

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JULY 14, 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 Anna Juarez, City Attorney Patrick McMahon, and Intern Police Chief David Rodriguez

Invocation: Mayor Gandy gave the invocation

Pledge of Allegiance: Mayor Gandy 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 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 23, 2014. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- Commissioner Campos asked City Manager Williams for update on 9th Street construction. City Manager Williams' stated NM gas is finishing lowering gas lines and waiting on water lines, than back to construction. Will try to meet deadline before school takes into effect, but there may be a delay. City Manager Williams mentioned Avenue D Parks are being connected to utilities and require a small lift station & Harold Runnels Complex bathroom are being connected to utilities. The Youth Center & Library are having air conditioning issues, but are looking into resolving issue immediately. Commissioner Campos mentioned to consider returning a percentage of funds from rental of Youth Center for inconvenience of air conditioning.
- Mayor Gandy mentioned street light is out and asked about the quality of job from the State on Main Street, City Manager Williams' responded the engineer has been called, but has not heard back. City Manager Williams' has followed up with email and regular mail, but has not heard back.
- Commissioner Trujillo thanked Judge Finger for being present

- Commissioner Bengé asked when to expect Finance Director to be here, City Manager Williams stated Gary Chapman will be in Lovington by July 30th moving from California; will start work on August 1st.
- City Manager Cobb invited everyone to 2nd community meeting vision which will be held July 17, from 6:30 to 8 PM at the Youth Center.
- City Manager Williams invited everyone to attend Saturday, July 19, 7 to 9 PM Live on Love Concert Series Band and on July 23 for ground breaking of The Lovington Trails complex at 4 PM by the hospital.

NON-ACTION ITEMS:

Discussion of Hold Harmless GRT Local Option: City Manager Williams addressed the Commissioners stating that city staff has been researching options for increase in tax to create a capital improvement fund to help fund bigger projects. The hold harmless 3/8 tax by ordinance will help with revenue shortfall in GRT. Mayor Gandy asked if this was something Las Cruces had adopted. Commissioner Trujillo wondered if city could tax above 7%. City Manager stated 8.8% is the maximum tax increase for New Mexico. Assistant City Manager suggested setting up funds to be strictly for infrastructure improvements funds. No action was taken.

ACTION ITEMS:

Consider Appointment to Lea County Solid Waste Authority: Mayor Gandy called for a motion to consider appointment to Lea County Solid Waste Authority. City Manager Williams addressed the Commissioners stating that the Solid Waste Authority has requested the City appoint a representative to their board committee to replace Neil Granath term. Mayor Gandy asked for any volunteers, committee meets once a quarter on a Thursday. Commissioner Butcher volunteered. Commissioner Trujillo so moved to appoint Commissioner Butcher to the Lea County Solid Waste Authority. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Appointment to Lea County Water Users Association: Mayor Gandy called for a motion to consider appointment to Lea County Water Users Association. City Manager Williams addressed the Commissioners stating that the Lea County Water Users has requested the City appoint a representative to their board committee to replace Neil Granath term. Mayor Gandy asked for any volunteers, committee has met once in five years. Commissioner Bengé volunteered. Commissioner Butcher so moved to appoint Commissioner Bengé to the Lea County Water Users Association. Commissioner Campos 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.

Consider Approval of Resolution 2014-22: Fiscal Agent Agreement for Irrigation System: Mayor Gandy called for a motion to approve the resolution 2014-22: Fiscal Agent Agreement for Irrigation System. City Manager Williams addressed the Commissioners stating that the city will receive funds for irrigation system at Chaparral

Park with a Legislative Capital Outlay Appropriation in the amount of \$50,000.00; agreement is in place with Southeastern Council of Governments. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-23: Housing Production Incentive Award for Lovington Trails Apartments: Mayor Gandy called for a motion to approve the resolution 2014-23: Housing Production Incentive Award for Lovington Trails Apartments. City Manager Williams addressed the Commissioners stating that city staff received an application from KM Partners developer for the Lovington Trails Apartments in reference to the RFP011513; which allows reimbursement up to \$6000 per completed unit for the cost of installation of offsite public infrastructure; KM Partners submitted a application through the Lovington EDC for reimbursement for \$242,070.46. It's a 64 unit apartment complex, in which 50% is reimbursed to the City from Lea County. The funding comes from LEDA does not come from the general fund. Commissioner Campos so moved. 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.

Consider Approval of Resolution 2014-24: City Adoption of P.E.R.A. Municipal Plan: Mayor Gandy called for a motion to approve the resolution 2014-24: City Adoption of P.E.R.A. Municipal Plan. City Manager Williams addressed the Commissioner stating that the resolution will improve retirement benefits at about the same cost. This plan will not affect the Fire or Police retirement plan. Any new employee would not have an option of selecting retirement plan after the adoption of plan, only current employee would be able to select between Union Central and PERA. Commissioners Trujillo had concerns with dispatchers; City Manager Williams met with PERA on April, they were in the process of calculating for dispatcher and City employees their refund check, but not until the City changes to PERA Municipal. Resolution will satisfy their request to become affiliated with PERA or Union Central. Commissioner Butcher 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 2014-25: Unifirst Customer Service Agreement for Employee Uniforms: Mayor Gandy called for a motion to approve the resolution 2014-25: Unifirst Customer Service Agreement for Employee Uniforms. City Manager Williams addressed the Commissioners to approve for City to enter an agreement with Unifirst, for utilities departments' uniforms. This is an approved budget expense and agreement would allow for our city employees more identifiable. Commissioner Bengé 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. Motion was approved.

Consider Approval of Ordinance 527: Annexation and Zoning Change of an 8.28 acre tract of land located on the East side of 17th Street, between the 900 and 1200 block: Mayor Gandy called for a motion to approve the ordinance 527: Annexation and zoning change of an 8.28 acre tract of land located on the East side of 17th Street, between the 900 and 1200 block. Connie Sevier, spoke in reference to developers coming in and building nice homes. Stated she would like to see a continuous of nice homes in a residential zoned area. Mrs. Sevier continued stating road has no service roads or shoulder for commercial vehicle, which is a concern of safety. Ryan Burkett stated that he would be building a home near storage facility. Mr. Burkett contacted Kevin Naegele, an appraiser, to get his opinion on property value; Kevin Naegele commented to Mr. Burkett that it would not deter from property value. Mr. Burkett stated, if propose project does not the go through; the whole project disappears with him. Commissioner Trujillo shared his concerns with Mr. Burkett about the longevity of project term and if Mr. Burkett sells out and property runs down. Steven Layton, 1307 West Avenue J, homeowner in this area, had concerns with property value of home. Mr. Layton stated zoning for class B allows for single wide mobile homes, not just the nice condo or nice apartments. Mr. Layton stated he is not against growth, but feels storage unit is not in the best interest for the City. Regina Thomas addressed concern with commercial traffic pulling in and out with children being present and concerns with property value. Lola Jackson voiced her support for project; stated project will provide a service City needs. Ms Jackson asked for City to address housing issue. Karen Elliott was pleased with some of the City growth. Ms Elliott wants to see Lovington grow, but stated this project does not make sense. Janice Noack, 2001 West Avenue J, stated she would like to see a beautiful landscaped picnic park, but is concerned with maintenance for years to come. Fay McCracken, 1907 West Ave J, read letter to Commissioners in reference to concerns with property value and would want to keep this area single family zoned A to keep with nice homes being built in this area. Mrs. McCracken stated she is not against growth; she has been business owner of various businesses. Clint Laughrin stated he supports this project, is for Lovington growth, and would like to see things built for our children. Raelynn Stuart offered her support to Ryan Burkett; feels Mr. Burkett would be a big asset to our community. Randy Gandy supports project, is for growth in the community. City Manager Williams stated, in October 2013 zoning ordinance was changed by planning and zoning. Ordinance allows for property owner to request for annexation into the city and change zoning classification in one process. City Manager Williams stated there is an issue with not having an ETZ officer; staff is trying to concentrate on City area radius. Commissioner Campos stated he empathized with both sides and would represent his district; also spoke with appraiser Kevin Naegele, which Mr. Naegele stated based on data, property would not be affected. Commissioner Butcher stated Lovington does need storage unit, but not there. Commissioner Trujillo would had liked if property would have been annexed first and would not mind to see it in another commercial location. Mayor Gandy spoke in regards to value; all of us want value in something, control; to control things we do not have control in, and risk; anytime ones goes into business, risk is involved in every new venture. Commissioner Campos so moved. Commissioner Butcher 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. Passes with a 3 to 2 vote.

Consideration of Approval of Lodger’s Tax Funding Recommendations:

Consideration of Approval of Lodger’s Tax Funding Recommendations: Mayor Gandy called for a motion to approve the Lodger’s Tax Funding Recommendations. City Manager Williams stated that the Lodger’s Tax Board has an estimated funding available \$28,185.89 with dedicated chamber funding of \$3000.00 leaving \$25,185.89 but \$4000.00 in reserve, all funds are projected funds. The remaining funds were allocated utilizing the evaluation system approved by the City Commission as followed:

➤ Art Opening	- \$ 1,986.88
➤ Lea Writers Roundup	- \$ 1,490.16
➤ Wolberg Lectures	- \$ 1,234.27
➤ Courthouse Open Mike Jam Sessions	- \$ 1,956.78
➤ LCM Advertising	- \$ 1,565.42
➤ Fair & Rodeo Parade Decorations	- \$ 3,401.16
➤ Wildbunch Classic	- \$ 1,125.09
➤ Farmers Market	- \$ 2,104.61
➤ <u>Summer Concert Series</u>	- \$ 6,321.52
➤ Total	\$ 21,185.89

Commissioner Trujillo so moved. Commissioner Butcher seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes. Motion was approved.

Consideration of 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: Mayor Gandy – Yes, Commissioner Bengé – Yes, Commissioner Trujillo - Yes, Commissioner Butcher – Yes, and Commissioner Campos – Yes. Motion was approved.

PUBLIC COMMENT: NONE

CLOSED SESSION:

At 6:45 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. Commissioner Campos seconded and a roll call vote was taken: Mayor Gandy - Yes; Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher – Yes; and Commissioner Campos - Yes.

At 7:07 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 Bengé seconded and a roll call vote was taken: Mayor Gandy - Yes; Commissioner Bengé - Yes; Commissioner Trujillo - Yes; Commissioner Butcher – Yes; and Commissioner Campos - Yes.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:09 p.m.

APPROVED:

SCOTTY GANDY, MAYOR

ATTEST:

CAROL ANN HOGUE, CITY CLERK