

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, JANUARY 13, 2014 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

**Not Present:** Commissioner Granath

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

**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 Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Approval of the Regular Minutes of December 9, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of December 9, 2013. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of Elected Officials Training:** Commissioner Bengé stated that she would like for the City to prepare an ordinance that would require training for City Commissioners. The concept (Senate Bill 434 and House Bill 515) was introduced in the State legislature during last year's session but did not make it through committee. The bills required that municipal officers attend and successfully complete training within one year of being elected or appointed. The City has prepared a discussion for the Commissioners to review regarding the elected officials training. In addition, the City is recommending additional changes to this section of the Municipal Code to reflect agenda publication needs and agenda formats. If considered for adoption, the ordinance would amend City Municipal Code Chapter 2.12 – City Commission. Mayor Drummond stated that the Commission should vote if there should be an ordinance. Commissioner Gandy stated that it is crucial and agrees on having an ordinance. City Attorney McMahon stated that it could be incorporated into the Municipal Codes as an ordinance. Commissioner Bengé requested to discuss this subject for further information with City Manager Williams.

**Discussion of Mid-Year Projects Report:** Commissioner Gandy requested an update on the status of projects completed, underway, and slated for start in the current fiscal year. City Manager Williams mentioned that the projects that are underway are restrooms at Harold Runnels with 4 restrooms/1 concession stand; Ave D Park with 2 restrooms. The restroom kits have been ordered and will arrive in about 6 weeks. The City is considering a locking system for the restrooms at the parks to control/stop vandalism. The sign and exterior landscaping at the Aquatic Center are almost complete. The roadway project, pavement investigation on 9<sup>th</sup> St from Polk and Dogwood is complete. The results should be in this week. Wyatt Duncan, Water Supervisor, is still working on the 40 year water plan with Shomaker & Associates to get it completed. The audit was sent off on time. The roof project is still underway which was estimated at \$670,000 to repair the roofs on all city buildings. The irrigation project was installed at Resthaven Cemetery. The Municipal Codes have been updated and published on the City website. City Manager Williams stated that Assistant City Manager Cobb has been working hard to put together an application for better processing for Planning & Zoning, Parks & Recreation, and Lodger's Tax.

**ACTION ITEMS:**

**Consideration of Approval of Resolution 2014-01: Condemnation of Property – 422 N. Chaves St:** Mayor Drummond called for a motion to approve the resolution 2014-01: Condemnation of Property: 422 N. Chaves as needing to be condemned as the structure is dilapidated and a menace to public health, safety, and comfort. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Resolution 2014-02: Condemnation of Property – 310 N. 2<sup>nd</sup> St:** Mayor Drummond called for a motion to approve the resolution 2014-02: Condemnation of Property: 310 N. 2nd St as needing to be condemned as the structure is dilapidated and a menace to public health, safety, and comfort. Commissioner Trujillo so moved. Commissioner Bengé seconded. Motion was approved.

**Consideration of Approval of Procurement Policy Changes:** Mayor Drummond called for a motion to approve the procurement policy changes. The purchasing and procurement policy that the City adopted last year requires an update. Changes to the policy include increases in the amounts that require verbal or written quotes and sealed bids. The policy incorporated the ability for the City to utilize CES or HGAC contracts. The policy created a Chief Procurement Officers which will be Finance Director Mashell Stephens and Accounts Payables Tracy Rodriguez. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Setback Variance – 405 N. Commercial:** Mayor Drummond called for a motion to approve the setback variance – 405 N. Commercial. Jaime Perales Mungaray has requested a setback variance for the street side (Jefferson) to allow a setback of 7 feet and the side yard abutting another property to be 5 feet. The Planning & Zoning recommended approval of this variance. The title issues have been resolved at this time. Commissioner Bengé so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Carport Variance – 1302 W. Jackson:** Mayor Drummond called for a motion to approve the carport variance – 1302 W. Jackson. Jose Perez has requested a variance for a carport that has an area of 625 square feet to accommodate all his 8 vehicles. The municipal code provides for a maximum carport size of 480 square feet. The Planning & Zoning recommended an approval of the variance. Commissioner Gandy so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Alley Vacation – 1502 S. Main St:** Mayor Drummond called for a motion to approve the alley vacation – 1502 S. Main St. Mike Taylor has requested that the City vacate a 20 feet alley easement between lots 107 and 110 at 1502 S. Main St. Allsup’s Convenience Store is purchasing this land and desires that the easement be vacated so they can expand their store to include a diesel fueling station. Commissioner Gandy so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Lodgers Tax Funding Recommendations:** Mayor Drummond called for a motion to approve Lodgers Tax Funding Recommendations. The Lodgers Tax Board recommended the total amounts of funding \$15,344 to the specified entities for the first quarter allocated to Lovington Chamber of Commerce: \$3,000; Wildbunch Softball Tournament: \$1,740; Lea County Museum: \$5,528 and Lovington Main Street: \$5,076 Commissioner Gandy so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Accounts Payables:** Mayor Drummond called for a motion to approve the accounts payables. Commissioner Gandy so moved. Commissioner Bengé seconded. Motion was approved.

**PUBLIC COMMENT:**

- Pat Wise stated that about 50 people have asked him “How can a City employee retain his employment with the City and sit at City Commission.” Also, Mr. Wise stated that it’s a perfect recipe for a dysfunctional government. City Attorney McMahan commented that the City does not have that situation currently and advised not to comment on it. Mayor Drummond stated that the Commission should and needed to be addressing the situation. Mr. McMahan stated that the current personnel handbook manual did not have anything specific to prohibit an employee from running for an elected position on the Commission but did mention a part of the employee handbook did have a conflict of interests with the City but did not specify enough to address the issue. There is different ways to go on this just depends on the situation of the employee is elected to be on the City Commission.

**CLOSED SESSION:**

At 6:20 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-2-regarding limited personnel matters. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; and Commissioner Gandy, aye.

At 6:57 p.m., Commissioner Gandy so 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 Trujillo seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; and Commissioner Gandy, aye.

**OPEN SESSION:**

**Consideration of Approval of City Manager Evaluation:** Mayor Drummond and the Commission discussed the approval of the City Manager Evaluation and mentioned that it was a good evaluation. Mayor Drummond requested that it be on the agenda on the next regular meeting as a closed session to discuss salary increase for the City Manager. City Manager Williams declined the salary raise because it would not be right, due to that he is still on the PERA Retirement and the Fire Department employees gave up the 3 % Cost of Living. Mr. Williams said it would not be fair.

**OTHER:**

- Commissioner Gandy asked the City Manager about the issue on roads on Dogwood.
- Mayor Drummond mentioned the Chamber of Commerce Dinner on Thursday, January 16, 2014 at 6:00 p.m.
- City Manager Williams mentioned the Municipal Day is on Friday, February 7, 2014. Mayor Drummond, Commissioners Gandy and Trujillo will be attending the meeting. Commissioner Bengé is not sure yet.  
The Fire Department building is having plumbing issues but mainly in the kitchen.  
The Police Department is having their accreditations/ walk through.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 7:05 p.m.

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

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