

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MAY 12, 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 Trujillo, Mayor Gandy, Commissioner Butcher and Commissioner Campos.

Also Present: City Manager James Williams, Assistant City Manager Jared Cobb, City Clerk Carol Ann Hogue, City Attorney Patrick McMahon and Chief of Police Danny Bryant

Not Present: Administrative Assistant Imelda Gutierrez

Invocation: Commissioner Trujillo gave the invocation

Pledge of Allegiance: Commissioner Trujillo led the pledge

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

Approval of the Regular Minutes of April 28, 2014: Mayor Gandy called for a motion to approve the regular minutes of April 28, 2014. Commissioner Campos so moved. Commissioner Bernard seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes.

NON-ACTION ITEMS:

Baja Broadband Presentation: Stuart Roberts addressed the Commissioners to give a brief presentation of what Baja Broadband plans are for the City of Lovington as the Comcast Cable franchise is being assigned to them.

- Baja Broadband was acquired by TDS Telecom in August 2013.
- Operates in New Mexico, Texas, Colorado, Utah, and Arizona
- Baja Broadband is a triple play broadband operator offering digital cable TV, high speed internet and digital phone services. The triple play services are up to 200 channels of digital TV including HD and PPV, high speed internet at up to 100 mbs. The fastest services in the markets where they operate and digital phone services with full array of features including voicemail, call forwarding and caller id, etc. Baja Broadband invests in the local communities – they take pride on being members of the local communities. Many of the employees do voluntary work in their home towns and receive time off with pay to support their efforts. They sponsor many junior sports teams and leagues and Lea County DWI campaign has “free” advertising on some of the channels they distribute.

- The residents of Lovington will be receiving the same standards of services enjoyed by residents of much bigger cities like New York, Dallas, Los Angeles and closer to home Lubbock and Albuquerque.

Discussion of Voter Identification Protection Ordinance – Earl Davis: Earl Davis addressed the Commissioners requesting that the City consider the adoption of a Voter Identification Protection Ordinance. Mr. Davis submitted an example of the ordinance that will require a voter to present a form of identification issued by the government prior to being allowed to vote. Mayor Gandy stated that they will discuss the issue with legal counsel.

ACTION ITEMS:

Consider Amendment of Resolution 2013-08: Sale and Quitclaim of Property:

Mayor Gandy called for a motion to approve resolution 2013 – 08: Sale and Quitclaim of Property. City Manager Williams addressed the Commissioners stating that the resolution approved the sale and quitclaim of a tract of land to Haarmeyer Electric, Inc. The Title Company has requested that the resolution be amended to reflect the legal description of the property listed in the title commitment and to grant the City Manager the ability to sign on behalf of the City instead of the Mayor. The water station is being closed down and was never on city property. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes.

Consider Approval of Resolution 2014 – 14: Acquisition of Lea Theater: Mayor Gandy called for a motion to approve resolution 2014 – 14: Acquisition of Lea Theater. City Manager Williams addressed the Commissioners stating that the document is requested by the title company so the purchase of the Lea Theater can be completed. This resolution authorizes the City to purchase the Lea Theater utilizing \$250,000 LEDA funds and to authorize the City Manager to sign on behalf of the City regarding this transaction. The structural has been completed. The asbestos and lead should be completed by this week or next week. Commissioner Butcher so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, Commissioner Butcher – Yes, and Commissioner Campos – Yes.

Consider Approval of Ordinance 524 – Annexation of Property near 17th & Jefferson & Zoning Classification: Mayor Gandy called for a motion to approve Ordinance 524 – Annexation of property near 17th & Jefferson & Zoning Classification. City Manager Williams addressed the Commissioners stating that this item was tabled in order to ensure that the Wind Erosion Control Ordinance was in effect. The ordinance has been re-advertised and notification has been sent to property owners within the annexation area and within 100 feet of the property. Gene Samberson mentioned that he supports the annexation. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

Consider Approval of Encroachment Easement at 123 W. Avenue A: Mayor Gandy called for a motion to approve the encroachment easement at 123 W. Ave A. City Manager Williams addressed the Commissioners stating that Michael & Shawn Dee Rayburn of Michael's Prescription on 2nd & Ave A have requested an encroachment easement to accommodate their existing drive through. Utilities are in the identified easement, however, the drive through awning does not interfere with access as it is presently built. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes.

Consider Approval of 2014 – 2015 Interim Municipal Budget: Mayor Gandy called for a motion to approve the 2014 – 2015 Interim Municipal Budget. City Manager Williams addressed the Commissioners stating that the City managed to make changes to incorporate 10% increase in health insurance benefits and adjust one item - the uniform allowances in utilities for parks and recreation to incorporate uniforms for the City employees. The public will have access to the summary and line item details via the City website. If Commission approves the budget today, it will be sent to DFA for approval. If the City obtains approval from DFA, the Commission will be required to adopt a resolution to complete the adoption of the budget. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Mayor Gandy – Yes, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes.

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

PUBLIC COMMENT: Mrs. Bara addressed the Commissioners stating her concerns about her carport. City Manager Williams asked Mrs. Bara to come in to the office to visit with him.

CLOSED SESSION:

At 6:00 p.m., Commissioner Butcher 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, Subsection H-7 to discuss threatened or pending litigation and Subsection H-8 regarding the purchase, acquisition, or disposition of real property or water rights. Commissioner Campos seconded. Motion was approved.

At 6:50 p.m., Commissioner Campos 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. Motion was approved.

OTHER COMMENT:

- Commissioner Bengé suggested adding to the agenda: public announcements/general announcements after approving the minutes.
- Assistant Jared Cobb mentioned that a member of the Steering Committee resigned. John Graham was recommended to the Steering Committee. The Comprehensive Plan Community Visioning Meeting is Monday, June 2, 2014 at Gann Cafeteria from 6:00 p.m. to 8:00 p.m.
- City Manager Williams mentioned the joint P&Z/Commissioners Meeting will be Wednesday, May 14, 2014 at Troy Harris Center at 5:00 p.m. Bid opening for Central Plaza Project will be Thursday, May 15, 2014 at 2:00 p.m. Bid opening for North 9th Street Reconstruction Project will be Monday, May 19, 2014 at 3:30 p.m. Assistant City Manager Cobb and Mr. Williams will be out of the office May 18 – 23, 2014.

ADJOURNMENT:

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

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK