

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Christopher R. Mills

Patricia A. Taylor

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

Acting City Manager

Manny Gomez

November 19, 2018



Hobbs City Commission
Regular Meeting
City Hall, City Commission Chamber
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, November 19, 2018 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Christopher R. Mills
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Dwayne Penick
Commissioner - District 5

Don R. Gerth
Commissioner - District 6

A G E N D A

*City Commission Meetings are
Broadcast Live on KHBX FM 99.3 Radio
and Available via Livestream at www.hobbsnm.org*

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the November 5, 2018, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming November 24, 2018, as "Small Business Saturday"
3. Presentation of the Hobbs Police Department Chief's Commendation Award to Sgt. Alvin Mattocks (*Police Chief Chris McCall*)

4. Recognition of Employee Milestone Service Awards for November, 2018:

- ▶ 5 years - Reanna Molinaro, Hobbs Police Department
- ▶ 5 years - Teresa Grady, Hobbs Police Department
- ▶ 5 years - Brandon Marinovich, Hobbs Police Department
- ▶ 10 years - Noa Avila, Hobbs Fire Department
- ▶ 10 years - Maria Torres, Environmental Services
- ▶ 15 years - Frank Crane, Utilities Department
- ▶ 15 years - Travis Jackson, Hobbs Police Department

PUBLIC COMMENTS *(Citizens who wish to speak must sign the Public Comment Registration Form located in the Commission Chamber prior to the beginning of the meeting.)*

CONSENT AGENDA *(The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)*

None

DISCUSSION

5. Update from the Economic Development Corporation of Lea County (EDC) *(Steve Vierck, EDC President/CEO)*
6. Update from the Center of Recreational Excellence (CORE) *(Catherine Vorrasi, CORE Facility Director)*

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

None

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

7. Next Meeting Date:
 - ▶ City Commission Regular Meeting
Monday, December 3, 2018, at 6:00 p.m.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 19, 2018

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: November 14, 2018
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of November 5, 2018

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Monday, November 5, 2018, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Christopher Mills
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present:

Manny Gomez, Acting City Manager/Fire Chief
Valerie Chacon, Assistant City Attorney
Shane Blevins, Police Captain
Clipper Miller, Police Captain
Barry Young, Deputy Fire Chief
Toby Spears, Finance Director
Shelia Baker, General Services Director
Todd Randall, City Engineer
Kevin Robinson, Development Director
Doug McDaniel, Parks and Recreation Director
Matt Hughes, Golf Superintendent
Ron Roberts, Information Technology Director
Meghan Mooney, Communications Director
Nicholas Goulet, Human Resources Director
Tracy South, Assistant Human Resources Director
Sandy Farrell, Library Director
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
12 citizens

Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Gerth led the Pledge of Allegiance.

Closed Session

The City Commission convened in closed executive session on Thursday, October 25, 2018, at 5:00 p.m, for the discussion of matters subject to the attorney-client privilege pertaining to threatened or pending litigation in Federal or State Courts in which the City is or may become a participant, specifically involving a possible lawsuit against the State of New Mexico, Taxation and Revenue Department. The matters discussed in the closed meeting were limited only to discussion specified above. No action was taken during the meeting.

The City Commission convened in closed executive session on Monday, November 5, 2018, at 5:30 p.m., for the discussion of limited personnel matters, specifically the hiring of the City Manager. The matters discussed in the closed meeting were limited only to discussion specified above. No action was taken during the meeting.

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on October 15, 2018, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming November 11 - 17, 2018, as "National Nurse Practitioner Week".

Mayor Cobb proclaimed November 11 - 17, 2018, as "*National Nurse Practitioner Week*". He recognized Ms. Shawna Reed, who accepted the proclamation. Ms. Reed stated there are 48 nurse practitioners. She thanked the Mayor and Commission for recognizing nurse practitioners nationwide.

Public Comments

There were no public comments.

Consent Agenda

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items. He requested that Item No. 6 Resolution No. 6736 - Relating to the Disposition of Obsolete, Worn-Out and Unusable Personal Property be removed from the Consent Agenda and placed as the first item in Action Items.

Commissioner Calderón moved for approval of the following Consent Agenda Item(s):

Resolution No. 6733 - Approving a Grant Application with the New Mexico Department of Health EMS Fund Act Local System Improvement Project for FY 2020.

Resolution No. 6734 - Approving the FY 2019 DFA 1st Quarter Financial Report.

Resolution No. 6735 - Approving the FY 2019 Lodgers' Tax DFA 1st Quarter Financial Report.

Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolutions and supporting documentation are attached and made a part of these minutes.

Discussion

World Waterpark Association Award.

Mr. Doug McDaniel, Parks and Recreation Director, presented a PowerPoint to the Commission regarding the World Waterpark Association Award. He stated that he, Mayor Cobb and Commissioner Mills attended the World Waterpark Association Show 2018 in Las Vegas, Nevada. Mr. McDaniel stated Mayor Cobb accepted the award on behalf of the City of Hobbs. He stated the CORE was awarded the "Leading Edge Award" which is awarded to individuals or parks for creativity in the development of new themes, facilities, programs and services or operational concepts in the water attractions industry.

Action Items

Resolution No. 6736 - Relating to the Disposition of Obsolete, Worn-Out and Unusable Personal Property.

Mr. Toby Spears, Finance Director, stated a public auction will be scheduled on December 8, 2018, with the approval of the Commission. He stated attached to the staff summary is an inventory and disposition list for the items of personal property to be included in the auction. Mr. Spears stated Asset Item No. 5850 Asphalt Recycler needs to be removed from the inventory list as it was placed there by error. He stated, if approved, the City will request approval from New Mexico Department of Finance and Administration which requires 30 days notice in advance before the auction is held.

Commissioner Gerth moved to approve Resolution No. 6736 as amended with the removal of Asset Item No. 5850. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and amended supporting documentation are attached and made a part of these minutes.

Resolution No. 6737 - Supporting the Oil and Gas Industry in the Revision of the U. S. Department of Interior, Bureau of Land Management's Resource Management Plan for the Carlsbad Field Office.

Ms. Valerie Chacon, Assistant City Attorney, explained the resolution and stated the United States Department of Interior, Bureau of Land Management (BLM) Carlsbad Field Office, originally approved the Carlsbad Resource Management Plan in 1988. She stated the Carlsbad Resource Management Plan is a tool used by the BLM to serve as the blueprint in the management of public lands in Southeastern New Mexico. Ms. Chacon further stated the City of Hobbs is seeking to support the inclusion and consideration of the oil and gas industry in the revision of the BLM's Carlsbad Resource Management Plan.

Mayor Cobb stated both he and the Economic Development Corporation have sent a letter of support for Plan C or D of the BLM's Carlsbad Resource Management Plan.

Commissioner Newman moved to approve Resolution No. 6737 supporting the Oil and Gas Industry as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6738 - Approving the Final Plan of the Libba Land Subdivision as Submitted by the Property Owner, Daniel Johncox.

Mr. Kevin Robinson, Development Director, recognized Mr. Daniel Johncox, who submitted the final plan of the Libba Land Subdivision, in the audience. He stated the subdivision is located northeast of the intersection of Kansas and Grimes and within the extra-territorial jurisdiction of the municipality. Mr. Robinson explained the subdivision encompasses +/- 128.91 acres and will contain 51 single family residential lots. He stated the Planning Board reviewed this issue on October 16, 2018, and voted 4 to 0 in favor to recommend approval to the Commission as presented and contingent on the approval of the Lea County Commission.

Commissioner Calderón moved to approve Resolution No. 6738 approving the final plan of the Libba Land Subdivision as presented. Commissioner Gerth seconded the motion

and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Mr. Johncox stated the final plan will consist of 51 single family residential lots with two acres each.

FINAL ADOPTION: Ordinance No. 1118 - Ordinance Consenting to the Annexation of Approximately 163.23 Acres of Land Located Northwest of the Intersection of West Bender and North West County Road (East of North Bensing) as Recommended by the Planning Board.

Mr. Robinson explained the ordinance and stated the East of North Bensing Annexation area contains 163.23 +/- acres and is located northwest of the intersection of West Bender and North West County Road. He stated the annexation is comprised of 86.14 +/- acres of petitioned property and additional acreage totaling 163.23 acres of land. Mr. Robinson stated the annexation proposal was presented to the Planning Board at its meeting on September 18, 2018, which voted 4 to 0 in favor of recommending approval to the Commission. He further stated the Commission approved publication of the ordinance at the October 1, 2018, Commission meeting.

In response to Mayor Cobb's questions, Mr. Robinson stated the annexation area will be utilized for commercial construction and will receive gross receipts tax.

Proper publication having been made, with there being no comments from the public and after a short discussion by the Commission, Commissioner Gerth moved to adopt Ordinance No. 1118 as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1119 - Amending Chapter 2.04 of the Hobbs Municipal Code Related to the Rules of Procedure for the City Commission and Mayor.

Ms. Chacon explained the ordinance and stated the City Commission adopted Ordinance 978 on January 28, 2008, which repealed and amended certain sections of Chapter 2.04 of the Hobbs Municipal Code. She stated these 2008 amendments left conflicts regarding the Mayor's duties in a public meeting in Article I(F)(1)(d), and Article II(A)(1)(e), which both address public comments at Commission meetings. Ms. Chacon additionally stated the 2008 amendments did not account for time, place, and manner restrictions on public comment which are authorized under both the United States Constitution and the New Mexico Constitution. She continued to state that the current

proposed amendments seek to resolve any conflicts in the Mayor's duties and implement time, place, and manner restrictions on public comment.

Commission Mills stated the amendments to Chapter 2.04 are good changes as they makes it easier for the public to have access to government and speak on agenda items or other business that may cause concerns.

Proper publication having been made and there being no comments from the public, Commissioner Penick moved to adopt Ordinance No. 1119 as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes

Resolution No. 6739 - Authorizing a Legal Services Agreement with the Law Firm of Gallagher & Kennedy, P.A..

Ms. Chacon explained the resolution and stated the City of Hobbs seeks to retain the services of Gallagher & Kennedy, P.A., a reputable law firm that specializes in tax law. She stated the City wishes to enter into a contingency fee agreement with the law firm for a possible suit involving the issue of gross receipts tax and possible misapplication of the Tax Administration Act, NMSA 1978, §§7-1-1 to -83. Ms. Chacon further stated according to the contingency fee agreement, the City of Hobbs would be responsible for paying costs incurred by the law firm not to exceed \$60,000.00. She stated at various times in any litigation, the Mayor and City Manager may need to sign verifications as representatives of the City of Hobbs as Plaintiff. Ms. Chacon stated this resolution authorizes the Mayor and City Manager to act on the tax issue.

Commissioner Mills moved to approve Resolution No. 6739 authorizing a legal services agreement with the Law Firm of Gallagher & Kennedy, P.A., as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Chapter 12.32 of the Hobbs Municipal Code Related to Prairie Haven Memorial Park Columbarium Fees.

Mr. McDaniel explained the ordinance and stated the Hobbs Municipal Code, Section 12.32.060, contains the cost and fee schedule for the various cemetery locations within the City of Hobbs. He stated these fees include the placement and care of columbarium niches at Prairie Haven Memorial Park. Mr. McDaniel stated it was brought to the attention of staff that customers seeking to simultaneously place two sets of cremains

were being charged two separate fees, one fee for each niche placement. He stated this was contrary to the intent of the Cemetery Board when the Board recommended and adopted the fee schedule. On September 12, 2018, the Cemetery Board convened and voted to recommend the proposed changes to Chapter 12.32 to reflect the Board's intent of only charging one fee in the amount of \$530.00 when two sets of cremains are placed simultaneously.

There being no discussion, and no comments from Commission and/or the audience, Commissioner Newman moved that the Commission publish notice of its intent to adopt the ordinance at a later date. Commissioner Calderón seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Mayor Cobb stated the next Commission meeting will be held on Monday, November 19, 2018.

Acting City Manager/Fire Chief Manny Gomez reminded everyone of the Veteran's Day Parade on Saturday, November 10, 2018.

Acting City Manager/Fire Chief Gomez stated he is in favor of the amended Rules of Procedure for the City Commission and Mayor. He stated proper signage and notice will be posted in the Commission Chamber and on the website for the public to view.

Acting City Manager/Fire Chief Gomez wished Commissioner Penick the best of luck as he attends his first Municipal Official Leadership Institute (MOLI) training.

Acting City Manager/Fire Chief Gomez congratulated the Hobbs Fire Department Combat Team for participating and receiving awards at the World Combat Challenge in Sacramento, California.

Acting City Manager/Fire Chief Gomez stated the Hobbs Tree Lighting Ceremony will be held on December 1, 2018, at the Shipp Street Plaza.

Commissioner Gerth expressed appreciation to everyone for their attendance at tonight's meeting.

Commissioner Calderón thanked Acting City Manager/Fire Chief Gomez, Mayor Cobb and the Commissioners who attended the New Life Banquet. He stated testimonies

were given from individuals who had been in prison or were gang members and have changed their lives by serving the Lord.

Commissioner Calderón stated he will be giving a lesson on the Pledge of Allegiance in his classroom.

Commissioner Penick commended Commissioner Calderón for reaching out to the community and making a change in people's lives.

Adjournment

Commissioner Newman moved that the meeting adjourn. Commissioner Calderón yes seconded the motion the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:40 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, the City of Hobbs celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are currently 30 million small businesses in the United States, representing more than 99 percent of all businesses with employees in the United States, are responsible for 65 percent of net new jobs created from 2000 to 2017; and

WHEREAS, small businesses employ 47 percent of the employees in the private sector in the United States; and

WHEREAS, 90 percent of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

WHEREAS, 89 percent of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

WHEREAS, 73 percent of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their

WHEREAS, the City of Hobbs supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim November 24, 2018 as,

“SMALL BUSINESS SATURDAY”

in the City of Hobbs and urge the residents of our community to support small businesses and merchants throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of November, 2018, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk



November Milestones

15 years

Frank Crane	Utilities	11/17/2003
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Travis Jackson	Police	11/25/2003
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10 years

Noa Avila	Fire	11/05/2008
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Maria Torres	Environmental	11/10/2008
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5 years

Reanna Molinaro	Police	11/13/2013
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Teresa Grady	Police	11/13/2013
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Brandon Marinovich	Police	11/26/2013
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