

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Cynthia D. Calderon

Patricia A. Taylor

Joseph D. Calderón

Garry A. Buie

Don R. Gerth

Acting City Manager

Manny Gomez

December 4, 2017



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

Monday, December 4, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
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. November 20, 2017, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

PUBLIC COMMENTS *(For non-agenda items.)*

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

2. Presentation of Integrated Resource Plan by Zia Natural Gas Company *(Leslie Graham, Division Manager, and Kajen Stockert, Regulatory Compliance)*

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

3. Resolution No. 6613 - Approval of the City's 50% Cost-Sharing Portion of a Reclassification Pay Plan Adjustment for the Lea County Communication Authority *(Manny Gomez)*
4. Consideration of Approval of a Task Order with Ramirez & Sons, Inc., for Paving at the Prairie Haven Memorial Park Cemetery Shop Compound *(Doug McDaniel)*
5. **PUBLICATION**: Proposed Ordinance Amending Section 6.04.090 of the Hobbs Municipal Code Related to Impounding Animals *(Efren Cortez)*
6. **PUBLICATION**: Proposed Ordinance Amending Section 6.04.110 of the Hobbs Municipal Code Related to Retention of Stray or Owner-Surrendered Animals *(Efren Cortez)*
7. **PUBLICATION**: Proposed Ordinance Amending Section 6.04.170 of the Hobbs Municipal Code Related to the Reduced Cost Spay and Neuter Program *(Efren Cortez)*
8. **PUBLICATION**: Proposed Ordinance Amending Section 2.04.120 Related to the Salary of the Mayor, Mayor Pro-Tem and Commissioners *(Mike Stone)*
9. **PUBLICATION**: Proposed Ordinance Amending Section 2.12.030 of the Hobbs Municipal Code Related to the Salary of the Municipal Judge Position *(Mike Stone)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

10. Next Meeting Date:

- ▶ Regular Meeting - ***Tuesday, January 2, 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: December 4, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: November 29, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of November 20, 2017

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. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Monday, November 20, 2017, 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 Cynthia Calderon
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

Manny Gomez, Acting City Manager/Fire Chief
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Charles Cunningham, Police Captain
Max Brown, Battalion Chief
Toby Spears, Finance Director
Todd Randall, City Engineer
Raymond Bonilla, Community Services Director
Art De La Cruz, Code Enforcement Superintendent
Ronny Choate, General Services Director
Britt Lusk, Administrative Services Director
Tim Woomer, Utilities Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Linda Howell, Golf Course Manager
Lindsay Chism McCarter, CORE Marketing Coordinator
Catherine Vorrasi, CORE Facility Director
Nicholas Goulet, Human Resources Director
Sandy Farrell, Library Director
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
19 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Joseph Calderón moved that the minutes of the regular meeting held on November 6, 2017, be approved as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

There were no proclamations and awards of merit presented.

Public Comments

Mr. James Chad Collins, Tree Technician with the Parks and Recreation Department, stated it was great news that the City of Hobbs' health insurance premium did not increase for the upcoming year which created a savings to the City. He recommended that the City Commission place employee merit increases on the agenda for consideration by the Commission at the Commission meeting.

Consent Agenda

There were no consent items presented.

Discussion

Update on CORE Facility

Ms. Lindsay Chism McCarter, CORE Marketing Coordinator, presented a PowerPoint to the Commission regarding the CORE Facility. She reviewed the many amenities of the facility which were broken down into the following segments: Kids, Swim, Social, Gym, Fitness/Well-Being and Turf Sports. Ms. McCarter stated there is a high demand for banquet facilities. She further stated there will be more amenities available with the catering kitchen and party rooms. In addition to the indoor spaces, she stated there are also two outdoor courtyards and spaces for food trucks.

In response to Commissioner Taylor's inquiry, Ms. McCarter stated there is room to accommodate four to six food trucks.

In answer to Commissioner Cynthia Calderon's question, Ms. McCarter stated the fees have not been discussed yet.

In response to Commissioner Gerth's inquiry, Ms. McCarter stated the rooms will be available initially on a first-come, first-served basis. She stated as the need grows, they will begin accepting advance reservations. In further response to Commissioner Gerth, Ms. McCarter stated bringing food and drink into the facility will be permissible. She added there will also be vending machines available.

In answer to Commissioner Gerth's question, Ms Catherine Vorrasi, CORE Facility Director, stated whether or not to allow alcohol for receptions has been discussed internally but no decisions have been made. She further stated the results of the discussion would then be brought to the Commission for approval.

Mayor Cobb stated there are partners involved in this project and the City will need to include them in any conversations regarding policies.

Commissioner Taylor stated the CORE will be a family recreational center. She stated the partners will need to look closely at allowing alcohol in a facility with lots of children.

Ms. Vorrasi stated if alcohol were to be approved, it would only be allowed after normal operating hours.

Ms. McCarter continued the presentation of the CORE amenities and described the fitness and indoor sports areas of the facility. She encouraged anyone with questions to contact the CORE at 397-CORE (2673) or by going online to www.corehobbs.com.

Ms. McCarter stated a six-question survey was created to gather feedback from the community. To date, there have already been 115 responders, and the deadline for submittal of the survey is December 15, 2017.

In response to Commissioner Taylor's question, Ms. McCarter stated the building contains approximately 160,000 sq. ft.

In answer to Commissioner Gerth's inquiry, Mr. Doug McDaniel, Parks and Recreation Director, stated the spaces will accommodate at least 30 people.

Commissioner Gerth suggested holding a public meeting in District 6.

Mayor Cobb suggested going out into the community and hosting meetings at the public schools for the children and parents.

In response to Commissioner Cynthia Calderon's question, Mr. McDaniel stated they are still working through a feasibility study for the pricing. He stated information is still being solicited from the community. The next public discussion will take place at the Community Affairs Board meeting on December 12, 2017, at 6:00 p.m. Mr. McDaniel stated the Community Affairs Board will make a recommendation to the City Commission at the December 18, 2017 meeting.

Reclassification Pay Plan Adjustment for the Lea County Communication Authority (LCCA) of a 4.7% (Average).

Mr. Craig Bova, Lea County Human Resources Director, stated the Reclassification Pay Plan Study was conducted to develop a more effective classification system and a competitive compensation plan. He stated the previous classification and compensation plan was approved in 1999 and the previous salary matrix was from 2009. Mr. Bova stated the study looked at comparative counties, the City of Hobbs, and the Bureau of Labor Statistics as the basis for obtaining an average for compensation. He further stated the study was conducted over two fiscal years and was completed in October, 2017. Mr. Bova stated the study results and proposal were presented to the LCCA Board on November 1, 2017, and the LCCA Board approved the proposal.

Mr. Bova stated the proposed Classification and Compensation Plan Policy, Salary Matrix, and Salary Adjustments were approved by the Lea County Board of County Commissioners on November 2, 2017. The Classification and Compensation Plan Policy, Salary Matrix, and Salary Adjustments will take effect on the December 1, 2017, paycheck.

In response to Commissioner Gerth's question, Mr. Bova stated this adjustment is above the 3% merit increase already granted to Lea County employees.

In further response to Commissioner Gerth's inquiry, Mr. Bova stated the salary adjustment was not done during the regular budget because the study results were not complete at that time.

To answer Mayor Cobb's question, Mr. Bova stated the increase will not affect Lea County's budget because they are currently under budget in personnel expenditures.

Mr. Chip Low, Lea County Finance Director, stated the County never spends 100% of its budget. He stated Lea County is currently under 4% of their budgeted expenses. He

added, based on their current operational size, there will be no affect to the budget this year. Mr. Low stated 90%-92% of the budget is in personnel costs.

Commissioner Newman stated he has not seen any of the survey results. He stated the 9-1-1 service is great but he has no comparison between LCCA and other entities and has no way of making a reasonable decision without that information.

In response to Mayor Cobb's inquiry, Mr. Bova stated he will get all of the study information to the Commission.

Commissioner Buie agreed with Commissioner Newman and stated having the information prior to the County and LCCA's votes would have been beneficial. He stated the City is a 50% partner with Lea County in the LCCA and the Commission should have been involved in the study.

In response to Commissioner Buie's question, Mr. Low stated Lea County began their budget preparations in February, 2017, and finalized it by July 31, 2017.

In further response to Commissioner Buie, Mr. Low stated employee evaluations begin on July 1 to make salary adjustments.

Mayor Cobb stated there is no intention to infer there is no communication between Lea County and the City of Hobbs; however, going forward, the entities should work more closely together on these joint issues.

Action Items

Consideration of Approval of a Contract with Business Environments in the Amount of \$428,840.26 for the Purchase of Furniture for the CORE Facility.

Mr. Ronny Choate, General Services Director, stated the City recommends to enter into a contract with Business Environments for the purchase of furniture for the CORE facility at a cost of \$428,840.26. He stated Business Environments is an authorized distributor outlet in New Mexico for Steelcase, Inc. Mr. Choate stated Business Environments will utilize a GSA contract with Steelcase, Inc., for the majority of the furniture for the CORE facility. He stated Business Environments has had a long tenure with the City as the company was used ten years ago to purchase furniture for the new City Hall. Mr. Choate explained that meetings were held with CORE employees, staff and multiple vendors have been vetted carefully. He stated the project is within the architect's original estimated budget for a facility of this size and scope.

In reply to Commissioner Taylor's inquiry, Mayor Cobb stated the back of the chairs are cloth and the seats are vinyl.

There being no further discussion, Commissioner Taylor moved to approve the purchase of furniture for the CORE Facility and accept the contract with Business Environments in an amount of \$428,840.26. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Commissioner Newman requested that the public hearings on Agenda Items No. 10 and 11 related to the transfer and ownership of two liquor licenses be moved up and discussed next on the agenda. Mayor Cobb agreed.

PUBLIC HEARING: Resolution No. 6611 Regarding the Transfer of Ownership and Location of Liquor License No. 0324 from Pay and Save, Inc., 403 Aztec, Gallup, New Mexico, to Cimarron, Inc., d/b/a Diamond Lil's, 2600 North Dal Paso, Hobbs, New Mexico

Mr. Mike Stone was appointed as the Hearing Officer. Mr. Barry Crutchfield, representing Mr. Tommy Smith of Cimarron, Inc., d/b/a Diamond Lil's., presented testimony in the hearing regarding the application of transfer of ownership and location of Liquor License No. 0324 from Pay and Save, Inc., 403 Aztec, Gallup, New Mexico, to Cimarron, Inc., d/b/a Diamond Lil's, 2600 North Dal Paso, Hobbs, New Mexico.

In response to Mr. Stone's inquiry, no members of the audience requested to speak in support of the application or against the application for transfer of ownership and location of Liquor License No. 0324 to be located at 2600 North Dal Paso.

Mr. Stone recognized Mr. Smith as the owner of Cimarron, Inc., d/b/a Diamond Lil's. He stated the State of New Mexico, Alcohol and Gaming Division, has granted preliminary approval to the application for transfer of ownership and location of the liquor license and a public hearing has to be held within 45 days of receipt of the application on whether or not the proposed transfer of ownership of the license should be granted. He further stated the application can be denied for only three reasons which are as follows: (1) if the location is within 300 feet of a church or school, which is not applicable here; (2) if it is in violation of a zoning or other ordinance of the governing body, which is not applicable here; and (3) if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district. He further stated disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or locations and a copy of the record must be submitted to the Alcohol and Gaming Division. Mr. Crutchfield stated that the Cimarron, Inc., d/b/a Diamond Lil's, has not been cited for any alcohol violations by the State of New Mexico, Alcohol and Gaming Division. He testified that all the above statements made by Mr. Stone are true and correct to his knowledge.

In reply to Commissioner Newman's question, Mr. Stone stated that Cimarron, Inc., d/b/a Diamond Lil's is proposing to transfer its liquor license to Allsup's Convenience Stores, Inc., d/b/a Allsup's 144, 100 East Marland, Hobbs, New Mexico, which is the next agenda item.

Proper publication having been made, and there being no discussion, and no comments from the audience, Commissioner Joseph Calderón moved that Resolution No. 6611 be adopted approving transfer of the location and ownership of the license as described. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

PUBLIC HEARING: Resolution No. 6612 Regarding the Transfer of Ownership and Location of Liquor License No. 0036 from Cimarron, Inc., d/b/a Diamond Lil's, 2600 North Dal Paso, Hobbs, New Mexico, to Allsup's Convenience Stores, Inc., d/b/a Allsup's 144, 100 East Marland, Hobbs, New Mexico

Mr. Stone was appointed as the Hearing Officer. Mr. Didson Bates, representative for Allsup's Convenience Stores, presented testimony in the hearing regarding the application of transfer of ownership and location of Liquor License No. 0036 from Cimarron, Inc., d/b/a Diamond Lil's, to Allsup's Convenience Stores, Inc., d/b/a Allsup's 144, and located at 100 East Marland, Hobbs, New Mexico.

In response to Mr. Stone's inquiry, no members of the audience requested to speak in support of the application or against the application to transfer of ownership and location of Liquor License No. 0036 to be located at 100 East Marland.

Mr. Stone stated the State of New Mexico, Alcohol and Gaming Division, has granted preliminary approval to the application for transfer of ownership and location of the liquor license and a public hearing has to be held within 45 days of receipt of the application on whether or not the proposed transfer of ownership of the license should be granted. He further stated the application can be denied for only three reasons which are as follows: (1) if the location is within 300 feet of a church or school, which is not applicable here; (2) if it is in violation of a zoning or other ordinance of the governing body, which is not applicable here; and (3) if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district. He further stated disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or locations and a copy of the record must be submitted to the Alcohol and Gaming Division. Mr. Bates stated that Allsup's Convenience Stores, Inc., who have 81 liquor licenses, has not been cited for any alcohol violations by State of New Mexico, Alcohol and Gaming Division.

He testified that all the above statements made by Mr. Stone are true and correct to his knowledge.

In reply to Commissioner Gerth's question, Mr. Bates stated the Allsup's Convenience Stores located at 100 East Marland currently does not sell alcohol.

Proper publication having been made, and there being no further discussion, and no comments from the audience, Commissioner Gerth moved that Resolution No. 6612 be adopted approving the transfer of ownership and of the license as described. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried. Copies of the resolution and application packet are attached and made a part of these minutes.

Resolution No. 6608 - Authorizing Budgetary Adjustment #3 for FY 2017- 2018.

Mr. Toby Spears, Finance Director, stated the budget is prepared prior to the beginning of the fiscal year and it becomes necessary to adjust the budget for items not contemplated at the time of its preparation, or for issues that arise during the fiscal year. He stated there are adjustments increasing in both revenues and expenditures. He stated the expenditures increased by \$746,116.31 and total revenues increased by \$59,378.84. Mr. Spears stated the cash transfers between the General Fund and special revenue funds total \$166,436.17. He further stated the transfers within the Enterprise Funds total \$940,236.45. Mr. Spears stated the reserve balance moved from 31% to 30%. He added that once approved by the Commission, the resolution must be forwarded to the Department of Finance and Administration (DFA) for its approval. Mr. Spears stated he attended a DFA Budget Conference and attendees were pleased by Hobbs' electronic budget submittal process.

In response to Acting City Manager Manny Gomez, Mr. Spears stated the electronic budget submittal process will be mandated for use by the other New Mexico municipalities in FY 2019.

Commissioner Cynthia Calderon moved to approve Resolution No. 6608 as presented. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6609 - Authorizing the Purchase of a Brushmaster Type 3 Brush Truck for the Hobbs Fire Department from the Kyriah Government Group in the Amount of \$234,122 Utilizing the Buy Board Cooperative Purchasing Contract.

Acting City Manager/Fire Chief Gomez stated the City desires to purchase a Brushmaster Type 3 Brush Truck from Kyrish Government Group with a Buy Board Cooperative Purchasing Contract. He stated the purchase is budgeted for FY 2018 through the Fire Protection Fund and has been approved by the State Fire Marshal's Office. Acting City Manager/Fire Chief Gomez stated the Fire Department committee sent out specifications and reviewed three separate manufacturers. It is the recommendation to purchase the Type 3 Brush Truck from Kyrish Government Group. He stated this apparatus will replace a 2006 Ford F550 Quick Attack.

Commissioner Newman moved to approve Resolution No. 6609 as presented authorizing the purchase of the Brush Truck. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6610 - Proclaiming a Regular Municipal Election on Tuesday, March 6, 2018.

Ms. Jan Fletcher, City Clerk, explained the resolution and stated the regular municipal election will be held on Tuesday, March 6, 2018, and persons shall be elected to fill the following elective offices as follows:

- One Commissioner from District 2 for a two-year term
- One Commissioner from District 4 for a four-year term
- One Commissioner from District 5 for a four-year term
- One Commissioner from District 6 for a four-year term
- One Municipal Judge, elected at large, for a four-year term

Ms. Fletcher stated there are no questions on the ballot for consideration by the voters. She reviewed important election dates are as follows:

- January 9, 2018 - Candidate Filing Day
- January 16, 2018 - Write-In Candidate Filing Day
- January 30, 2018 - First Day for Absentee Voting
- February 6, 2018 - Voter Registration Closes with the Lea County Clerk @ 5:00 p.m.
- February 14, 2018 - First Day for Early Voting Using Electronic Vote Tabulators
- March 2, 2018 - Last Day for Issuance of Absentee Ballots and Early Voting
- March 6, 2018 - Election Day

Ms. Fletcher stated all of the precincts have been consolidated and four Voting Convenience Centers (VCC) have been secured for the election as follows:

- City Hall Annex, 1st Floor, 200 East Broadway
- Teen Center, 620 West Alto
- Hobbs Municipal Schools Training Center, 2110 East Sanger
- Lea County Event Center, 5101 Lovington Highway

Ms. Fletcher stated there are appropriate funds budgeted for the cost of the election.

In addition, Ms. Fletcher stated Candidate Packets will be available beginning Tuesday afternoon in the City Clerk's Office. She reviewed the contents of a sample packet and expressed thanks and appreciation to Ms. Mollie Maldonado, Deputy City Clerk, and staff for creation of the Candidate Packets.

Commissioner Newman moved to approve Resolution No. 6610 as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Gerth yes, Buie yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Consideration of Approval of a Task Order with Ramirez & Sons, Inc., in the Amount of \$142,146.87 for the Reconstruction of Approximately 850' Feet of Apache Drive at the Southeast Corner of Grimes and Apache.

Mr. Todd Randall, City Engineer, stated this project consists of the reconstruction of Apache from Grimes Street and east approximately 850 linear feet. He stated the City entered into a Development Agreement Kasis Development on March 6, 2017 for the proposed development on the on the Southeast corner of Grimes and Apache. The Development Agreement includes an Infrastructure Fair Share fee for roadway, water and sewer improvement along Apache St. The fee of \$45,000.00 has been collected from the Developer prior to issuance of a building permit. Mr. Randall stated the estimated cost for all improvements along Apache is approximately \$200,000.00 which includes extending sewer and roadway improvements beyond the development of a total 850 linear feet. He further stated the extension of improvements is to address City commitment outlined in the development agreement and necessary drainage improvements along Apache in order to direct Apache St. run-off to Grimes St. Mr. Randall stated the annexation of Apache St. was in 2007 and part of a large annexation of the Navajo corridor. The roadway section is reduced in order to accommodate existing conditions, such as existing utility infrastructure and limited right of way. He stated quotes for the Sewer Extension are being obtained at this time and a purchase order will be issued for this work which is anticipated to be less than \$60,000. Mr. Randall stated water currently exists and installed in 2009 as part of the Navajo/Dal Paso Utility Infrastructure improvements. The roadway portion is being presented under the Annual Paving Agreement with Ramirez & Sons.

Mr. Randall stated any task order under the annual agreement over \$60,000 must be approved by the City Commission. He stated there are sufficient funds in Fund 44 for the proposed improvements.

There being no discussion, Commissioner Cynthia Calderon moved to approve the task order for the reconstruction of approximately 850' Feet of Apache Drive at the Southeast corner of Grimes and Apache with Ramirez & Son's in the amount \$142,146.87 as presented. Commissioner Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Hobbs Municipal Code 8.28.040 Regarding Smoking in City-Owned, City-Operated and City-Leased Buildings.

Mr. Stone explained the proposed ordinance and stated this will amend Hobbs Municipal Code 8.28.040. He stated the amendment clarifies the ordinance to define the term "Smoke" or "Smoking" to include any electronic vapor device. Mr. Stone stated the amendment adopts the same penalties as the corresponding Section 24-16-18 NMSA, 1978.

There being no comments from the audience or Commission, Commissioner Joseph Calderón moved that the Commission publish notice of its intent to adopt the proposed ordinance at a later date. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Comments by City Commissioners, City Manager

Acting City Manager/Fire Chief Gomez wished everyone a Happy Thanksgiving and stated City Offices will close at noon on Wednesday, November 22, 2018, and will be closed all day on November 23rd and 24th.

Acting City Manager/Fire Chief Gomez expressed appreciation to Capt. Charles Cunningham for 22 years of service with the City of Hobbs. Capt. Cunningham is retiring from the Hobbs Police Department at the end of the month.

Commissioner Cynthia Calderon thanked Capt. Cunningham on behalf of the Adult Probation and Parole Office for all of his assistance over the years.

Commissioner Taylor encouraged the community to shop locally during the upcoming holidays as local merchants give back to the community.

Adjournment

There being no further discussion or business, Commissioner Joseph Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:40 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: Approval of LCCA of a 4.7% (average) reclassification pay plan adjustment.
DEPT. OF ORIGIN: Administration
DATE SUBMITTED: November 28, 2017
SUBMITTED BY: Manny Gomez, Acting City Manager

Summary:

The LCCA is seeking approval of a pay reclassification plan adjustment that was not included in the preliminary budget. The LCCA joint powers agreement between the City of Hobbs and Lea County mandates a 50% cost sharing of salary, benefits and operations. The county is the fiscal agent and employer for all LCCA employees. Capital items are subject to specific approval by the LCCA Board, Lea County Commission and Hobbs City Commission.

The overall estimated salary and benefit budget for LCCA is approximately \$2,113,240. The City of Hobbs share of the LCCA salary and benefit budget is \$1,056,620. On November 1, 2017, the LCCA Board voted to approve the pay reclassification plan. This plan was also approved by the Lea County Commission on November 2, 2017.

Fiscal Impact:

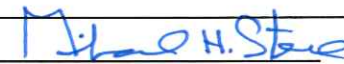
Reviewed By: 
Finance Department

The overall 2018 fiscal impact to the City of Hobbs would be approximately \$22,444 dollars. (Total increase of \$44,888 * 50% COH share). No adjustment would be necessary due to a favorable variance trend of salary and benefits as of October 31, 2017. The current budget flow back trend through 4 months is approximately \$16,672. (\$33,344* 50% COH share)

Attachments:

Resolution
Five Year History – LCCA Salary and Fringe (fiscal agent)
Research Data

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or deny

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. _____

CITY OF HOBBS

RESOLUTION NO. 6613

**A RESOLUTION REQUESTING APPROVAL
OF A 4.7% (AVERAGE) RECLASSIFICATION PAY PLAN
ADJUSTMENT FOR THE LEA COUNTY COMMUNICATION AUTHORITY**

WHEREAS, the Lea County Communication Authority Board (LCCA) is seeking approval of a pay reclassification plan adjustment that was not included in the preliminary budget for LCCA, Lea County or City of Hobbs; and

WHEREAS, the LCCA Joint Powers Agreement between the City of Hobbs and Lea County mandates a 50% cost sharing of salary, benefits and operations; and

WHEREAS, Lea County is the fiscal agent and employer of all LCCA employees;
and

WHEREAS, Capital items are subject to specific approval by the LCCA Board, Lea County Commission and Hobbs City Commission; and

WHEREAS, the overall estimated salary and benefit budget for LCCA is approximately \$2,113, 240; and

WHEREAS, the City of Hobbs share of the LCCA salary and benefit budget is \$1,056,620; and

WHEREAS; on November 1, 2017 the LCCA Board voted to approve the pay reclassification plan and the plan was also approved by the Lea County Commission on November 2, 2017; and

WHEREAS, the overall increase for the 2018 fiscal amount to the City of Hobbs would be approximately \$22,444.00;

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is authorized and directed to approve a reclassification pay plan adjustment for Lea County Communication Authority employees that will cost the City of Hobbs approximately \$22,444.00 as its 50% share of the increase for the 2018 fiscal year.

PASSED, ADOPTED AND APPROVED this 4th day of December, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

LEA COUNTY NEW MEXICO
Five Year History - LCCA Salary and Fringe

For the 3 months Ending October 31, 2017

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	376,846	377,394	548	0.15%
2005 Overtime	61,400	46,919	(14,481)	-23.58%
2063 PERA	54,641	54,691	50	0.09%
2064 FICA	33,149	32,495	(653)	-1.97%
2065 Health Ins.	98,102	91,560	(6,542)	-6.67%
2200 Retiree Hlth Care	10,740	10,478	(262)	-2.44%
2208 Vacation	9,210	-	(9,210)	-100.00%
2209 STOT	6,140	3,346	(2,794)	-45.51%
	<u>650,228</u>	<u>616,884</u>	<u>(33,344)</u>	<u>-5.13%</u>

For the Year Ending June 30, 2017

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	1,242,813	1,237,631	(5,182)	-0.42%
2005 Overtime	200,000	133,684	(66,316)	-33.16%
2063 PERA	179,915	176,622	(3,293)	-1.83%
2064 FICA	114,200	104,647	(9,553)	-8.37%
2065 Health Ins.	387,474	343,348	(44,126)	-11.39%
2200 Retiree Hlth Care	37,191	33,840	(3,351)	-9.01%
2208 Vacation	30,000	5,664	(24,336)	-81.12%
2209 STOT	20,000	11,515	(8,485)	-42.42%
	<u>2,211,593</u>	<u>2,046,952</u>	<u>(164,641)</u>	<u>-7.44%</u>

For the Year Ending June 30, 2016

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	1,189,100	1,176,986	(12,114)	-1.02%
2005 Overtime	200,000	133,894	(66,106)	-33.05%
2063 PERA	176,970	168,049	(8,921)	-5.04%
2064 FICA	110,230	100,260	(9,970)	-9.04%
2065 Health Ins.	390,925	341,049	(49,876)	-12.76%
2200 Retiree Hlth Care	33,975	32,197	(1,778)	-5.23%
2208 Vacation	30,000	8,157	(21,843)	-72.81%
2209 STOT	20,000	12,997	(7,003)	-35.02%
	<u>2,151,200</u>	<u>1,973,590</u>	<u>(177,610)</u>	<u>-8.26%</u>

For the Year Ending June 30, 2015

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	1,150,074	1,095,825	(54,249)	-4.72%
2005 Overtime	210,000	144,311	(65,689)	-31.28%
2063 PERA	171,073	156,392	(14,681)	-8.58%
2064 FICA	108,636	94,746	(13,890)	-12.79%
2065 Health Ins.	425,997	342,430	(83,567)	-19.62%
2200 Retiree Hlth Care	32,777	30,020	(2,757)	-8.41%
2208 Vacation	30,000	3,828	(26,172)	-87.24%
2209 STOT	30,000	13,575	(16,425)	-54.75%
	<u>2,158,557</u>	<u>1,881,127</u>	<u>(277,430)</u>	<u>-12.85%</u>

For the Year Ending June 30, 2014

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	1,065,574	993,319	(72,255)	-6.78%
2005 Overtime	240,016	218,702	(21,314)	-8.88%
2063 PERA	155,448	134,605	(20,843)	-13.41%
2064 FICA	98,349	94,219	(4,130)	-4.20%
2065 Health Ins.	313,766	307,161	(6,605)	-2.10%
2200 Retiree Hlth Care	29,773	26,611	(3,162)	-10.62%
2208 Vacation	20,010	11,069	(8,941)	-44.68%
2209 STOT	30,010	24,946	(5,064)	-16.88%
	<u>1,952,946</u>	<u>1,810,631</u>	<u>(142,315)</u>	<u>-7.29%</u>

For the Year Ending June 30, 2013

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
2002 Full-time	948,552	934,532	(14,020)	-1.48%
2005 Overtime	189,080	188,085	(995)	-0.53%
2063 PERA	143,692	123,765	(19,927)	-13.87%
2064 FICA	87,719	87,130	(589)	-0.67%
2065 Health Ins.	359,137	245,419	(113,718)	-31.66%
2200 Retiree Hlth Care	29,827	25,334	(4,493)	-15.06%
2208 Vacation	15,010	14,345	(665)	-4.43%
2209 STOT	17,010	16,968	(42)	-0.25%
	<u>1,790,027</u>	<u>1,635,578</u>	<u>(154,449)</u>	<u>-8.63%</u>

LEA COUNTY NEW MEXICO

Research Data

<u>Office</u>	<u>Position</u>	<u>BLS</u>	<u>Los Alamos</u>	<u>Santa Fe</u>	<u>San Juan</u>	<u>Bernalillo</u>	<u>Dona Ana</u>	<u>Sandoval</u>	<u>Eddy</u>	<u>Hobbs</u>	<u>Total</u>	<u>Avg*</u>	<u>Avg Annual</u>
COMM AUTH	DIRECTOR	42.64	0.00	45.96	45.43	46.63	0.00	0.00	0.00	0.00	180.66	45.17	\$93,943.20
COMM AUTH	ECS SUPERVISOR	23.03	0.00	15.73	26.36	28.44	0.00	0.00	0.00	0.00	93.56	23.39	\$48,651.20
COMM AUTH	EMERGENCY COMMUNICATION SPECIALIST	16.46	0.00	15.00	15.95	19.00	0.00	0.00	0.00	0.00	66.41	16.60	\$34,533.20
COMM AUTH	IT COORDINATOR	34.28	0.00	15.73	26.36	28.44	0.00	0.00	0.00	0.00	104.81	26.20	\$54,501.20
COMM AUTH	QUALITY ASSURANCE	23.03	0.00	15.73	26.36	23.24	0.00	0.00	0.00	0.00	88.36	22.09	\$45,947.20
COMM AUTH	TERMINAL AGENCY COORDINATOR	23.03	0.00	15.73	26.36	28.44	0.00	0.00	0.00	0.00	93.56	23.39	\$48,651.20
COMM AUTH	TRAINING COORDINATOR	23.03	0.00	15.73	26.36	28.44	0.00	0.00	0.00	0.00	93.56	23.39	\$48,651.20

Avg* is now the starting rate (min) for the County with the new (LCBOCC) approved Classification and Compensation Plan Policy and Salary Matrix.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: ANNUAL PAVING AGREEMENT TASK ORDER TO RAMIREZ & SONS FOR PRAIRIE HAVEN MEMORIAL PARK CEMETERY SHOP COMPOUND

DEPT. OF ORIGIN: Parks and Recreation

DATE SUBMITTED: 11/28/17

SUBMITTED BY: Doug McDaniel, Parks and Recreation Director

Summary:
 The project consists of finish grading and placement of 3" hot mix asphalt within the fenced compound at Prairie Haven Memorial Park Cemetery. Currently, the area is caliche and tracks mud easily into shop and onto roadways. Total area to receive asphalt is 34,000 sq/ft.(see attached map)

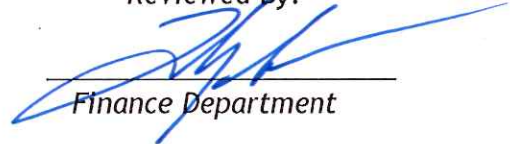
The cost proposal from Ramirez & Sons totals \$70,258.55.

Funds were included in the FY2018 budget specifically for the placement of asphalt at the shop compound. At the November 8, 2017 meeting of the Cemetery Board capital projects for the Cemetery were discussed. The paving of the shop compound was voted as the Cemetery Board's top priority.

Any Task Order added to the Annual Agreement at a cost of \$60,000 or more shall be approved by the City Commission. A total of \$120,000 was budgeted for Capital Projects at the Cemetery. Remaining funds will be used for perimeter fence improvements at Prairie Haven Memorial Park Cemetery as voted on by the Cemetery Board.

Fiscal Impact:

Reviewed By:



Finance Department

Fund 01-4019-43011 \$120,000.00 (Available Funding)
 Ramirez Task Order: \$70,258.55 (Does Not include GRT)

Attachments: Location Map / Construction Estimate

Legal Review:

Approved As To Form:



City Attorney

Recommendation:

Staff recommends approval of a Task Order to Ramirez & Sons for \$70,258.55 plus GRT.

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. _____

3404 N. Enterprise Dr.
 Hobbs, NM 88240
 PHONE (575) 492-0480
 FAX (575) 492-0479

PROPOSAL



City of Hobbs

PAGE 1
 BID DATE October 2, 2017
 PROJECT Prairie Haven Cemetary
 ESTIMATOR: Joel Gomez
 CELL PHONE 505-603-9236
 E-MAIL: joomez.rsi@gmail.com

PHONE: Ronny Choate 575-370-8598
 FAX:
 E-MAIL:

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	ESTIMATED AMOUNT
203001	UNCLASSIFIED EXCAVATION (101-300 CY)	155	CY	\$6.00	\$930.00
207002	SUBGRADE PREPARATION (1001-5000 SY)	3,195	SY	\$1.15	\$3,674.25
303003	STATE BASE COURSE DELIVERED & INSTALLED	985	TONS	\$16.00	\$15,760.00
423277	3" HOT MIX ASPHALT, COMPLETE IN PLACE	3,195	SY	\$15.14	\$48,372.30
801000	CONSTRUCTION STAKING BY CONTRACTOR, NEGOTIATED	1	LS	\$372.00	\$372.00
702800	TRAFFIC CONTROL PLAN, LUMP SUM NEGOTIATED	1	LS	\$1,150.00	\$1,150.00
				TOTAL	\$70,258.55
(NO BID BOND INCLUDED)					
(BY OTHERS: PERMITS, TESTING, LAYOUT, SURVEYING SEEDING, LANDSCAPING, TEMPORARY FENCE, SWPPP & NO DIGGING OR BACKFILLING OF FOOTINGS)					
(NO OTHER WORK QUOTED. ANY ITEMS NOT LISTED WILL BE QUOTED SEPERATELY)					
NOTES					

- Add Applicable taxes to price total.
This proposal does not include: no final grading of sidewalk, no landscaping, no landscape grading, no testing or applicable taxes.
- We cannot be held responsible for any pavement settlement over utility ditches, trenches, foundations or any other work that has been constructed by others.
- All material is guaranteed to be specified. All work to be completed in a professional manner according to standard practices.
- Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become a change order over and above the estimate.
- All agreements contingent upon strikes, accident or delay beyond our control. Owner is to carry fire, tornado and all other necessary insurance.
- Our workers are fully covered by Workers Compensation Insurance.

PAYMENT TERMS
 Payment to be made as follows: net amount due upon completion. Interest starts the 30th day from invoice date at the rate of 1.5% per month.

ACCEPTANCE
 By signing ,the customer agrees that the above prices, notes, and terms are acceptable and authorizes commencement of work and procurement of materials.

Ramirez and Sons, Inc.

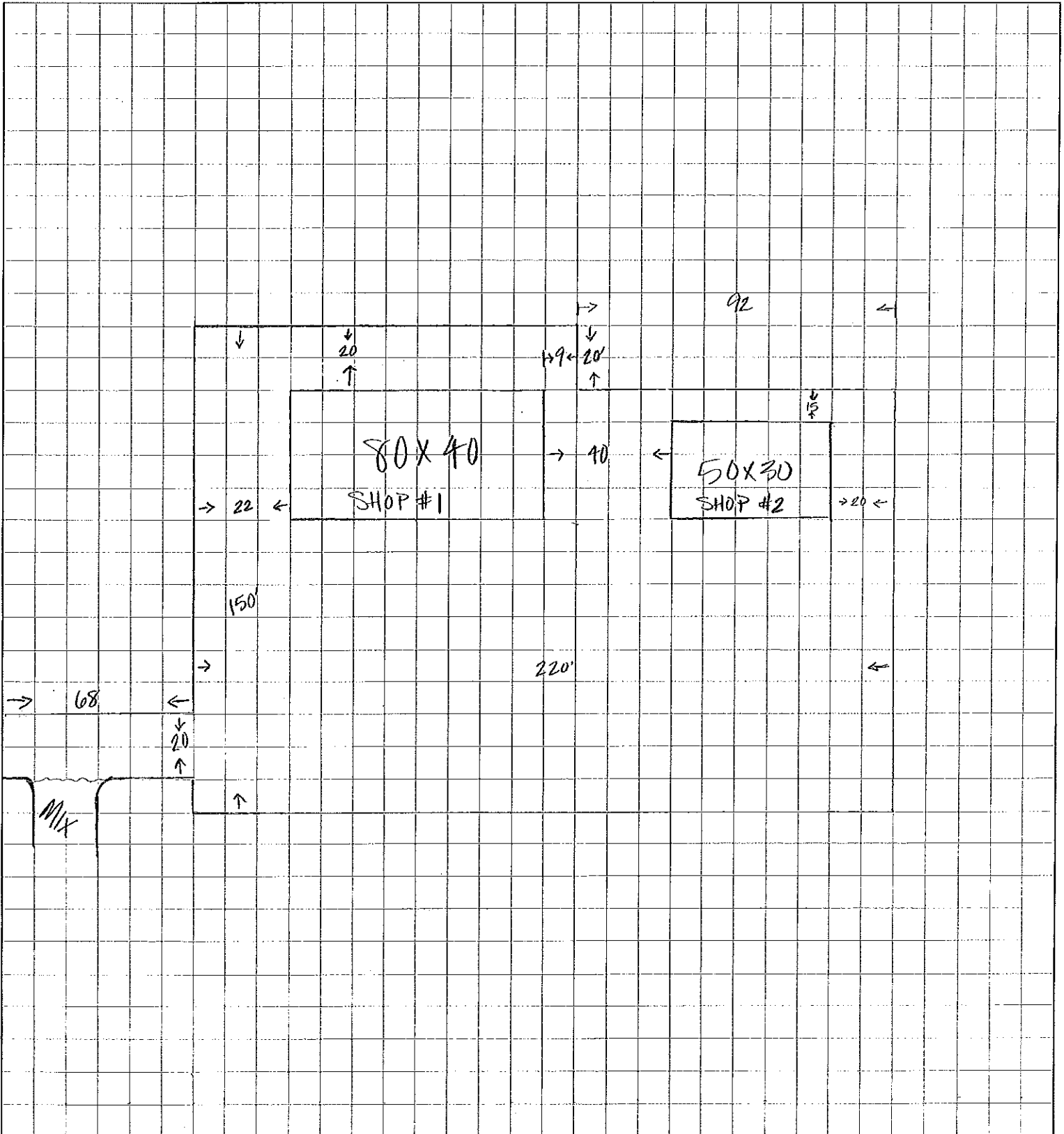
By: _____
 Print Name: Joel Gomez
 Title: _____
 Date: _____

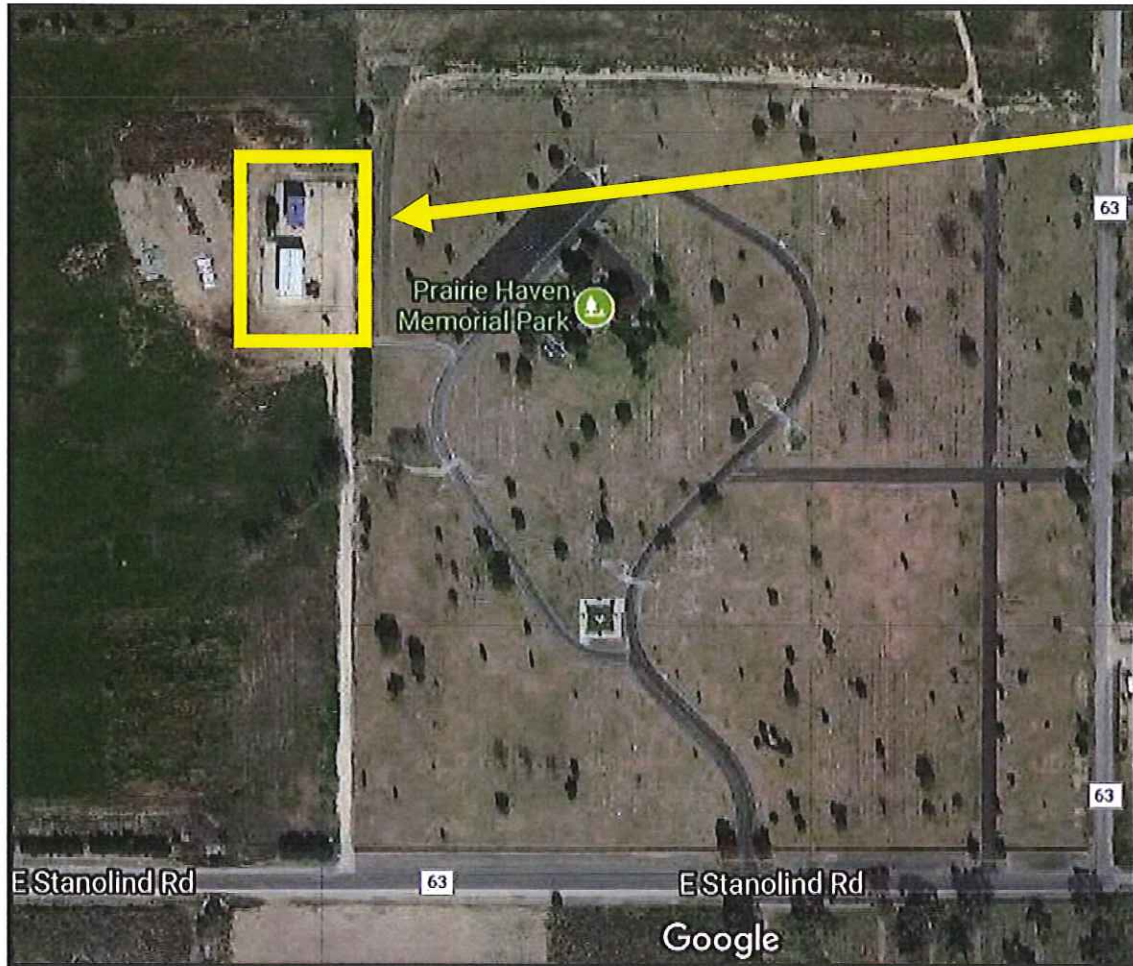
City of Hobbs
 (Customer)

By: _____
 Print Name: _____
 Title: _____
 Date: _____



PROJECT CITY OF HOBBS - PRAIRE HAVEN CEMETARY





Prairie Haven
Memorial
Cemetery
Maintenance
Shop





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: Publication of an Amendment to Section 6.04.090 of the Hobbs Municipal Code

DEPT. OF ORIGIN: HAAC

DATE SUBMITTED: 11/28/2017

SUBMITTED BY: Britt Lusk, Administrative Services Director

Summary:

Section 6.04.090 discusses impounding animals. The changes recommended deal specifically with the reclaim of an impounded animal. The current ordinance requires a reclaim fee be paid to reclaim the animal. We are proposing that the reclaim fee be removed and give citizens an option to pay for a hobby breeders permit to reclaim their unsterilized pet or enter into a sterilization contract to have their pet spayed or neutered. This will both simplify and make clearer the reclaim process while leading to less pets running at large.

Fiscal Impact:

Reviewed By: 

Finance Department

Total reclaim fees in 2017 are \$12,146.00. The changes proposed would have minimal impact on the current activity.

Attachments:

Proposed changes to section 6.04.090 of the Hobbs Municipal Code

Legal Review:

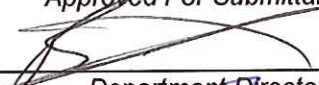
Approved As To Form: 

City Attorney

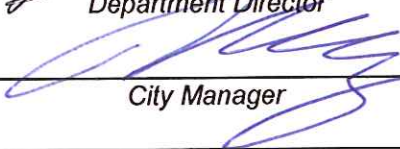
Recommendation:

Staff recommends to publish the proposed changes to section 6.04.090

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6.04.090 OF THE HOBBS MUNICIPAL CODE
RELATED TO THE IMPOUNDING OF ANIMALS

WHEREAS, Section 6.04.090 of the Hobbs Municipal Code currently discusses impounding of animals; and

WHEREAS, the current Section 6.04.090(E), has resulted in broad and often contradictory interpretations that often lead to confusion by animal owners and City staff alike; and

WHEREAS, the changes to Section 6.04.090(E), affords a simpler interpretation by eliminating the "reclaim fee" associated with the reclaiming of an animal from the Hobbs Animal Adoption Center (HAAC) by the owner; and

WHEREAS, the changes to Section 6.04.090(E), provides for two options for an owner that seeks to reclaim an animal from the HAAC, which are clearly articulated in the changes; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO , that Section 6.04.090 of the Hobbs Municipal Code is hereby amended as follows:

6.04.090 - Impounding animals.

- A. An Animal Protection Officer may take up and impound in any designated animal protection facility stray animals or livestock or any animal or livestock kept or maintained contrary to the requirements of this code.
- B. The animal shall be confined in accordance with the City's regulations.
- C. The owner shall be responsible for all impound fees, boarding fees and other costs whether or not the animal is reclaimed.
- D. Reclaim of animal and payment of fees or presentment of valid permit does not waive prosecution for violations under this chapter.
- E. The owner shall be required to pay a reclaim fee to reclaim any unsterilized dog or cat ~~by one of the following in order to reclaim any unsterilized dog or cat:~~
 - 1. An unsterilized dog or cat reclaimed by its owner shall be released ~~without assessment of reclaim fee~~ upon presentment of a valid hobby breeder permit plus payment of impound fees, boarding fees and other costs imposed by the City; or
 - 2. ~~Reclaim fee shall be reduced by fifty (50) percent, but shall not be less than one hundred dollars (\$100.00) for first time reclaim of an animal. This reduced fee is per household per calendar year.~~ An unsterilized dog or cat reclaimed by its owner shall be released upon entering into a sterilization contract and payment of the sterilization fee plus payment of impound fees boarding fees and other costs imposed by the City.
 - 3. ~~Reclaim fee will be waived for the second reclaim of a specific dog or cat within one (1) calendar year. Full reclaim fee will be charged for third and subsequent reclaim.~~
 - 4. ~~3.~~ Reclaim-Sterilization fee will be refunded to the owner of any dog or cat that is sterilized by a licensed veterinarian, other than the veterinarian contracted with the City, within thirty (30) days after release. To obtain a refund the owner must provide a written certificate from a the licensed veterinarian stating the animal has been neutered or spayed containing sufficient description to match reclaimed animal.
 - 5. ~~Owner may pay sterilization fee in lieu of reclaim fee to have dog or cat spay or neutered by City prior to release.~~
 - 6. ~~5.~~ Canine hybrid will not be released unsterilized.
 - 7. ~~6.~~ Owner must provide proof that they possess a current City license (or proof of non-residency) and rabies vaccination for the animal.
- F. A sterilized dog with current rabies vaccination, current City license, and a microchip may be reclaimed without owner being cited for running at large once each calendar year. Owner shall be responsible for impound and boarding fees.
- G. Any animal which is not reclaimed becomes the property of the City and may be placed for adoption or humanely destroyed in accordance with City's policy and procedures.
- H. The Animal Protection Department may require inspection of enclosures for livestock prior to reclaim.
- I. The City Manager is hereby authorized to place for adoption unclaimed livestock that has been impounded by the City and to execute adoption papers to the purchaser at the end of a ten-day waiting period.
 - 1. Adoption of large livestock may be done after submitting a sealed bid to the Animal Protection Department.
 - 2. Adoption of small livestock may be done after paying an adoption fee to the Animal Protection Department.

- J. The Supervisor shall maintain, for a reasonable period of time or as required by law, a record of all animals impounded. At least the following information shall be included:
1. Complete description and picture of the animal;
 2. Manner and date of its acquisition;
 3. Date, manner, and place of impoundment;
 4. Impoundment number;
 5. Date, manner, and description of final disposition
- K. Owner relinquishing an animal shall be required to complete an owner's release at the time of impoundment.
- L. An Animal Protection Officer may take possession of a stray animal not wearing a current rabies tag, if required, who is deemed critically injured or critically ill for euthanizing. A report must be filed with the City Manager.
- M. Whenever the City Manager finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the City Manager may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the City. If the animal is unclaimed at the end of the protective custody period, the animal will become the property of the City and may be placed for adoption, be humanely destroyed or otherwise disposed of by the City.

(Ord. No. 1024, 11-2-2009)

State Law reference— Sterilization agreement and sterilization deposit required, NMSA 1978, § 77-1-20 (1993).

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: Publication of an Amendment to Section 6.04.110 of the Hobbs Municipal Code

DEPT. OF ORIGIN: HAAC

DATE SUBMITTED: 11/28/2017

SUBMITTED BY: Britt Lusk, Administrative Services Director

Summary:

Proposed changes to section 6.04.110 include the addition of a section C to discuss surrendering an animal to the City animal protection facilities. The addition includes the owner shall be required to sign an owner relinquishment for; and the owner shall be required to pay a surrender fee to offset the cost associated with intake and vaccination of the animal. This addition also includes an option for the surrender of an unwanted litter in which the owner has the option to pay for the sterilization of the mother of the litter in lieu of the surrender fee of each animal in the litter.

There currently are no guidelines to surrendering an animal to the Hobbs Animal Adoption Center and the HAAC absorbs all cost incurred during the intake process. A fee will help with the cost of the intake.

Fiscal Impact:

Reviewed By: _____

Finance Department

The proposed ordinance would increase a surrender fee in the approximate amount of \$25.00 per animal. Our current intakes for 2017 are as follows:

Intakes 6472

Surrenders 1321

Attachments:

Proposed changes to section 6.04.110 of the Hobbs Municipal Code

Legal Review:

Approved As To Form: _____

City Attorney

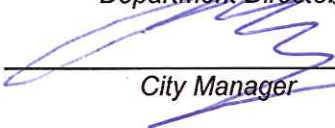
Recommendation:

Staff recommends publishing proposed changes to municipal code 6.04.110

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6.04.110 OF THE HOBBS MUNICIPAL CODE
RELATED TO THE RETENTION OF STRAYS OR OWNER SURRENDERED
ANIMALS

WHEREAS, Section 6.04.110 of the Hobbs Municipal Code currently discusses the retention of strays or owner surrendered animals; and

WHEREAS, the current Section 6.04.110, did not provide procedures for surrendering an animal to the Hobbs Animal Adoption Center (HAAC); and

WHEREAS, the changes to Section 6.04.110, outlines procedures for surrendering an animal to the HAAC by the owner; and

WHEREAS, the changes to Section 6.04.110, implements a surrender fee to offset the cost associated with intake and vaccination of the animal; and

WHEREAS, the changes to Section 6.04.110, provides an option to owners that may surrender a litter of animals to have the mother of the litter sterilized in lieu of a surrender fee

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 6.04.110 of the Hobbs Municipal Code is hereby amended as follows:

6.04.110 - Retention of strays or owner-surrendered animals.

- A. No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than twenty-four hours without first reporting the possession of the animal to the Animal Protection Department.
1. The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.
 2. No person having such an animal in his possession shall refuse to immediately surrender the animal to an Animal Protection Officer upon demand.
- B. Duly incorporated humane societies or the rescue arms of accredited dog and cat clubs or horse organizations capable of providing proper confinement, shelter, and care for stray, lost or owner-surrendered animals shall be allowed to assume the care of such animals.
1. The owner of a stray animal wearing a rabies tag or other form of identification shall be notified that the animal has been impounded.
 2. If the owner is not located within three (3) working days the society may assume responsibility for finding the animal a new home.
- C. The owner of an animal may surrender the animal to the City animal protection facilities provided:
1. The owner shall be required to sign an owner relinquishment form; and
 2. The owner shall be required to pay a surrender fee to offset the cost associated with intake and vaccination of the animal; or
 3. In the event the owner is requesting to surrender an unwanted litter, the owner may surrender the litter, have the mother of the litter sterilized, and pay the sterilization fee in lieu of paying the surrender fee for each animal in the litter.

(Ord. No. 1024, 11-2-2009)

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: Publication of an Amendment to Section 6.04.170 of the Hobbs Municipal Code

DEPT. OF ORIGIN: HAAC

DATE SUBMITTED: 11/28/2017

SUBMITTED BY: Britt Lusk, Administrative Services Director


Summary:

Section 6.04.170 of the municipal code contains the reduced cost of spay and neuter programs. As outlined in this section to qualify for the low cost program a person must meet one of the following criteria: 1. Elderly (70 or more years of age) or 2. Disabled (qualify for social security disability income); or 3. Low income (eligible for LIHEAP).

We would like to expand this to include Persons 65 or older and Persons that meet the Federal Poverty Level (FPL) as determined by the Department of Health and Human Services (HHS).

Low cost spay and neuter programs help decrease the dog and cat overpopulation and humane euthanasia. Our number of intakes has increased, but the number of intakes from within the City of Hobbs has decreased showing that our programs are beginning to have a positive impact in the community. Expanding the eligibility of the low cost program will help reach more citizens and continue to have a positive effect in our community.

Fiscal Impact:

Reviewed By: 

Finance Department

The changes proposed would have a minimal impact on the current activity. Anticipated reduction in fees average approximately 25% (per spay/neuter) decrease for persons 65 or older, disabled persons, or persons that meet the federal poverty level. The HAAC currently provides for persons 70 or older, disabled persons, and low income persons.

Attachments:

Proposed changes to 6.04.170

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Staff recommends publishing the proposed changes to municipal code 6.04.170.

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6.04.170 OF THE HOBBS MUNICIPAL CODE
RELATED REDUCED COST SPAY AND NEUTER PROGRAM

WHEREAS, Section 6.04.170 of the Hobbs Municipal Code currently discusses the reduced cost spay and neuter program; and

WHEREAS, the current Section 6.04.170, has resulted a positive impact on the overpopulation of dogs and cats and humane euthanasia; and

WHEREAS, the changes to Section 6.04.170, will broaden the definition of pet owners that qualify for the reduced cost spay and neuter program to further impact the community in a positive manner; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO , that Section 6.04.170 of the Hobbs Municipal Code is hereby amended as follows:

6.04.170 - Reduced cost spay and neuter program.

The City of Hobbs has a targeted dog or cat spay and neuter program aimed at assisting those citizens most in need: the elderly, disabled, or very low income.

- A. Participants must meet one of following requirements (income information is subject to verification):
 - 1. ~~Elderly (Seventy (70) or more years of age)~~ Persons Sixty-five (65) or older; or
 - 2. Disabled Persons (qualify for Social Security disability income payments); or
 - 3. ~~Low income (eligible for LIHEAP);~~ Persons that meet the Federal Poverty Level (FPL) as determined by the Department of Health and Human Services (HHS).
- B. Cost to participants required pursuant to this section shall be established and adopted through resolution adopted by the Commission.
- C. Spay and neuter program includes the surgery, vaccinations (FVRCP and Rabies/cat or DHLPP and Rabies/dog), one (1) night's hospitalization, and return visit for suture removal, if needed.
- D. There shall be a charge to participants who fail to keep an appointment or do not provide four (4) business days notice to cancel an appointment. This charge shall be established and adopted through resolution.
- E. Minimum age of dog or cat at time of surgery is three (3) months.
- F. Dogs must be restrained on a leash and cats must be in a carrier upon arrival at the Hobbs Animal Adoption Center.
- G. If the animal needs to be treated for flea and tick infestation prior to surgery, the additional days of care will be charged the "boarding fee" rate.
- H. City Manager reserves the right to postpone surgery or refuse to perform surgery if the animal is not healthy enough to undergo surgery.

(Ord. No. 1024, 11-2-2009)

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: AN ORDINANCE REPEALING AND ENACTING A NEW SECTION 2.04.120 - SALARY OF THE MAYOR, MAYOR PRO-TEM AND COMMISSIONERS

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: November 27, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary:

Pursuant to City of Hobbs Charter 8-1, the salary of the Mayor, Mayor Pro-Tem and the City Commissioners shall be determined by Ordinance. The salary for the Mayor has not been adjusted since 2001 and the salary for the City Commissioners has not been adjusted since 1989. The salary for the Mayor has been \$18,000.00 per year for the past seventeen years. The salary for City Commissioners has been \$4,800.00 per year for the last twenty-eight years. This proposed new Ordinance increases the salary of the Mayor to \$26,000.00 per year and the Hobbs City Commissioners to \$12,000.00 per year, subject to the prohibition against current elected officials receiving an increase in salary during their current terms of office. The Ordinance will become effective upon final approval by the City Commission; however, the increase in salary will not be effective during the current terms of office for each of the elected officials. A newly elected Mayor shall receive the increase upon his/her qualification in March 2020, or upon the qualification of a newly appointed Mayor after July 1, 2018. Newly-elected Commissioners from Districts 2, 4, 5 and 6 shall receive the increase beginning July 1, 2018, to ensure appropriate budgeting considerations. The increase for Commissioners in District 1 and 3 will not occur until the newly-elected Commissioners in those two districts are qualified in March 2020, or until a newly appointed Commissioner is qualified after July 1, 2018. The salary of the Mayor Pro-Tem shall continue to be the same as a Commissioner's salary. The current Ordinance shall be repealed in its entirety and a new section 2.04.120 shall be enacted as described herein. This matter comes before the City Commission for authorization to publish

Fiscal Impact:

There will be no fiscal impact during the 2018 fiscal year. Beginning July 1, 2018 there will be an increase in salary for Commissioners in Districts 2, 4, 5 and 6 of \$600.00 per month, per Commissioner. Beginning March 2020, there will be an increase in salary for Commissioners in Districts 1 and 3 of \$600.00 per month, per Commissioner. Beginning March 2020, there will be an increase in salary for the Mayor of approximately \$667.00 per month.

Reviewed By: 

Finance Department

Attachments:

Proposed new Ordinance
History of pay for City Commissioners

Legal Review:

Approved As To Form: 

City Attorney

Recommendation: The Commission should approve the repealed and new enacted ordinance for publication

Approved For Submittal By:

M. H. Stone

Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND ENACTING A NEW SECTION 2.04.120
OF THE HOBBS MUNICIPAL CODE - SALARY OF
MAYOR, MAYOR PRO-TEM AND CITY COMMISSIONERS

WHEREAS, Hobbs City Commissioners' salary has been \$4,800.00 per year since 1989;

WHEREAS, the Mayor's salary has been \$18,000.00 per year since 2001.

WHEREAS, the City of Hobbs Charter, Chapter 8-1, requires the salary of the Mayor and City Commissioners to be determined by Ordinance;

WHEREAS, the City desires to increase the Mayor's salary to \$26,000.00 and the City Commissioner's salary to \$12,000.00 per year as described herein;

WHEREAS, because the New Mexico Constitution prohibits a Mayor or a Commissioner's compensation from being increased or diminished during that person's term of office, the change in compensation shall not be effective until the next term of each elected official.

WHEREAS, the effective date for the salary increase for the Mayor shall be upon the qualification of a newly elected Mayor in March 2020, or until a newly appointed Mayor is qualified after July 1, 2018;

WHEREAS, the effective date for the salary increase for Commissioners in Districts 2, 4, 5 and 6 shall be July 1, 2018 to ensure appropriate budgeting considerations;

WHEREAS, the effective date for the salary increase for Commissioners in Districts 1 and 3 shall be when newly elected Commissioners are qualified in March 2020, or until a newly appointed Commissioner is qualified after July 1, 2018;

WHEREAS, the salary of the Mayor Pro-Tem shall be the same as a Commissioner's salary as determined in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that Section 2.04.120 of the Hobbs Municipal Code is hereby repealed and enacted as follows:

2.04.120 Salary of Mayor, Mayor Pro-Tem and Commissioners.

Commencing upon the qualification of a newly elected Mayor in March 2020, or upon a newly appointed Mayor being qualified after July 1, 2018, shall receive as salary \$26,000.00 per year. Commencing July 1, 2018, City Commissioners in Districts 2, 4, 5 and 6 shall receive as salary \$12,000.00 per year. Commencing March 2020, upon qualification of newly-elected City Commissioners in Districts 1 and 3, or until a newly appointed commissioner is qualified after July 1, 2018, shall receive as salary \$12,000.00 per year. The current Mayor in his current term shall continue to receive as salary \$18,000.00 per year. Current Commissioners, in their current terms, shall continue to receive as salary \$4,800.00 per year. The salary for the Mayor Pro-Tem shall be the same as the salary of a Commissioner as herein described.

PASSED, ADOPTED AND APPROVED this ____ day of January, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

HISTORY OF PAY FOR CITY COMMISSIONER

4-5-46	Ord No. 253	\$10.00 to Mayor per meeting; \$5.00 to each Councilman per meeting
5-6-68	Ord No. 558	\$20.00 to Mayor per meeting; \$10.00 to each Commissioner per meeting
5-12-72	Ord No. 603	\$150.00 each per month
3-15-76	Ord No. 657	\$200.00 each per month
9-18-89	Ord No. 787	\$400.00 each per month
8-1-01	Charter Adopted <i>(Section 8-1 established compensation and provides that any change shall be determined by Ordinance.)</i>	Mayor - \$18,000 per year Mayor Pro Tem - \$4,800 per year Commissioner - \$4,800 per year



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 4, 2017

SUBJECT: AN ORDINANCE AMENDING 2.12.030 OF THE HOBBS MUNICIPAL CODE – INCREASING THE SALARY OF THE MUNICIPAL JUDGE POSITION

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: November 27, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary:

This proposed amended ordinance increases the salary of the Hobbs Municipal Judge from \$60,060.00 per year (\$1,155.00 per week) to \$72,722.00 per year (\$1,398.50 per week). The last salary adjustment for this position was in 2009. The salary in 2009 was \$48,000.00 per year and was increased to \$60,060.00 per year. The amended Ordinance shall be effective upon final approval by the City Commission; however, the salary increase will not be effective until July 1, 2018 to ensure a salary increase for the Municipal Judge may not occur during the term in which he/she is serving and to ensure appropriate budgeting considerations. This matter comes before the City Commission for authorization to publish.

Fiscal Impact:


There will be no fiscal impact during the 2018 fiscal year. Beginning July 1, 2018 there will be an increase in the Municipal Judge's salary of \$243.50 per week.

Reviewed By: 
Finance Department

Attachments:


Proposed amended ordinance

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The Commission should approve the amended ordinance for publication

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.12.030 A. OF THE
HOBBS MUNICIPAL CODE - SALARY OF
MUNICIPAL JUDGE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS,
NEW MEXICO that 2.12.030 is hereby amended as follows:

2.12.030 Salary – Duties – Administration – Training.

A. Commencing July 1, 2018, the salary of the Municipal Judge shall be increased to one thousand one hundred fifty-five dollars (\$1,155.00) one thousand thirteen hundred ninety eight dollars and fifty cents (\$1,398.50) per week for fifty-two weeks per year, payable in twenty-six (26) payments to coincide with the payroll dates of the City. No payment shall be made when the Municipal Judge is not available and is failing to render services in violation of the anti-donation provision of the New Mexico Constitution except for the twenty (20) days per year of paid time off set forth in Section 2.12.040.

PASSED, ADOPTED AND APPROVED this ____ day of January, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk