REGULAR MEETING OF THE CITY COMMISSION
MONDAY, JANUARY 10, 2017 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Call to Order: The meeting was called to order by Mayor Campos at 5:30 p.m.

Present and answering roll call: Commissioner Gandy, Commissioner Trujillo, Commissioner Butcher, and Mayor Campos

Also Present: City Manager James Williams, City Attorney Patrick McMahon, Chief of Police David Rodriguez, Fire Chief Terrance Lizardo, Planning and Zoning Coordinator Crystal Ball, Finance Director Gary Chapman, Commissioner Arthur Sanchez, and Administrative Assistant Anna Juarez

Invocation: Commissioner Gandy gave the invocation.

Pledge of Allegiance: Commissioner Gandy led the pledge.

Approval of Agenda: Mayor Campos called for a motion. Commissioner Trujillo so moved to approve agenda as submitted; Commissioner Gandy seconded. Motion carried unanimously.

Approval of the Regular Meeting Minutes of December 12, 2016 and Called Meeting Minutes of December 20, 2016: Mayor Campos called for a motion. Commissioner Trujillo so moved to approve the regular meeting minutes of December 12, 2016 and Called Meeting Minutes of December 20, 2016 as submitted; Commissioner Gandy seconded. Motion carried unanimously.

COMMISSIONER AND STAFF REPORTS:

- Finance Director Chapman stated City of Lovington has submitted annual audit on time by December 15, 2016.
- City Manager Williams informed Commissioners of:
    - NMML day is February 21 – 23, 2017; City Manager asked Commissioners to give notice if they are able to attend.
    - Chamber Banquet is February 2, 2017 at the Youth Center; City Manager asked Commissioners to give notice if they are able to attend.
    - Library Director interviews will be conducted this week.
    - Legislative session starts on January 17, 2017 at noon; Pre-filed Legislation is on the website www.nmlegis.gov
    - Motor Vehicle Department had a break-in on December 20, 2016 had a loss of around $1,300; security system will be installed.
    - Reviewed and discussed GRT activity.

- Hiring two part time positions for the Youth Center, due to increase in attendance.
- Mayor Campos informed the public to be prepared to have four acceptable documents for proof of residency/identification in hand prior to renewing license for the Real ID Issuance.

PUBLIC COMMENT:
No public comment was made.

NON-ACTION ITEMS:
Discussion of LCFA Board Appointment and Planning and Zoning Commission Appointment: City Manager Williams informed Commissioners of Mike Farris, City Representative, has resigned from the Lea Community Foundation for the Arts. Commissioner Gandy stated he is interested in volunteering; all interested parties will be considered for appointment at the next regular City Commission Meeting. City Manager Williams informed Commissioners of Planning and Zoning Board Member David Lynch unexpected passing; his position will need to be filled, the appointed member will complete his unexpired term. Discussion item only, no action was taken.

Discussion of MOU for irrigation at Community Health and Wellness Center: City Manager Williams informed Commissioners of David Shaw's request for the City to enter into an agreement to provide water for irrigation of the soccer pitches that will be located at the Community Health and Wellness Center. The hospital has agreed to construct, equip, and maintain the fields in exchange for allowing the public to utilize the open space. City Manager Williams asked Commissioners to review the drafted MOU. The document will be presented for final approval by the City at the January 23, 2017 meeting. City Attorney McMahon stated one item to incorporate into the draft, is addressing drought conditions/restrictions. City Attorney McMahon stated the City could avoid the anti-donation, with a defensible position, with exchange of water versus the benefit to the public use of outdoor space. Discussion item only, no action was taken.

Commissioner Sanchez arrived at 5:48 P.M.

ACTION ITEMS:
Consider Resolution 2017-1: Execution of NMDOT TAPF Grant for construction of Washington Avenue Streetscape, ADA, Pedestrian, and Bicycle Facilities: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-1: Execution of NMDOT TAPF Grant for construction of Washington Avenue Streetscape, ADA, Pedestrian, and Bicycle Facilities; Commissioner Butcher seconded. Resolution 2017-1 will authorize the Mayor to execute the Cooperative Project Agreement Construction Work with NMDOT for the Washington Avenue Streetscape Project; completion of design on September 30, 2017. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-2: Execution of NMDOT RTP Grant for construction of Multi-Use Trail: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-2: Execution of NMDOT RTP Grant for construction of Multi-Use Trail; Commissioner Sanchez seconded. Resolution 2017-2 will authorize the execution of a Cooperative Grant Agreement for Construction of the Multi-Use and Amenities with NMDOT; Design for this project is currently underway and is a budgeted item. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-3: Approval of City Title VI Plan: Mayor Campos called for a motion. Commissioner Butcher so moved to consider Resolution 2017-3: Approval of City Title VI Plan; Commissioner Sanchez seconded. Resolution 2017-3 will approve and adopt the City of Lovington Title VI Plan; this plan will ensure that the City makes efforts to prevent discrimination of low-income and minority populations as a result of its programs and make efforts to provide meaningful access to persons with limited English proficiency. Adoption of this plan is required in order to remain eligible for federal funding. There being no further discussion; motion carried unanimously.

Consider Resolution 2017-4: Award of Water Meter Installation: Mayor Campos called for a motion. Commissioner Sanchez so moved to consider Resolution 2017-4: Award of Water Meter Installation; Commissioner Butcher seconded. The City solicited and received bids for the installation of the 2,287 radio read water meters; bids were tabulated and certified by the project engineer. City Manager Williams stated as this project is being funded with the NM Environment Capital Outlay Funds, review was made by the NMED CPB and they concur with the recommendation of award to Utility Metering Solutions. There being no further discussion; motion carried unanimously to award project to Utility Metering Solutions.

Consider Resolution 2017-5 approving variances for lots 21A, 20A, 16A, and 15A, Block 3 of Faye Heights Addition: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution approving variances for lots 21A, 20A, 16A, and 15A, Block 3 of Faye Heights Addition; Commissioner Butcher seconded. Planning and Zoning Coordinator Ball stated owners of lots 15A-21A recently re-platted their property to adjust lot lines to where only one duplex would be located per lot; during the replat, setbacks could not be met with the existing structures in side yards. The Planning and Zoning Commission recommended approval of the variance request at the December 13, 2016 meeting; no safety or sight concerns have been identified. There being no further discussion; motion carried unanimously to approve Resolution 2017-5: approving variances for lots 21A, 20A, 16A, and 15A, Block 3 of Faye Heights Addition.

Consider Resolution 2017-6 for street light placement in area of 13th and Yucca: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Resolution 2017-6 for street light placement in area of 13th and Yucca; Commissioner Butcher seconded. City Manager Williams informed Commissioners of citizen request to install

additional street lighting in the area of 13th and Yucca. A review of the area revealed a burned out light, which has been repaired; but large trees, located on private property, do interfere with street lighting and could be trimmed or pruned to improve the lighting area. Planning and Zoning reviewed request, but did not recommend approval. After some discussion; Commissioner Butcher so moved to table Resolution 2017-6 Street light placement in the area of 13th and Yucca; Commissioner Sanchez seconded. A roll call vote was taken; Commissioner Gandy – No, Commissioner Trujillo – Yes, Mayor Campos – Yes, Commissioner Butcher – Yes, and Commissioner Sanchez – Yes; motion was approved to table resolution.

Consider Lodgers Tax Funding Recommendations: Mayor Campos called for a motion. Commissioner Trujillo so moved to consider Lodgers Tax Funding Recommendations; Commissioner Butcher seconded. City Manager Williams informed Commissioners of Lodgers Tax Board meeting held on January 4, 2017 and their final funding recommendations as such:

Lovington MainStreet – Business Seminar	$	2,310.13
Lovington MainStreet – Brand Promotion	$	3,370.57
Lovington MainStreet – Downtown Campaign	$	2,074.32
Lea County Museum – Focus on Lea magazine ad	$	216.12
Lea County Museum – Llano Estacado Art Show	$	2,486.40
Lea County Museum – Travel Host Magazine Ad	$	487.50
Lea County Museum – Writers Reading at Undergrounds	$	735.22
Lea County Museum – Wren Best Art Show	$	1,062.65
Wildbunch Softball – 8th Annual Spring Bash	$	1,917.82
TOTAL:	**$**	**14,660.75**

There being no further discussion; motion carried unanimously.

Consider Approval of Accounts Payable: Mayor Campos called for a motion. Commissioner Sanchez so moved to approve the accounts payable; Commissioner Butcher second. There being no further discussion, Mayor Campos called for a vote. Motion carried unanimously.

CLOSED SESSION:

At 6:07 p.m., Commissioner Trujillo moved to adjourn the 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 – City owned commercial property being leased; potential acquisition of property for drainage and water rights and Subsection H-2, regarding limited personnel matters: City Manager Annual Evaluation; Commissioner Gandy seconded, a roll call vote was taken: Commissioner Gandy – Yes, Commissioner Trujillo - Yes; Commissioner Butcher - Yes; Commissioner Sanchez – Yes, and Mayor Campos - Yes.

At 7:25 p.m., Commissioner Gandy so moved to adjourn the 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 Butcher seconded and a roll call vote was taken: Commissioner Gandy – Yes, Commissioner Trujillo - Yes; Commissioner Butcher – Yes, Commissioner Sanchez - Yes; and Mayor Campos – Yes.

ACTION ITEMS:

Consider Approval of City Manager Evaluation: City Manager Williams received a satisfactory evaluation from Commissioners. Mayor Campos called for a motion. Commissioner Trujillo so moved to approve City Managers Evaluation; Commissioner Sanchez seconded. There being no further discussion, all Aye. Motion was approved.

ADJOURNMENT:

There being no further business, Mayor Campos adjourned the meeting at 7:27 p.m.

APPROVED: _____

PAUL CAMPOS, MAYOR

ATTEST: _____

ANNA JUAREZ, DEPUTY CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: 2nd Quarter Financial Report
DEPARTMENT: Finance
SUBMITTED BY: Gary Lee Chapman, Finance Director
DATE SUBMITTED: January 23, 2017

STAFF SUMMARY:

Staff has prepared the second quarter Financial Report of Fiscal Year 2016-17 (October - December 2016).

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
Finance Director

None.

ATTACHMENTS:

Second Quarter Financial Report

RECOMMENDATION:

Information Only

Gary Lee Chapman
Department Head

James R. Williams
City Manager

Fund	Title	Category	Budget	YTD Actual	YTD Budget Remaining	Percent Total Budget Used
101	General Fund	Salary & Benefits	6,352,209	3,074,337	3,277,872	48.40%
101	General Fund	Services & Supplies	3,016,107	1,228,082	1,788,025	40.72%
101	General Fund	Capital Outlay	537,000	138,510	398,490	25.79%
101	General Fund	Transfer Out	325,509	18,346	307,163	5.64%
101	**General Fund**	**Total**	**10,230,825**	**4,459,275**	**5,771,550**	**43.59%**
301	Cap Projects - Hold Harmless	Capital Outlay	689,167	143,359	545,808	20.80%
301	Cap Projects - Hold Harmless	Transfer Out	723,450.00	49,208.09	674,242	6.80%
301	**Cap Projects - Hold Harmle**	**Total**	**1,412,617**	**192,567**	**1,220,050**	**13.63%**
504	Solid Waste	Salary & Benefits	180,475	87,223	93,252	48.33%
504	Solid Waste	Services & Supplies	1,810,185	812,521	997,664	44.89%
504	Solid Waste	Capital Outlay	75,000	4,790	70,210	6.39%
504	**Solid Waste**	**Total**	**2,065,660**	**904,534**	**1,161,126**	**43.79%**
505	Water & WasteWater	Salary & Benefits	1,078,858	558,006	520,852	51.72%
505	Water & WasteWater	Services & Supplies	1,369,945	857,577	512,368	62.60%
505	Water & WasteWater	Capital Outlay	914,300	518,558	395,742	56.72%
505	Water & WasteWater	Debt Service	549,807	378,640	171,167	68.87%
505	**Water & WasteWater**	**Total**	**3,912,910**	**2,312,780**	**1,600,130**	**59.11%**
509	Ambulance	Salary & Benefits	363,540	160,975	202,565	44.28%
509	Ambulance	Services & Supplies	272,741	127,826	144,915	46.87%
509	Ambulance	Capital Outlay	216,003	22,703	193,300	10.51%
509	**Ambulance**	**Total**	**852,284**	**311,504**	**540,780**	**36.55%**
	All Other Funds	Salary & Benefits	379,210	197,710	181,500	52.14%
	All Other Funds	Services & Supplies	882,488	222,476	660,012	25.21%
	All Other Funds	Capital Outlay	1,924,475	111,854	1,812,621	5.81%
	All Other Funds	Debt Service	687,450	43,725	643,725	6.36%
	All Other Funds	Transfer Out	50,000	0	50,000	0.00%
	All Other Funds	**Total**	**3,923,623**	**575,764**	**3,347,859**	**14.67%**
		Combined Total all Fun	**22,397,919**	**8,756,425**	**13,641,494**	**39.09%**

Fund	Account Title	Budget	YTD Actual	Projected Revenue for Fiscal Year	Projected Increase / Decrease for Fiscal	% Projected Revenue/ Revised
101	General Fund	9,627,920	2,861,599	7,827,920	(1,800,000)	81.30%
201	Correction Fund	40,000	15,838	57,592	17,592	143.98%
206	Emergency Medical Services Gr	15,340	18,499	18,499	3,159	120.59%
209	Fire Protection Grant	81,746	85,484	83,636	1,890	102.31%
211	Law Enforcement Grant	34,400	34,400	34,400	0	100.00%
214	Lodger's Tax	56,000	40,884	123,535	67,535	220.60%
216	Municipal Street Gas Tax	708,339	74,605	700,000	(8,339)	98.82%
217	Special Recreation	68,610	19,681	68,610	0	100.00%
219	Sr Citz Multi Purpose Grant	500,417	103,325	500,417	0	100.00%
228	Lab Fees	1,500	695	1,500	0	100.00%
229	C.D.G.B.	550,000	0	550,000		
230	Judicial Education Fees	7,200	3,373	7,200	0	100.00%
231	Court Automation Fees	13,000	9,050	13,000	0	100.00%
233	Designated Franchise	61,000	28,426	56,852	(4,148)	93.20%
250	TIF - Downtown Improvements	0	26	51	51	
	Capital Projects - Hold		264,818			
301	Harmless	1,446,875		1,189,732	(257,143)	82.23%
311	ECONOMIC DEVELOPMENT	577,800	126,172	412,794	(165,006)	71.44%
402	Debt Service - (HH)Revenue B	687,450	43,725	687,450	0	100.00%
504	Solid Waste	1,936,800	460,032	1,936,800	0	100.00%
505	Water & WasteWater	3,092,496	1,311,360	3,147,265	54,769	101.77%
509	Ambulance	675,070	369,788	810,000	134,930	119.99%
	Totals	**#######**	**5,871,779**	**18,227,254**	**(1,954,709)**	90.31%

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: City Utility Policy
DEPARTMENT: Finance
SUBMITTED BY: Gary Lee Chapman, Finance Director
DATE SUBMITTED: January 23, 2017

STAFF SUMMARY:

Recently, I've become aware that we have accepted several fraudulent rental agreements and provided water/sewer service to individuals who do not have rights to the residence.

The question: Is it our responsibility to ensure we verify ownership and have the owners consent prior to providing service.

Knowing that the owner is ultimately responsible for unpaid service charges, we have been asking everyone to provide us with documentation showing proof of ownership and the property address (911). In the case of renters, we are asking for Notarized contract/rental agreements with the owners.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
Finance Director

Capturing payments from illicit residents.

ATTACHMENTS:

(Sample) Water Turn on Policy.

RECOMMENDATION:

Information Only

Gary Lee Chapman
Department Head

James R. Williams
City Manager

City of Lovington

214 S. Love St.
PO Box 1268
Lovington, NM 88260

Bus: 575-396-2884
Fax: 575-396-6328
gchapman@lovington.org

WATER & WASTEWATER SERVICE POLICY

Moving In (Start Service)

New Customers
Welcome to Lovington!

To start service in a home they have purchased, please complete and submit the New Service Form and bring it to our Utility Department during regular business hours with a copy of the first page of their HUD 1 form or property Deed.

To start service in a residence where they are a tenant, the customer must complete the New Service Form and submit a copy of their signed and notarized lease along with a copy of a form of ID (i.e. driver's license). Tenants require a $200 security deposit to start service.

SAMPLE

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2017-6: 13th and Yucca Lighting

DEPARTMENT: Planning and Zoning Commission

SUBMITTED BY:

DATE SUBMITTED: January 9, 2017

STAFF SUMMARY:

This Resolution was tabled pending additional data at the January 9, 2017 Commission Meeting. Night time photos have been obtained and demonstrate the "lighting profile" in the area matches adjacent streets. Upon further review, it was noted that this area also has sidewalks on both sides of the street, therefore reducing the need for pedestrians walking in the roadway. As demonstrated by the pictures, tree limbs do block some of the lighting in the area.

The Planning and Zoning Commission did recommend denial of this request.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
Finance Director

Each additional light increases annual utility costs by $105.00.

ATTACHMENTS:

Resolution 2017-6
Photos of area

RECOMMENDATION:

Motion to approve Resolution 2017-6 and selecting to approve or deny request.

Crystal R Ball, CFM
Department Head

James R. Williams
City Manager

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-6

A RESOLUTION FOR STREET LIGHT INSTALLATION IN AREA OF 13TH STREET AND YUCCA

WHEREAS, an unknown individual made a request to Lea County Electric for the placement of additional street lights in the area of 13th and Yucca; and

WHEREAS, this request was presented to the Lovington Planning and Zoning Commission at the December 13, 2016 meeting; and

WHEREAS, the recommendation from the Planning and Zoning Commission was to not approve the installation of additional street lights in this location due to the recent repair of a street light has improved conditions and private property trees can be pruned and/or trimmed to increase the available lighting; and

WHEREAS, final review and approval is required by the Lovington City Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the request for additional street lights is

_____ APPROVED

_____ NOT APPROVED

DONE THIS 9TH DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

13th and Yucca North

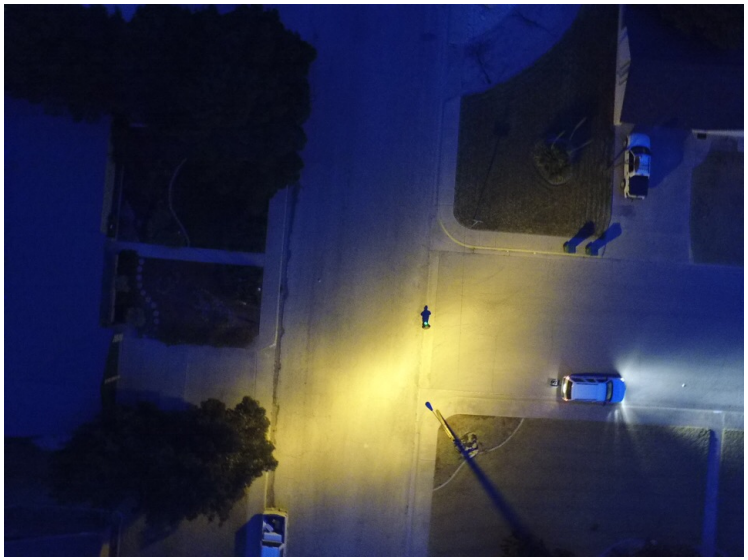
13th and Midpoint (looking South)

13th and Midpoint (looking South)

13th and Midpoint directly under light (looking South)

South of midpoint, looking North

South of midpoint, looking North



13th St Aerial

Yucca Aerial (West of 13th)

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: 2017-7: MOU with NLH for Irrigation
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: January 23, 2017

STAFF SUMMARY:

As discussed at the January 9, 2017 City Commission meeting, Nor Lea Hospital has requested assistance in the form of providing water for irrigation of the open spaces at the Community Health and Wellness Center. The water would be provided at no charge in exchange for allowing public use of the outdoor open spaces.

The original draft has been attached to the document. As discussed, Legal will be adding a drought and emergency clause as well as maximum volume of water used.

FISCAL IMPACT:

REVIEWED BY: _____
Finance Director

Not too exceed $3,600 annually in water.

ATTACHMENTS:

Draft MOU

RECOMMENDATION:

Motion to approve Resolution 2017-7.

_____
Department Head

James R. Williams
City Manager

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-7

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT FOR IRRIGATION OF THE NOR LEA HOSPITAL COMMUNITY WELLNESS AND FITNESS CENTER

WHEREAS, the Hospital District has planned for and agreed to provide funding for the construction of a Community Wellness and Fitness Center ("Center") in Lovington, New Mexico; and

WHEREAS, the Hospital District has requested assistance to provide water for irrigation of the exterior open spaces of the Center that includes soccer pitches; and

WHEREAS, the Hospital District has agreed to allow public use of the soccer pitches and open spaces in exchange for the provided water for irrigation

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the Mayor is authorized to execute a Memorandum of Agreement with Nor Lea Hospital for the irrigation of the Community Wellness and Fitness Center.

DONE THIS 23RD DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

MEMORANDUM OF AGREEMENT FOR IRRIGATION OF THE NOR LEA HOSPITAL COMMUNITY WELLNESS AND FITNESS CENTER
Between
CITY OF LOVINGTON, NM & NOR LEA HOSPITAL DISTRICT

This agreement ("Agreement") is made this _____ day of _____, 2017 between the Commission of the City of Lovington, New Mexico ("City"), a municipal corporation organized and existing under the laws of the State of New Mexico, acting by and through its duly constituted City Commission, hereinafter referred to as "City" and the Nor-Lea Hospital District, a political subdivision organized and existing under the laws of the State of New Mexico, acting by and through its duly constituted Board, hereinafter referred to as "Hospital District".

RECITALS

WHEREAS, the Hospital District has planned for and agreed to provide funding for the construction of a Community Wellness and Fitness Center ("Center") in Lovington, New Mexico; and

WHEREAS, the Hospital District has requested assistance to provide water for irrigation of the exterior open spaces of the Center that includes soccer pitches; and

WHEREAS, the Hospital District has agreed to allow public use of the soccer pitches in exchange for the provided water for irrigation

NOW, THEREFORE, in consideration of the agreements and covenants contained herein the parties agree as follows:

AGREEMENT

1.0 CITY CONTRIBUTION

City agrees to provide and install a METER SIZE water meter at the site of the Center that will be utilized for irrigation of the outdoor open spaces located at the site. The City will provide the water at no charge.

2.0 HOSPITAL DISTRICT CONTRIBUTION

The Hospital District shall construct the irrigation system and related equipment, as well as other site improvements required at the site of the outdoor open spaces and soccer pitches at the Center. The Hospital District will be responsible for all maintenance of the site. The Hospital District will allow public use of the outdoor open spaces and soccer pitches at no charge.

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3.0 TERM

The term of this agreement will begin upon the date of this agreement and will terminate five (5) years from the first day of operation of the Center. Renewal of this agreement will be at the discretion of the City and the District.

4.0 NOTICES; REPRESENTATIVES OF THE PARTIES

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

To City:
Lovington City Hall
214 S. Love Street
Lovington, New Mexico 88260
Attn: James R. Williams, City Manager

To Hospital District:
Nor-Lea Hospital District
1600 N. Main Street
Lovington, New Mexico 88260
Attn: David Shaw, CEO

5.0 LIABILITY

The Hospital District shall indemnify, defend, and hold harmless the City, its employees, agents, officers and officials from any and all claims, demands, losses, causes of action, costs, expenses, and liability of any nature whatsoever, including court costs, attorney's fees, and any expenses incurred in enforcing this provision, which may result from, arise out of, be related to, or in any way be connected with the Center being owned, managed, and operated by the Hospital District; provided, however, that nothing shall be construed to require or obligate the Hospital District to indemnify the City of Lovington against or hold the City harmless from the City's own negligent acts or omissions.

6.0 AMENDMENTS

This Agreement may be amended only by a written instrument signed by all the parties, and then only to the extent of such instrument.

7.0 GOVERNING LAW

This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of

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New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement, including the expenses of in house counsel.

IN WITNESS WHEREOF, we have hereunto affixed our hands and seals this _____ day of _____, 2017.

NOR LEA HOSPITAL DISTRICT

By: _____
President, Board of Trustees

ATTEST: Nor Lea Hospital District
Secretary of Board of Trustees

By: _____

CITY OF LOVINGTON, NEW MEXICO

By: _____
Paul Campos, Mayor

ATTEST: Lovington City Clerk

By: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Nor Lea Hospital District Attorney

By: _____
Lovington City Attorney

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CITY OF LOVINGTON
STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2017-8: NM Gas Easement in Well Field
DEPARTMENT: Planning and Zoning
SUBMITTED BY: Crystal Ball, Planning and Zoning Coordinator
DATE SUBMITTED: January 19, 2016

STAFF SUMMARY:

NM Gas Company has requested a 50 foot easement, as demonstrated in the attachments, in the municipal well field. The purpose of this easement is for the installation of a natural gas line to service Navajo Refinery.

FISCAL IMPACT:

REVIEWED BY: _____
Finance Director

ATTACHMENTS:

Resolution 2017-8
Easement Survey and supporting documentation

RECOMMENDATION:

Motion to approve Resolution 2017-8

Easement documents will be provided by Legal for the Mayor to execute.

Crystal R Ball, CFM
Department Head

James R. Williams
City Manager

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-8

A RESOLUTION APPROVING A GRANT OF EASEMENT TO NM GAS COMPANY WITHIN THE CITY MUNICIPAL WELL FIELD

WHEREAS, NM Gas Company has requested an easement within the City Municipal Well Field; and

WHEREAS, the purpose of this easement is for placement of a natural gas line for Navajo Refinery; and

WHEREAS, this easement is legally described as:

> A 50.00 foot wide Natural Gas Easement within the Southwest ¼ Northeast ¼ of Section 36, Township 16 South, Range 36 East, N.M.P.M., Lea County, New Mexico, the centerline of which is described as follows:
>
> Beginning at a point whence the North ¼ corner of said Section 36 bears North 13°20'132" West, a distance of 2,236.2 feet; thence North 68°42'46" East, a distance of 254.83 feet; thence North 17°59'59" West, a distance of 464.21 feet to the point of ending, whence the North ¼ corner of said Section 36 bears North 20°22'52" West, a distance of 1,751.93 feet.
>
> A survey of said easement will be attached to this Resolution for reference.

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the natural gas easement, as legally described above, is granted to the NM Gas Company and the Mayor is authorized to execute an easement agreement with NM Gas Company that will be attached to this Resolution for reference.

DONE THIS 23RD DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

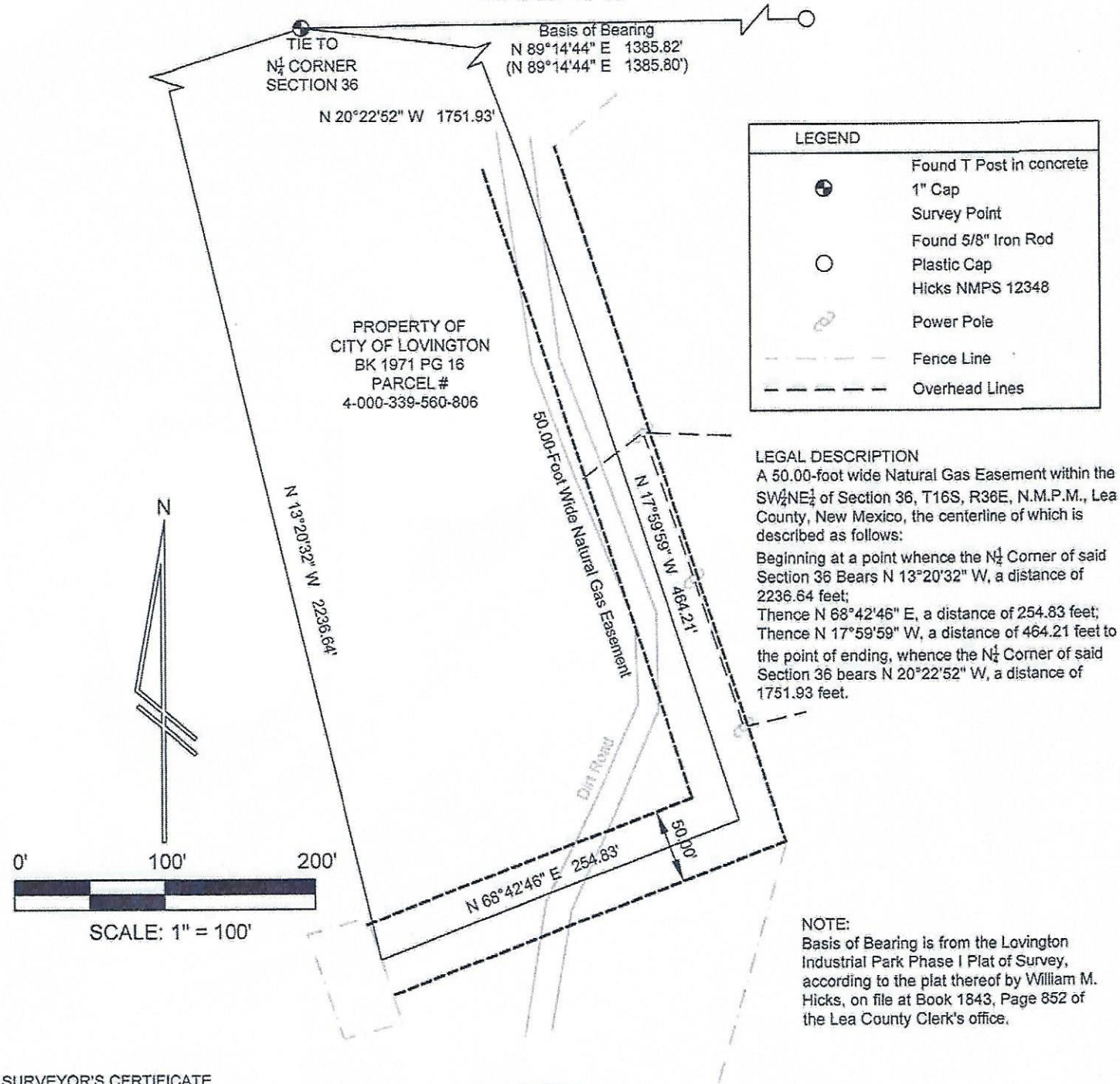
_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

SURVEY OF A 50.00 FOOT WIDE NATURAL GAS EASEMENT OVER AND ACROSS THE PROPERTY OF THE CITY OF LOVINGTON - WITHIN $SW\frac{1}{4}NE\frac{1}{4}$ OF SECTION 36, T16S, R36E, N.M.P.M., LEA COUNTY, NEW MEXICO

EXHIBIT A



LEGAL DESCRIPTION

A 50.00-foot wide Natural Gas Easement within the $SW\frac{1}{4}NE\frac{1}{4}$ of Section 36, T16S, R36E, N.M.P.M., Lea County, New Mexico, the centerline of which is described as follows:

Beginning at a point whence the N¼ Corner of said Section 36 Bears N 13°20'32" W, a distance of 2236.64 feet;
Thence N 68°42'46" E, a distance of 254.83 feet;
Thence N 17°59'59" W, a distance of 464.21 feet to the point of ending, whence the N¼ Corner of said Section 36 bears N 20°22'52" W, a distance of 1751.93 feet.

NOTE:
Basis of Bearing is from the Lovington Industrial Park Phase I Plat of Survey, according to the plat thereof by William M. Hicks, on file at Book 1843, Page 852 of the Lea County Clerk's office.

SURVEYOR'S CERTIFICATE

I, Garret A. Allsup, New Mexico Professional Surveyor #20249, hereby certify that this Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

Garret A. Allsup, PS #20249
Survey # 20161009
October 18, 2016

NEW MEXICO 20249 PROFESSIONAL SURVEYOR

ALLSUP AND SURVEYING
(575) 574-5979
214 W. BROADWAY ST. | SILVER CITY, NM 88061

Existng NMGC pipeline
ROW # 586-185
Existing fence (orange)
Existing 30'- wide NMGC ROW
ROW # 586-184
Proposed new NMGC Pipeline location
T16S, R36E
Existing Additional 30' x 100' Valve Station easement
ROW # 586-186

Google earth

feet 3000
km 1

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2017-9: Planning and Zoning Commission Appointment
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: January 19, 2017

STAFF SUMMARY:

Staff have received interest from the following individuals who wish to serve on the Lovington Planning and Zoning Commission:

Joel Gomez
Beth Myers
Dave Rowser

This term will expire in January 2020

FISCAL IMPACT: *REVIEWED BY:* _____
Finance Director

ATTACHMENTS:

Resolution 2017-9

RECOMMENDATION:

Motion to approve Resolution 2017-9. Please identify appointee when making motion.

_____ James R. Williams
Department Head **City Manager**

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-9

A RESOLUTION AUTHORIZING THE CITY COMMISSION TO MAKE APPOINTMENTS TO THE LOVINGTON PLANNING AND ZONING COMMISSION

WHEREAS, Title II, Division V, Chapter 2.72 establishes the Planning and Zoning Commission; and

WHEREAS, the Lovington Planning and Zoning Commission is comprised of seven persons appointed by the Mayor and confirmed by the City Commission; and

WHEREAS, members of this Commission serve two year terms; and

WHEREAS, there is currently a need to fill a vacancy to the Lovington Planning and Zoning Commission for an unexpired term.

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the following individual or individuals be appointed to the Lovington Planning and Zoning Commission:

Lovington Planning and Zoning Commission

Kallie Windsor (Term expires November 2018)
Randy Pettigrew (Term expires October 2018)
Betty Price (Term expires April 2018)
Abel Cabello (Term expires June 2017)
Bobby Kimbro (Term expires July 2017)
Clinton Laughrin (Term expires May 2019)
_____ (Term expires January 2020)

DONE THIS 23RD DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2017-10: LCFA Appointment
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: January 19, 2017

STAFF SUMMARY:
Staff have only received interest from Commissioner Gandy to serve as the City Representative on the LCFA Board of Directors.

FISCAL IMPACT: *REVIEWED BY:* _____
Finance Director

ATTACHMENTS:
Resolution 2017-10

RECOMMENDATION:
Motion to approve Resolution 2017-10. Please state name of appointee when making motion.

_____ James R. Williams
Department Head **City Manager**

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-10

A RESOLUTION AUTHORIZING THE CITY COMMISSION TO MAKE APPOINTMENTS TO THE LEA COMMUNITY FOUNDATION FOR THE ARTS BOARD OF DIRECTORS

WHEREAS, the City entered into a lease agreement with the Lea Community Foundation for the Arts (LCFA) on January 26, 2016 for the Lea Theatre; and

WHEREAS, item 15 establishes a permanent voting positon on the LCFA Board of Directors for a representative appointed by the Lovington City Commission; and

WHEREAS, there is currently a need to fill a vacancy of the City representative on the LCFA Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the following individual be appointed to the Lea Community Foundation for the Arts Board of Directors as the City Representative:

_____

DONE THIS 23RD DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Resolution 2017-11: Fence Installation Bid Award
DEPARTMENT: Public Works
SUBMITTED BY: Wyatt Duncan, Public Works Director
DATE SUBMITTED: January 19, 2017

STAFF SUMMARY:

Sealed bids were received by the City on January 10, 2017 for the installation of a fence that will surround the Street Yard and Convenience Station. Four bids were received and tabulated as indicated on the attachment.

Staff recommend award to Carreon Construction, LLC as they are the low bidder and meet all requirements.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
Finance Director

$75,000 plus NMGRT (Solid Waste Fund)

ATTACHMENTS:

Resolution 2017-11
Bid Tabulation

RECOMMENDATION:

Motion to approve Resolution 2017-11

Department Head

James R. Williams
City Manager

RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2017-11

A RESOLUTION AWARDING THE STREET YARD/CONVENIENCE CENTER FENCE INSTALLATION PROJECT

WHEREAS, the City solicited and advertised sealed bid proposals for the installation of a fence that will surround the City Street Yard/Convenience Center; and

WHEREAS, bids were received by the City and publicly opened on January 10, 2017; and

WHEREAS, City staff have reviewed each response and recommend the project be awarded to Carreon Construction, LLC.

NOW, THEREFORE, BE IT RESOLVED, by the Lovington City Commission that the Street Yard/Convenience Station Fence Installation project be awarded to Carreon Construction, LLC and directs the City Manager to execute the construction contract.

DONE THIS 23RD DAY OF JANUARY, 2017 at

City of Lovington
New Mexico

_____
Paul Campos, Mayor

ATTEST:

_____
Anna Juarez, Deputy City Clerk

STREET YARD/CONVENIENCE STATION FENCE CONSTRUCTION

Vendor Name	Bid Price	Contractor License Number	Resident Contractor Certificate	Campaign Contribution Disclosure (Not Required)	Resident/Veterans Preference Certificate (Not Required)	Options, Variations, and Exceptions Listed	Bond/Security Amount
Apache Construction Co. dba Valley Fence Company P.O. Box 12312 Albuquerque, NM 87195 (505) 877-1155	$ 89,566.00	29229 GA98, GB98, GF98	L1233680336	Yes	Yes No options selected	None listed	5% ($4,478.30)
Carreon Construction LLC 1009 17th St. NW Rio Rancho, NM 87144 (505) 250-0566	$ 75,000.00	363040 GB98, GA01, GA03	L1278396976	No	No	None listed	5% ($3,750.00)
Heinrich Reimer dba HEI-REI, LLC 606 SW 18th St. Seminole, TX 79360 (432) 209-1928	$ 80,600.00	No license	Not provided	No	No	None listed	5% ($4,030.00)
Pro Fencing and Services P.O. Box 2034 Loivngton, NM 88260 (806) 759-5242	$ 81,998.85	Given JPN Service Company as license number they will use License is listed as suspended.	Not provided	No	No	Listed additional materials not provided by the City: Qty 105 20ft x 4 C Purlin Screws for attachement of R panels Paint and necessary supplys for touch up Contractor will supply temporary fencing to secure area during project	5% ($4,100.00)

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: January 23, 2017

☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Accounts Payable
DEPARTMENT: Finance
SUBMITTED BY: Gary Lee Chapman, Finance Director
DATE SUBMITTED: January 19, 2017

STAFF SUMMARY:
The Finance Department has prepared the Accounts Payable for Commission review and approval.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
Finance Director

See Accounts Payable detail.

ATTACHMENTS:
Accounts Payable detail

RECOMMENDATION:
Motion to approve Accounts Payable.

Gary Lee Chapman
Department Head

James R. Williams
City Manager

Vendor Name	Dept Code	Current Balance
3 M Cogent		8.30
A-1 Pools Co.		12,000.00
Alsco		596.37
America Supply, LLC		76.06
American Medical Group, Inc		773.33
Arreola Chiropractic Center		70.00
Atco International		160.00
BeGeo Investment LLC		277.50
Ben E Keith Amarillo		350.56
Benchmark		131.13
BenMark Supply Company Inc.		435.53
Blaine Industrial Supply		141.97
BlueTrap Financial, Inc.		233.97
Bob's Thriftway		42.48
Border States Electric Supply		11.47
Bruce's Pest Control		289.50
Burger Builders		29.01
C & S Motor Parts Co.		117.17
C E S		34,043.28
California Cont. Supplies, Inc		947.69
Caprock Air Cond/Heating		80.11
Carrot Top Industries		458.95
CENGAGE Learning		115.45
Center Point Large Print		82.68
Cisco Equipment		92.10
Constructors, Inc		1,184.37
Control Design, Inc.		211.91
Culligan Water Conditioning		24.50
Dana Kepner Co.		15,444.00
DPC Industries Inc.		1,584.64

Eagle Towing & Recovery	137.28
Economic Devp. Corp. of Lea Co	1,250.00
Eggelhof Inc.	516.94
Farmer Brothers Company	152.72
Federal Express Services	163.69
Fierro & Company	2,461.39
Forrest Tire Co.	18.50
Frank's Supply Company, Inc.	33.12
Galls/Quartermaster	2,969.47
Garage Doors Unlimited, LLC	185.01
Gardner Media, LLC	162.90
Gebo Credit Corporation	208.66
General Welding Supply	698.45
Green Equipment Company	3,495.00
Haarmeyer Electric	5,829.49
Heidel, Samberson, Newell ,Cox	2,657.71
Hennighausen & Olsen, L.L.P.	1,016.54
Higginbotham-Bartlett Co.	1,513.99
Hobbs News-Sun	149.07
Hospital Services Corporation	116.44
HW Wilson	307.50
Johnnie's Floral & Gifts	487.09
Jon Dyer-Best Books	1,559.61
Kaufman's West LLC	230.00
Keith Morwood Enterprises, Inc	111.67
KLEA Radio	499.00
Kleen-Tech Services Corp.	5,489.76
Larry Mahan's Paint & Body	2,343.33
Lea County Treasurer	327.50
Lovington Auto Supply	1,033.45
Lovington Leader	1,504.49

Lovington Tire Service, Inc.	395.14
Lovington Veterinary	6,956.00
Marker Services, LLC	855.11
Matt Davis	400.00
Med-Vet International	973.44
New Mexico Municipal League	450.00
New Mexico Self Insurers Fund	16,972.32
NM Water & Wastewater Assoc.	301.00
Noalmark Broadcasting Corp.	640.88
Odessa Pumps & Equipment	3,012.25
One Way Graphics & Design	340.00
OverDrive	3,000.00
Overhead Door Co.	340.58
P & D Petroleum, Inc	8,393.01
Polydyne Inc.	504.00
Professional Ambulance Sales	79.66
Professional Communications	936.38
Retail Strategies, LLC	30,000.00
Roberts Oil & Lube	988.50
Rogers All Electric Service	316.50
SHOPKO Hometown	221.21
Solid Waste Authority	10,553.67
Southwest Polygraph	267.03
Spector Instruments	495.00
Staples Advantage	5,930.23
Sterling Computer Products	177.84
Strong Electric	2,805.66
SWAT, LLC	272.37
TDS	20.13
Tom's Plumbing	128.70
Tom's Sharp Shop	167.73

TransUnion Risk and Alternativ	34.50
Travelers	280.00
Tyler Technologies	1,967.04
U S Food Service	346.93
Unifirst Corp.	572.40
University of NM-HSC Financial	600.00
Valentine Auto Service	2,053.03
Vanguard Health & Safety Servi	48.26
Zia Consulting, Inc.	535.00
Report Balance	210,975.30