

**AGENDA**  
**City of Hobbs Planning Board – Regular Meeting**  
**November 13, 2018 at 10:00 AM**

**W. M. “Tres” Hicks, Chairman**  
**Bill Ramirez**  
**Brett Drennan**  
**Larry Sanderson**

**Guy Kesner, Vice Chairman**  
**Philip Ingram**  
**Ben Donahue**

**Tentative Agenda for the Planning Board Regular Session Meeting to be held on Tuesday, November 13, 2018 at 10:00 AM at the City of Hobbs Annex Building, First Floor Commission Chambers located at 200 E. Broadway, Hobbs, NM 88240.**

**AGENDA**

- 1) Call To Order.**
- 2) Review and Consider Approval of Agenda.**
- 3) Review and Consider Approval of Minutes.**

**October 16, 2018 – Regular Meeting**

- 4) Communications from Citizens.**
- 5) Review and Consider a variance request from MC 15.32.030(D)(1) requiring an 800’ linear separation between all proposed and existing billboards for a billboard proposed to be located northeast of the intersection of Millen Drive and Lovington Highway.**
- 6) Discussion Items:**
  - A) MC 2.01 and the City of Hobbs Governmental Conduct Act/Financial Disclosure Act Forms.**
- 7) Adjournment.**

**The City will make every effort to provide reasonable accommodations for people with disabilities who wish to attend a public meeting. Please notify the City at least 24 hours before the meeting. Telephone 397-9351.**

*“Notice is hereby given that a quorum of the Hobbs City Commission may be in attendance at this meeting.”*

**PLANNING BOARD MEETING  
MINUTES  
October 16, 2018**

**The Hobbs Planning Board met on October 16, 2018 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, located at 200 E. Broadway, Hobbs, NM 88240 with Mr. W.M. “Tres” Hicks Chairman presiding.**

**Members Present:**

**Tres Hicks, Chairman  
Guy Kesner, Vice Chairman  
Bill Ramirez  
Ben Donahue**

**Members Absent:**

**Phillip Ingram  
Larry Sanderson  
Brett Drennan**

**Also present were members of the public and City staff as follows:**

**Kevin Robinson, Development Director  
Julie Nymeyer, Staff Secretary  
Bruce Reid, County Planner  
Alberto Caballero**

**Todd Randall, City Engineer  
Eric Scramlin, Deputy City Attorney  
Richard Carrillo**

**1) Call To Order.**

**Chairman, Tres Hicks called the meeting to order at 10:02 am.**

**2) Review and Consider Approval of Agenda.**

**The first item of business was to review and approve the Agenda for the October 16, 2018 meeting. Mr. Hicks asked if there were any changes or additions to the Agenda? Mr. Robinson said there were no changes. Mr. Hicks said that Mr. Carrillo was here for item #7 so they should move that item up to #5. Mr. Ramirez made a motion, seconded by Mr. Kesner to approve the agenda as amended. The vote on the motion was 4-0 and the motion carried.**

**3) Review and Consider Approval of Minutes.**

**September 18, 2018 – Regular Meeting**

**Mr. Hicks asked if everyone has had a chance to read the Regular Meeting Minutes from September 18, 2018. Mr. Kesner made a motion, seconded by Mr. Ramirez approve the Regular Meeting Minutes as presented. The vote on the motion was 4-0 and the motion carried as presented.**

**4) Communications from Citizens.**

Mr. Alberto Caballero discussed his development at Ranchland. His development is Ranchview 1 and he will be bringing this to the Planning Board soon. He said it is the same plan that has always existed. He said he has eight 1 acre lots and there are approximately 90 units in other areas. Mr. Robinson said by the next meeting there should be a preliminary sketch plan.

**5) Review and Final Plat Approval for Libba Land Subdivision, as submitted by property owner, Daniel Johncox.**

Mr. Robinson said this is the preliminary and final plat for the entirety of Libba Land Subdivision. He said the public drainage area in the southeast corner is part of lot 19 and it is a restricted easement. He said the encumbrance will be a part lot 19. He said the north-south Fowler roadway is a public surface and subsurface easement with is an encumbrance to lot 11 and 1 of block 1. He said the wing on the southeast corner of block 2 is so that Fowler can enter into the corridor on the west side of the property line. He said neither of the north-south projections is being developed. Mr. Hicks how far out of city limits is Fowler? Mr. Randall said 1.1 miles.

Mr. Reid said the county only has to approve minor changes for this final plat. Mr. Hicks asked Mr. Reid what the county thinks about the developer providing an easement to the two north-south streets. Mr. Reid said they think the streets will never go anywhere or be connected except maybe on the south side at Fowler. He said they may want some kind of agreement with Mr. Johncox on south Fowler with the angle because there is a possibility that the Carrillo land will have to be subdivided and they will put a road in for the southern portion of Fowler. Mr. Hicks asked if in all other aspects except the development of the streets this is in compliance correct? Mr. Robinson said yes.

Mr. Ramirez made a motion, seconded by Mr. Kesner to approve the Final Plat for Libba Land Subdivision. The vote on the motion was 4-0 and the motion carried.

After a brief discussion it was noted the County Commissions next meeting was at a later date than the City's so this item could not go to City Commission until after the County Commission so an amendment would be needed to the motion.

Mr. Ramirez made an amended motion, seconded by Mr. Kesner to approve the Final Plat contingent on Final approval by the County Commission. The vote on the amended motion was 4-0 and the motion carried.

**6) Public Hearing to Review and Consider a Request to Grant a Special Use Permit and Amend the Planning District Map to Allow a Recreational Vehicle Park (RVP), on a +/-4.32 acre parent parcel located northwest of the intersection of Lovington Highway and World Drive.**

Mr. Robinson said this is a Special Use Map amendment and property owners adjacent to the subject property were notified. He said this public meeting is just to decide if this is a good place for a RV Park. He said he has received only one phone call from an adjacent property owner and he was neither for nor against.

Mr. Hicks opened the public hearing at 10:50 am and asked if there were any public comments about the RV Park. Mr. Carl Baxley said he lives out on San Juan and he takes the road North on World Drive every day. He said there is heavy traffic and it will increase with this park. He said there is no turning lane to get off of Lovington Highway and get onto World Drive. He said he does not mind an RV Park being there but the traffic is bad. Mr. Robinson said the municipality said if this was a subdivision the city would require the projection of Jack Gomez Roadway. He said it would tie back into World Drive. He said the problem is those rules and regulations do not kick in until it is subdivided. Mr. Kesner asked if it was inside the city limits. Mr. Robinson said yes.

Mr. Randall said the MTP shows the projection of Jack Gomez. Mr. Hicks said the addition of an RV Park anywhere in that area is going to add to the traffic issue Mr. Baxley brought up. Mr. Robinson said the Board could approve a Special Use Map amendment contingent upon the extension of Jack Gomez.

There was a lengthy discussion about how to line up the streets and the traffic. Mr. Baxley said he did not want to hold up their development. Mr. Robinson said he would limit their access from Lovington Highway. Mr. Ramirez said they need to talk to the developer about this issue. Mr. Donahue said he did not think they could approve this and kill the option of extending Jack Gomez and squaring up World Drive without doing something restrictive about it. Mr. Kesner agreed. Mr. Hicks said as the Planning Board they should ask the city to make an allocation to fix World Drive and make this application contingent upon that outcome.

Mr. Hicks closed the public hearing at 11:18 am.

Mr. Kesner made a motion, seconded by Mr. Ramirez to table this item until staff and the developer work out a resolution for World Drive. The vote on the motion was 1-3 with Mr. Donahue, Mr. Hicks and Mr. Kesner opposing and the motion failed to pass.

Mr. Kesner made a motion, seconded by Mr. Ramirez to approve the Special Use Permit with the stipulation that the developer will meet with staff and come up with a reasonable plan to redevelop the intersection of World Drive and Lovington Highway and that the site plan comes through the Planning Board prior to site plan approval. The vote on the motion was 4-0 and the motion passed.

**7) Review and Consider variance from MC 18.04 (Manufactured Homes) as submitted by property owner Ricardo Carrillo.**

Mr. Robinson said on October 17, 2017 Mr. Carrillo came before the Board requesting a variance. He said the Board allowed him a variance to move in one manufactured unit providing he was proceeding with the necessary steps to become a compliant mobile home park. He said since then Mr. Carrillo has submitted a site plan and is working on becoming compliant with City Ordinances. He said Mr. Carrillo would now like to put in additional units. He said Mr. Carrillo is in the process of putting in the roadway but is being held up because of the weather.

Mr. Hicks said he has made some progress on the road and some of the units have been moved out. Mr. Robinson said correct. He said he is requesting 4 more units be allowed. Mr. Kesner asked about the gate that was going to be installed and if it has that been done? Mr. Carrillo said they have put in a 6ft foot gate on the north side but they are waiting to finish the driveway then finish the gates. Mr. Hicks said they are waiting on the paving of the road and installation of the gate on the southeast corner. Mr. Kesner asked what was the timeline of the road being paved? Mr. Hicks said it would be at least March or April. Mr. Kesner said he would not be in favor of allowing him to put all four mobile homes in at this time until the road was developed. He said that was the contingency of the variance given in 2017.

Mr. Kesner made a motion, seconded by Mr. Ramirez to allow two additional units and when the mobile home park comes in to compliance staff can allow the other mobile homes to be moved in. The vote on the motion was 4-0 and the motion carried.

**8) Discussion Item.**

**(A) On-street Parking of Commercial Vehicles Sub-committee Report.**

Mr. Robinson discussed commercial vehicles in residential areas. He said the majority of municipalities restrict these issues through there zoning. Mr. Scramlin said the issue is it is a lot more difficult to regulate private property. He said if they focus on public property it becomes a lot easier to uphold the ordinance if it is challenged and it is likely to be challenged. Mr. Robinson said they do not want the police officers ticketing or towing any of these vehicles on private property. He said the issue will be is that Code Enforcement may or may not know where the public property ends and where the setbacks are. Mr. Kesner said if it is on the roadway or the sidewalk then it becomes an access issue. He said beyond the sidewalk it becomes a setback issue and that will be a challenge.

Mr. Robinson he thinks the Board needs to have this conversation concurrently and all together. Mr. Scramlin said he thinks after another subcommittee meeting this ordinance should be ready to vote on at the November meeting.

**9) Adjournment.**

With nothing further to discuss the meeting adjourned at 11:47 am.

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**Tres Hicks, Chairman**

**November 13, 2018**  
**Planning Board Regular Meeting**

- 5) **Review and Consider a variance request from MC 15.32.030(D)(1) requiring an 800' linear separation between all proposed and existing billboards for a billboard proposed to be located northeast of the intersection of Millen Drive and Lovington Highway.**

Kevin,

Please place (2) separate variance requests on the planning & zoning board meeting for Nov 13<sup>th</sup>.

1. Hobbs Market Place 3601 N. Grimes

Roger Grey

Bright Ad Signs

Variance to place tenant /monument sign at 17' from back of curb to sign column.  
Sign will be on owner property.

2. Bender Billboards

Bobby Pennell

Bright Ad Signs

Variance to place digital billboard on property less than 800 linear feet apart from existing billboard ,there is approximately 425 linear feet between signs.



Carl Baxley

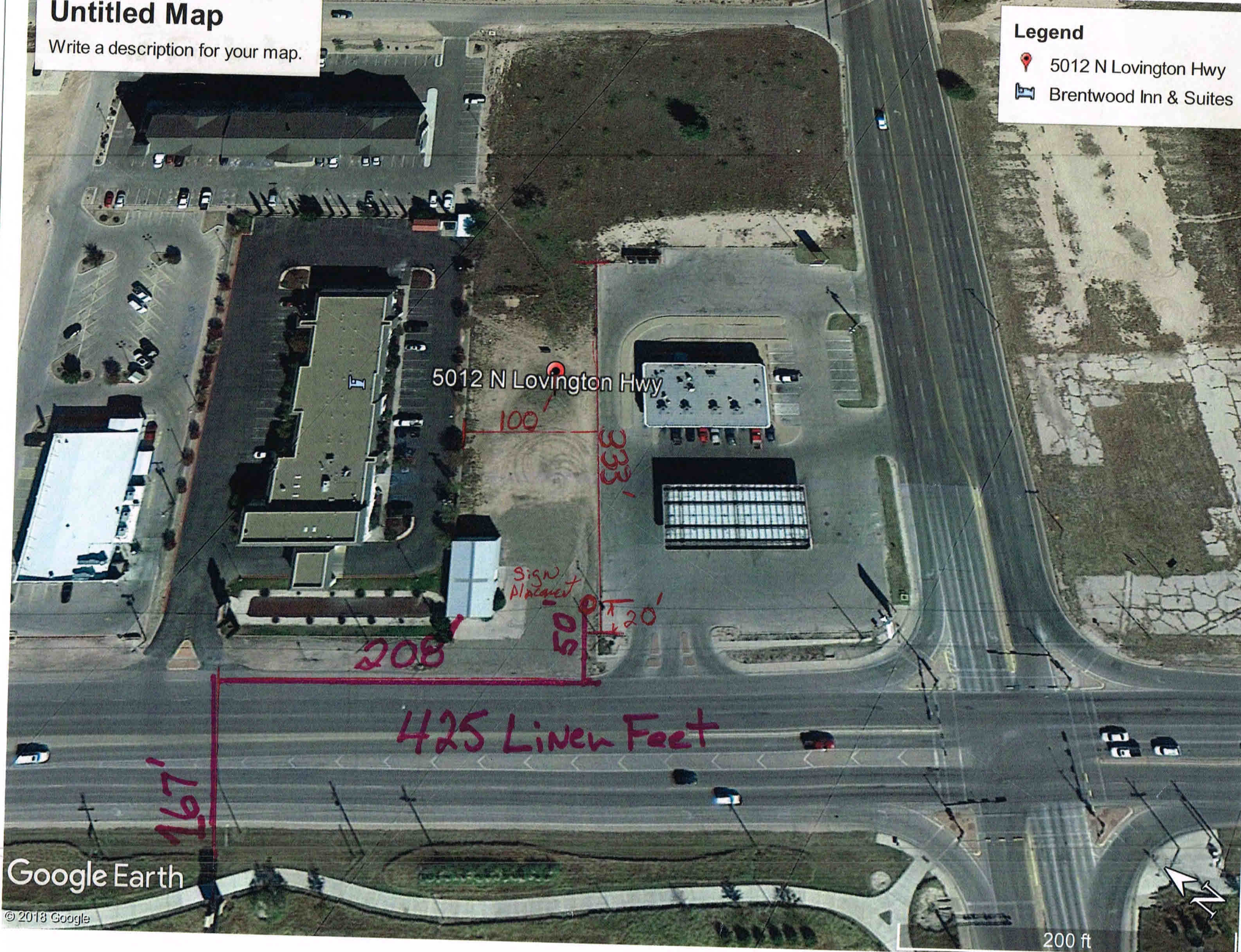


# Untitled Map

Write a description for your map.

## Legend

-  5012 N Lovington Hwy
-  Brentwood Inn & Suites



Google Earth

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200 ft



**November 13, 2018**  
**Planning Board Regular Meeting**

**6) Discussion Items:**

**A) MC 2.01 and the City of Hobbs Governmental Conduct Act\Financial Disclosure Act Forms.**

**Chapter 2.01 CODE OF CONDUCT****2.01.010 Purpose.**

The proper administration of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following City of Hobbs Code of Conduct shall apply to all Public Officers and Employees.

(Ord. No. 1103, 6-5-2017)

**2.01.020 Definitions.**

The following definitions shall apply to the City of Hobbs Code of Conduct:

"Anything of value" means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$100.00) consumed in a day.

"Business" means a corporation, partnership, sole proprietorship, firm organization or individual carrying on a business.

"Confidential information" means information that by law or practice is not available to the public.

"Contract" means an agreement or transaction having a value of more than one thousand dollars (\$1,000.00) with the City of Hobbs for:

1. The rendition of services, including professional services.
2. The furnishing of any material, supplies or equipment.
3. The construction, alteration or repair of any public building or public work.
4. The acquisition, sale or lease of any land or building.
5. A licensing agreement.
6. A loan or loan guarantee; or the purchase of financial securities or instruments.

"Contribution" means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration.

"Employment" means rendering of services for compensation in the form of salary as an employee.

"Family" means an individual's spouse, parents, children or siblings, by consanguinity or affinity.

"Financial interest" means an interest held by an individual or the individual's family that is:

1. An ownership interest in business or property; or
2. Any employment or prospective employment for which negotiations have already begun.

"Honorarium" means payment of money, or anything of value in excess of one hundred dollars (\$100.00), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making a speech or rendering a service, or payment or compensation for services rendered in the normal course of a private business pursuit.

"Official act" means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority.

"Public officer or employee" means any elected or appointed official or employee of the City of Hobbs who receives compensation in the form of salary or is eligible for per diem or mileage.

"Substantial interest" means an ownership interest that is greater than twenty (20) percent.

(Ord. No. 1103, 6-5-2017)

### **2.01.030 Public trust.**

A. A public officer or employee shall treat the public officer's or employee's government position as a public trust and as such shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

B. A public officer or employee shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.

C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

(Ord. No. 1103, 6-5-2017)

**2.01.040 Improper influence and gifts.**

A. A public officer or employee shall not request or receive, and no person may offer a public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. A violation of this section, pursuant to NMSA 1978, § 10-16-3, may constitute a fourth degree felony under the laws of the State of New Mexico.

B. A business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects.

C. A public officer or employee that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects, shall not knowingly accept a contribution of anything of value from a business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects.

(Ord. No. 1103, 6-5-2017)

**2.01.050 Conflicts of interests.**

A. A public officer or employee shall not take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. A violation of this section, pursuant to NMSA 1978, § 10-16-4, may constitute a fourth degree felony under the laws of the State of New Mexico.

B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.

C. A public officer during the term for which elected and a public employee during the period of employment shall not acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.

D. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property directly or indirectly through the public officer's or employee's

family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee. This section does not apply if the employee is not supervised by the public officer or employee that is otherwise the seller.

E. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to an employee supervised by the public officer or employee. This section does not apply if the employee is not supervised by the public officer or employee that is the recipient of the commission or profit.

F. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over who the public officer or employee has regulatory authority.

G. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom the public officer or employee has regulatory authority.

H. The City of Hobbs shall not enter into a contract with a public officer or employee, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process.

This subsection does not apply to a contract of official employment with the City of Hobbs. A person negotiating or executing a contract on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with the provisions of this section.

I. A public officer or employee shall not use or disclose confidential information, acquired by virtue of the public officer's or employee's position with the City of Hobbs, for the public officer's or employee's or another person's private gain.

J. A public employee who is participating directly or indirectly in the contracting process shall not become, while such an employee, the employee of the outside person or business contracting with the City of Hobbs.



K. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.

L. A public officer or employee shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties.

M. The City of Hobbs shall not accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with this section.

(Ord. No. 1103, 6-5-2017)

#### **2.01.060 Former public employees.**

A. The City of Hobbs shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

1. Represented personally in the matter by a person who has been a public officer or employee of the City of Hobbs within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000.00) and the contract is a direct result of an official act by that former public officer or employee; or
2. Assisted in the transaction by a former public officer or employee of the City of Hobbs whose official act, while in employment with the City, directly resulted in the City making the contract or taking the action.

B. A former public officer or employee shall not represent a person in the person's dealings with the City of Hobbs on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.

C. A former public officer or employee shall not represent for pay a person before the City of Hobbs, including any City division, for a period of one (1) year after leaving public service or employment with the City.

(Ord. No. 1103, 6-5-2017)

**2.01.070 Political activity.**

A. A public officer or employee shall not directly or indirectly coerce or attempt to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.

B. A public officer or employee shall not threaten to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities.

C. A public officer or employee shall not use the property of the City of Hobbs for their benefit as it relates to any political purpose.  
(Ord. No. 1103, 6-5-2017)

**2.01.080 Implementation.**

A. The City of Hobbs Code of Conduct shall be reviewed at least once every four (4) years from the time of its adoption.

B. Within thirty (30) days after the City of Hobbs Code of Conduct is adopted, a copy shall be given to and reviewed with all public officers and employees. All new public officers and employees shall review the City of Hobbs Code of Conduct prior to or at the time of assuming office (public officer) or being hired (employee).

C. The City Manager shall adopt ongoing education programs to advise public officers and employees about the City of Hobbs Code of Conduct.

D. Nothing in the City of Hobbs Code of Conduct shall relieve any member of the City Commission or the Mayor from the obligations imposed by Section 2.04.060(H) of the Hobbs Municipal Code.  
(Ord. No. 1103, 6-5-2017)

**2.01.090 Required disclosures.**

A. Every public officer shall complete a "Public Officer Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.

B. Every public officer shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.

C. Every public employee shall complete an "Employee Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.

D. Every public employee shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.

E. Every public officer and employee shall be required to complete and file/return the forms outlined herein every December of every year thereafter.

F. Every public officer and employee has a duty to update their individual forms outlined herein as their individual circumstances may change.

G. The forms outlined herein shall constitute "Public Records" for the purposes of the Inspection of Public Records Act (NMSA 1978, §§ 14-2-1, et seq.). (Ord. No. 1103, 6-5-2017)

#### **2.01.100 Enforcement.**

A. It shall be the responsibility of every individual public officer and employee to adhere to the City of Hobbs Code of Conduct.

B. A violation of the City of Hobbs Code of Conduct by any public officer may be referred to the State of New Mexico's Attorney General's Office or the District Attorney's Office for investigation and/or legal action.

C. A violation of the City of Hobbs Code of Conduct by any public employee is grounds for discipline, including suspension, demotion or dismissal.

D. Any violation of the City of Hobbs Code of Conduct may be subject to the enforcement procedures outlined in NMSA 1978, §§ 10-16-14, 10-16-17, and 10-16-18, which include both criminal and civil penalties in a court of competent jurisdiction in the State of New Mexico if the same is determined to have been a violation of the Governmental Conduct Act.

E. Any individual, other than an individual suspected of committing a violation, who cooperates as a fact witness or reporting party in an investigation of a violation of the City of Hobbs Code of Conduct shall not be dismissed, threatened with dismissal, or otherwise retaliated against by any public officer or employee on the basis of their cooperation.

(Ord. No. 1103, 6-5-2017)

## **Chapter 2.04 CITY COMMISSION AND MAYOR RULES\***

### **2.04.010 Election.**

A. Single-Member Districts. Each member of the City Commission, which consists of five (5) commissioners, shall reside in and be elected from a single-member district.

B. Equality of Commissioners. All commissioners shall have equal voting power, privileges and prerogatives.

C. Eligibility. Any registered qualified elector of the City may vote in any City election and shall be eligible to hold elective office in the City. Commission candidates for district offices shall have resided within the district they seek to represent for a period of not less than one hundred eighty (180) days immediately prior to the date of filing for such office.

D. Term of Office. The term of office for City Commissioners is four (4) years. The terms of the City Commissioners shall be staggered so that two (2) commissioners shall be elected at one (1) regular City election and the remaining three (3) commissioners shall be elected at the following regular City election. This section notwithstanding anything to the contrary as set forth in subsection E of this section.

E. Transition. At the regular municipal election following the enactment of this section, all five (5) City Commissioners shall be elected; of the five (5) commissioners elected, two (2) shall serve until the following regular City election, and the remaining three (3) shall serve until the next regular City election thereafter. The

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\***Editor's note**—The title of Ch. 2.04 was amended by Ord. 978.