

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, NOVEMBER 24, 2014 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

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

Present and answering roll call: Commissioner Bengé, Commissioner Butcher, Commissioner Trujillo and Mayor Gandy

Not Present: Commissioner Campos

Also Present: City Manager James Williams, City Finance Director Gary Chapman, City Clerk Carol Ann Hogue, City Attorney Patrick McMahon, Police Chief David Rodriguez, and Administrative Assistant Anna Juarez

Invocation: Commissioner Butcher gave the invocation

Pledge of Allegiance: Commissioner Butcher led the pledge

Approval of Agenda: Mayor Gandy called for a motion to approve the agenda as submitted. Commissioner Trujillo so moved to approve the agenda. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes and Commissioner Bengé - Yes.

Approval of the Regular Minutes of November 10, 2014: Mayor Gandy called for a motion to approve the regular minutes of November 10, 2014. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Butcher asked for an update on parks building. City Manager Williams stated shade shelters will be going up by first week of December and waiting on final electrical inspection.
- Mayor Gandy suggested for City to consider installing more lights at the Avenue D park to help with litter issues
- Commissioner Bengé stated a disposal of a diaper was thrown under her truck; Commissioner Bengé attended a conference which presenter discussed “Keep America Beautiful.” Presenter spoke in reference to community on the east coast how it is noted for its history and a successful community; but discussed the cultural of norm. The presenter was amazed about how filthy and dirty the community was. Commissioner Bengé stated that the picture she provided is the epitome of the cultural of norm in Lovington. Commissioner Bengé asked “Who

did they expect would pick it (disposable diaper under pickup) up?" Community does not want to clean up, or pick up; this is the cultural of norm in Lovington; Mayor Gandy agreed

NON-ACTION ITEMS:

Discussion of Library Board Appointment: City Manager Williams stated Susan Bogan and Michelle Williams are interested in the Library Board opening. The position will be published in newspaper. Voting will take place in the next City Commission Meeting on December 8, 2014. Commissioner Bengé stated the problem with current membership is meeting quorums because individuals work and asked if Ms. Bogan and/or Ms. Williams would have an issue with attending meetings. City Manager William stated it would not be an issue.

ACTION ITEMS:

Consideration Adoption of Ordinance 530 – Appointment of City Clerk and Treasure, Police Chief, and Fire Chief by City Manager: Mayor Gandy called for a motion to adopt Ordinance 530 - Appointment of City Clerk and Treasure, Police Chief, and Fire Chief by City Manager. City Manager Williams addressed the Commissioners, as directed by Commission staff prepared Ordinance 530 amending the Municipal Code to reflect that the City Manager appoints the City Clerk, Police Chief, and Fire Chief. Clarifying chapter 2.20 on who appoints the City Clerk, chapter 2.40 changing governing body to city manager as requested; similar language to Fire Chief. Chapter 2.16.010 under city manager states: city manager employs all department heads subject to discharge, employment, suspension, and demotion, placing all responsibility on City Manager. Commissioner Bengé supports the Ordinance, stated it firmly establishes a chain of command; takes politics out of it. Commissioner Butcher had no comment. Commissioner Trujillo stated it takes the power from City Commissioners, Ordinance is not in our favor; feels as a board issue should be reviewed, than take action; other than one person. Commissioner Trujillo understands some clarification on wording is necessary. Mayor Gandy disagreed with Commissioner Trujillo on retaining power, since Commissioners are not around for the day-to-day activity. Mayor Gandy feels the board is responsible to oversee the City Manager, but feels it is a wise decision to separate the board from employee situations. City Manager Williams stated if considered to not approve the ordinance as submitted, recommends to change 2.16.010 as it states all municipal employees and including department supervisor, City Clerk, Chief of Police, director of public works, City Attorney or subordinate to subject to discharge or suspension in the discretion of City Manager personnel merit system; this section of the code also states that the City Manager shall employ, promote, suspend, and discharge, subject to the provisions of the personnel merit system, all person, including department heads engaged in the administrative services of the municipality; code as written conflicts with the Governing body appoints does not discharge the positions. Commissioner Bengé so moved. Commissioner Butcher second and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – No, Commissioner Butcher – No, and Mayor Gandy – Yes. Deadlock. Motion was not approved.

Commissioner Campos arrived at 5:46 P.M.

Consideration Adoption of Ordinance 531 – Amending Chapter 5.52: Trailers and Trailer Courts: Mayor Gandy called for a motion to consider adoption of Ordinance 531 – amending Chapter 5.52: Trailers and Trailer Courts. City Manager Williams addressed the Commissioners of Ordinance 531 addressing RV/MH permitting process; discussed, presented to Fire and Planning and Zoning board, Ordinance has been published, and is ready for adoption, if approved by Commission.

Public Comment:

- Paula Vancleve stated there have been six mobile home parks that have been in business over 40 years; Mrs. Vancleve owns three of them. Mrs. Vancleve stated she maintained property, paid taxes, and has provided services that was needed. Mrs. Vancleve feels RV's should not be compared to Mobile Homes; totally different regulations. In the six mobile home parks there are 245 families; and if we shut down, where will they go? Workers? Students? Mrs. Vancleve stated she has never had a problem with her caliche road. Mrs. Vancleve got a quote of \$6.85 per square foot for asphalt paving for a total cost of \$375,000.00 to her. Mrs. Vancleve asked Commissioners to grandfather existing mobile home parks, separate manufactured homes from RV's and stated this is her retirement. Thanked Commissioners
- Mary Allen Garcia works at U-Store It as a manager for 11 years. Mrs. Garcia stated they have 88 spaces, with black top, pay taxes, mobile homes are to par, mobile homes are inspected, and RV/MH owners need to prove ownership before they are allowed to park at facility.
- Carolyn Lovett owner of an RV park; stated she went to the County, State and City for permit. Mrs. Lovett complied with the rules, pays taxes, and has ten spots. Mrs. Lovett stated this is her birth home, this is her retirement, and feels this burden will imposition five families and herself.
- Gary Clemens owns two RV Parks; stated he has followed rules to the law, but now getting penalized for more permits and other issues about health and wellbeing in Lovington. Mr. Clemens stated to stop picking on RV Parks and deal with other issues like 910, 912 and 914 on Love Street has a mess in their yard; residents living on their RV Parks are spending money on eating here, buying grocery and gas. Mr. Clemens stated lets enforce other ordinances first, one street at a time, and then deal with new RV Parks first, leave the existing RV/MH Parks alone.
- David Villar, his family owns a RV Park, feels they provide a service and a place to live here in the community, for school construction workers, road workers, and oil field workers; who will stay here during the holidays and weekends. Mr. Villar feels there is a problem with Ordinance as written, such as the pavement issue will shut down all mobile homes and RV parks alone, dealing with inspectors, and providing restrooms in the RV Parks. Mr. Villar discussed the concern of families and workers finding somewhere to go. Mr. Villar asked Commissioners to make

an exception on the gravel or caliche roads; stated, current MH/RV Parks maintain their gravel or caliche roads much better than the City maintains East Avenue O.

- Nelson Wilson owner of Cherokee Village lived here since 1974. Mr. Wilson stated he worked hard to get where he is now; stated he is not able to do more, physically and financially, he keeps his 33 spaces clean, mowed, and takes care of street with tractor, but is not financially able to pave RV Park.
- Carol Young, Nelson Wilson's daughter, asked what is reasonable. Is it reasonable to spend that kind of money after a long time of dedication to their cause? Would it be reasonable to ask neighborhoods in Lovington residents to build a 6 foot cement walkway in front of your house all around your street because it makes it better for people? Mrs. Wilson asked to look at grandfathering existing RV/MH Parks; ask yourselves "what would something do to your family and I think you will come up with a good decision."
- Kallie Windsor, chairman of Planning and Zoning board, stated from our work session to here some of the items were changed; for example the 10 feet slide out to slide out between the RV instead of 15 feet, because even between houses, in subdivisions only 10 feet is required. Also, on the caliche roads and delineated that was approved for existing for RV/MH Parks.
- Dave Roser, asked how many RV and MH owners were consulted in the process of administrating this policy? Mayor Gandy answered Ordinance was advertised in newspaper and on website. Mrs. Vancleve stated as Commissioners when your constituency will be affected by your actions do you feel a need to contact the businesses to see what they say about mobile homes. Do you go except for re-election, to talk to your constituency and find out what they want? Mrs. Windsor stated work session was published and paving was not part of the work session. Mr. Wilson asked Commissioners to have some mercy.

Commissioner Bengé understood the biggest issue is the paving requirement. Commissioner Campos apologized for being late. Commissioner Butcher no comment. Commissioner Trujillo agreed with business owners in the audience, the ordinance needs more clarification; stated he would never vote on section 5.52.180, business owners work hard, if you have a down time we ought to work together and not put business owners in prison. Commissioner Bengé asked if ordinance needs to be revisit to address pavement issue and how many will be affected by the pavement in access of 150 feet roadway. City Planner Hildreth stated for fire protection to enter a of RV/MH Parks requirement is 20 foot of pavement to go to units, if 150 feet longer they require a turn around. Commissioner Bengé asked if a caliche base would suffice for fire trucks to be able to service RV/MH Parks. City Manager Williams replied, it's an engineer question, not sure of the answer concerning weight. City Planner Hildreth stated in recent RV/MH Parks meetings with Fire Marshall was explained that heavy fire trucks bog down even in a caliche base when there is lots of water; this is why City is requiring paving. Commissioner Campos stated to community, I hear you, appreciate what was said, Planning and Zoning will revisit issue before ordinance is continued. Commissioner Bengé

suggested allowing the affected owners to meet with Planning and Zoning in a work session, address life threatening situations, and try to get ordinance right. Mayor Gandy called for a motion to table ordinance and to withdraw motion. Commissioner Butcher withdrew motion. Commissioner Bengé withdrew second. Commissioner Butcher so moved to table Ordinance 531 for review with increase publicize and notification to the RV/MH owners of next planning and zoning work session. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved.

Consideration Resolution 2014-59: Renewal of Lease by Reliant Asset Management:

Mayor Gandy called for a motion to approve resolution 2014-59: renewal of lease by Reliant Asset Management. City Manager Williams addressed Commissioners of the work force housing development located by the Cheese Plant with a 30 month lease; they are in good standing and are asking for renewal for the first of three one year terms. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

Consideration Resolution 2014-60: Right of Way Grant to LCEC:

Mayor Gandy called for a motion to approve resolution 2014-60: Right of way grant to LCEC. City Manager Williams addressed Commissioners of the Lea County Electric Coop. is requesting a Right-of-Way Grant to extend power onto the City owned property located in the industrial park; located to the South of Navajo Refinery. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy - Yes. Motion was approved.

Removed: Consideration Resolution to Approve Vacation of 15th Street, J.L. Reed Addition, Unit 3.

Consideration Replat of Lots 1-5A & 6-13, Block 3, Faye Heights Subdivision:

Mayor Gandy called for a motion to approve the replat of Lots 1-5A & 6-13, Block 3, Faye Heights Subdivision. City Manager Williams addressed Commissioners of request increase the number of lots from 14 to 23; the replat will keep the lots above the minimum intensity of use of 7,000 square feet per lot as established in Zone A – Single Family. Ryan Burkett, the owner, discussed with Commissioners of size of homes, time frame, and infrastructure. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy - Yes. Motion was approved.

Consideration Installation of Streetlights on the 600 & 700 blocks of West Aspen, Birch, and Cottonwood: Mayor Gandy called for a motion to approve the installation of streetlights on the 600 & 700 blocks of West Aspen, Birch and Cottonwood. City Manager Williams addressed Commissioners of new cul-de-sac being developed on West Aspen, Birch, and Cottonwood which have no street lights, as roads are paved additional street lights will be installed. Planning and Zoning has discussed for in the future to require new subdivisions to have appropriate street light placement. Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy - Yes. Motion was approved.

Consideration Appointment of Planning and Zoning Commission Member: Mayor Gandy called for a motion to approve the appointment of Planning and Zoning Commission Member. Commissioner Trujillo so moved. Commissioner Campos seconded. Commissioner Trujillo recommended appointing Kallie Windsor to the Planning and Zoning Board. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy - Yes. Motion was approved.

Consider Approval of Accounts Payable: Mayor Gandy called for a motion to approve the accounts payable. Commissioner Bengé so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT:

RaeLynn Stuart, Chamber Director, address parliamentary inquiry, when you laid the motion on the table that was temporary delay; so when it comes back up for a motion you are going to be voting on that motion you should have referred it to a committee. Than the main motion dies for what you had past. That's just a parliamentary inquiry, just wanted to let you know.

Ermelinda Juarez, is there a moratorium on new RV Parks? City Manager Williams answered there is not, it is taking three to four week per request, City is not delaying or stalling; City Planner Hildreth is overwhelmed with work.

Paula Vancleve would like Commissioners to understand that they do not read the local radio or local newspaper, we are busy. Mrs. Vancleve asked Commissioner Trujillo to keep her informed and up-to-date on issues that affect us. Mrs. Vancleve stated if she would have known about Ordinance change she would have been here attending meetings.

Robbie Roberts, the first time in many years, Lovington is being pushed in a position to come up to speed as far as resolutions and their enforcement of items which have been

over looked because of the lack of necessity. As business owners and entrepreneurs, we are trying to accommodate these people who want to live and work in this area, just as you are accommodating safety and welfare to the constituents that are living here. Commissioner Ava statement is right on, we are not going to get it right in the first try; problem is for 30 years there wasn't any reason for anyone to watch or listen for notifications because there wasn't any reason too. We as businessmen need to realize we are in a whole new era, there are reason for this, just because we did not do this in the past, does not mean we should not do this in the future. The majority of us are coming up to speed, we ask that you have some understanding, gives us some time frame, be reasonable; Lovington is in a great position to grow, in schools, and lots of other areas. We are going to be more involved, we are asking to be heard, we ask for compassionate ear, this is the way everyone else does it, but let's get the word out. Mr. Roberts thanked Staff and Commissioners for work they are doing.

Judge David Finger, in Ordinance section 5.52.180 an occupancy by any person in RV/MH constituted a nuisance and may be summarily abated of the city by padlocking, just as Commissioner Trujillo express some concern. Judge Finger asked for clarification, it appears to me that we could have some situations where violations by the owner of the RV/MH Park and the owner of the RV will be padlock which can be a concern, without giving notice to home/RV owner would lack the opportunity to be heard, without proper procedure. What would be the plan notice process for individual RV/MH owners? City Manager Williams stated it is removed from existing ordinance, the points brought up by Judge Finger is the motivation for striking of ordinance violation section.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:32 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK