

**REGULAR MEETING OF THE CITY COMMISSION  
MONDAY, OCTOBER 14, 2013 @ 5:30 P.M.  
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET**

**Present and answering roll call:** Mayor Drummond, Commissioners Trujillo, Gandy, Granath, and Bengé.

**Also present:** City Manager James Williams, Assistant City Manager Jared Cobb, Finance Director Mashell Stephens, City Clerk Carol Ann Hogue, Chief of Police Danny Bryant, Administrative Assistant Imelda Gutierrez and City Attorney Patrick McMahon.

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

**Invocation:** Commissioner Trujillo gave the invocation

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

**Approval of Agenda:** Mayor Drummond asked for a motion to approve the agenda with the changes. Commissioner Gandy so moved to remove the non-action item: Discussion of Lea County Fair Board Presentation and add an action item: Consideration of Approval of City of Lovington & Southeastern New Mexico Economic Development District/COG Bond Sale Agreement. Commissioner Trujillo seconded. Motion was approved.

**Approval of the Regular Minutes of September 23, 2013:** Mayor Drummond asked for a motion for approval of the regular minutes of September 23, 2013. Commissioner Gandy so moved. Commissioner Trujillo seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Discussion of City Street Lights:** City Manager Williams addressed the Commissioners stating that the City researched the costs associated with street light operation. The City contacted LCEC to review the monthly bill and to provide us with a map of street light locations. The Residential lighting is the bulk of the monthly lighting bill with a total of 789 (150W) lights throughout the City. The City is also responsible for the lighting along Avenue D and Main Street. These sections of streets are illuminated using 230 (310W) lights. The average distance determined between residential light poles is 310 feet. The City believes that the best approach to installing additional lighting is to create a baseline set of criteria, such as distance between light poles that will be used when the City receives requests for additional lighting. No action was taken.

- 150W Light – Monthly Cost \$8.83/Light; Annual Cost \$105.96/Light
- 310W Light – Monthly Cost \$13.69/Light; Annual Cost \$164.28/Light

**Discussion of Commercial & Avenue D Property Lease:** City Manager Williams addressed the Commissioners stating that the City entered into a lease agreement with the Lovington Public Schools in 1998 for the tract of land on the Northwest corner of Commercial and Avenue D which renews each year. It is leased for a \$1.00 per year. The Commissioners wish to terminate the lease agreement. No action was taken.

**Discussion of Inflatable Structure Use Policy:** Commissioner Granath on behalf of Lovington Parks & Recreation Board stated that the members approved two sites at the Chaparral Park to place the inflatable structures that have power sources and must have a two week advanced reservation and a \$100 deposit and a permit. The board members have proposed a policy that was approved at the Parks & Recreation Board meeting on September 30, 2013. City Manager Williams addressed the Commissioners stating that an approved vendor must have a current City of Lovington business license and submit proof of insurance with minimum liability coverage of one million dollars (\$1,000,000) with the City of Lovington included as an additional insured. The list of the approved vendors will be available on the City website or upon request at City Hall. If there is a large demand they will consider adding other sites. Mayor Drummond asked to bring this item back on the next regular meeting. No action was taken.

**Discussion of Parks & Recreation Rules & Regulations:** City Manager Williams addressed the Commissioners stating that the Parks & Recreation Board have prepared an ordinance draft to address City parks & regulation rules. The listed rules have been posted at the parks for multiple years but were never included in City ordinance. Board Member Marla Price addressed the Commissioners stated her concern about the personal radio control watercrafts that was approved at the Parks & Recreation Board meeting on September 30, 2013. Mrs. Price does not think it is safe for children. Mayor Drummond stated that they will allow it for now and see how it works out and bring back to the next regular meeting. No action was taken.

**Discussion of Wastewater Fees:** Commissioner Benge stated her concern about the properties that are accumulating additional mobile homes, RV's and miscellaneous, residential rentals. Some of these properties may only be paying one wastewater fee. The topic for discussion is if these property owners should be charged for the additional users rather than the typical single family residence. Commissioner Gandy suggested considering to change the charge of residential rates or maybe commercial rates to these property owners but will be difficult to address this issue. No action was taken.

### **ACTION ITEMS:**

**Consideration of Approval of City of Lovington & Southeastern New Mexico Economic Development District/COG Bond Sale Agreement:** Mayor Drummond called for a motion to approve the City & Southeastern New Mexico Economic Development District/COG Bond Sale Agreement. City Manager Williams addressed the Commissioners to request on behalf of the City to serve as the City's Fiscal Agent for the Capital Outlay Appropriation for the Radio Read Water Meter Project. City Attorney and Council of Government of Roswell have given their approval to enter into an agreement. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Setback Variance – 121 E. Ave N:** Mayor Drummond called for a motion to approve the setback variance at 121 E. Ave N. City Manager Williams addressed the Commissioners stating that the request for a variance is that the current City Ordinance designates that the rear yard as the section opposite the street frontage that has the least dimension. As the lot is platted, the rear yard setback should be located on the west side of the property. The property owner has requested that the rear yard be allowed to be on the north side of the property to be in compliance with the setback requirements. The Lovington Planning & Zoning recommended approval of this variance on October 7, 2013 meeting. Commissioner Trujillo so moved. Commissioner Bengé seconded. Motion was approved.

**Consideration of Approval of Resolution 2013-3 Inter-Budget Transfer:** Mayor Drummond called for a motion to approve the resolution 2013-3 Inter-Budget Transfer. City Manager Williams addressed the Commissioners stating that in order to utilize the LEDA funds for approved projects it is necessary to transfer the designated funding from the General Fund (101) into a newly developed Economic Development Fund (311). The transfer amount is \$885,886 from the General Fund (101) to Economic Development Fund (311). Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Ordinance 515 – Annexation of 26.4 Acres NE of 17<sup>th</sup> St & Brian Urlacher:** Mayor Drummond called for a motion to approve the Ordinance 515 – Annexation of 26.4 Acres NE of 17<sup>th</sup> & Brian Urlacher. Robert Fierro on behalf of Fierro & Co addressed the Commissioners to request to annex in 26.4 acres. The Lovington Planning & Zoning Board has recommended for approval on October 7, 2013 meeting. City Manager Williams stated that the 26.4 acres will be annexed in as single-family residential at this time as per the current ordinance. Commissioner Trujillo so moved. Commissioners Granath seconded. Motion was approved.

**Consideration of Approval of Ordinance 516 – Omitting Chapter 5.40 – Solicitors, Canvassers & Peddlers & Amending Chapter 5.56 Transient & Itinerant Vendors & Merchants:** Mayor Drummond called for a motion to approve Ordinance 516 – Omitting Chapter 5.40 and amending Chapter 5.56. Commissioner Bengé so moved. Commissioner Gandy seconded. Motion was approved.

**Consideration of Approval of Professional Services Agreement – 40 Year Water Plan Development:** Mayor Drummond called for a motion to approve the professional services agreement – 40 year water plan. City Manager Williams addressed the Commissioners stating that this was a budgeted item this year. The City was in contact with John Shomaker & Associates in regards to the development of the 40 year water plan. The plan, once initiated should only take four weeks to be completed. This project has a funding of approximately \$20,000 - \$30,000 for the current fiscal year budget. Commissioner Granath so moved. Commissioner Trujillo seconded. Motion was approved.

**Consideration of Approval of Memorandum of Understanding between Lea County & the City of Lovington for funding of Outdoor Recreational Facilities:** Mayor Drummond called for a motion to approve the MOU between Lea County & the City of Lovington for funding of outdoor recreational facilities. Commissioner Trujillo so moved. Commissioner Granath seconded. City Manager Williams addressed the Commissioners stating that this was presented to the Lovington Parks & recreation Board Members. Lea County has dedicated \$100,000 in funding to the City for improvement of the Parks & Recreation facilities during fiscal year 2013-2014. The board members have approved this money to be spent on construction for restrooms at Avenue D Park and the remaining funds would be utilized on the purchase and installation of shade structures at the smaller parks as well as tables and benches. The expenditures shall be completed and submitted to Lea County prior to May 31, 2014. City Attorney McMahan suggested considering making changes on paragraph 5 on the agreement. Commissioner Trujillo so moved to amend and remove the second paragraph on chapter 5: Termination of Memorandum of Understanding. Commissioner Granath seconded. Motion was approved.

**Consideration of Approval of Lodger’s Tax Board Recommendations:** Mayor Drummond called for a motion to approve the Lodger’s Tax Board Recommendations. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

	<u>Amount Requested</u>	<u>Recommended Funding</u>
Lea County Museum	\$10,000	<b>\$6,667</b>
Wild Bunch Tournament	\$3,000	<b>\$2,000</b>
Lovington MainStreet	\$12,062	<b>\$8,041</b>
Chamber of Commerce	\$8,000	<b>\$5,333</b>
<b><i>Total</i></b>	<b><i>\$33,062.00</i></b>	<b><i>\$22,041.00</i></b>

**Consideration of Approval of Accounts Payables:** Mayor Drummond called for a motion to approve the accounts payables. Commissioner Gandy so moved. Commissioner Benge seconded. Motion was approved.

**PUBLIC COMMENT:**

Marla Price addressed the Commissioners stating that Harold Runnels Ballpark was traded in for the street easement to build a parking lot at Llano Elementary School on 1<sup>st</sup> Street in 2007. Ross Black was still Superintendent at the Lovington Public Schools

**OTHER:**

- Commissioner Granath stated his concern on the street signs stating the school zone when children are present during school hours.
- Commissioner Gandy stated his concerns about barricades on South 9<sup>th</sup> Street.
- Commissioner Bengé mentioned about the Ordinances coming up at the meeting on October 28<sup>th</sup>.
- Assistant City Manager Jared Cobb mentioned that he went to read to an Elementary School and the third graders are aware about our Ordinances as well.
- City Manager Williams mentioned that a citizen's survey for the Lovington Parks & Recreation will be sending out with the water bills and on the City website. The Central Plaza phase one will be out for bidding on be opened on October 29<sup>th</sup>. The Auditors will be here the week of October 21<sup>st</sup>. The road project funds from NMDOT will be tested.
- Kallie Richards stated there are no exceptions for any utility trucks that are parked at residential zones.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 6:25 p.m.

**APPROVED:** \_\_\_\_\_  
**DIXIE DRUMMOND, MAYOR**

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