

**REGULAR MEETING OF THE CITY COMMISSION**  
**MONDAY, JUNE 23, 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, Administrative Assistant Imelda Gutierrez, City Attorney Patrick McMahon, and Lieutenant David Rodriguez

**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 Bengé so moved to remove two action items: Consider Approval of Resolution 2014-19: Internal Controls Policy and Consider Approval of Resolution 2014-22: Budget Adjustments. Commissioner Butcher seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes and Commissioner Campos - Yes.

**Approval of the Regular Minutes of June 9, 2014:** Mayor Gandy called for a motion to approve the regular minutes of June 9, 2014. Commissioner Campos so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- Commissioner Bengé mentioned that Lovington MainStreet did a fabulous Smokin' on the Plaza and congratulated them for an excellent job and great turn out.
- City Manager Williams mentioned that the 9<sup>th</sup> Street reconstruction project came across some problems with the water lines. The engineer is working on some alternatives solutions maybe will have to deepen the water lines. The shade structure pads at Chaparral Park are being constructed and should be completed before the July 4<sup>th</sup> event and will be built at the other parks in town as well. The Central Plaza Project pre-construction conference has been pushed back to July 1<sup>st</sup> due to that DOT wants to make sure it's in compliance with federal requirements. It has been moved to July 7, 2014. The Project Inspector (temporary) job position to monitor the central plaza project has been published. The City is making arrangements to schedule interviews but is waiting on confirmation on 2 individuals who might be interested in the Finance Director position. The NMML conference will be August 26 – 29, 2014. The City has received calls due to a smell coming from the Waste Water Treatment Plan.

**NON-ACTION ITEMS:**

**Discussion of Employee Health Benefits:** City Manager Williams addressed the Commissioners stating that city staff has been researching options for employee health benefits. With the current health plan the City utilizes, the City has been informed to expect at least 10% increase. The City currently pays 85% premium. There is an option called Self Insured for the employees. The City will act as its own insurer. Funds used to pay premiums instead are used to pay claims. The self- insured has wellness programs, customized packages, and cost increases can be minimized. Funds paid out when claim received. If claims are higher, cost will increase, claims make it more difficult to return to a fully insured plan in the future. No action was taken.

**Discussion of Police Department Staffing:** Mayor Gandy stated that he requested to the Commission to discuss Police Department staffing levels. His request was to see what it would cost to put more police officers in the community. City Manager Williams stated that the cost of police officers for certified and uncertified is:

<u>Certified Officer:</u>	<u>Uncertified Officer:</u>
Salary/Benefits - \$69,181.00	\$61,684.00
Pre-employment - \$2,286.00	\$2,286.00
Academy Cost - \$0	\$3,737.00
Vehicle/Equipment - \$41,000.00	\$41,000.00
<u>Uniforms/Equipment - \$4,125.00</u>	<u>\$4,125.00</u>
<b><u>Total: \$116,592.00</u></b>	<b><u>\$112,832.00</u></b>

**ACTION ITEMS:**

**Consider Approval of SERTPO Representative Appointment:** Mayor Gandy called for a motion to approve SERTPO Representative Appointment: City Manager Williams addressed the Commissioners stating that the Southeast Regional Transportation Planning Organization (SERTPO) has requested the City affirm or re-appoint a representative to their board committee. At present, the City Manager is the representative to the Policy & technical committee. Mayor Gandy re-appointed City Manager James Williams to serve as the representative. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes. Motion was approved.

**Consider Approval of Resolution 2014-17: Fixed Assets Inventory Policy:** Mayor Gandy called for a motion to approve the resolution 2014-17: Fixed Assets Inventory Policy. City Manager Williams addressed the Commissioners stating that city staff has completed the fixed assets policy and commission adoption is required. The policy follows accepted standard accounting policies and addresses one of the audit findings. The purpose of this policy a fixed asset is defined as property, equipment, or construction project that has an initial value to the City of more than \$5,000. Commissioner Butcher so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution 2014-18: Consumable Inventory Policy:** Mayor Gandy called for a motion to approve the resolution 2014-18: Consumable Inventory Policy. City Manager Williams addressed the Commissioners stating that city staff has completed the consumable inventory policy and commission adoption is required. The policy follows accepted standard accounting policies and addresses one of the audit findings. The purpose of this policy consumable inventory is defined as raw materials, supplies held for consumption, and expendable medical supplies. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Butcher – Yes, Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution 2014-20: Water Account Charge Offs:** Mayor Gandy called for a motion to approve the resolution 2014-20: Water Account Charge Offs. City Manager Williams addressed the Commissioners stating that the resolution will allow the charge off on non-collectable or non-refundable accounts that are 5 years old. In addition, the resolution will allow the charge off and removal of inactive accounts as of June 30, 2013. Charge offs - \$15,376.39 and Inactive Accounts - \$23,969.78. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, Commissioner Butcher – Yes, and Commissioner Campos – Yes. Motion was approved.

**Consider Approval of Resolution 2014-21: Ambulance Account Charge Offs:** Mayor Gandy called for a motion to approve the resolution 2014-21: Ambulance Account Charge Offs. City Manager Williams addressed the Commissioners stating that the EMS Division of the Fire Department have prepared the list of five year charge offs of non-collectable accounts. All efforts to collect have been exhausted. Charge off amount is: \$133,173.26. Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, Commissioner Trujillo – Yes, and Commissioner Bengé – Yes. Motion was approved.

**Consider Approval of Temporary Street Closure July 1, 2014 at 1600 W. Ave I:** Mayor Gandy called for a motion to approve the temporary street closure July 1, 2014 at 1600 W. Ave I. City Manager Williams addressed the Commissioners stating that the Lovington Good Samaritan has requested the temporary closure of Avenue I in front of the facility on July 1<sup>st</sup> from 3 – 9 p.m. The residents and staff are planning on hosting an Independence Day celebration for family and friends to have additional space. Commissioner Butcher so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Temporary Street Closure July 4, 2014 at 503 W. Ave Q:**

Mayor Gandy called for a motion to approve the temporary street closure July 4, 2104 at 503 W. Ave Q. Tim Boydston addressed the Commissioners stating that he is requesting that the street in front of 503 W. Ave Q be blocked off on July 4<sup>th</sup> from 9 – 12 p.m. for a fireworks display. Mr. Boydston has obtained signatures from some neighborhood residents. City Manager Williams addressed the Commissioners stating that the City code allows fireworks to be discharged until 11 p.m. There is a conflict with 8.20.055 – C in terms of restricted areas (residential areas). If it's a public display, Mr. Boydston is required to follow 8.20.070. Commissioner Campos so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – No, Mayor Gandy – No, Commissioner Butcher – No, and Commissioner Campos – No. Motion was not approved.

**Consider Approval to Advertise Ordinance 527: Annexation & Zoning Change of an 8.28 Acre Tract of Land located on the East Side of 17<sup>th</sup> Street between the 900 & 1200 Blocks:**

Mayor Gandy called for a motion to approve to advertise ordinance 527: annexation and zoning change of an 8.28 acre tract of land located on the east side of 17<sup>th</sup> street between the 900 and 1200 blocks. Ryan Burkett, Agent on behalf of Hasbrook Living Trust & Safford Beeson Trust addressed the Commissioners stating that he is requesting to annex in 8.28 acre tract of land and change zoning classification to Zone C – Commercial. The intent is to construct a self-storage facility on a portion of the land and utilize the remaining property for residential and/or multi-family housing. City Manager Williams addressed the Commissioners stating that the Lovington Planning & Zoning Board recommended approving the annexation and assigning a zoning classification of Zone B – Multi-family (3 – 2 vote). The Board also recommends that the owner submit a variance request for the self-storage facility. Tim Jordan asked if streets were going to be developed in that area. Janis Noack mentioned that she thought the area was a Zone A – single family residential. City Manager Williams explained the ETZ (Extraterritorial Zoning) R-1 which is single family residential similar to the Zone A – single family residential. John Benard stated that he would like to see this area grow as a residential area not as a commercial area but is not against the growth of Lovington. Clint Laughrin asked if at this point someone can build corrals, pig pens store animals in this area as to how it is zoned right now. City Attorney McMahan mentioned that there is no enforcement in the ETZ but legally you cannot and practically it does happen. Jaycee Chesser mentioned that she has lived at the apartments across the Good Sam for 4 years and someone has broken in 3 times and her car 5 times. Ms. Chesser stated that the security lights and surveillance cameras could really help those apartments and she is all for the future plans. Commissioner Bengé mentioned that there is commercial property in this area up to Avenue D. The lack of housing is a supply and demand item and the more demand the higher the price. How they maintain their homes and the street have a negative impact on property values. The City has limited opportunities to develop large lots and if so, are we limiting ourselves. Jerry Domzalski stated that he wanted to buy this land six years ago and they wouldn't sell it. How is this self-storage facility considered to be a quality of life Mr. Domzalski asked? Mary McClure stated that she does not want a self-storage facility developed in that area. Commissioner Butcher stated that the City did not need more storage facilities.

Randy Pettigrew recommends sending it back to Planning & Zoning for other alternatives and options. Mayor Gandy stated that for 20 years no one has taken the opportunity or initiative to build on that property. He challenges the community to open up their thinking and visioning of the community. If the City continues to grow, the City will continue to have struggles and there will always be something that one person or a group of people don't think is going to fit there. City Manager Williams made clear that the request for approval of the Commissioners is to begin the ordinance advertisement and notify the public. Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – No, Mayor Gandy – Yes, Commissioner Butcher – No, and Commissioner Campos – Yes. Motion was approved.

**Approval of Variance Request Application:** Mayor Gandy called for a motion to approve the variance request application. City Manager Williams addressed the Commissioners stating that at the joint work session in which variance requests and guidelines were addressed. The City staff created a variance request application that will provide guidance to property owners as well as staff, boards, and the Commission. The Planning & Zoning Board recommended this application to be put into use at the June 16, 2014. Commissioner Bengé so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Trujillo – Yes, Mayor Gandy – Yes, Commissioner Butcher – Yes, and Commissioner Bengé – Yes and Commissioner Campos - Yes. Motion was approved.

**PUBLIC COMMENT:** Janis Noack mentioned that a fountain or park would be nice in that land.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 7:03 p.m.

**APPROVED:** \_\_\_\_\_  
**SCOTTY GANDY, MAYOR**

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