



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 17, 2016

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2016
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of October 3, 2016
- ▶ Work Session of October 5, 2016

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 3, 2016, 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 Jonathan Sena
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Michael Walker, Police Captain
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Shawn Williams, Fire Marshal
Paul Thompson, Fire Captain
Todd Randall, City Engineer
Kevin Robinson, Development Coordinator
Raymond Bonilla, Community Services Director
Art De La Cruz, Code Enforcement Superintendent
Ronny Choate, General Services Director
Nicholas Goulet, Human Resources Director
Ron Roberts, Information Technology Director
Meghan Mooney, Director of Communications
Tim Woomeer, Utilities Director
Doug McDaniel, Parks and Recreation Director
Linda Howell, Golf Course General Manager
Matt Hughes, Golf Superintendent
Britt Lusk, Teen Center Supervisor
Sandy Farrell, Library Director
Tim Woomeer, Utilities Director
Ann Betzen, Executive Assistant/Risk Manager
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
45 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on September 19, 2016, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Sena yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming October 7, 2016, as "Domestic Violence Awareness Day".

Mayor Cobb proclaimed October 7, 2016, as "Domestic Violence Awareness Day". He presented the proclamation to Mr. Robert Guthrie of Option, Inc., and members of the Option Board. Mr. Guthrie thanked the community for its support in raising awareness about domestic violence.

Mayor Cobb recognized Lea County Sheriff Steve Ackerman in the audience tonight.

Proclamation Proclaiming October 9 - 16, 2016, as "Fire Prevention Week".

Mayor Cobb proclaimed October 9-16, 2016, as "Fire Prevention Week". He presented the proclamation to Fire Marshal Shawn Williams. Fire Marshal Williams stated the Hobbs Fire Department will be working at 13 elementary schools this week to educate students on the importance of fire safety.

Proclamation Proclaiming November 1, 2016, as "Extra Mile Day".

Mayor Cobb proclaimed November 1, 2016, as "Extra Mile Day". He read the proclamation and stated that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism and services in its community.

Presentation of Warrior Award.

Mr. J. J. Murphy, City Manager, presented the Warrior Award to Police Officer Josh Gordon and Police Officer Matt Olenick. He requested all police officers and firefighters present to come forward. Mr. Murphy stated police officers and firefighters compete with

one another but have a special bond. Mr. Murphy stated police officers and firefighters were dispatched to an individual with medical issues when it was noticed that the patient did not have any shoes and had walked miles to the doctor's office. He stated the doctor ended up being out that day and so the patient began his three-mile walk home. Officer Gordon asked the patient about his shoes and the patient replied that he did not own any. Officer Gordon went across the street to the Dollar General Store and bought a pair of flip flops and some water for the citizen. Officer Olenik arrived at the scene and found out the patient had not eaten that day. Officer Olenik went to his unit and gave the patient the lunch he had just bought for himself. The patient was so moved he began to cry. Officer Gordon then gave the patient a ride home. Mr. Murphy stated to have officers in this community who will buy shoes for someone in need and also give up their own lunch to feed them is remarkable. He stated these two officers went above and beyond the call of duty and showed their true hearts in the process.

Mr. Murphy stated the Warrior Award is a recognition program developed to acknowledge those employees who go above and beyond in their work at the City. Mr. Murphy stated the first recipient of the Warrior Award in 2014 was Ms. Jacque Pennington, Public Transportation Supervisor.

Police Chief Chris McCall also presented the Hobbs Police Department Humanitarian Award to Police Officers Gordon and Olenik.

Public Comments

Mr. Byron Marshall stated he is a member of Young Lives Matter. He introduced Mr. Marcos Acosta, Mr. Aaron Williams and Mr. Isaiah Austin. Mr. Marshall stated Mr. Acosta and Mr. Richard Enriquez donated a BBQ grill to raffle with the proceeds being used for the youth. He stated the grill will be raffled on November 23, 2016, and tickets can be purchased by calling him at (575) 805-0020 or Ms. Cathy Marshall at (575) 318-3829. Mr. Marshall invited the public to attend the Celebration to be held on October 15, 2016, at Booker T. Washington Park.

Ms. Helen Houston with the African American Chamber of Commerce (AACC) stated the Pink Ball Gala held on October 1, 2016, was a great success. She thanked Mr. Murphy and Commissioner Calderón for attending the event. Ms. Houston stated \$150.00 was donated to cancer survivors and \$1,500.00 donated to Light of Lea County.

Mr. Robert Lujan, a veteran, stated the City is issuing citations to citizens for weeds but the City is not maintaining its own property and need to take care of its own weeds. Mayor Cobb stated Mr. Murphy will address the weed issue tomorrow with City staff.

Commissioner Taylor expressed her appreciation to Mr. Lujan for being an active resident of the community.

Consent Agenda

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items.

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

Resolution No. 6485 - Appointing Rachel Moon to the Lodgers' Tax Board to Fill the Position Vacated by Judy Wink.

Resolution No. 6486 - Approving the City of Hobbs 2016 Fiscal Year Capital Asset Inventory.

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

Discussion

2016 General Obligation Bond C for Higher Education. Dr. Kelvin Sharp, New Mexico Junior College (NMJC) President, addressed several comments to the Commission in support of Higher-Education Bond C. He stated it is about ensuring that our higher-education students have the facilities and tools they need to excel. Dr. Sharp stated Higher Education will be disbursing \$131,106,200 throughout the State, of which \$4 million is designated for Lea County, if passed. He stated if the vote for Bond C is successful, NMJC plans to design and construct the Allied Health Building. Dr. Sharp stated there is a high demand for registered nurses in Lea County and the Allied Health Building will ensure there is space available for all students. He stated the facility will be built adjacent to Lea Regional Medical Center.

Mayor Cobb stated NMJC brings many students to Hobbs. He expressed the importance of understanding that there will not be a tax increase if Bond C is successful.

Commissioner Buie thanked Dr. Sharp for being proactive in the growth and development of NMJC.

Action Items

Resolution No. 6487 - Approving the Final Plan of Montes Subdivision and an Infrastructure Development Agreement as Submitted by Luis Vega Montes, Property Owner (Located Southeast of the Intersection of Humble and Edwards Streets). Mr. Kevin Robinson, Development Coordinator, stated the final plan, infrastructure and Development Agreement for the Montes Subdivision has been submitted by Luis Vega Montes, property owner. Mr. Robinson stated Mr. Montes is present at tonight's meeting. He stated the proposed subdivision is located southeast of the intersection of Humble and Edwards which encompasses approximately 1.68 acres and will create a total of 7 residential lots. Mr. Robinson stated the Hobbs Municipal Code Chapter 16 requires all public infrastructure serving the development to be in place or adequate surety given by the developer regarding said infrastructure prior to approval of the subdivision. He stated in this case there is a public water line within Edwards that would need to be installed in order for the post-subdivided property to be served with municipal infrastructure. Mr. Robinson stated the Developer has received an engineer's estimate of \$20,570.00 to install the required infrastructure and will be required to pay a fair share assessment at the time of connection to service. Additionally, the Utility Service Policy allows for development agreements whereby the infrastructure is extended by the municipality and developer is responsible for only the fair share assessment. He stated City staff has determined, due to potential increased densities within the area, that the municipal system would benefit by installing the City water main within Edwards, thereby connecting the water mains on Humble and Midwest. The cost of this installation is estimated to be approximately \$100,000. Mr. Robinson stated the Developer would still be responsible for the fair share assessments, as reflected in the Development Agreement, at time of connection. He stated that as additional connections west and south of the proposed development are made to the newly installed infrastructure fair share assessments will be collected. He stated the Planning Board recommended approval at its Planning Board meeting held on May 17, 2016.

Through the assistance of an interpreter, Mr. Luis Vega Montes, the developer of the project, expressed concern to the Commission regarding the strict provisions of the City's policies and also regarding a separate mobile home issue. After questions by Mr. Mike Stone, City Attorney, and through the translation efforts of Mr. Raymond Bonilla, Mr. Montes acknowledged to Mr. Stone, Mr. Murphy and the Commission that he does agree with the terms of the Development Agreement that he signed.

Commissioner Calderón moved that Resolution No. 6486 be adopted as presented. Commissioner Sena seconded the motion and the vote was recorded as follows: Newman yes, Sena yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Consideration of Approval of an Amended Employment Agreement with City Manager J. J. Murphy. Mr. Mike Stone, City Attorney, explained the amended employment agreement with City Manager J. J. Murphy and stated under the terms of the amended agreement, Mr. Murphy would continue to serve as City Manager until June 1, 2017, or at the time he resigns, if sooner than June 1, 2017. He stated the new agreement contains the same basic salary and benefits. Mr. Stone stated at the time of separation, Mr. Murphy would transition to a Special Consultant to aid in the orderly transition of City Management to a new City Manager. He continued to explain that at the time of separation, Mr. Murphy will be paid a severance that will equal one year of his current salary, paid over a period of time until June 2, 2018. Mr. Murphy's City-provided health insurance will continue until he obtains new employment and is eligible for family coverage, or until June 1, 2018, whichever occurs first. Mr. Stone stated life insurance, short-term disability and his vehicle allowance will continue until he resigns or June 1, 2018, whichever occurs first.

Commissioner Sena stated he will vote no on the amended agreement as he feels Mr. Murphy is the best City Manager in the State and he wishes him to stay. He also stated he would rather not give an early severance payout.

There being no further discussion, Commissioner Calderón moved to approve the amended employment agreement with City Manager J. J. Murphy as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman no, Sena no, Taylor no, Calderón yes, Buie no, Gerth yes, Cobb yes. The motion failed.

Comments by City Commissioners, City Manager

Commissioner Calderón expressed his disagreement with failure to approve the amended agreement for the City Manager. He stated he supports Mr. Murphy 100% now and will continue to support him when he is no longer a City Manager in Hobbs.

Commissioner Newman recognized Mr. Ronny Choate, General Services Director, for receiving the 2016 Energy Executive of the Year given by the New Mexico Association of Energy Engineers (NMAEE). He stated the award acknowledges the important achievements being made in energy by individuals, organizations, agencies and corporations.

Commissioner Newman stated his vote against the new amended contract with Mr. Murphy reflects the wishes of his constituents and City staff and he will stand with them.

Commissioner Buie stated he voted no because he did not agree with the agreement that was presented. He stated his position is based on day-to-day talk with citizens and

what he has seen occur within the City of Hobbs. He stated he feels the agreement should have been shortened.

Commissioner Taylor stated she voted no due to Mr. Murphy being a good City Manager, and she wishes him to stay. She stated their relationship has just begun to develop.

Commissioner Sena introduced Mr. Nathan Garza who is a Sophomore at Hobbs High. He stated Mr. Garza will do great things in the future.

Commissioner Gerth stated Mr. Murphy is a casualty of the downturn in the economy. He stated the reason he voted yes is because he feels it is time for the City to allow Mr. Murphy to move on with his life.

Mr. Murphy stated the City submitted a competitive bid package to host the 2017 NJCAA Region 5 Softball Tournament to be held in Hobbs. He stated it will be a four-day tournament and will bring many visitors and lodgers to Hobbs.

Mr. Murphy stated regardless that the motion failed to amend his contract, the good news is that he still is the City Manager tomorrow.

Mayor Cobb stated the City Manager and Commission will continue to work in the best interests of the City.

Adjournment

There being no further discussion or business, Commissioner Calderón moved that the meeting adjourn. Commissioner Sena seconded the motion. The vote was recorded as follows: Newman yes, Sena yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:15 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk