

REGULAR MEETING OF THE CITY COMMISSION
Monday, March 11, 2024 @ 5:30 PM
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Call To Order

Mayor Roberts called the meeting to order at 5:30 pm.

Roll Call

Present & Answering Roll Call: Mayor Roberts, Commissioner Gandy, Commissioner Trujillo, and Commissioner Boldt and Commissioner White.

Also Present: Police Chief Joe Clark, Fire Chief Skip Moorehead, City Manager David Miranda, City Clerk Shannon Lester, Finance Director Annette Cooper, Accounting Specialist Christy Gasman, and City Attorney Patrick McMahon

Invocation- Scotty Gandy

Pledge of Allegiance and Zia- Scotty Gandy

Approval of Agenda- Commissioner Gandy made a motion to remove the Closed Session and to move Discussion of Municipal Judge to Non-Action items and move Resolution 2024-022 – Appointment Municipal Court Judge and Alternate Judge under Action Items. Commissioner Boldt seconded. A Roll Call Vote was taken. Commissioner Gandy yes; Commissioner Boldt, yes; Mayor Roberts, yes; Commissioner White, yes; and Commissioner Trujillo, yes. Motion carried.

Consideration of Minutes- February 26, 2024- Commissioner Gandy motioned to approve the minutes and Commissioner Boldt seconded the motion. Mayor Roberts requested a roll call vote. Commissioner Trujillo, yes; Commissioner Gandy, yes; Commissioner White, yes; Commissioner Boldt, yes; and Mayor Roberts, yes. Motion carried.

COMMISSIONERS & STAFF REPORT:

- City Clerk Shannon Lester had nothing to report.
- Accounting Specialist Christy Gasman advised the Commission that capital outlay grants are being used currently and reimbursed as soon as the invoice and proper paperwork can be turned in to recoup the funds back into the City bank account.
- Police Chief Joe Clark stated they have a new officer, Jorge Colin, who is in training right now. Also, they have been looking into quotes for speed cameras to see how much those are and getting funding for them. Code Enforcement has warnings or

citations with 20 homes for tall weeds or grass, 5 Mobile Home/RV Parks and Warnings or Site visits for illegal parked vehicles/Semi Trucks at 4 properties.

- This week the numbers are:

Calls for Service – 248

Crashes – 9

Alarm Calls-6

Traffic Stops- 34

Citations Issued- 5

Arrests – 9

Detox-0

- Fire Chief Skip Moorehead stated Optum is not working because of cyberattacks. The last day we were able to export EMS runs to billing was around February 28. Optum cannot download from the que. Billing is currently uploading all of the reports to NMEMSTARS so all they have to do is press export when OPTUM is back up. We have had a new repeater installed for our emergency tones. This has corrected some of the interference we were experiencing during our initial tones. \$16,500 from the State Fire Grant Fund. We have another EMS student who received his EMT basics license. As we all know it is grassfire season, I am asking the commissions' opinion on when we should stop burn permits. 1.5 million acres have burned in the Texas panhandle. It's not a matter of if, but a matter of when we will have our own significant wildland fire.

Numbers for February:

Total EMS – 225

Interfacility Transfers – 49

Airport Transfers – 22

Refusal/ Cancel/ DOA – 74

Tatum – 9

Fire –19

- Commissioner Boldt said thank you for coming to the meeting and not to forget to eat local shop local and buy local.
- Commissioner Trujillo thanked everyone for being there. Asked City Manager if they could do away with the turning lane on Love and D and make that one lane. Mr. Miranda stated he had information on that in his comments.
- Commissioner White thanked everyone for being there.
- Commissioner Gandy thanked everyone for being there.
- Finance Director, Annette Cooper stated the Finance Department is working on the budget adjustments so we can discuss it at the next meeting. We will have those

numbers ahead of time so they can be reviewed prior to the next meeting. Commissioner Gandy asked if Ms. Cooper could give a date and she said by March 20th.

- **City Manager David Miranda listed out his items in order. We continue to make progress with various projects throughout the city. The North Love Street softball field lighting project is officially underway, with lights being installed last week and this week. After Crystal and I consulted with Constructor's Inc., NMDOT and Bernardo of the Street Department, we decided to move forward with the request from many to change the traffic pattern on South Love Street by the post office exit. This will return to a "one lane north, one lane south" traffic pattern, eliminating a confusing and dangerous center turning lane for which there was never enough space for. Restriping should take place this or next week. Last week the Water Department replaced approximately 200 feet of leaking water lines from Dog Pound Road by the Iglesias Minesterio Vida. The pastor from the church addressed the commission two months ago, complaining that he had been asking for 8 years to have this fixed. He is very happy. The old stream in Chaparral Park was opened up again last week. This shallow stream flows from the fountain and makes its way east and eventually into the lake. It will further make Chaparral Lake water cleaner. We will install warning signs along the stream and lake advising that no young children should be left unattended near the water. Also, due to an unanticipated windfall in the Lea County Electric Youth Sports and recreation fund, we will be investing over \$200k in Chaparral and other city parks before the 4th of July. This primarily involves much-needed upgrades to playground equipment. I can provide any commissioner with further details if needed. Last Friday, we had a very productive meeting with David Reed of the Maddox foundation regarding the renovation and reopening of the Lovington Youth Center by the summer. We presented contractor estimates, and Ms. Paula Methola of the Hobbs boys and girls club provided a detailed draft for staffing and other budgetary considerations in planning the reopening. A formal grant submission has been made, and we hope that the Maddox foundation will partner with the city in this much-needed project. I am very happy to announce that our five requested capital outlay projects were funded by Representative Randy Pettigrew and Senator David Gallegos and approved by the governor. As the commission will recall, those projects were:**
 - - **\$500k for the WWTP**
 - - **\$500k for the North Love Street lift station in anticipation of increased volume due to economic and residential project growth in the area**
 - - **\$250k for library roof, wall, and additional plumbing repairs**
 - - **\$266k for EMS medical transport vans**
 - - **\$250k for police department parking lot awnings**

- Mayor Roberts stated he appreciated everyone being there. But gave his time over to Representative Pettigrew. Thanked everyone for supporting him. It was a successive session. Out of 700 bills only 69 bills made it to the Governor's desk. He gave us a brief overview of a couple of bills that affect our gun laws and oil tax prices. He also spoke about the school hours, crime bills and abuse of executive power. There were questions from the Commission about electric cars and batteries which had been a topic and at this time there were no answers yet. But Representative Pettigrew has stayed on top of this topic. He urged people to get involved and use their voices to be heard. He thanked everyone for listening and for their support. City Manager and the Commissioners and Mayor thanked Representative Pettigrew for helping us get the 5 Capital Outlay request we had approved and pushed through.

PUBLIC COMMENT

- Speedy Faith publicly withdrew his name from the Municipal Judge consideration. He stated he understands there are rules and because he believes we should follow the rules and that is what being a Judge is about and he believes this is what is right. However, he will be back to run for the Municipal Judge position in 2025.
- Laura Brock, Supervisor of Animal Protection Services, came up and gave a presentation of the Animal Shelter and what to expect from the new programs they are initiating currently and up and coming programs they are working on. She also updated the Commission on the progress of the capital outlay and use of grant funds towards a new shelter and getting it started.
- Jim Trujillo made a comment that if picked to be the Municipal Judge he will be fair and unbiased. He makes decisions based on the evidence and facts.
- Nellie Stroh made a comment that she has experience in reports and in legal proceedings and with her skills she felt as if she would be a good fit for the position and she could be fair and unbiased and could make decisions based on evidence and facts.

NON-ACTION ITEMS:

- **Discussion of Amending Lovington Municipal Code 2.12.030-Selection of Mayor- Reorganization of City Board of Commissioners Every Two Years (due in March)-D Trujillo**
Commissioner Trujillo "would like to move this to an action item for the next meeting. If no one chooses to make any changes. So be it. I just want to just kind

of, like, add this to the municipal code for every two years that we will have checks and balances that are appropriate. All 5 may not be here the next time something comes about, but if we have it there, I believe not only during election time but also during just to ensure that every two years it's folded across the board with everybody other than the ones that have the elective Mayor. But the ones that have like us Commissioners, Mayor. Mayor, who is appointed by the commission board. I strongly believe that it should occur every two years. Even if it's election or not election time. Two years is appropriate just to keep up with the checks and balances and like I said at the previous meeting, I plan to step down from Mayor Pro Tem. I feel strongly that I only have two years left after this and that will put me at 22 years. But I want to just step down to get someone young and energetic here. I also think it would be selfish for me to just keep that position walking out the door. I came in as a Commissioner, I plan to leave as a Commissioner. That's all I have." Commissioner Gandy "Just to disagree with you, I think we should leave it the way it is already written in the code due to the fact that it happens every two years regardless. Just because we voted ourselves an extra two years. Which may have been selfish or poor planning on my part. Either way but being the bad guy on this side of the table, I'm all for punishing the Mayor for two more years for being the Mayor and let him trip over the rope or whatever that may happen there. But I know I don't have any wish to change or anything right now. It's just a weird thing that we had happened because of changing how we went into the election deals. If there was a situation where there was major concern or something, where we needed to do something. Make a change, then I think that we could make that change, Is that correct, Patrick? If there was a situation I think if there was, let's pretend it was a different Mayor in a bad situation. There would be action we could take to change that." Patrick said "I think if there was something other than like a two-year period of time if there was some other health issue or because it says in here. It contemplates that they would be in for a period unless sooner removed. By death, resignation, or removal from office so that removal from office would contemplate that there's some other avenue to get that accomplished other than, like a two-year cycle". Commissioner Gandy said "I just kind of stand on their side of the rule finding on that one there." Commissioner Trujillo said "Appreciate it that sounds good, but like I said. I just feel like we never thought this would come across us, so I believe in the future to set a boundary in the future that ensures that something else arises, that it will take place every few years. That's where I stand. Thank you." Mayor Roberts said "Any further comments. Councilor in your opinion as I read it, if we leave it as is, one of my concerns was with the timing of the election, being now, We elect in November they would take office in January. Then the way it states it, it would allow that to; we don't have to change the ordinance in order to get to elect the new official or admin of this governing board. In January, it says. As close to. He gave it to us. Anyway, it's here. We don't have to change the ordinance at all and from this point forward, if we don't change some either election date or whatever again. We're good from here forward." Patrick said "As long as the terms don't change, and I don't see the state changing those terms or the city. But it says at the first meeting

of the new commission, after each election and so whether we had that election in March or whether we had an election in November. It gives us the flexibility to come back in after that. It does contemplate some different things that the first meeting of the new commission, after each election, so it doesn't say a particular lump or as soon there after as practical. They shall elect one of their numbers as mayor to act for two years or until a successor is selected and qualified. Under the circumstances we have now, we wouldn't be seeing this situation. Had we not extended terms, I think they were like 18 months or something; and so if we leave it the way it is. When I anticipate what happened is the next election we have in November. For whoever's two seats are up then we would come back after that and our first meeting of that new commission. If there's new commissioners that take office or incumbents that are reelected then at that particular time, so we don't have to pick a month or a day thing like that." Commissioner Gandy pointed out "actually there will be 3 seats coming up on this go round. It would be Scott, Gandy and Trujillo." Patrick said "So you could leave it the way it is, and I don't think there's anything we would have to change other than to be prepared that when that election comes up, then it's going to be January of that year after that first meeting of all the commissioners after the election, where it's incumbents or whether it's." Commissioner Gandy said "The only thing I'd see that would be different is, historically speaking, you two would be the longest serving Mayor Pro Tem and Mayor just due to the extension of the years other than that every two years we are changing. Or have the ability to change." Mayor Roberts asked "Any further discussion. Hearing none. Move to our Action Items."

ACTION ITEMS:

- **Resolution 2024-020 - Authorize City Manager to Apply for Hardship Funds through NM DOT Surplus Automotive and Major Road Equipment Program**

Commissioner Gandy made a motion to approve, Commissioner Boldt seconded the motion. City Manager explained the resolution allows us to take part in NMDOT annual vehicle auction. It's in August and Municipalities are allowed to apply. The resolution was changed to say Lovington has historically experienced financial hardship. This would allow our department heads to go and bid on equipment or vehicles to add to their fleet. This auction is in Santa Fe. Mayor Roberts requested a Roll call Vote. Commissioner Trujillo yes; Commissioner Gandy yes; Commissioner Boldt, yes; Mayor Roberts, yes; Commissioner White, yes. Motion Carried.

- **Resolution 2024-021-Approve RFP for Insurance Broker**

Commissioner Gandy made a motion to approve, Commissioner Boldt seconded the motion. Mr. Miranda stated that an RFP has been put together for an insurance

broker. There is one company interested and asked for our records and so we sent them. The RFP is due on March 25th and we are 2 months out from renewal. The Insurance Broker would have to have a quote ready by April 8th and present it by April 22nd. The commission would have another 10 days to decide. Mayor Roberts requested a Roll call Vote. Commissioner Boldt, yes; Commissioner Trujillo, yes; Commissioner Gandy, yes; Commissioner White, yes; Mayor Roberts, yes. Motion Carried.

- **Resolution 2024-022-Appoint Municipal Court Judge and Two Alternate Judges-** Commissioner Gandy made a motion to approve, with a second from Commissioner White, Mark Owens as Judge and Jim Trujillo and Nellie Stroh as alternate Judges. Mayor Roberts requested a Roll call Vote. Commissioner White, yes; Commissioner Boldt, yes; Mayor Roberts, yes; Commissioner Gandy, yes; Commissioner Trujillo, yes. Motion Carried.
- **Finance Report and Accounts Payable**
Commissioner White made a motion to approve the bills and Commissioner Gandy seconded the motion. Mayor Roberts requested a Roll call Vote. Mayor Roberts, yes; Commissioner Boldt, yes; Commissioner White, yes; Commissioner Gandy, yes; Commissioner Trujillo, yes. Motion Carried.

ADJOURNMENT:

Mayor Roberts adjourned the meeting at 7:18 pm

APPROVED: _____
HOWARD D. ROBERTS, MAYOR

ATTEST: _____
SHANNON LESTER, CITY CLERK