find a solution as well. No action was taken.

**Discussion of Local Grant Road Funds Grant Agreement from NMDOT:** City Manager James Williams addressed the Commissioners stating that the City received a Coop Agreement from NMDOT for Local Government Road Funds. This agreement will provide funding to the City of Lovington for the “Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various City roads”. These funds are not tied directly to a project yet. We do have bad roads in town. Drainage is a significant issue. Mayor Drummond would like to use the funds towards rehabilitation because drainage does not happen often. Commissioners Gandy, Granath and Bengé would like to use the funds for drainage. The estimated total cost for project is \$83,745. NMDOT will provide 75% funding (\$62,809) and the City share will be \$20,936. No action was taken.

**Discussion of LEACO Tower Use Agreement:** City Manager James Williams addressed the Commissioners stating that Leaco is requesting to use extra space on the City water towers to install wireless internet transmitting equipment. They have acquired new technology which will upgrade their wireless internet and potentially allow for more customers to use this service. Leaco wishes to perform a 90 day customer use test utilizing the Ave R tower. If the test is successful and they decide to deploy the service, they would like to pursue leasing space on other city owned locations in Lovington. The potential increase of income would be \$600 per month in tower rent or an exchange of services. Commissioner Bengé had a concern on the size of fiber to the Public Library as they have heavy use daily. No action taken.

**ACTION ITEMS:**

**Consideration of Approval to Advertise Water Turn-Off Policy:** Mayor Drummond called for a motion to approve to advertise the water turn off policy. City Manager Williams mentioned that staff will be mailing out the policy with each water bill next week. In addition, this policy will be advertised in the newspaper, published on the website, and a copy provided to individuals when they pay their bill at the City Hall. If the policy is approved, it will go into effect September 1, 2013. The purpose is to reduce inactive and charge off accounts. Commissioner Granath so moved. Commissioner Bengé seconded. Motion was approved.

**Consideration of Approval of Ordinance 511- Planning & Zoning Commission Membership:** Mayor Drummond called for a motion to approve ordinance 511. City Manager Williams mentioned that this ordinance has been published in the newspaper. No public comment has been received by City Hall staff. This ordinance was modified to incorporate the language "...own real property within the City or reside within a five mile radius of the corporate boundaries of Lovington". Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Grant Contract between City of Lovington & J. F. Maddox Foundation:** Mayor Drummond called for a motion to approve the Grant Contract from J. F. Maddox. City Manager Williams stated that the City was awarded funds through J. F. Maddox Foundation for a project that will enhance the landscaping of the exterior of the Lovington Aquatic Center. The Foundation will make payment to the City of Lovington of 70% of actual expenses, not to exceed a total maximum amount of \$15,000. Once this contract is approved, the project can begin. The project will begin right after the pool closes. The pool will have a sign to direct the right directions. The required completion date is November 30, 2013. The City's portion is \$6,504. The total project cost is \$21,504. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Resolution 072213-01- 2013-2014 Budget Adoption:** Mayor Drummond called for a motion to approve Resolution 072213-01 Budget Adoption. City Manager Williams stated that NMDFA has approved the City's interim budget. The final approval of the 2013-2014 City's budget requires adoption of resolution 072213-01. Finance Director Stephens stated that the expenditures & revenues did not change. Commissioner Gandy so moved. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Resolution 072213-02-Southeastern New Mexico Economic Development District/Council of Governments:** Mayor Drummond called for a motion to approve resolution 072213-02 SNMEDD/COG. City Manager Williams stated that this resolution will authorize the City's agreement with SNMEDD and the annual dues are \$2,652. Commissioner Gandy so moved. Commissioner Granath seconded. Motion was approved.

**PUBLIC COMMENT:** John Graham addressed the Commissioners about a problem spot that has been an issue for 2 years between Love Street and Commercial on Washington. A ditch was covered with dirt and it's still a bad spot. Jacob Lujan addressed the Commissioners requesting permission to have a community tent revival on the Northeast corner of Ave D on August 19-24, 2013 and at the Chaparral Park in October 2013. Mayor Drummond commented to him that they cannot make a decision at the moment due to it not being an action item on the agenda. Mayor Drummond asked City Manager Williams to add his requests on the next regular meeting.

**CLOSED SESSION:**

At 6:00 p.m., Commissioner Granath moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-7-Discussion of threatening or pending litigation. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Bengé, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

At 6:15 p.m., Commissioner Granath 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 Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Bengé, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

**WORK SESSION:**

**Discussion of technology Use by Commission & Staff:** City Manager Williams addressed the Commissioners about the use of the new technology. Mr. Williams provided instructions on how to use the tablet computers (Ipads) to the Commissioners. These devices will be utilized to provide information to Commissioners at meetings and access to a computer as they carry out City business.

**OTHER:** City Manager Williams mentioned to the Commissioners that the MVD sign will be in on Thursday. Mr. Williams reminded the Commission about the NMML Conference in Taos, NM in August. Commissioner Granath will not be attending the meeting. Commissioner Bengé will try to make it to the meeting. Fire Chief Terrance Lizardo mentioned about the National Weather Meeting on Wednesday, July 24, 2013 at 7:00 p.m. at the Troy Harris Center.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:55 p.m.

**APPROVED:** \_\_\_\_\_  
**DIXIE DRUMMOND, MAYOR**

**ATTEST:** \_\_\_\_\_  
**CAROL ANN HOGUE, CITY CLERK**