

**REGULAR MEETING OF THE CITY COMMISSION
MONDAY, AUGUST 11, 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 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 Trujillo so moved to approve the agenda. Commissioner Bengé seconded and a roll call was taken: Commissioner Trujillo – Yes, Mayor Gandy – Yes, Commissioner Butcher – Yes, Commissioner Bengé – Yes and Commissioner Campos - Yes.

Approval of the Regular Minutes of July 28, 2014: Mayor Gandy called for a motion to approve the regular minutes of July 28, 2014. Commissioner Campos so moved. Commissioner Bengé seconded and a roll call was taken: Commissioner Campos – Yes, Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes.

COMMISSIONER AND STAFF REPORTS:

- City Manager Williams introduces Finance Director Gary Chapman. Finance Director Chapman stated he is from California, feels blessed to be here and feels very welcomed from the City Personnel.
- Mayor Gandy apologized for his attire for the evening
- Commissioner Bengé complemented the Fair & Rodeo and Chamber, stated it was a fabulous event and amazing. Yucca Building hosted lots of community booths. Had a complaint from trucks coming off of Brian Urlacher and Avenue D
- Mayor Gandy agreed with Commissioner Bengé on Fair & Rodeo doing an awesome job.
- City Manager Williams updated Commissioners on Central Plaza suspended work; contractor from Wallach was hit by lightning, which has caused a delay in concrete. Contractors have a lot of the curb and gutter poured; electrical needs to be pulled through the conduit irrigation system. Repairs on North Main on the week of July 28 has had a delay due to weather conditions and Fair & Rodeo week. City will be conducting three phone interviews for the City Planners position. City Manager Williams asked Commissioners to decide on 3/8 work

session date or to decide on the 3/8 options presented for the next commission meeting. Four options were presented to the Commissioners to consider for next commission meeting, which included 3/8 tax implementation, capital improvement fund, general fund distribution and capital improvement fund at a flat rate, and general fund distribution and capital improvement fund at a 30% rate.

- Commissioner Campos asked Interim Chief Police Rodriguez if they assisted with the Fair & Rodeo. Interim Chief Police Rodriguez stated the police department had a booth and helped with managing traffic control throughout the Fair & Rodeo week.

NON-ACTION ITEMS:

Discussion of 2016-2020 ICIP: Assistant City Manager Jared Cobb presented to the Commissioners the Infrastructure Capital Improvement Plan (ICIP) which the Department of Finance and Administration strongly encourages the municipalities to develop a 5 year plan. The plan provides an orderly process for the replacement, repair, acquisition and improvement of equipment and infrastructure. An ICIP is also critical to receive state capital outlay funds, grants, and loans. The project titles and estimated cost that rank in the first five top are: Water Rights/Well Construction \$4,300,000; Replace Water Meters \$1,080,000; Central Plaza Project \$1,694,000; Irrigation System Chaparral Park \$600,000; Reconstruct N. 17th Street Bypass \$2,536,127. Commissioners accept ICIP list as is. No action taken.

ACTION ITEMS:

Consider Amendment of Resolution 2014-24: City P.E.R.A. Participation: Mayor Gandy called for a motion to consider amendment of resolution 2014-24: City P.E.R.A. participation. City Manager Williams addressed the Commissioners stating that the amendment resolution corrects the mistake of a transposed number of the previously adopted resolution. Commissioner Trujillo so moved to approve amended resolution 2014-26: SNMEDD/COG Membership. Commissioner Benge seconded and a roll call was taken: Commissioner Benge – Yes, Commissioner Trujillo – Yes, Commissioner Campos – Yes, Commissioner Butcher – Yes, and Mayor Gandy – Yes. Motion was approved.

Consider Approval of Resolution 2014-30: Housing Authority Tax Waiver: Mayor Gandy called for a motion to approve the resolution 2014-30: housing authority tax waiver. City Manager Williams asked Commissioners to waive payments in lieu of taxes for fiscal years 2011, 2012, and 2013, as granted in previous years. Commissioner Campos abstained from voting, due to working in Housing Authority. Commissioner Benge so moved. Commissioner Trujillo seconded and a roll call was taken: Commissioner Benge – Yes, Commissioner Trujillo – Yes, Mayor Gandy – Yes, and Commissioner Butcher – Yes. Motion was approved.

Consider Approval of Resolution 2014-31: City and Lea County Economic Development Agreement: Mayor Gandy called for a motion to approve the resolution 2014-31: City and Lea County Economic Development Agreement. City Manager

Williams addressed the Commissioners to approve agreement with City and Lea County helping with economic development activities reimbursement from Lea County in the amount of \$5,000.00. Commissioner Butcher so moved. Commissioner Bengé 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 2014-32: City and Non-Metro Area Agency on Aging Agreement: Mayor Gandy called for a motion to approve the resolution 2014-32: City and Non-Metro Area Agency on Aging Agreement. City Manager Williams stated resolution allows for the City Manager and Norma Vejil to sign and enter into contract with the Non-Metro Area Agency on Aging to provide funding for transportation, congregate meals, and activities for the Senior Citizens Center. Commissioner Bengé so moved. Commissioner Trujillo 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 2014-33: Adoption of City of Lovington 40-year Water Development Plan: Mayor Gandy called for a motion to approve the resolution 2014-33: adoption of City of Lovington 40-year water development plan. City Manager Williams addressed the Commissioners to approve final draft of the 40-year Water Plan which is uploaded on website for public to view. City owns about 6000 acres feet of water rights; currently, City is using 68%. However, with population increase and economy growth; the 2045 growth prediction of 756 acre feet of additional water rights. City Manager Williams discussed the importance of data collection and system audit, evaluation of rate structure, infrastructure improvements, and water reclamation for implementation of a water development plan for system improvements. Commissioner Trujillo so moved. Commissioner Bengé seconded the motion 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 Resolution 2014-34: City and Lea Community Foundation for the Arts Project Participation Agreement: Mayor Gandy called for a motion to approve the resolution 2014-34: City and Lea Community for the Arts Project Participation Agreement. City Manager Williams addressed the Commissioners to approve project participation agreement to allow the Lea Community Foundation for the Arts to begin the remodeling, upgrading, and operation of the Lea Theater. After one year and all obligations are met, the Foundation has the option purchase at any time during the lease period with consent of City Commission. 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 for a zoning Variance on a portion of land Located on the east side of south 17th street between the 900 and 1200 blocks for the development of a self-storage facility in zone B - multifamily: Mayor Gandy called for

a motion to approve the resolution for a zoning variance on a portion of land located on the east side of south 17th street between the 900 and 1200 blocks for the development of a self-storage facility in zone B - multifamily. Ryan Burkett addressed Commissioners to approve zoning variance on northern half of parcel on plat to be zoned B to allow only for a self-storage facility. Mr. Burkett had a petition of support from neighbors within 600 yards of proposed facility. Joann Domzalski asked where the petition was for the neighbors opposed to the self-storage facility. City Manager Williams explained to Commissioners if variance is approved and business owners decide to sell the property the variance would not transfer to next land owner. Commissioner Campos asked Mr. Burkett what the probability of building new homes would be in this area. Mr. Burkett responded with the possibility of 85% chance of building nice 2000 square foot single family homes. Commissioner Trujillo stated property should be zoned for housing; feels the facility will stop the development in this area and facility should be placed in a different location. Assistant City Manager stated City is looking at areas for development in the City with our comprehensive plan. Commissioners discussed concerns with traffic on 17th Street as it serves for a truck by pass. Commissioner 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.

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. City Manager Williams stated Clint Gomez has requested a variance recommended for approval from Planning and Zoning. Mr. Gomez started this process by obtaining State building permit from the State; prior to the State requiring City approval before issuing a building permit. Commissioners discussed concerns with access into the shop. Commissioner Trujillo so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – No, Commissioner Butcher – No, Commissioner Campos - No, Commissioner Trujillo – Yes, and Mayor Gandy - No. Motion was not approved.

Consider Approval of Resolution for a zoning variance at 1106 W. Tyler 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 1106 W. Tyler Street – Accessory building in rear yard to exceed maximum allowable size. City Manager Williams stated Sergio Andaluz has requested a variance recommended for approval from Planning and Zoning. Mr. Andaluz started to construct shop about 6 years ago, but due to unforeseen circumstances it was placed on hold; though now project is ready to commence and paper work is in order. Commissioners discussed concerns with access into the shop. Commissioner Bengé so moved. Commissioner Campos seconded and a roll call was taken: Commissioner Bengé – Yes, Commissioner Trujillo – Yes, Mayor Gandy - Yes, Commissioner Butcher –No, and Commissioner Campos – Yes. Motion was approved.

Consider Approval of Resolution for a zoning variance at College Addition, Block 6 – Change the South half of Block 6 from Zone A – Residential to Zone C - Commercial: Mayor Gandy called for a motion to approve the resolution for a zoning variance at College Addition, Block 6 – Change the South half of Block 6 from Zone A – Residential to Zone C- Commercial. City Manager Williams stated owner Luis Teran requested a variance recommended for approval from Planning and Zoning on the property which is a vacated portion on Monroe. Commissioners discussed concerns with utilities, property line, and land ownership of property. Commissioner Bengé so moved. Commissioner Butcher 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 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: Commissioner Campos – Yes, Commissioner Butcher – Yes, Commissioner Trujillo – Yes, Commissioner Bengé – Yes and Mayor Gandy - Yes. Motion was approved.

PUBLIC COMMENT:

- Carolyn Shelby thanked City Manager Williams for handling situation concerning Waste Management very promptly.
- Star Foster suggested fixing broken basket course for Frisbee golf course, replacing the missing baskets, placing concrete tee boxes and placing a map of the course to eventually be able to hold tournaments at the Chaparral Park. Commissioners and City staff agreed course needs improvements and course will be considered on the next Park and Recreation board meeting.
- Clint Laughlin thanked City Manager Williams for handling situation concerning Chaparral Park bridge repairs promptly.
- Monica Salcido and Tabitha Lawson invited Commissioners to 2nd Annual Concert Series on August 23rd, at the Courthouse. Concert event has been promoted in Facebook, newspaper, posters, and radio stations. Commissioner Bengé suggested a different setup for concert stage to improve the sound quality.
- Clint Gomez asked Commissioners for recommendation and or direction of what to do now with variance that was denied; stated a lot has been invested in shop building already. Commissioners clarified misunderstanding of entrance to shop; stated variance will be re-evaluated in next City Commission meeting.

CLOSED SESSION:

At 6:50 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: Commissioner Bengé – Yes, Commissioner Trujillo - Yes, Commissioner Campos - Yes, Commissioner Butcher - Yes, and Mayor Gandy – Yes.

At 7:18 p.m., Commissioner Campos 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 Trujillo seconded and a roll call vote was taken: Commissioner Benge - Yes; Commissioner Trujillo - Yes; Mayor Gandy - Yes; Commissioner Butcher - Yes; and Commissioner Campos - Yes.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:20 p.m.

APPROVED: _____
SCOTTY GANDY, MAYOR

ATTEST: _____
CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☒ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: 2016-2020 ICIP
DEPARTMENT: Executive
SUBMITTED BY: Jared Cobb, Assistant City Manager
DATE SUBMITTED: August 22, 2014

STAFF SUMMARY:

The Department of Finance and Administration strongly encourages municipalities to develop a 5-year Infrastructure Capital Improvement Plan (ICIP). This document provides an orderly process to plan for the replacement, repair, acquisition, and improvement of equipment and infrastructure.

A draft of the 2016-2020 ICIP was presented at the August 11 City Commission meeting for review and public comment. Four items have been added to the plan : Streets Hot Patch Trailer (2016), Chaparral Park Playground Equipment (2016), Lea Theatre Rehabilitation (2016), and Repair Chaparral Park Fountain and Stream (2017). After a discussion among staff, the ranking of the top five projects was also changed.

Please review, discuss, and recommend adjustments, as necessary.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Approval of the attached Resolution No. 2014-38 and 2016-2020 ICIP will allow the City to apply for state capital outlay funds, grants, and loans.

ATTACHMENTS:

Resolution No. 2014-38
2016-2020 ICIP

RECOMMENDATION:

Please review and recommend any changes. Subsequently, approve Resolution No.2014-38 and the 2016-2020 ICIP.

Jared Cobb
Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-38

A RESOLUTION TO ADOPT THE 2016-2020 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

WHEREAS, the City of Lovington recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED, by the governing body, the City Commission of the City of Lovington, New Mexico that:

1. The Lovington City Commission adopts the attached 2016-2020 Infrastructure Capital Improvement Plan, and it is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
2. This Resolution supersedes Resolution No. 090913-01.

APPROVED THIS 25th DAY OF AUGUST, 2014.

SCOTTY GANDY, MAYOR

CAROL ANN HOGUE, CITY CLERK

2016-2020 ICIP

Year	Rank	Project Title	Est. Cost
2016	1	Chaparral Park Irrigation System	\$ 600,000
2016	2	Chaparral Park Splash Pad	200,000
2016	3	Central Plaza Project	1,694,000
2016	4	Reconstruct N. 17th Street Bypass	2,536,127
2016	5	Water Rights/Well Construction	4,300,000
2016		Replace Water Meters	1,080,000
2016		Industrial Park/Infrastructure Expansion	2,300,000
2016		Street Hot Patch Trailer	100,000
2016		Reconstruct N. Commercial Bypass	2,532,750
2016		Reconstruct McAlister Street	241,560
2016		Lovington Sports Complex	800,000
2016		Remodel Water Office Building	280,000
2016		Evidence Storage and Impound Lot	150,000
2016		Fire Station Construction	1,320,000
2016		Purchase Aerial Fire Apparatus	975,000
2016		Develop Southwest Neighborhood Park	150,000
2016		Lea Theatre Rehabilitation	1,474,000
2017		Chaparral Park Playground Equipment	200,000
2017		Repair Chaparral Park Fountain and Stream	287,500
2017		Library Facility Updates	200,000
2017		Apparatus Bay Exhaust System	250,000
2017		Replace Structure Fire Unit	400,000
2017		Replace Fire Rescue Vehicle	185,000
2017		Chaparral Park Amphitheater	250,000
2017		Reconstruct Avenue R - Commercial to Main	599,878
2017		Reconstruct Adams St. - Main to Love	107,450
2017		Wastewater Front End Loader	250,000
2018		Reconstruct Washington Ave. - Love to East	130,475
2018		Reconstruct Central Ave. - Main to 9th	1,051,475
2018		Replace Structure Fire Apparatus (County)	400,000
2018		Build 3MG Water Storage Tank	3,535,000
2018		Screw Press for Sludge	270,000
2019		WWTP Plant Addition	80,500

2016-2020 ICIP

Year	Rank	Project Title	Est. Cost
2019		Reconstruct Jefferson Ave. - 13th to 17th	399,100
2019		Replace Wildland Fire Units	225,000
2020		Rebuild Lift Stations #3 and #5	67,000
2020		Reconstruct Urlacher St. - 9th to Apts.	571,020
2020		Remodel Dispatch Facility	37,500
2020		Replace Fire Department SCBAs	210,000
2020		WWTP Parking Lot	20,000
2020		Water Department Backhoe	120,000

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☒ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Resolution 2014-39: Central Plaza Change Order #2 and #3
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 18, 2014

STAFF SUMMARY:

After consultation with the project engineer and contractor, City staff are requesting Commission approval for Change Order #2 and Change Order #3 for the Central Plaza Project.

Change Order #2 - Additional removals of brick pavers to match the new sidewalk due to grade changes. In addition, concrete sidewalk will be increased proportionately with the brick sidewalk.

Change Order #3 - Modification of the irrigation system that will incorporate new lines to existing trees and changes to planting locations.

Change Order #1 was made to eliminate the removal of existing trees and planting of new trees.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

Change Order #2: \$23,175.48 (\$30,175.48 - \$7,000)

Change Order #3: \$9,377.50

Total Change Orders: \$32,552.98 **does not include NMGRT.

ATTACHMENTS:

Change Order #2
Change Order #3
Resolution 2014-39

RECOMMENDATION:

Motion to approve Resolution 2014-39.

Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-39

WHEREAS, the City of Lovington has started construction of the Phase I Central Plaza Streetscape Enhancement; and

WHEREAS, the additional existing brick pavers are required to be removed to meet required grade changes; and

WHEREAS, modification to the irrigation system are required to incorporate new lines to existing trees and changes to planting locations; and

WHEREAS, these changes to the project require an increase in the project contract amount.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington approves Change Order #2 and Change Order #3 for the Central Plaza construction contract.

DONE THIS 25th DAY OF AUGUST, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

CONTRACT CHANGE ORDER					Change Order NO. 2 Removals and Brick Sidewalk	
Central Plaza Streetscape Project CN: 2100540					DATE	August 7, 2014
CONTRACT FOR: Central Plaza					STATE	New Mexico
OWNER: City of Lovington					COUNTY	Lea County
					Total Original Contract (w/o GRT)	\$ 413,339.00
TO: Abraham's Construction, Inc.						
You are hereby requested to comply with the following changes from the contract plans and specifications:						
Description of Changes				Original Unit Price	New Unit Price	Change in Contract Price
Item #	Unit	Quantity		Description		
		Original	Change (-)			
601001	LS	1	-1	Removal of Structures & Obstructions	\$20,000.00	\$0.00 \$ (20,000.00)
601001-2*	LS	0	1	Removal of Structures & Obstructions	\$0.00	\$26,100.00 \$ 26,100.00
667505-2*	SY	0	166.67	Brick Sidewalk	\$0.00	\$144.45 \$ 24,075.48
					\$ -	\$ -
TOTALS						
NET CHANGE IN CONTRACT PRICE(w/o GRT)				\$ -		\$ 30,175.48
JUSTIFICATION:						
Item No. 601001 is deleted and 601002-2 is being established for additional removals of the existing brick pavers to match the new sidewalk due to grade changes. Item 667505-2 is being established to replace and repair the existing brick areas adjacent to the new sidewalk. This is a Supplemental Agreement, Code 02 - Modifications by Construction Personnel. These are Non-Participating Items. 2* indicates Change Order #2. In addition, Item No. 608006 - Concrete Sidewalk will be increased proportionately with the brick sidewalk. There is an existing 4" concrete leveling sidewalk beneath the existing brick pavers. The 166.67 Sq. Yds. is an estimate and will be measured in the field.						
The Contract will be Increased/(Decreased) w/out NMGR By The Sum Of:					Dollars	\$30,175.48
NMGR @ 6.875%						\$2,074.56
TOTAL Amount the Contract will be Increased/(Decreased) including NMGR By The Sum Of:						\$32,250.05
Total Previous Change Orders Increase/(Decrease) w/out NMGR						-\$7,000.00
The Contract Total Including this and previous Change Orders Will Be w/o NMGR:					Dollars	\$436,514.48
NMGR @ 6.875%						\$30,010.37
The Contract Total Including this and previous Change Orders Including NMGR Will Be:					Dollars	\$466,524.85
Total Contract Percentage Change This Change Order (W/O GRT)					%	7.30%
Total Contract Percentage Change Overall (W/O GRT)					%	5.61%
The Contract Period Provided for Completion Will Remain Unchanged:						60 days.
This document will become a supplement to the contract and all provisions will apply hereto.						
Requested/Approved _____ City of Lovington, NM				(Date)		
Recommended _____ Souder, Miller & Associates				08-07-2014		
Accepted _____ Abraham's Construction Inc.				(Date)		
Approved by Agency _____ District 2 Engineer, NMDOT				(Date)		

CONTRACT CHANGE ORDER				Change Order NO. 3 Irrigation System Modifications		
Central Plaza Streetscape Project CN: 2100540				DATE	August 7, 2014	
CONTRACT FOR: Central Plaza				STATE	New Mexico	
OWNER: City of Lovington				COUNTY	Lea County	
				Total Original Contract (w/o GRT)	\$ 413,339.00	
TO: Abraham's Construction, Inc.						
You are hereby requested to comply with the following changes from the contract plans and specifications:						
Description of Changes				Original Unit Price	New Unit Price	Change in Contract Price
Item #	Unit	Quantity		Description		
		Original	Change (-)			
664995-3*	LS	0	1	Irrigation System Modifications	\$0.00	\$9,377.50
						\$ 9,377.50
						\$ -
				TOTALS		
				NET CHANGE IN CONTRACT PRICE(w/o GRT)	\$ -	\$ 9,377.50
JUSTIFICATION:						
Item No. 664995-3 is being established for modifications to the irrigation system to include: 1) Capping off and removal of existing irrigation lines to existing trees. 2) Installation of new lines to existing trees to operate with the new system. 3) Changes to planting locations and installation of extra lines as needed. This is a Supplemental Agreement, Code 02-Modifications by Construction Personnel. This is a Non-Participating Item. 3* indicates Change Order #3.						
The Contract will be Increased/(Decreased) w/out NMGR By The Sum Of:				Dollars	\$9,377.50	
NMGR @ 6.875%					\$644.70	
TOTAL Amount the Contract will be Increased/(Decreased) including NMGR By The Sum Of:					\$10,022.20	
Total Previous Change Orders Increase/(Decrease) w/out NMGR					\$23,175.00	
The Contract Total Including this and previous Change Orders Will Be w/o NMGR:				Dollars	\$445,891.50	
NMGR @ 6.875%					\$30,655.04	
The Contract Total Including this and previous Change Orders Including NMGR Will Be:				Dollars	\$476,546.54	
Total Contract Percentage Change This Change Order (W/O GRT)				%	2.27%	
Total Contract Percentage Change Overall (W/O GRT)				%	7.88%	
The Contract Period Provided for Completion Will Remain Unchanged:					60 days.	
This document will become a supplement to the contract and all provisions will apply hereto.						
Requested/Approved _____ City of Lovington, NM				(Date)		
Recommended _____ Souder, Miller & Associates				08-07-2014 (Date)		
Accepted _____ Abraham's Construction Inc.				8-7-2014 (Date)		
Approved by Agency _____ District 2 Engineer, NMDOT				(Date)		

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☒ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Resolution 2014-40: Highway 18 Land Lease
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 19, 2014

STAFF SUMMARY:

The 5.00 acre tract of City owned land located on Highway 18 was advertised for lease and requested interested parties to bid. Minimum bid was \$750 per month. It was also advertised that development on the property must begin within three months of lease signing, and development complete with 12 months of lease signing.

On August 19, 2014, bids were open at City Hall, with Extreme Services, LLC being the only bid received. They offered \$750.00 per month so they may operate an oilfield service equipment and rental company.

The Resolution will authorize the Mayor to sign the lease agreement and will be filed at the County courthouse.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

\$750 per month income to the City from rental.

ATTACHMENTS:

Resolution 2014-40
Bid Documents
Lease Agreement

RECOMMENDATION:

Motion to approve Resolution 2014-40.

Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-40

WHEREAS, the City of Lovington has certain property available, legally described as follows:

A tract of land located in the SE ¼ of Section 25, Township 16S, R36E N.M.P.M, City of Lovington, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar, being used as the SE corner of Section 25; thence 89°48'00"W 1203.92 feet along the South line of Section 25 and Section 36; thence N40°05'38"W 1837.71 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence continuing N49°45'50"E 407.17 feet along the west line of the Lovington Highway to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N40°14'10"W 534.91 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S49°45'50"W 403.18 feet to a set rebar with red plastic cap marked "HICKS NMPS 12348"; thence S40°14'10"E 534.91 feet along the west right of way line of Lovington Highway to the Point of Beginning.

and;

WHEREAS, a request for bids to lease this property was properly posted and advertised.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington Commission authorizes that Mayor to enter into a lease agreement with Extreme Services, LLC.

DONE THIS 25th DAY OF AUGUST, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

BID/PROPOSAL OPENING

DATE: August 19, 2014 **TIME:** 10:00 a.m.

BID NAME: Land Lease 3.5 miles on Hwy 18

Bidder: EXTREME SERVICES LLC **Amount:** \$750⁰⁰/month

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

PRESENT FOR BID OPENING:

James R. Williams
Donald Gutierrez
Anna Quarez



City of Lovington

Bid Form

Highway 18, 5.00 Acres Lease Bid

Name of Bidder: Extreme Services LLC. Cruz Marquez Jr
Address: PO Box 595 Lovington, NM 88260

Telephone Number: 575-631-7896
Email: Cmarquez@valernet.com

BID AMOUNT: \$ 750.00 per month

Intended Use/Business Type: (attach additional pages as necessary):

Oilfield Service Equipment
Oilfield Rental Equipment.

The City of Lovington reserves the right to waive any irregularities and award, or not award, in the best interests of the City. The City is held harmless and is indemnified for the loss and/or misplacement of bid submittals. The bidder is required to utilize this form. Signature is required and reflects agreement, by the bidder, to the terms of this document.

SIGNATURE OF BIDDER: _____

Mail or deliver to City Hall, 214 S. Love St., Lovington, NM 88260

Deadline: August 19, 2014 at 10:00 a.m. MST

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☒ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Fiscal Year 2014/2015 LGRF Grant
DEPARTMENT: Executive
SUBMITTED BY: Jared Cobb, Assistant City Manager
DATE SUBMITTED: August 22, 2014

STAFF SUMMARY:

In March, the City submitted two grant applications for a total request of \$260,000 to the New Mexico Department of Transportation for the reconstruction of North Commercial Street from Van Buren to Jefferson. The City only received one grant in the amount of \$45,000. Due to this lack of funding, staff is recommending that we use the awarded funds on a different project, such as the mill and overlay of Central Avenue from Love Street to Main Street.

The attached Resolution 2014-41 would amend the grant agreement and assign the funds to the Central Avenue Project. If the Commission desires, these funds may be used on a different street project. This would require staff to revise the resolution and bring it back at the next City Commission meeting.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

\$45,000 in NMDOT grant funds.

ATTACHMENTS:

Resolution 2014-41

RECOMMENDATION:

Approve or recommend a different project.

Jared Cobb
Department Head

James R. Williams
City Manager

RESOLUTION NO. 2014-41

A RESOLUTION TO ADOPT THE FISCAL YEAR 2014/2015 NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) LOCAL GOVERNMENT ROAD FUND (LGRF) PROJECT

WHEREAS, the City of Lovington submitted two grant applications to the NMDOT for a total request of \$260,000 for the design and reconstruction of North Commercial Street from Van Buren Avenue to Jefferson Avenue; and

WHEREAS, the City was awarded one grant in the amount of \$45,000 through the NMDOT LGRF Program; and

WHEREAS, the North Commercial Street Project is estimated to cost \$460,000, leaving a total funding gap of \$215,000; and

WHEREAS, due the lack of funding, the City desires to amend and redirect the \$45,000 NMDOT LGRF grant award to the Central Avenue Project in Lovington, New Mexico; and

WHEREAS, the Central Avenue Project includes the design, engineering, mill and overlay, striping, traffic control, and miscellaneous concrete work for approximately 385 lineal feet of Central Avenue from Love Street to Main Street at an estimated cost of \$60,000; and

WHEREAS, the NMDOT LGRF Grant will provide 75%, not to exceed \$45,000, of the project costs and the City will be required to provide a match of 25%, or \$15,000, of the total project costs and any amount in excess of \$60,000; and

WHEREAS, the City has budgeted matching funds in the Municipal Street Fund for various street reconstruction and rehabilitation projects.

NOW, THEREFORE, BE IT RESOLVED, by the governing body, the City Commission of the City of Lovington, New Mexico that:

1. The Lovington City Commission accepts the grant from the NMDOT, LGRF Program, Fiscal Year 2014/2015, for the Central Avenue Project, Project No. SP-2-15(966), Control No. L200225 for 75% of the project costs not to exceed \$45,000.
2. The Lovington City Commission agrees to provide matching funds of 25% of the project costs, or \$15,000, and to cover any costs in excess of the project estimate of \$60,000.
3. The City Manager is authorized to prepare and sign all the necessary documents to accept the NMDOT LGRF Program Grant.

APPROVED THIS 25th DAY OF AUGUST, 2014.

SCOTTY GANDY, MAYOR

CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Ordinance 528 Advertisement: 3/8's Hold Harmless GRT
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 18, 2014

STAFF SUMMARY:

Staff have prepared a version of Ordinance No. 528: 3/8's Hold Harmless Gross Receipts Tax for Commission to approve for advertisement.

The Ordinance, as presented, establishes a Capital Improvement Fund as well as ensuring a distribution of 30% of the revenues generated by the 3/8's Tax to the General Fund. During the first 15 years, the distribution to the General Fund will be equivalent to the percentage of the Hold Harmless Distribution being eliminated by the State.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

See attached detail of anticipated revenues.

ATTACHMENTS:

Ordinance No. 528
Anticipated Option D Revenues

RECOMMENDATION:

Motion to approve advertisement of Ordinance No. 528.

Department Head

James R. Williams
City Manager

ORDINANCE NUMBER 528

ADOPTING A MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to three eighths of one percent (.375%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the “municipal hold harmless gross receipts tax.”

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions, and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No municipal hold harmless gross receipts tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality,
- B. a business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 NMSA 1978; or
- C. direct broadcast satellite services.

Section 4. Dedication. Revenue from the municipal hold harmless gross receipts tax will be used for:

Reducing the financial impact of the Hold Harmless Distribution reduction to the General Fund and the creation of a Capital Improvement Fund to be used for the replacement, repair, purchase, or construction of items identified in the City’s Infrastructure Capital Improvement Plan as amended.

1. Distribution of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax to the General Fund to replace the revenue reduction by elimination of the Hold Harmless Distribution from the State of New Mexico will occur as follows:

- a. On or after January 1, 2015 and prior to July 1, 2015 zero percent (0%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- b. On or after July 1, 2015 and prior to July 1, 2016 six percent (6%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- c. On or after July 1, 2016 and prior to July 1, 2017 twelve percent (12%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- d. On or after July 1, 2017 and prior to July 1, 2018 eighteen percent (18%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- e. On or after July 1, 2018 and prior to July 1, 2019 twenty-four percent (24%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- f. On or after July 1, 2019 and prior to July 1, 2020 thirty percent (30%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- g. On or after July 1, 2020 and prior to July 1, 2021 thirty-seven percent (37%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- h. On or after July 1, 2021 and prior to July 1, 2022 forty-four percent (44%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- i. On or after July 1, 2022 and prior to July 1, 2023 fifty-one percent (51%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- j. On or after July 1, 2023 and prior to July 1, 2024 fifty-eight percent (58%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- k. On or after July 1, 2024 and prior to July 1, 2025 sixty-five percent (65%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- l. On or after July 1, 2025 and prior to July 1, 2026 seventy-two percent (72%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- m. On or after July 1, 2026 and prior to July 1, 2027 seventy-nine percent (79%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- n. On or after July 1, 2027 and prior to July 1, 2028 eighty-six percent (86%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.

- o. On or after July 1, 2028 and prior to July 1, 2029 ninety-three percent (93%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
 - p. On or after July 1, 2029 and each year thereafter one hundred percent (100%) of thirty percent (30%) of the revenue generated by the Hold Harmless Gross Receipts Tax.
- 2. The revenue generated from the Hold Harmless Gross Receipts Tax less the General Fund Distribution will be placed in the Capital Improvement Fun.

Section 5. Effective Date. The effective date of the municipal hold harmless gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date this ordinance is adopted.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THIS _____ DAY OF _____, 2014.

APPROVED:

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk

OPTION D
3/8's Tax Implementation
General Fund Distribution and Capital Improvement Fund Established (30% Rate)

End of Fiscal Year	Hold Harmless Reduction %	Total Projected GRT Received	Projected Hold Harmless Received	Projected 3/8's Revenue Received	General Fund Distribution	Capital Improvement Fund
June 30, 2015	100%	\$ 9,109,635	\$ 449,287	\$ 1,313,890	\$ -	\$ 1,313,890
June 30, 2016	94%	\$ 9,380,256	\$ 422,330	\$ 1,349,418	\$ 24,290	\$ 1,325,129
June 30, 2017	88%	\$ 9,660,398	\$ 395,373	\$ 1,386,129	\$ 49,901	\$ 1,336,229
June 30, 2018	82%	\$ 9,950,372	\$ 368,415	\$ 1,424,059	\$ 76,899	\$ 1,347,159
June 30, 2019	76%	\$ 10,250,499	\$ 341,458	\$ 1,463,242	\$ 105,353	\$ 1,357,889
June 30, 2020	70%	\$ 10,561,112	\$ 314,501	\$ 1,503,718	\$ 135,335	\$ 1,368,383
June 30, 2021	63%	\$ 10,882,626	\$ 283,051	\$ 1,544,877	\$ 171,481	\$ 1,373,395
June 30, 2022	56%	\$ 11,215,553	\$ 251,601	\$ 1,587,406	\$ 209,538	\$ 1,377,869
June 30, 2023	49%	\$ 11,560,273	\$ 220,151	\$ 1,631,348	\$ 249,596	\$ 1,381,751
June 30, 2024	42%	\$ 11,917,174	\$ 188,701	\$ 1,676,743	\$ 291,753	\$ 1,384,990
June 30, 2025	35%	\$ 12,286,660	\$ 157,250	\$ 1,723,637	\$ 336,109	\$ 1,387,528
June 30, 2026	28%	\$ 12,669,147	\$ 125,800	\$ 1,772,074	\$ 382,768	\$ 1,389,306
June 30, 2027	21%	\$ 13,065,062	\$ 94,350	\$ 1,822,100	\$ 431,838	\$ 1,390,262
June 30, 2028	14%	\$ 13,474,850	\$ 62,900	\$ 1,873,762	\$ 483,431	\$ 1,390,332
June 30, 2029	7%	\$ 13,898,967	\$ 31,450	\$ 1,927,111	\$ 537,664	\$ 1,389,447
June 30, 2030	0%	\$ 14,337,886	\$ -	\$ 1,982,196	\$ 594,659	\$ 1,387,537

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☐ RESOLUTION ☒ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Ordinance 529 - Uniform Traffic Code Amendments
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 12, 2014

STAFF SUMMARY:

Ordinance No. 529 will allow the City to adopt the 2014 changes to the Uniform Traffic Code as amended by the State of New Mexico. The amendments include provisions for the ban of "texting while driving."

This Ordinance has been advertised as required at the direction of the City Commission at the July 28, 2014 regular meeting.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Ordinance No. 529
2014 Changes

RECOMMENDATION:

Motion to adopt Ordinance No. 529

Department Head

James R. Williams

City Manager

ORDINANCE NO. 529

An ordinance of the City of Lovington, New Mexico, amending Title 10, Chapter 10.04 – Uniform Traffic Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 10, CHAPTER 10.04 BE AND HEREBY IS AMENDED AS FOLLOWS:

10.04.010 Adoption

The 2010 compilation of the New Mexico Uniform Traffic Ordinance, including a new Section 12-6-18, Texting While Driving, and all changes through July 1, 2014, are herewith adopted by reference, pursuant to Section 3-17-6 N.M.S.A, 1978.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON ON THE _____ DAY of _____, 2014.

SCOTTY GANDY, Mayor

ATTEST:

CAROL ANN HOGUE, City Clerk

2014 Uniform Traffic Ordinance Changes

Underlined = NEW MATERIAL

12-6-18 TEXTING WHILE DRIVING

A. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.

B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communications device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

C. As used in this section:

- (1) “driving” means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but “driving” excludes operating a motor vehicle when the vehicle has pulled over to the side of or off an active roadway and has stopped at a location in which it can remain safely stationary;
- (2) “handheld mobile communication device” means a wireless communications device that is designed to receive and transmit text or image messages, but “handheld mobile communications device” excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and
- (3) “text message” means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but “text message” excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

D. A violation of provisions of this section is punishable by a fine of \$25 for a first violation and \$50 for a second or subsequent violation. Violations of provisions of this section may be included in a local penalty assessment ordinance.

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Approval of Weed and Brush Abatement
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 19, 2014

STAFF SUMMARY:

The City requested interested parties to bid on a weed and brush abatement contract. The purpose of this contract is to allow for the abatement of weeds and brush on properties that the City has identified as a health and safety issue due to excessive weeds and brush. Once proper notification of non-compliance with weed and brush ordinances, the contractor would be tasked with removing the nuisance. The City would provide payment to the contractor and would then send a bill to the owner of record for the costs incurred. If the owner does not pay the bill within 15 days, a lien will be filed on the property. This action is allowable per City code.

One bid was received from Lawn Patrol. Bid amount was \$90.00 per hour.

FISCAL IMPACT:

REVIEWED BY: Gary Lee Chapman
(Finance Director)

\$90.00 per hour for abatement.

ATTACHMENTS:

Bid Documents
Weed and Brush Abatement Contract

RECOMMENDATION:

Motion to award weed and brush abatement contract to Lawn Patrol.

Department Head

James R. Williams
City Manager

BID/PROPOSAL OPENING

DATE: August 19, 2014 **TIME:** 10:00 a.m.

BID NAME: Weed & Brush Abatement

Bidder: LAWN PATROL **Amount:** \$90/hour

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

Bidder: _____ **Amount:** _____

PRESENT FOR BID OPENING:

James R. Williams
Dorelda Dufierres
Anna Quarez



City of Lovington

Bid Form

Weed and Brush Abatement

Name of Bidder: ISAAC MARTINEZ D/B/A LAWN PATROL
Address: 217 E. MESA DR
HOBBS, NM 88240
Telephone Number: 505-850-6875
Email: SERGEANT MARTINEZ@gmail.com
BID AMOUNT: \$ 90.⁰⁰ Per hour

Intended Use/Business Type: (attach additional pages as necessary):

Abatement of described work sites with all
labor and equipment included in cost.

\$1 million dollar liability coverage carried
and City of Lovington will be named as
additional insured within 5 days of contract
awarded.

The City of Lovington reserves the right to waive any irregularities and award, or not award, in the best interests of the City. The City is held harmless and is indemnified for the loss and/or misplacement of bid submittals. The bidder is required to utilize this form. Signature is required and reflects agreement, by the bidder, to the terms of this document.

SIGNATURE OF BIDDER:

Isaac Martinez 8-11-14

Mail or deliver to City Hall, 214 S. Love St., Lovington, NM 88260

Deadline: August 19, 2014 at 10:00 a.m. MST

Weed and Brush Abatement Contract

This Contract for Weed and Brush Abatement is made effective as of _____, _____, by and between the City of Lovington and _____.

DESCRIPTION OF SERVICES. Beginning on _____, _____, (Name of Contractor), hereinafter referred to as Contractor, will provide to the City of Lovington abatement of weeds and brush as identified by the City. The following services (collectively, the "Abatement") will be provided as follows:

- A. Removal of weeds and brush at certain properties within the City of Lovington that have been deemed in violation of City ordinance by Lovington Code Enforcement Officers.
- B. Perform weed and brush abatement within five days of receiving a request from the City Manager to perform weed or brush abatement.
- C. Disposal of weed and brush as a result of the Abatement shall be the responsibility of the Contractor.

All Abatement will be completed by the Contractor at various locations within the City, hereinafter referred to as the Work Site.

SCOPE OF WORK. Contractor shall provide all labor, equipment, and materials to perform described Abatement at the work site(s).

PAYMENTS. Payment shall be made to the Contractor. The City of Lovington agrees to pay the contractor \$_____ per hour. Payment shall be made to the Contractor after inspection of the Work Site by City Officials and it is deemed satisfactory and an appropriate invoice has been submitted.

In addition to any other right or remedy provided by law, if City of Lovington fails to pay for the Services when due, the Contractor has the option to treat such failure to pay as a material breach of this Contract, and may cancel this Contract and/or seek legal remedies.

PERMITS. Contractor shall apply for and obtain such permits and regulatory approvals as may be required by the municipal, county, and/or state government, the cost thereof shall be the responsibility of the Contractor.

INSURANCE. Contractor shall maintain general liability and workers compensation insurance as required by law. The City shall be listed as an additional insured on the Contractor's general liability policy.

TERM: This Contract will terminate on _____, _____.

INDEMNIFICATION. The Contractor agrees to release, indemnify, defend and hold harmless the City of Lovington, its officers, agents, volunteers, and employees from any and all claims, losses, expenses, fees including attorney fees, costs, and judgments that may be asserted against City

of Lovington that result from the acts or omissions of the Contractor and/or the Contractors employees, agents, or representatives.

DEFAULT. The occurrence of any of the following shall constitute a material default under this Contract:

- a. The failure to make a required payment when due.
- b. The insolvency or bankruptcy of either party.
- c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.
- d. The failure to make available or deliver the Abatement in the time and manner provided for in this Contract.

REMEDIES. In addition to any and all other rights a party may have available according to law, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 30 days from the effective date of such notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract. However, all obligations of Contractor in the paragraphs regarding Insurance, Indemnification and Warranty shall survive the termination of this Contract.

ENTIRE AGREEMENT. This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

SEVERABILITY. If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provisions of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

AMENDMENT. This Contract may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of New Mexico.

NOTICE. Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

CLIENT:

By: _____

City of Lovington

James R. Williams

City Manager

Contractor:

By: _____

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 25, 2014



TYPE: ☒ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Resolution for Zoning Variance
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: August 12, 2014

STAFF SUMMARY:

Staff have resubmitted the Resolution to approve the variance for an accessory building that is larger than Ordinance permits. During the August 11, 2014 Commission meeting, the Resolution was not approved because it was the understanding of staff and Commission that the primary means of entrance would not be possible. Mr. Gomez did clarify during public comment that the means of entrance (garage door) is located on the South side which would be accessed through the alley. Commission directed staff to have this item placed back on the agenda for consideration.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Resolution approving variance

RECOMMENDATION:

Motion to adopt Resolution approving variance.

Department Head

James R. Williams

City Manager

RESOLUTION NO. 2014-_____

WHEREAS, the Lovington Planning and Zoning Commission was presented a request for a zoning variance at the August 5, 2014 meeting; and

WHEREAS, this variance requested that the owner of the property be allowed to construct an accessory building in the rear yard of 721 W. Taylor Street, Lovington, New Mexico that exceeds the maximum allowable size; and

WHEREAS, the Lovington Planning and Zoning recommended granting the variance request

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington approves the zoning variance for the construction of an accessory building that exceeds the maximum allowable size at the property located at 721 W. Taylor Street.

DONE THIS 11th DAY OF AUGUST, 2014 at

City of Lovington
New Mexico

Scotty Gandy, Mayor

ATTEST:

Carol Ann Hogue, City Clerk