

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, AUGUST 25, 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 Campos, Commissioner Butcher, Mayor Gandy, Commissioner Bengé and Commissioner Trujillo

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

**Invocation:** Commissioner Bengé gave the invocation

**Pledge of Allegiance:** Commissioner Bengé 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 Trujillo seconded and a roll call was taken: Commissioner Trujillo – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes, Mayor Gandy – Yes and Commissioner Campos - Yes.

**Approval of the Regular Minutes of August 11, 2014:** Mayor Gandy called for a motion to approve the regular minutes of August 11, 2014. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, Commissioner Bengé – Yes, and Commissioner Butcher – Yes.

**COMMISSIONER AND STAFF REPORTS:**

- Mayor Gandy reported street holes on 13th Street & Yucca. Update on lights, Administrative Assistant Juarez reported list to Lea County Electric.
- Commissioner Bengé complimented the Band Concert Saturday night and said it was excellent! Stated considering moving City's South welcoming sign further South, so it won't take away from Ferguson's newly remodeled building. Community should take time to thank local businesses for their contributions and donations businesses make to the community.
- City Manager Williams addressed Commissioners of change to add Accounts Payable to every commission agenda.

**ACTION ITEMS:**

**Consideration of Approval of Resolution 2014-38: Approval of 2016-2020 ICIP:** Mayor Gandy called for a motion to approve the resolution 2014-38: approval of 2016-2020 ICIP. Assistant City Manager Jared Cobb stated the approval of the Resolution 2014-38 and 2016-2020 ICIP will allow the City to apply for state capital outlay funds, grants, and loans. Changes to top 5 ICIP list is as follow: 1. Chaparral Park Irrigation

System \$600,000; 2. Chaparral Park Splash Pad \$200,000; 3. Central Plaza Project \$1,694,000; 4. Reconstruct N. 17<sup>th</sup> Street Bypass \$2,536,127; 5. Water Rights/Well construction \$4,300,000. Items added to ICIP: Streets Hot Patch Trailer, Chaparral Park Playground Equipment, Lea Theatre Rehabilitation, and Repair Chaparral Park Fountain and Stream. Commissioners reviewed ICIP list. Commissioner Trujillo so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Resolution 2014-39: Central Plaza Phase I Change Order #2 and #3:** Mayor Gandy called for a motion to consider approval of resolution 2014-39: Central Plaza Phase I Change Order #2 and #3. City Manager Williams addressed the Commissioners to approve resolution to adjust the increase in cost for Central Plaza Project to include the removal of existing brick pavers and modification to the irrigation system. Update of status of project scheduled for completion September 6, some weather delays. On September 6 project will be suspended; roads will be completed but light fixture and street furniture will be delayed. Commissioner Butcher so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes, and Mayor Gandy – Yes. Motion was approved.

**Consider Approval of Ordinance No. 529: Lease Agreement between City and Extreme Services, LLC for 5.00 acres of City Property located on Highway 18:** Mayor Gandy called for a motion to approve the resolution 2014-40: Lease Agreement between City and Extreme Services, LLC for 5.00 acres of City Property located on Highway 18. City Manager Williams addressed Commissioners of property advertisement of lease of land located on Highway 18, with a minimum bid of \$750.00 per month. One bid of \$750.00 was received from Extreme Services, LLC to operate an oilfield service equipment and rental company. After signing of lease within 3 months of signing, Extreme Services, LLC needs to begin development of property and be complete within one year. Commissioner Campos 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.

**Consider Approval of Resolution 2014-41: Adoption of the 2014/2015 LGRF Project:** Mayor Gandy called for a motion to approve the resolution 2014-41: Adoption of the 2014/2015 LGRF Project. City Manager Williams addressed the Commissioners to adopt or recommend funding for a different project due to the amount of funding received for the grant for reconstruction of North Commercial Street. The resolution would amend the grant agreement and assign the funds to the Central Avenue Project; or if Commission assigns to a different street project; staff will revise the resolution and bring back to the next Commission meeting. Commissioner Bengé so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Butcher – No, Commissioner Campos – No, Commissioner Trujillo – No, Commissioner Bengé – No, and Mayor Gandy – No. Motion was not approved.

**Consider Approval to Advertise Ordinance No. 528 – Local Option Hold Harmless 3/8’s Tax:** Mayor Gandy called for a motion to approve to advertise ordinance No. 528 – Local Option Hold Harmless 3/8’s Tax. City Manager Williams stated staff prepared option D ordinance for 3/8 hold harmless gross receipts tax to offset from hold harmless distribution for Commissioners to approve for advertisement. Once advertised, on September 22 for approval by Commission, then submitted to DFA tax will take effect January 1, 2015. Earl Davis addressed Commissioner with concerns regarding Lovington being the highest tax in Lea County; encouraged Commissioner to vote against tax increase and to consider other options, such as Davis Beacon Act, for funds to replace infrastructure in the City. Commissioner Trujillo respected Mr. Davis point of view, but feels tax increase will help the City moving forward with development. Commissioner Butcher so moved. Commissioner Bengé 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 of Ordinance No. 529 – 2014 Uniform Traffic Ordinance Amendments:** Mayor Gandy called for a motion to approve ordinance No. 529 – 2014 uniform traffic ordinance amendments. City Manager Williams stated ordinance will allow the City to adopt the 2014 changes to the “texting while driving” ban from the State of New Mexico; ordinance has been advertised as required. Commissioner Campos 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. Motion was approved

**Consideration of Approval of Weed and Brush Abatement Contract:** Mayor Gandy called for a motion to approve weed and brush abatement contract. City Manager James Williams addressed Commissioners to approve contract to allow for the abatement of weeds and brush on properties the City has identified as a health and safety issue due to excessive weeds and brush. City will abate, property owner has 15 days to pay bill or City will place a lien on property. One bid was received from Lawn Patrol for the amount of \$90.00 per hour. Commissioner Campos 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. Motion was approved.

**Consider Approval of Resolution for a zoning variance at 721 W. Taylor Street – Accessory building in rear yard to exceed maximum allowable size:** Mayor Gandy called for a motion to approve the resolution for a zoning variance at 721 W. Taylor Street – Accessory building in rear yard to exceed maximum allowable size. Clint Gomez presented documentation of approved building permit by State, clarified to Commissioners the entrances and exits to shop building; explained the proper and safety procedures that were taken with this project. Mr. Gomez stressed how much is vested in shop with cost and time. Commissioner’s explained their personal opinion of property should not interfere with proper procedure Mr. Gomez took to build shop.

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

**PUBLIC COMMENT:**

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:10 p.m.

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

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