

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, NOVEMBER 11, 2013 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

**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 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 Trujillo so moved to omit the Discussion of P.E.R.A and Senate Bill 27. Commissioner Granath seconded. Motion was approved.

**Approval of the Regular Minutes of October 28, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of October 28, 2013. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of Senior Citizen Advisory Council Appointments:** Mayor Drummond stated that Director Norma Vejil has recommended reappointing to the Lovington Senior Citizen Advisory Council for a two year term and will expire in January 2016:

- Shirley Choate
- Fred Browning
- Ben Quiroz
- Thomas Griffin

Other interested parties may submit for consideration. Commissioners will take action on November 25, 2013 commission meeting. No action was taken.

**Discussion of Central Plaza Phase I Construction Bid:** City Manager Williams addressed the Commissioners stating that bids for construction were opened October 29, 2013. There was only one bidder Abraham's Construction, Inc. A numerous bid packets were requested from SMA but failed to respond. The estimate was way above what the engineer estimated. The FHW Grant Funding is \$262,500 and LEDA Fund will match \$87,500. It's FHA requirement to hire a person to be on site to monitor the project for the length of the project.

Abraham's Construction, Inc. bid is as follows:

➤ Total base bid:	\$387,635.50
Additive Alternate 1	\$ 82,640.00
<u>Additive Alternate 2</u>	<u>\$ 27,640.00</u>
<b>Total</b>	<b>\$497,915.50</b>

City Manager Williams discussed two options to the Commissioners which would be to negotiate or go back out to bid. Commissioner Trujillo recommends going back out for re-bid. Pat Wise addressed the Commissioner who suggested going back out for bid and stated that if the City did not find a person to be on the on-site job, he would do it for minimum wage. No action was taken.

**Discussion of Off Street Parking Ordinance:** City Manager Williams addressed the Commissioners stating that the City recommends sending back to Planning & Zoning. The advantage of sending back to P&Z is to get the public involved and get the public opinion and comments. Commissioner Trujillo asked City Attorney McMahan if there could be a grandfather clause and Mr. McMahan stated that the person would have to request a variance through P&Z. Mayor Drummond asked City Manager Williams to send back to Planning & Zoning with their concerns. No action was taken.

**Update of 2012-2013 Audit:** City Manager Williams addressed the Commissioners stating that the Auditors were here on the week of October 21, 2013. The audit is looking better but we can get a qualified opinion. A letter is required to be sent to the State Auditor. The Finance Director Mashell Stephens spoke to Mrs. Shelly Olson on October 30<sup>th</sup> and Mrs. Olson stated that the audit might be late. Mrs. Stephens stressed to Mrs. Olson that it was not acceptable and had to be completed on time. Mrs. Olson sent a letter to the City to be signed off. The letter stated that "the reason for the late audit was because of certain schedules not being ready on the field work day". There was one schedule the auditor's didn't get. The auditor's didn't request it until November 1, 2013. The City will meet with Mrs. Olson to discuss the audit on Monday, November 25, 2013 at 10:00 a.m. The audit is due by December 1, 2013. No action was taken.

### **ACTION ITEMS:**

**Consideration of Approval of 13<sup>th</sup> & Avenue M & N Traffic Control Recommendations:** Mayor Drummond called for a motion to approve the installation of 4-ways on 13<sup>th</sup> & Avenue M & N. The City presented the issue to Planning & Zoning Board for discussion on September 4, 2013 meeting. At the November 4, 2013 meeting, P&Z Commission recommended placement of a 4-way stop sign at the intersections of 13<sup>th</sup> & Ave M & 13<sup>th</sup> & Ave N. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Gandy, nay; and Commissioner Granath, aye. Motion was approved.

**Consideration of Approval of Resolutions for Encroachment Easements:**

- 2013-3: 621 W. Aspen
- 2013-4: 710 W. Polk
- 2013-5: 622 W. Aspen

Mayor Drummond called for a motion to approve the Resolution for Encroachment Easements. City Manager Williams addressed the Commissioners stating that the issue was presented to P&Z Board for a request for a setback variance. The variance was granted. However, in order to clear up title and deed issues, encroachment easements must be obtained for each property. Commissioner Granath so moved to take all together. Commissioner Bengé seconded. Motion was approved.

**Consideration of Approval to Advertise Ordinance 519 – Authorizing Execution of Intergovernmental Agreement & Project Participation Agreement with NMED & Lovington Warehouse:** Mayor Drummond called for a motion to approve to advertise Ordinance 519. City Manager Williams stated that the ordinance will grant the City the ability to enter into an Intergovernmental Agreement with the NMEDD and Project Participation Agreement with Lovington Warehouse. The documents will provide \$100,000 of funding for the development of the loading and unloading zone for rail cars that comes from the State. The project must have five (5) employees by 2015. Commissioner Bengé 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 Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**PUBLIC COMMENT:**

Bobby McCraw addressed the Commissioners with his concerns about how much it's going to cost him to put up a fence and a concrete pad. Tori Astudillo addressed the Commissioners with her concerns about the concrete pads. Mrs. Astudillo mentioned that her husband works and she has two jobs as of right now and the family is barely getting through. Mayor Drummond stated that their concerns are important and suggested to Bobby and Tori to bring their concerns to the P&Z meeting on January 6, 2014.

**CLOSED SESSION:**

At 6:16 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8-regarding the purchase, acquisition or disposition of real property or water rights and Subsection H-2-regarding limited personnel matters. Commissioner Granath seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

At 6:30 p.m., Commissioner Trujillo 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 Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Bengé, aye; Commissioner Granath, aye; and Commissioner Gandy, aye.

**OPEN MEETING:**

**Consideration of Approval of Resolution 2013-6: 405 N. Commercial:** Mayor Drummond called for a motion to approve the Resolution 2013-6: 405 N. Commercial. Commissioner Gandy so moved to approve the resolution 2013-6 to allow the sale of real property at 405 N. Commercial. Commissioner Trujillo seconded. Motion was approved.

**OTHER:**

- City Clerk Carol Ann Hogue mentioned that she just got back from attending the Election School. The election will be in March 2014.
- Commissioner Granath asked City Manager Williams to get copies of restrictive covenants from different neighborhoods.
- Commissioner Gandy mentioned that the City will have to do something sooner or later about the alleyway on Avenue K. Also, that he got 10<sup>th</sup> place in Motorcross in Texas.
- Mayor Drummond mentioned the Annual Banquet that will be held on Thursday, December 5, 2013.
- Commissioner Trujillo asked about saying the Pledge and Invocation was the right way.
- Commissioner Bengé gave Thanks to the Lovington MainStreet for the Halloween on the Plaza and the Boys Scouts for the Veteran's Day Parade. Also, the street lights are out on North Main and Polk.
- Assistant City Manager Cobb mentioned that the City received funding from NMFA for the Comprehensive Plan.
- City Manager Williams mentioned that the City will have to take action on moving a siren that is located by Nor Lea Hospital. Also, the City has received the Fiscal Agent Agreement with the Council of Government for the Capital Outlay. The fee is set about \$7,000 to administer the grant for the City. The City did receive a letter from the Environmental Department for a notice of violation on the water system. The water is NOT contaminated. It is a procedural error that was in late 2011 early 2012. An action item that will be on the next commission meeting is street lights on Cottonwood Avenue. The Fire Department did secure a grant from the Office of New Mexico State Fire Marshall for \$6,700.
- Fire Chief Lizardo invited the Commissioners to the graduation for the four cadets in the Fire Department in December 6, 2013.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:50 p.m.

**APPROVED:** \_\_\_\_\_

**DIXIE DRUMMOND, MAYOR**

**ATTEST:** \_\_\_\_\_

**CAROL ANN HOGUE, CITY CLERK**