

**REGULAR MEETING OF THE CITY COMMISSION**  
**MONDAY, JULY 28, 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 Interim Police Chief David Rodriguez

**Invocation:** Commissioner Campos gave the invocation

**Pledge of Allegiance:** Commissioner Campos led the pledge

**Approval of Agenda:** Mayor Gandy called for a motion to approve the agenda as submitted. Commissioner Bengé so moved to approve the agenda. 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.

**Approval of the Regular Minutes of July 14, 2014:** Mayor Gandy called for a motion to approve the regular minutes of July 14, 2014. 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.

**COMMISSIONER AND STAFF REPORTS:**

- Commissioner Bengé hoped Main Street concert will get to reschedule due to cancellation of weather and thanked Main Street Director Tabitha Lawson for trying
- City Manager Williams applauded Police Department for receiving Police accreditation, will receive recognition this coming December. Finance Director Gary Chapman has arrived in Lovington will begin working on August 1<sup>st</sup> this Friday. City has received a dozen of applicants for city planner position, City will conduct first round of interviews on August 18. City Manager Williams will be attending water rights question and answer session at the Lea County Event Center from the Office of State Engineer on Thursday, July 31<sup>st</sup> from 3-6 PM. Randy Pettigrew addressed commissioners on update on 9<sup>th</sup> street delay; the shallowness of waterline caused for fifteen feet of new water lines, increase in cost of \$18,000-\$25,000, and 30 day extension to complete project. City Manager Williams applauded Tabitha Lawson for becoming a certified Main Street Director and Lovington Main Street received national accreditation from the State.

- Mayor Gandy asked if City needs to include infrastructure in place for future street projects. City Manager Williams said yes, to help eliminate future hiccups.

**ACTION ITEMS:**

**Consider Approval of Resolution 2014-26: SNMEDD/COG Membership:** Mayor Gandy called for a motion to consider approval of Resolution 2014-26: SNMEDD/COG Membership. City Manager Williams addressed the Commissioners stating that the resolution provides an agreement for council for technical and management assistance for planning activities, legislative activities, and federal and private grant program applications. Commissioner Butcher so moved to approve resolution 2014-26: SNMEDD/COG Membership. Commissioner Trujillo 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 Approval of Resolution 2014-27: 2014-2015 Budget Adoption:** Mayor Gandy called for a motion to approve the resolution 2014-27: 2014-2015 Budget Adoption. Assistant City Manager Cobb addressed Commissioner New Mexico Department of Finance has approved Interim Budget the changes detailed in the final New Mexico Budget Adoption Resolution needs to be adopted to approve changes for quarterly report increase in Central Plaza, and City Planner unexpected expenses. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, Commissioner Bengé – Yes, and Commissioner Campos – Yes. Motion was approved.

**Consider Approval of Resolution 2014-28: Certification of 2014 Capital Asset Inventory:** Mayor Gandy called for a motion to approve the resolution 2014-28: Certification of 2014 Capital Asset Inventory. City Manager Williams addressed the Commissioners to certify capital assets inventory which was verified by each department head required by our State auditor, which will need to be done annually. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Mayor Gandy – Yes, and Commissioner Bengé – Yes. Motion was approved.

**Consider Approval of Resolution 2014-29: 2013-2014 Budget Amendments:** Mayor Gandy called for a motion to approve the resolution 2014-29: 2013-2014 Budget Amendments. Assisted City Manager Cobb stated NMDFA has approved the City's interim budget. The final approval of the 2013-2014 City's budget requires adoption of resolution 2014-29. The expenditures and revenues did not change. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengé – Yes, Commissioner Butcher – Yes, Commissioner Campos – Yes, and Mayor Gandy – Yes. Motion was approved

**Consider Approval to Advertise Ordinance 528 – Local Option Hold Harmless 3/8's Tax:** Mayor Gandy called for a motion to approve to advertise Ordinance 528 – local option hold harmless 3/8's tax. City Manager Williams addressed the Commissioners to approve for City to advertise ordinance 528 for implementation of 3/8 gross receipt tax to

bring additional revenue of 1.3 million extra a year. After adopting it will take three months before it takes affect.

- Option A: use for any municipal government services, including police and fire protection, street repair and maintenance.
- Option B: Creation of a Capital Improvement Fund to be used only for those purposes.
- Option C: Creation of a Capital Improvement Fund and a distribution to the General Fund to compensate for the reduction in revenue.

Commissioners discussed in further details in concerns of separation of tax funds from general funds, allowing for inflationary, possible monthly percentage distribution, reviewing every few years, and accounting issues. After further discussion, Commissioner Bengé rescinded motion to advertise ordinance 528. Commissioner Butcher rescinded his second. Commissioner Bengé so moved to plan for a work session to discuss other options for ordinance 528. Commissioner Butcher seconded the motion 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 529: 2014 Uniform Traffic Ordinance Amendments:** Mayor Gandy called for a motion to approve the ordinance 528: 2014 uniform traffic ordinance amendments. City Manager Williams addressed the Commissioners to approve for ordinance 529 for advertisement to amend ordinance to include the new section regarding Texting While Driving. Interim Chief Rodriguez stated we definitely need; \$25 for first offense and \$50 for second offense, including court fees.

Commissioner Bengé so moved. Commissioner Campos 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 Special Dispenser Permit Application of Lea County Fair & PRCA Rodeo:** Mayor Gandy called for a motion to approve special dispenser permit application of Lea County Fair & PRCA Rodeo. City Manager Williams addressed the Commissioners to approve application permit to operate a beer garden at the Lea County Fair and PRCA Rodeo from the Lovington Inn. 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. Motion was approved.

**Consider Approval of Employee Health Benefits:** Mayor Gandy called for a motion to approve employee health benefits. City Manager Williams addressed the Commissioners to approve for City to continue with United Healthcare providing a fully insured plan. City Manager Williams discussed difference between self-insured program to bill from a third party with amount owed as far as medical care versus fully insure plan pays a set premium each month amount. Fully plan insures has a set premium amount which one might pay more than what they are getting. City pays 85% premium for employees, no

increase in cost this year, for the United Healthcare. City Manager Williams discussed incentive under the Affordable Care Act; mandated copays out of pocket cost to be included in towards deductible. City Manager Williams recommended City continues with United Healthcare providing a fully insured plan versus self-insured due to lack of access to data and time constraint. Commissioner Campos so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Bengue – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

**PUBLIC COMMENT:**

Robert Fierro owns an engineering business in Lovington since January 2013; addressed Commissioners on some concerns:

- Ordinance 511 states to be on planning commission one shall own real property within the City or reside within five mile radius of the corporate boundaries of Lovington. Randy Pettigrew might not fit these criteria's
- Asked for municipal codes to be put on the website
- Asked what are the ETZ requirements
- Client Corina Salmon owns a lot with a trailer; needs help from Code Enforcement Officer Brock to help with determining if trailer is an 82 mobile to connect to utilities.
- Land division needs 2 inch meter, but asked to determine if line could be tapped. Mr. Fierro would like to know why City Manager is getting involved with water line decisions, instead of Water Supervisor making the call.
- Asked to be added to P&Z meeting for July 21 and was not added to agenda; was told agenda would have to be amended to include me, due to not having a quorum meeting did not take place. Though it was an inconvenience due to traveling from Albuquerque to make this particular meeting.

City Manager Williams addressed Robert Fierro on concerns:

- Board members word is taken to comply with regulations, but will research information
- Showed Mr. Fierro on City website the municipal codes
- City advertises before City does any type of hiring as per our ordinance
- Land division will follow up
- Leyva Land division is based on Water Supervisor experience, it was not City Manager Williams call
- Being left off the P&Z agenda was a mistake, Mr. Fierro will be on next P&Z agenda

Mike Hartgrave addressed Commissioners on 30 plus years of experience with benefits program with the City. Stated current insurance carrier has done an excellent job, insurance did not increase in cost, and a great wellness program added with the new affordable care act. Mr. Hartgrave stated self-insured programs have not been good, in his experience.

Randy Pettigrew addressed Commissioners with concern from Robert Fierro in reference to P&Z and ETZ board; Mr. Pettigrew stated he does live within 5 mile radius, was appointed to the boards, and consistently voted based on decisions with recommendation from staff and from City Attorney to make sure he is making an informed decision.

Faye McCracken addressed City Attorney McMahan concerning law of taxation without representation; Mrs. McCracken cannot vote in city elections because of primary residency, but pays taxes on rental property in the city. City Attorney McMahan explained to Mrs. McCracken that her primary residency in Lea County, New Mexico decides where you can vote and in which district.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:40 p.m.

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

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