

# Commission Meeting Agenda



## *Mayor*

Samuel D. Cobb

## *City Commission*

Marshall R. Newman

Christopher R. Mills

Patricia A. Taylor

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

## *Acting City Manager*

Manny Gomez

***November 18, 2019***



**Hobbs City Commission**  
**Regular Meeting**  
**City Hall, City Commission Chamber**  
**200 E. Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico**

**Monday, November 18, 2019 - 6:00 p.m.**

Sam D. Cobb, Mayor

Marshall R. Newman  
Commissioner - District 1

Christopher R. Mills  
Commissioner - District 2

Patricia A. Taylor  
Commissioner - District 3

Joseph D. Calderón  
Commissioner - District 4

Dwayne Penick  
Commissioner - District 5

Don R. Gerth  
Commissioner - District 6

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**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](http://www.hobbsnm.org)*

**CALL TO ORDER AND ROLL CALL**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes of the November 4, 2019, Regular Commission Meeting

**PROCLAMATIONS AND AWARDS OF MERIT**

2. Proclamation Proclaiming Saturday, November 30, 2019, as "*Small Business Saturday*"
3. Recognition of City Employees - Milestone Service Awards for the Month of November, 2019 (*Manny Gomez, Acting City Manager*)
  - ▶ 5 years - Rosianna Owens, Parks Department
  - ▶ 10 years - Laura Aguirre, Hobbs Police Department
  - ▶ 10 years - Undra Choice, Utilities Department
  - ▶ 10 years - Dustin Corley, Parks Department

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

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

4. Resolution No. 6877 - Approving the City of Hobbs Fiscal Year 2019 Capital Asset Inventory *(Deborah Corral, Assistant Finance Director)*

**DISCUSSION**

5. Discussion of Multi-Family Complex Membership Program at the CORE: *(Doug McDaniel, Parks and Recreation Director; Lyndsey Henderson, CORE Facility Director; and Lindsay Chism McCarter, CORE Marketing/Facility Rental Coordinator)*
6. Discussion of Special Permit Application Fee for Events up to 99 Participants *(Doug McDaniel, Parks and Recreation Director)*

**ACTION ITEMS** *(Ordinances, Resolutions, Public Hearings)*

7. Resolution No. 6878 - **PUBLIC HEARING**: Regarding the Issuance of a Small Brewer Liquor License to Drylands Brewing Co, LLC, d/b/a Drylands Brewing Co., 502 West Navajo, Hobbs, New Mexico *(Efren Cortez, City Attorney)*
8. **FINAL ADOPTION**: Ordinance No. 1122 - Amending Chapter 10 of the Hobbs Municipal Code Regarding Parking Enforcement *(John Ortolano, Police Chief)*
9. Consideration of Approval of Change Order No. 41 with Haydon Building Corporation for the Center of Recreational Excellence (CORE) *(Todd Randall, City Engineer)*
10. Resolution No. 6879 - Authorizing the Mayor to Execute a Grant Close Out Agreement Between the City of Hobbs and the J. F Maddox Foundation for the Design and Construction of a Recreation Facility (CORE) *(Todd Randall, City Engineer)*

11. Resolution No. 6880 - Approving a Development Agreement with Lemke Development, Inc., Concerning the Development of Market Rate Single-Family Housing (*Kevin Robinson, Planning Department*)

### **COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

12. Next Meeting Date:

- ▶ City Commission Regular Meeting  
***December 4, 2019***, at 6:00 p.m.

### **ADJOURNMENT**

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



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

**SUBJECT:** City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: November 13, 2019  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of November 4, 2019

**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 4, 2019, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico.

### **Call to Order and Roll Call**

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

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

Also present:

Manny Gomez, Acting City Manager/Fire Chief  
Efren Cortez, City Attorney  
Barry Young, Deputy Fire Chief  
Mark Doporto, Fire Inspector  
Todd Randall, City Engineer  
Kevin Robinson, Development Director  
Doug McDaniel, Parks and Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Matthew Berry, Garage Superintendent  
Matt Hughes, Rockwind Community Links Superintendent  
Deborah Corral, Assistant Finance Director  
Tracy South, Assistant Human Resources Director  
Toby Spears, Finance Director  
Bobby Arther, Municipal Judge  
Shelia Baker, General Services Director  
Raymond Bonilla, Community Services Director  
Meghan Mooney, Communications Director  
Ron Roberts, Information Technology Director  
Christa Belyeu, Assistant I.T. Director  
Sandy Farrell, Library Director  
Ann Betzen, Risk Manager/Executive Assistant  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
8 citizens

### **Invocation and Pledge of Allegiance**

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

### **Approval of Minutes**

Commissioner Calderón moved that the minutes of the regular meeting held on October 21, 2019, be approved as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Mills yes, Taylor yes, Newman yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

### **Proclamations and Awards of Merit**

#### **Proclamation Proclaiming the Week of November 10 - 16, 2019, as "National Nurse Practitioner Week"**

Mayor Cobb proclaimed November 10 - 16, 2019, as "National Nurse Practitioner Week" and he recognized Ms. Shawna Read, who accepted the proclamation. Ms. Read stated there are 48 nurse practitioners in the local group. She thanked the Mayor and Commission for recognizing the nurse practitioners nationwide.

#### **Recognition of Hobbs Fire Department Combat Challenge Team - World Champs**

Acting City Manager/Fire Chief Fire Manny Gomez stated he is honored to recognize the Hobbs Fire Department Combat Challenge Team for being the World Champs. Fire Inspector Mark Doporto, Fire Captain Rico Rendon and Driver Engineer Rodney Smith thanked the Commission for their support of the Fire Fighter Combat Challenge Team World Competition which was held in Montgomery, Alabama. They presented the Commission with the World Championship Trophy. They also thanked the community and their families for their support.

### **Public Comments**

Ms. Jacqueline Mila, introduced herself as the the field representative for Congresswoman Torres Small. She stated Congresswoman Torres Small has an office in Roswell, New Mexico, and encourages the community to voice their concerns on any Federal legislation or assistance with Federal grants.

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

**Resolution No. 6871 - Authorizing the Submission of a Grant Application with the New Mexico Department of Health EMS Fund Act Local System Improvement Project for FY 2021**

Resolution No. 6872 - Approving the FY 2020 DFA 1<sup>st</sup> Quarter Financial Report

Resolution No. 6873 - Approving the FY 2020 Lodgers' Tax DFA 1<sup>st</sup> Quarter Financial Report

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

**Discussion**

Ms. Meghan Mooney, Communication Director, introduced Dr. Mercy N. Alarid, U. S. Census Bureau, who presented a PowerPoint to the Commission regarding the 2020 Census Count. She stated she would like the City to focus more efforts on the count of young children as one million children were missed in the 2010 Census. Ms. Mooney stated the Census Bureau is currently hiring and is in need of 100 employees by December, 2019.

**Action Items**

Resolution No. 6874 - Designating Person(s) Qualified as an Acting Municipal Judge and Setting Forth Compensation for Acting Municipal Judge

Mr. Efren Cortez, City Attorney, stated Section 2.12.050 of the Hobbs Municipal Code requires that a list of persons designated by the City Commission as qualified to be Acting Municipal Judge be prepared annually. He stated Mr. Brian Belyeu is willing to be placed on said list and serve as Acting Municipal Judge if appointed by the Municipal Judge Bobby Arther. Mr. Cortez stated Section 2.12.050 also provides that the compensation for Acting Municipal Judge be set by resolution at the time the list is prepared. This resolution would place Mr. Brian Belyeu on the list of persons designated as qualified to be Acting Municipal judge and set the compensation at a rate of \$150.00 per day not to exceed \$20,000.00.

There being no discussion, Commissioner Newman moved that Resolution No. 6874 be adopted as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Resolution No. 6875 - Approving the Final Plan for the G and H Subdivision, as Recommended by the Planning Board, Located Southwest of the Intersection of Texas and Hanna Streets



Mr. Kevin Robinson, Development Director, stated the final plan for the G and H Subdivision, has been submitted by Glen and Heather Payne. He stated the subdivision is located southwest of the intersection of Texas Street and Hannah Street within the municipal boundaries. Mr. Robinson further stated the subdivision encompasses +/- 3.63 acres and will contain 13 individual lots. He stated the Planning Board considered this item at the October 15, 2019, regular meeting and voted 4-0 to recommend approval.

There being no discussion, Commissioner Penick moved that Resolution No. 6875 be adopted as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Resolution No. 6876 - Approving the Final Plan for the Meadows Subdivision, as Recommended by the Planning Board, Located Northeast of the Intersection of College Lane and Ja-Rob

Mr. Robinson stated the final plan for the Meadows Subdivision, Unit 2 has been submitted by Lemke Development, Inc. He stated the subdivision is located northeast of the intersection of College Lane and Ja-Rob within the municipal boundaries. Mr. Robinson stated the subdivision encompasses +/- 8.9 acres and will contain 44 single family residential lots. He stated a cash bond is being presented to the City of Hobbs to ensure completion of public infrastructures. Mr. Robinson further stated the dollar amount of uninstalled public infrastructure is estimated to be \$10,000.00 including gross receipts tax. He stated the City Engineer has approved the Engineer of Records completion estimate and the bond has been approved by the Finance Director, City Attorney and himself. Mr. Robinson stated the Planning Board considered this item at the October 15, 2019, regular meeting and voted 4-0 to recommend approval contingent upon an Engineer of Record Certification of all infrastructures in place or submittal of a cash bond sufficient to assure completion of all public infrastructures.

There being no discussion, Commissioner Calderón moved that Resolution No. 6876 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes

Comments by City Commissioners, City Manager

Acting City Manager/Fire Chief Fire Gomez reminded everyone, with the recent time change, it is a good time to change the batteries in your smoke detector.

Acting City Manager/Fire Chief Fire Gomez stated the City has completed its final Large Item Pickup and thanked City staff for all their hard work. He stated Waste Management will pick up large items for residential customers twice per calendar year upon scheduling.

Acting City Manager/Fire Chief Fire Gomez stated the City of Hobbs participated in the annual Safe Stops at City Hall and the CORE on Halloween. He stated 1,800 people attended the CORE Safe Stop, and he was a victim during the pie throwing contest.

Acting City Manager/Fire Chief Fire Gomez stated the Veterans Day Parade will be held Saturday, November 9, 2019, and he thanked all the Veterans for their service.

Commissioner Gerth thanked everyone for their attendance at tonight's meeting.

Commissioner Mills stated the Large Item Pickup was held in his residential area and was a popular event. He stated he is very appreciative for the City's service.

Commissioner Taylor stated she is very proud of the Hobbs Fire Department for their win at the Fire Fighter Combat World Competition. She stated she loves this community.

Commissioner Calderón stated he attended the employee breakfast on Halloween held at the Senior Center and appreciated all the hard working City employees who hosted the event.

Commissioner Penick stated it is very important to get an accurate count for the Census as it increases the Federal funding available to the community.

Commissioner Penick thanked Mr. Bryan Wagner, Parks and Open Spaces Director, and his staff for making Navajo look really good.

Commissioner Newman stated a new school crosswalk was implemented in the 700 Block of North Dalmont for Will Rogers Elementary School. He thanked Sergeant Shawn Hardison, Mr. Les Velasquez with the City of Hobbs Traffic Department, Mr. Todd Randall, City Engineer and Mr. Gene Strickland, Hobbs Municipal Schools, for their assistance in the implementation.

Commissioner Calderón reminded everyone to get out and vote tomorrow, Tuesday, November 5, 2019, Regular Local Election, as it is very important.

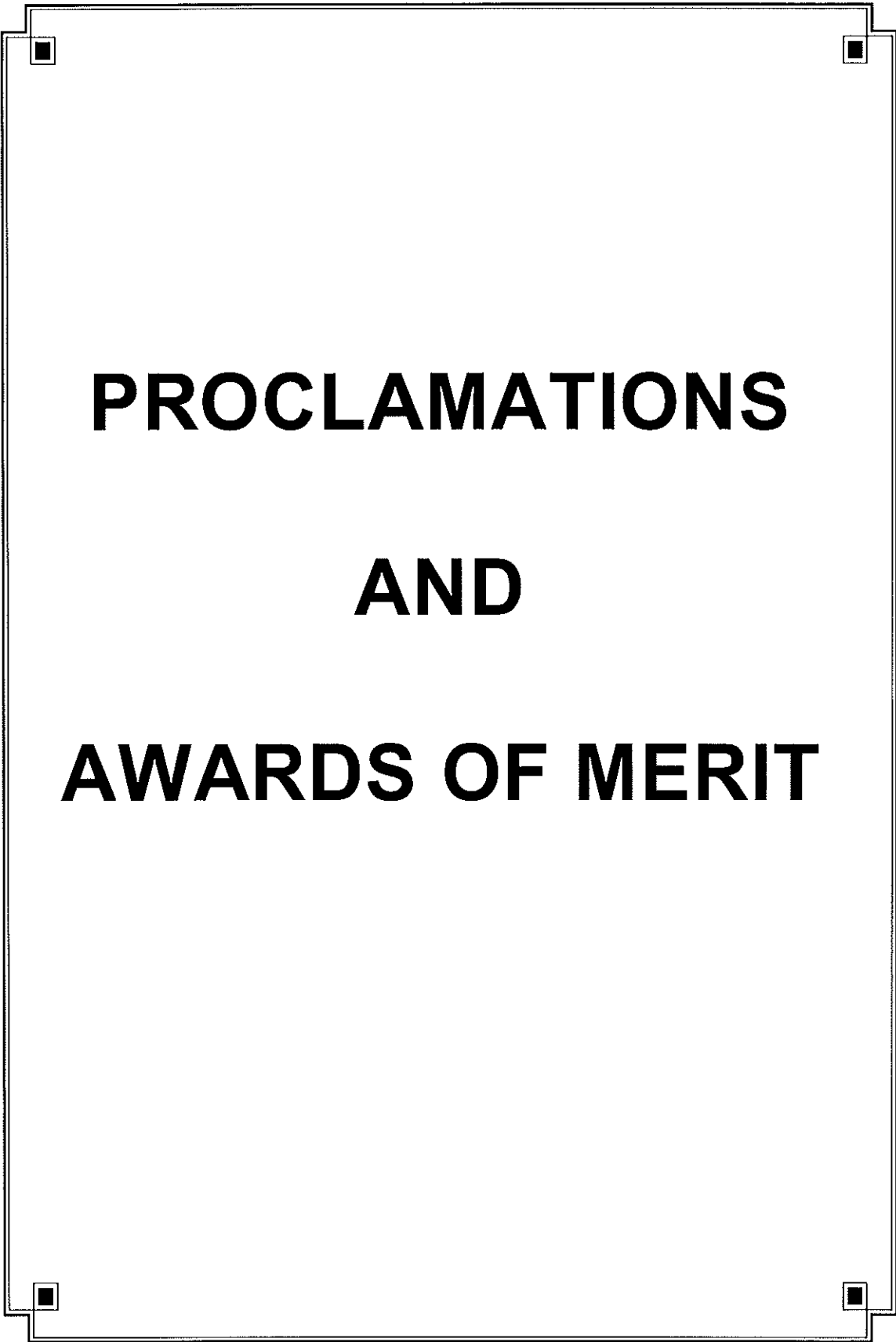
**Adjournment**

There being no further business or comments, Commissioner Newman moved that the meeting adjourn. Commissioner Calderón seconded the motion and the vote was recorded as follows: Newman yes, Mills yes, Taylor yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 6:45 p.m.

\_\_\_\_\_  
Sam D. Cobb, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk



**PROCLAMATIONS  
AND  
AWARDS OF MERIT**

Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

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

**WHEREAS**, according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, representing more than 99 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

**WHEREAS**, small businesses employ 47.5 percent of the employees in the private sector in the United States; and

**WHEREAS**, 94 percent of consumers in the United States value the contributions small businesses make in their community; and

**WHEREAS**, 96 percent of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

**WHEREAS**, 92 percent of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

**WHEREAS**, 59 percent of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

**WHEREAS**, the City of Hobbs supports our local businesses that create jobs, boost our local economy and preserve our communities; and

**WHEREAS**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim November 30, 2019 as,

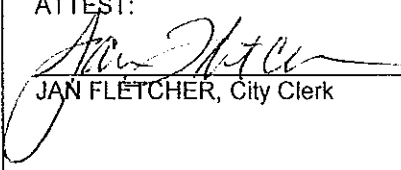
### "SMALL BUSINESS SATURDAY"

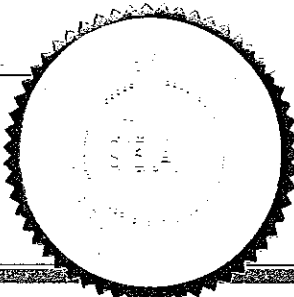
in the City of Hobbs and urge the residents of our community to support small businesses and merchants throughout the year.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 18<sup>th</sup> day of November, 2019, and cause the seal of the City of Hobbs to be affixed hereto.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

  
\_\_\_\_\_  
JAN FLETCHER, City Clerk



## **November Milestones**

### **5 Years**

Rosianna Owens	Parks	11/03/2014
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### **10 Years**

Laura Aguirre	HPD	11/30/2009
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Undra Choice	Utilities	11/09/2009
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Dustin Corley	Parks	11/30/2009
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# **CONSENT AGENDA**



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

**SUBJECT:** Resolution approving FY2019 Capital Asset Inventory  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** 11/12/19  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

The City Commission should certify the Capital Asset Inventory annually per Section 2.20.1.16.E NMAC which states "The results of the physical inventory shall be recorded in a written inventory report, certified as to correctness and signed by the governing authority of the agency." Amounts submitted for certification for the Fiscal Year ending June 30, 2019 are as follows:

- Governmental Fixed Assets \$364,885,006.81
- Business Type Activity Fixed Assets \$159,907,229.72

Each department has been provided a listing of the assets related to their various areas and have submitted a certification of correctness to the Finance Department.

**Fiscal Impact:**

No fiscal impact.

Reviewed By: \_\_\_\_\_

*[Signature]*  
Finance Department

**Attachments:**

- Resolution,
- A summary of capital assets detailing the beginning balance, additions, deletions and the FY19 ending balance.

**Legal Review:**

Approved As To Form: \_\_\_\_\_

*[Signature]*  
City Attorney

**Recommendation:**

Approval of resolution.

Approved For Submittal By:

*[Signature]*  
\_\_\_\_\_  
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

RESOLUTION NO. 6877

A RESOLUTION APPROVING THE CITY OF  
HOBBS 2019 FISCAL YEAR CAPITAL ASSET INVENTORY

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS,  
NEW MEXICO that the City Commission hereby approves and certifies the City of  
Hobbs Fiscal Year 2019 Capital Asset Inventory.

PASSED, ADOPTED AND APPROVED THIS 18<sup>th</sup> day of November, 2019.

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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk

**Governmental Activities:**

	Balance June 30, 2018	Additions	Deletions	Balance June 30, 2019
Capital assets not being depreciated:				
Land	8,004,303.89			8,004,303.89
Construction in progress	66,071,112.41	6,615,248.30	70,417,960.35	2,268,400.36
	<u>74,075,416.30</u>	<u>6,615,248.30</u>	<u>70,417,960.35</u>	<u>10,272,704.25</u>
Capital assets being depreciated:				
Buildings	56,248,131.75	43,164,134.59		99,412,266.34
Equipment	45,558,409.00	10,589,089.63	3,007,455.09	53,140,043.54
Land improvements	67,089,688.70	4,475,560.11	34,054.71	71,531,194.10
Infrastructure	111,766,233.47	16,222,143.87	55,935.47	127,932,441.87
	<u>280,662,462.92</u>	<u>74,450,928.20</u>	<u>3,097,445.27</u>	<u>352,015,945.85</u>
Amortizable assets				
Intangible assets	2,607,127.61		10,770.90	2,596,356.71
Total amortizable assets	<u>2,607,127.61</u>	<u>-</u>	<u>10,770.90</u>	<u>2,596,356.71</u>
Total capital assets	<u>357,345,006.83</u>	<u>81,066,176.50</u>	<u>73,526,176.52</u>	<u>364,885,006.81</u>

**Business-type Activities:**

	Balance June 30, 2018	Additions	Deletions	Balance June 30, 2019
Capital assets not being depreciated:				
Land	12,472.69			12,472.69
Construction in progress	12,350,495.44	10,772,234.29	11,216,413.39	11,906,316.34
	<u>12,362,968.13</u>	<u>10,772,234.29</u>	<u>11,216,413.39</u>	<u>11,918,789.03</u>
Capital assets being depreciated:				
Buildings	28,433,125.17			28,433,125.17
Equipment	43,931,959.27	987,532.05	372,436.59	44,547,054.73
Land improvements	2,252,333.39	61,363.78		2,313,697.17
Infrastructure	61,268,018.36	11,421,545.26		72,689,563.62
	<u>135,885,436.19</u>	<u>12,470,441.09</u>	<u>372,436.59</u>	<u>147,983,440.69</u>
Amortizable assets				
Intangible assets	5,000.00			5,000.00
Total amortizable assets	<u>5,000.00</u>	<u>-</u>	<u>-</u>	<u>5,000.00</u>
Total capital assets	<u>148,253,404.32</u>	<u>23,242,675.38</u>	<u>11,588,849.98</u>	<u>159,907,229.72</u>



# **ACTION ITEMS**



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

**SUBJECT: Resolution Regarding the Issuance of a Small Brewer Liquor License to Drylands Brewing Co., LLC, d/b/a Drylands Brewing Co., 502 West Navajo, Hobbs, New Mexico**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: November 12, 2019  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

Drylands Brewing Co., LLC, has applied to the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control (ABC), for issuance of a Small Brewer Liquor License at 502 West Navajo, Hobbs, New Mexico. The application received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on October 10, 2019. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing date in the *Hobbs News-Sun* and notified the applicant of such hearing by certified mail.

**Fiscal Impact:**

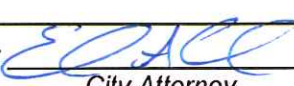
Reviewed By:   
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City.

**Attachments:**

- 1. Application packet from State of New Mexico Regulation and Licensing Dept.
- 2. Affidavit of Publication - Notice of Public Hearing
- 3. Area Map
- 4. Resolution

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Motion to approve or disapprove the issuance of the license; second; vote.

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. 6878

A RESOLUTION REGARDING THE  
ISSUANCE OF A SMALL BREWER LIQUOR LICENSE TO  
DRYLANDS BREWING CO., LLC,  
LOCATED AT 502 WEST NAVAJO, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the following application for consideration by the Commission:

APPLICATION FOR SMALL BREWER LIQUOR LICENSE  
1<sup>ST</sup> OFF-SITE LOCATION  
MASTER LICENSE NO. 67089

Application #: 1142444  
Applicant: Dry Lands Brewing Co., LLC  
D/B/A Name: Dry Lands Brewing Co.  
Proposed Address: 502 West Navajo  
Hobbs, NM 88240

WHEREAS, the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, has granted preliminary approval to the issuance of the license as requested and a duly advertised public hearing is being held by the governing body of the City of Hobbs on November 18, 2019, on the question of whether or not the proposed license should be issued.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the issuance of a Small Brewer Liquor License to Dry Lands Brewing Co., LLC, d/b/a Dry Lands Brewing Co., 502 West Navajo, Hobbs, New Mexico, be and is hereby \_\_\_\_\_ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:


\_\_\_\_\_  
JAN FLETCHER, City Clerk

# Affidavit of Publication

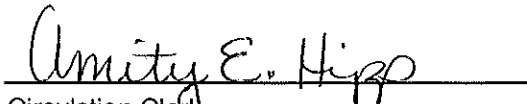
STATE OF NEW MEXICO  
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

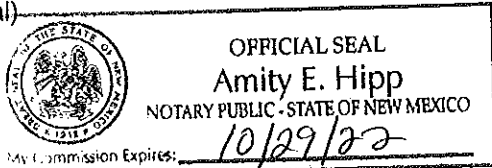
Beginning with the issue dated  
October 16, 2019  
and ending with the issue dated  
October 23, 2019.

  
\_\_\_\_\_  
Publisher

Sworn and subscribed to before me this  
23rd day of October 2019.

  
\_\_\_\_\_  
Circulation Clerk

My commission expires  
October 29, 2022  
(Seal)



This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL	LEGAL
<b>LEGAL NOTICE</b> <b>OCTOBER 16 and 23, 2019</b> <b>NOTICE OF PUBLIC HEARING</b>	
<p>NOTICE is hereby given that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on <b>Monday, November 18, 2019, at 6:00 p.m.</b>, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcohol and Gaming Division, should approve or disapprove the following liquor license application. Protests and objections may be made by any interested persons at the time, date and place of hearing.</p> <p><b>NOTICE TO PERSONS WITH DISABILITIES:</b> If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-9200. If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.</p> <p><b>APPLICATION FOR SMALL BREWER LIQUOR LICENSE</b> 1ST OFF-SITE LOCATION MASTER LICENSE NO. 67089</p> <p>Application #: 1142444 Applicant: Dry Lands Brewing Co., LLC D/B/A Name: Dry Lands Brewing Co. Proposed Address: 502 West Navajo Hobbs, NM 88240</p> <p>DATED this 14th day of October, 2019.</p> <p style="text-align: right;">/s/ Sam D. Cobb SAM D. COBB, Mayor</p> <p>#34773</p>	

67108146

00234735

CITY OF HOBBS FINANCE DEPT  
200 E. BROADWAY ST  
HOBBS, NM 88240





New Mexico Regulation and Licensing Department  
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101  
Phone (505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/abc](http://www.rld.state.nm.us/abc)

October 7, 2019

Certified Mail No.: 9171 9690 0935 0155 1033 94

Michelle Lujan Grisham  
Governor

Marguerite Salazar  
Superintendent

Andrew Vallejos  
Director

City of Hobbs  
Attn: Jan Fletcher  
200 East Broadway  
Hobbs, NM 88240

9171 9690 0935 0155 1033 94

RECEIVED

OCT 10 2019

RE: Lic. No. /Appl. No.: Application No. 1142444  
Name of Applicant: Dry Lands Brewing Co., LLC  
Doing Business as: Dry Lands Brewing Co.  
Proposed Location: 502 W. Navajo Dr.  
Hobbs, NM 88240

OFFICE OF THE CITY CLERK  
HOBBS, NEW MEXICO

Greetings:

The Director of the Alcoholic Beverage Control Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

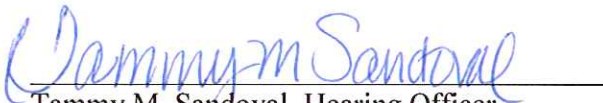
**APPLICANT IS SEEKING A SMALL BREWER 1<sup>ST</sup> OFF-SITE LOCATION LIQUOR LICENSE.**



**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcoholic Beverage Control Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcoholic Beverage Control Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcoholic Beverage Control Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Tammy M. Sandoval, Hearing Officer  
New Mexico Regulation & Licensing Dept.  
Alcoholic Beverage Control  
Phone: (505) 476-4548 Fax: (505) 476-4595  
Email: [tammy.sandoval@state.nm.us](mailto:tammy.sandoval@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement



AGD USE ONLY: Payment| Application Fee \$ 200 Received on: 8-16-19 Receipt No. 2215081  
License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Application # 1142444 Local Option District: \_\_\_\_\_

Assigned  
8/23/19

### SMALL BREWER LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for:  New License  Off-Site Location – 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> Master License No. 67089

Applicant is:  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER  
Dry Lands Brewing Co LLC 322 N Main St. 575-704-9216

D/B/A Name to be used: Dry lands Brewing Co Business Phone #: 575-739-2739

Email Address (required): drylandsbrewingco@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)  
502 W Navajo Dr Hobbs NM 88240

Are alcoholic beverages currently being dispensed at the proposed location?  Yes  No If Yes, License # / Type: \_\_\_\_\_

Mailing Address: 322 N Main St. Lovington NM 88260

Agent/Contact Person: Francisco A Arreola Phone#: 575-704-9216 Email: drylandsbrewingco@gmail.com

I, (print name) Francisco Andres Arreola, as (title) owner, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date before a Notary Public.

Signature of Applicant: [Signature] Date: 8/13/19

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of lea)  
SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of August, 20 19  
By: Francisco Andres Arreola Notary Public: Samantha TORRES SEAL  
My Commission Expires: 6-23-22

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one:  Approved  Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY:  Approved  Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED  
AUG 16 2019  
ALCOHOL & GAMING DIVISION



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

Owned by Applicant, copy of deed/document attached  Leased by Applicant, copy of lease/document attached

Other (provide details): \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Davy Farms LLC

B. Date and Term of Lease: August 1<sup>st</sup> 2019 - August 1<sup>st</sup> 2020

3. Premises location is Zoned (example C-1, see Zoning Statement): \_\_\_\_\_

Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: The Church of Jesus Christ of Latter Day Miles/feet: 1,000 feet

Address/location of Church: 3720 N Graves St Hobbs NM 88240

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Stone Elementary School Miles/feet: 2,300 feet

Address/location of School: 1815 W Calle San St Hobbs NM 88240

6. Distance from military installation \*(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
Miles: 120 miles Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation:  Hotel  Lounge  Package Grocery  Restaurant  Racetrack

Small Brewer  Craft Distiller  Winery  Wholesaler

Other (specify): Tavern / Off-site

\*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

RECEIVED

AUG 16 2019

ALCOHOL & GAMING DIVISION



*PLANNING DEPARTMENT*

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200 E. Broadway Street, Hobbs, NM 88240  
Ph. 1-505-397-9232 Fax 1-505-397-9227

August 12, 2019

RE: Zoning Certification for property located at 502 W. Navajo in Hobbs, New Mexico.

Dear Mr. Torres:

Pursuant to your request for a current zoning certification for property located at 502 W. Navajo in Hobbs, New Mexico, please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and location of different types of development or specific business uses throughout the City at this time. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, or use of vacant land. Therefore, land use on the above referenced property in Hobbs is considered a use by right as of this date of August 12, 2019. Therefore, the proposed use is in conformance with applicable zoning law as of this date.

Please note that the City does have a Major Thoroughfare Plan, Subdivision Regulations, Flood Zone, Fire Zone, Landscaping Regulations, Building Code, Liquor License and other development regulations that must be followed for improvements and changes in building occupancy types, including yard setback requirements. This letter is in regards to that portion of the above referenced real property that exists within the corporate limits of the City of Hobbs, NM on August 12, 2019. If you have any questions or need further information, please contact me at (575) 397-9232.

Sincerely,

CITY OF HOBBS, NEW MEXICO

A handwritten signature in cursive script, appearing to read "Kevin Robinson", is written over a horizontal line.

**Kevin Robinson - Planning Department**

RECEIVED

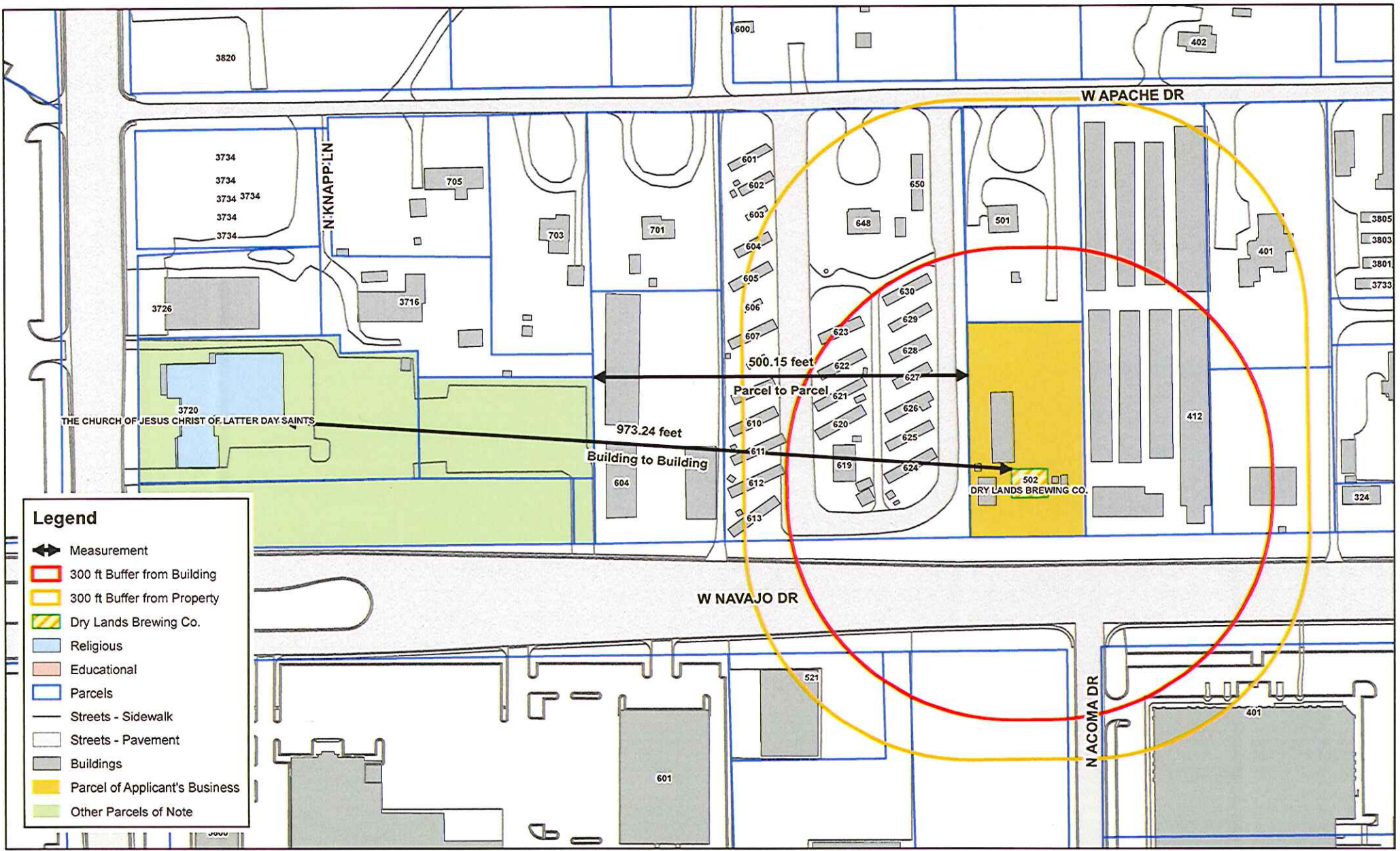
AUG 16 2019

ALCOHOL & GAMING DIVISION



# Dry Lands Brewing Co.

## 300 ft Buffer Zone Map for Liquor License



**Legend**

- Measurement
- 300 ft Buffer from Building
- 300 ft Buffer from Property
- Dry Lands Brewing Co.
- Religious
- Educational
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

SY

Date: 10/15/2019 1 inch = 175 feet Time: 10:48:04 AM

**DISCLAIMER: THE CITY OF HOBBS MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND REGARDING ANY GIS DATA PROVIDED HEREIN OR THE SOURCES OF SUCH DATA. THE CITY OF HOBBS SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DATA CONTAINED WITHIN THIS PRODUCT IS PROVIDED BY THE CITY OF HOBBS FOR INFORMATIONAL PURPOSES ONLY AND NOT IN COMPLIANCE WITH ANY LEGAL REQUIRED SURVEYING STANDARD.**





# CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

**SUBJECT: PUBLICATION OF AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE REGARDING PARKING ENFORCEMENT**

**DEPT. OF ORIGIN:** Hobbs Police Department  
**DATE SUBMITTED:** November 12, 2019  
**SUBMITTED BY:** John Ortolano, Chief of Police

**Summary:**

The City of Hobbs has adopted the Uniform Traffic Ordinance (UTO) to govern the traffic laws in Hobbs, New Mexico. The Hobbs Police Department has identified issues of parking to be a common complaint from the citizens of Hobbs, New Mexico. NMSA 1978, §3-17-1 and NMSA 1978, §3-50-5(K) allows a municipality to adopt ordinances necessary to promote the morals, order, comfort and convenience while addressing the existence of congestion of street traffic. The Hobbs Police Department has employed Police Service Aides to conduct certain duties related to the assistance of law enforcement and the general public. The Chief of Police of the Hobbs Police Department would like to designate these Police Service Aides as having the authority to enforce all parking ordinances within the municipal boundaries of Hobbs, New Mexico. NMSA 1978, §29-1-9 allows appointment of a certain peace officer duties by written appointment. This change would greatly benefit the Department as well as the general public at large.

**Fiscal Impact:**

Reviewed By:   
Finance Department

There is no fiscal impact for this measure.

**Attachments:** Proposed Ordinance

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The City Commission should consider approving publication of the proposed Ordinance.

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

ORDINANCE NO. 1122

AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE  
REGARDING PARKING ENFORCEMENT

WHEREAS, the City of Hobbs has previously adopted the Uniform Traffic Ordinance to govern the traffic laws within the municipal limits of the City of Hobbs, New Mexico, through enactment of an amended Chapter 10 of the Hobbs Municipal Code; and

WHEREAS, NMSA 1978, §3-17-1 allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

WHEREAS, NMSA 1978, §3-50-5(K) allows a municipality to perform any and all other acts and things necessary, convenient, desirable or appropriate to address the existence of congestion of street traffic, preventing free circulation of traffic, obstructing access to and use of both public and private property, increasing traffic hazards, impeding rapid and effective fighting of fires and the disposition of police forces and endangering public peace, health and safety; and

WHEREAS, NMSA 1978, §29-1-9, requires that no person be allowed to exercise the functions, powers duties and privileges incident and belonging to a peace officer without first having received an appointment in writing from a person authorized by law to appoint peace officers; and

WHEREAS, the Uniform Traffic Ordinance Section 12-3-3(A) states, "It is the duty of police officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this municipality...."; and

WHEREAS, The City of Hobbs has identified parking violations as an area of traffic enforcement that greatly impacts the morals, order, comfort and convenience of the municipality and has identified that there are persons employed by the Hobbs Police Department, aside from those full time salaried peace officers, that are capable of addressing parking violations efficiently and effectively; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 10, is hereby amended as more specifically described as follows:

TITLE 10

UNIFORM TRAFFIC ORDINANCE

10.04.100 PARKING ENFORCEMENT

- A. Any Hobbs Police Officer shall have the authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- B. In addition to the language contained in subsection A herein the Chief of Police may, by written appointment, designate Police Service Aides of the Hobbs Police Department as having authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- C. Enforcement procedures for all parking violations shall be those outlined by Uniform Traffic Ordinance Article XII, including but not limited to Sections 12-12-12, 12-12-13, and 12-12-14.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk





**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18<sup>th</sup>, 2019

**SUBJECT: CONSIDERATION OF APPROVAL OF A CHANGE ORDER No. 4 WITH HAYDON BUILDING CORPORATION for The Center of Recreational Excellence (CORE)**

**DEPT. OF ORIGIN:** Office of the City Manager / Parks & Recreation Dept. / Engineering Dept. / General Service Dept. / Finance Dept.

**DATE SUBMITTED:** November 12<sup>th</sup>, 2019

**SUBMITTED BY:** City Staff

**Summary:**

**June 15<sup>th</sup>, 2015** - Haydon Building Corporation was awarded the CMAR contract for the HWLC (CORE) preconstruction service, which the RFQ and RFP process included the City of Hobbs and Partners throughout the procurement process.

**August 25<sup>th</sup>, 2015** - The Contract with Haydon was amended to add the NMJC and HMS as "Owners" to the Contract (Amendment No. 1).

**April 18<sup>th</sup>, 2016** - The City Commission approved Contract Amendment No. 2 to address changes in the scope of work and contract construction. In addition, an *Early Work release* was approved for the Structural Steel Detailing / Shop Drawings and Play Feature Structural Foundation Details. In May of 2016, Haydon released the 100% construction plans and specifications to potential/interested subcontractors. A Best Value Assessment (BVA) was provided by Haydon and the design team to create an overall budget of \$63.5M.

**August 1<sup>st</sup> of 2016** – The City Commission approved a Grant Agreement between the City of Hobbs and J. F Maddox Foundation. In addition, the City Commission approved a Haydon Contract Amendment No. 3 (GMP – Guaranteed Maximum Price) and notice to start construction for a total GMP (including GRT) of \$53,464,234.

**May 7<sup>th</sup>, 2018** – The City Commission approved Change Order No. 1 (GMP Contract Amendment No. 4) for a total of \$675,229.44 or a total Contract price of \$54,139,463 (1.25% increase). This was related to Owner requested changes, which were paid for under the Contractor's contingency initially, TRX System Support, Aquatics timing / Scoreboard Changes, and CORE Signage at Building. Change Order No. 2 and 3 were approved administratively for the Dedication Plaque, New Storefront Door upgrade to warm therapy pool, and portion of the scrim lighting (light fixture due to long lead time for delivery and electrical work).

**November 18<sup>th</sup>, 2019** – Attached is **Change Order No. 4 for a total of \$297,783.67**, which will increase the overall contract to a total of \$54,268,824.92 (Fully loaded with CMAR Fee, Bond, Insurance and GRT) and not including early release work. Total Change in the contract is 2.1% increase or \$1,092,554.92 (Change Orders 1-4). Below is a summary of overall project costs.

TOTAL SUMMARY OF COSTS	ORIGINAL BUDGET	REVISED BUDGET
<b>Current Construction Budget (CONTRACT GMP)</b>	<b>\$53,176,270</b>	<b>\$53,176,270</b>
Early Work Release (includes GRT)	\$287,964	\$287,964
Change Order No. 1		\$675,229
Change Order No. 2		\$59,794
Change Order No. 3		\$59,748
Change Order No. 4		\$297,784
<b>Total Change Order 1-4</b>		<b>\$1,092,555</b>
<b>TOTAL HAYDON CONTRACT</b>	<b>\$53,464,234</b>	<b>\$54,556,789</b>
<b>Total Project Budget Recap - Design Development Stage</b>		
Total Development Soft Costs	\$7,604,019	\$7,556,312
NMGRT on Soft Costs	\$500,589	\$498,864
<b>GRANT TOTAL PROJECT COST</b>	<b>\$61,568,843</b>	<b>\$62,661,966</b>
<b>TARGET BUDGET</b>	<b>\$63,500,000</b>	<b>\$63,500,000</b>
<b>UNDER BUDGET OR AVAILBLE CONTINGENCY</b>	<b>(\$1,931,157)</b>	<b>(\$838,034)</b>

**Fiscal Impact:**

Reviewed By: \_\_\_\_\_

*[Signature]*  
Finance Department

**Expenditures**

Budget Account: 16-4016-44901-00228  
Total Estimated Expenditures: \$62,661,966.00

*Note: The above expenditures amount is based on the revised budget and final payments have not been made at this time. In addition, Haydon Construction has additional Contractor Contingency within their contract, and if not fully utilized, any remaining dollars would be retained by the City and not paid out.*

**Revenue**

J. F Maddox Foundation (Initial Grant Funding)	\$25,000,000
J. F Maddox Foundation (Supplemental Grant Funding)	\$2,500,000
City of Hobbs (General Fund)	\$25,000,000
New Mexico Junior College (General Obligation Bond)	\$4,950,000
New Mexico Junior College (1% of G.O. Bond reserved for Public Art)	\$50,000
New Mexico Junior College (Mill Levy Funds)	\$5,000,000
Hobbs Municipal School District (Local Bond Funds)	\$1,000,000
<b>Total Revenue Breakdown</b>	<b>\$63,500,000</b>

**Attachments:**

Haydon Change Order No. 4 / Project Summary – Overall Budget

**Legal Review:**

Approved As To Form: \_\_\_\_\_

*[Signature]*  
City Attorney

**Recommendation:**

Commission consideration for the approval of a Change Order No. 4 to Haydon Building Corporation

Approved For Submittal By: \_\_\_\_\_

*[Signature]*  
Department Director

*[Signature]*  
City Manager

**CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN**

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



# CORE - OVERALL COST SUMMARY

Tuesday, November 12, 2019

TOTAL SUMMARY OF COSTS		ORIGINAL BUDGET	REVISED BUDGET
<b>Current Construction Budget (CONTRACT GMP)</b>		<b>\$53,176,270</b>	<b>\$53,176,270</b>
Payment - Haydon Construction Invoice			
<i>CMAR Preconstruction Services (\$250,000 plus GRT) shown in separate line item below</i>			
Early Work Release (includes GRT)		\$287,964	\$287,964
(\$497,051.00 C.C. Replenishment / Core Signage / TRX System) Change Order No. 1			\$675,229
(Dedication Plaque / New Storfront, Glazing & Door) Change Order No. 2			\$59,794
(Partial Scrim Lighting / Theco Electrical) Change Order No. 3			\$59,748
(\$111,242 Contractor Cont. / Scrim Lighting / Gycol ) Change Order No. 4			\$297,784
Total Change Order 1-4			\$1,092,555
<b>TOTAL</b>		<b>\$53,464,234</b>	<b>\$54,556,789</b>
<b>Total Project Budget Recap - Design Development Stage</b>			
<b>Development Soft Costs</b>			
Land Purchase		\$0	\$0
Public Art Allocation		\$50,000	\$50,000
Professional Fees (BRS Contract)		4,868,900.00	\$4,936,388
FFE - Furniture, Fixtures and Equipment		\$1,708,000	\$1,697,812
Gas Easement Documentation		\$1,200	
CMAR Preconstruction Fee		\$250,000	\$250,000
Plant Investment / Tap Fees		\$25,000	
Construction Testing and Special Inspections		\$200,000	\$182,310
Reimbursable Expenses (BRS Contract - GRT excluded for all BRS contracts)		\$255,919	\$233,533
Plan Review Fees * (Change Rev 1: 8-18-16)		\$45,000	\$56,269
Other Soft Costs - Owner Preconstruction / Other Costs (Branding, Video, Studies, Trips)		\$200,000	\$200,000
<b>Total Development Soft Costs</b>		<b>\$7,604,019</b>	<b>\$7,606,312</b>
NMGRT on Soft Costs (including GRT on BRS contract) 6.8125%		\$500,589	\$498,864
<b>Subtotal All Project Costs</b>		<b>\$61,568,843</b>	<b>\$62,661,966</b>
Non-Reimburseable			
<b>Owner Contingency</b>		<b>\$1,725,468</b>	
NMGRT on Contingency 6.8125%		\$117,548	
<b>GRAND TOTAL PROJECT COST</b>		<b>\$63,411,858</b>	<b>\$62,661,966</b>
Target Budget (doesn't include Maddox Supplemental Grant Amnt \$2.5M)		\$63,500,000	\$63,500,000
DIFF			<b>(\$838,034)</b>
Maddox Supplemental Grant Amount		\$2,500,000	\$2,500,000
Maddox Supplemental Grant Amount Remaining			<b>(\$838,034)</b>

		Contractor Contingency	Total Change in Contract	Description
	<b>CONTRACT</b>	\$ 1,359,804.00		
<b>Original Contract</b>	\$ 53,176,270.00			
<b>CO 1</b>	\$ 675,229.44	\$ 497,051.00	\$ 497,051.00	Contingency Replenishment
			\$ 48,889.94	TRX System Supports
			\$ 91,331.71	Aquatics Timing / Scoreboard Changes
			\$ 37,956.79	Added CORE Signage at Building
<b>CO 2</b>	\$ 59,794.00		\$ 37,377.00	Dedication Plaque / Monument
			\$ 22,417.00	New Storefront, Glazing & Door
<b>CO3</b>	\$ 59,747.81		\$ 37,438.94	Electro-Works - Fixtures Order
			\$ 22,308.87	Tehco Install Electrical / Data Feeds
<b>PROPOSED CO4</b>	\$ 297,783.67		\$ 49,177.40	Scrim Lighting Total (Install / Programming)
			\$ 123,493.63	Glycol Loop - Chiller Unit Protection
			\$ 13,870.64	Masonry / Paint / Alarm - Door 213F
		\$ 111,242.00	\$ 111,242.00	Contractor Replishment (Re-Coating of Exterior Steel Scrim Supports)

Revised Total

\$ 54,268,824.92 \$ 1,968,097.00

\$ 53,176,270.00	ORIG. CONTRACT
\$ 1,092,554.92	TOTAL INCREASE
\$ 54,268,824.92	NEW CONTRACT AMNT (Fully loaded with CMAR Fee, Bond, Insurance and GRT)



**HAYDON**

Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040  
Ph: (602)296-1496

### Change Order

**Project:** 10-1775-00 Hobbs Health & Wellness Learning  
3201 Millen Dr.  
Hobbs, NM 88240

**Change Order #:** OCO-004 Glycol, Scrim Lighting, Cont.  
**Date:** 10/30/19

**To (Contractor):** Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**The Contract is changed as follows:**

PCO-149	Scrim Accent Lighting - OPTION #1	49,177.40
PCO-226	RFI#263 - Glycol Loop - Chiller Protection	123,493.63
PCO-227	Masonry / Paint / Alarm - Door 213F	13,870.64
PCO-228	Replenishment of Contractor's Contingency from Owner's Contingency – PCO #228	111,242.00
<b>Total:</b>		<u>297,783.67</u>

The original Contract Amount was .....	53,464,234.00
Net change by previously authorized Change Orders .....	794,771.28
The Contract Amount prior to this Change Order was .....	54,259,005.28
The Contract will be increased by this Change Order in the amount of .....	297,783.67
The new Contract Amount including this Change Order will be .....	54,556,788.95
The Contract Time will be unchanged.	
The date of Substantial Completion as of the date of this Change Order therefore is 05/14/18	

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACT AND OWNER.**

**Architect/Engineer:**  
Dekker Perich Sabatini Architects  
2375 E. Camelback Rd., Suite 270  
Phoenix, AZ 85016

**Accepted By Contractor:**  
Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**Authorized By Owner:**  
City of Hobbs, NM  
200 E Broadway  
Hobbs, NM 88240

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_







Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040  
Phone: (602)296-1496

## Pending Change Order

To: City of Hobbs, NM  
200 E Broadway  
Hobbs, NM 88240  
Ph: Fax:

Number: PCO-149  
Date: 10/14/2019  
Job: 10-1775-00 Hobbs Health & Wellness Learning Cente

---

The schedule is Unchanged  
If you have any questions, please contact me at (602)296-1496.

Submitted By: Matt Greer  
Haydon Building Corp

Approved By: City of Hobbs, NM

cc:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**HAYDON**

Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040  
Ph: (602)296-1496

### Change Order

**Project:** 10-1775-00 Hobbs Health & Wellness Learning Cen  
3201 Millen Dr.  
Hobbs, NM 88240

**Change Order #:** OCO-003 Scrim Lighting Fixture Release  
**Date :** 10/16/19

**To (Contractor):** Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**The Contract is changed as follows:**

PCO-149.2	Scrim Accent Lighting - Early Fixture Release	59,747.81
<b>Total:</b>		<u>59,747.81</u>

The original Contract Amount was .....	53,464,234.00
Net change by previously authorized Change Orders .....	735,023.47
The Contract Amount prior to this Change Order was .....	54,199,257.47
The Contract will be increased by this Change Order in the amount of .....	59,747.81
The new Contract Amount including this Change Order will be .....	54,259,005.28
The Contract Time will be unchanged.	
The date of Substantial Completion as of the date of this Change Order therefore is 05/14/18	

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACT AND OWNER.**

**Architect/Engineer:**  
Dekker Perich Sabatini Architects  
2375 E. Camelback Rd., Suite 270  
Phoenix, AZ 85016

**Accepted By Contractor:**  
Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**Authorized By Owner:**  
City of Hobbs, NM  
200 E Broadway  
Hobbs, NM 88240

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_





**Change order no. 3**

Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040  
Phone: (602)298-1498

**Pending Change Order**

To: City of Hobbs, NM  
200 E Broadway  
Hobbs, NM 88240  
Ph: Fax:

Number: PCO-149.2  
Date: 02/20/2019  
Job: 10-1775-00 Hobbs Health & Wellness Learning Center

Description: Scrim Accent Lighting - Early Fixture Release  
Reason:  
Details: Scrim Accent Lighting - OPTION #1 - Early Release

This Potential Change Order covers the costs to provide light fixture procurement and electrical infrastructure work only as it relates to the scrim lighting scope of work included in the attached PCO#226.


All costs associated with the installation of the attached architectural scrim accent lighting package as detailed and shown in the attached package is excluded with the exception of the electrical work per the attached.


Due to the long lead time associated with the lighting fixtures themselves, approval of this PCO will allow Haydon to immediately procure the fixtures and allow us to concurrently install the electrical infrastructure to support this future installation.

**\*\*NOTE\*\***After final coordination of fixture locations and overall scope of work, a second PCO will be executed to have the lights installed and the scope completed. All Haydon costs have been excluded from this proposal but will need to be added back into contract upon execution of the installation PCO at a later date.

Description		Estimated Cost
Item : 1	Electro-Works - Fixtures Order	
	Scrim Lighting Package -CO	37,438.94
	Subtotal Item 1	37,438.94
Item : 2	Theco - Install Electrical / Data Feeds	
	Electrical & Special Systems	22,308.87
	Subtotal Item 2	22,308.87
	Insurances	0.00%
	Bond	0.00%
	Fee	0.00%
	NMGRT	0.00%
	<b>Total For Change Order</b>	<b>59,747.81</b>

The schedule is Unchanged  
If you have any questions, please contact me at (602)298-1498.

Submitted By: Matt Greer   
Haydon Building Corp

Approved By: City of Hobbs, NM  
Signed:   
Date: 2-21-19





Number of Fixtures 86

Total **\$60,864.43**

Roof Mounting Parts

98	Block	CXM-B & C5-B - Small Rubber Support Series	\$12.25	\$1,200.50
344	Hardware	SS hardware, nuts, bolts washer	\$0.35	\$120.40
1	Conduit	Miscellaneous Liquid tight, conduit to offset light strings	\$180.00	\$180.00

Lighting Parts

\$37,439.04

1		ADJ 3 Universe Interface	\$789.00	\$789.00
1		Pipeline DMX Splitter	\$99.99	<del>\$99.99</del>
86		LED Light	\$389.99	\$33,539.14
10		LED Light - Replacement Lights for Back-Stock	\$389.99	\$3,899.90

On-Site Labor

\$11,340.50

3	Labor	Install new DMX Interface to handle extra lights	\$73.00	\$219.00
5	Labor	Terminate DMX to Splitter, test	\$74.00	\$370.00
4.3	Labor	Load tools and lights up to roof sections	\$75.00	\$322.50
20	Labor	Layout and layout roof blocks	\$75.00	\$1,500.00
24	Labor	Wire in First In lights to power	\$75.00	\$1,800.00
4	Labor	Test all DMX Chains	\$75.00	\$300.00
24	Labor	Run conduit for offsets	\$75.00	\$1,800.00
31	Labor	Install and program light chains	\$75.00	\$2,325.00
8	Labor	Align lights adjust rings	\$75.00	\$600.00
24	Labor	clean, prime, glue roof blocks	\$75.00	\$1,800.00
4	Labor	Program Light shows	\$76.00	\$304.00

\$9,695.00

19	Per Diem	Food Per Diem Meals	\$35.00	\$665.00
19	Motel	Lodging	\$140.00	\$2,660.00
66	Labor	Travel Labor	\$55.00	\$3,630.00
1	Car	Rental Car	\$373.00	\$373.00
3	Plane	Flights from MSN to NM	\$789.00	\$2,367.00

LIGHTS ONLY ↙

(86) Fixtures = \$33,539.<sup>14</sup>  
 (10) AMC Stock = \$3,899.<sup>90</sup>  


---

**\$37,438.<sup>04</sup>**



# blizzard LIGHTING



Cooler By Design™

**Blizzard Lighting, LLC**

Phone: 1.866.493.6025

Fax: 1.866.870.0031

Email: [info@blizzardlighting.com](mailto:info@blizzardlighting.com)

Website: <http://www.blizzardlighting.com>

## ToughStick™ RGBAW

When it comes to a tough, rugged quality IP65 LED wash fixture, nothing beats the ToughStick RGBAW™!

The ToughStick RGBAW™ is an super-cool, super-tough combination outdoor rated RGBWA strip wash / pixel / effect fixture powered by 60x 3W Red/Green/Blue/Amber/White LEDs (12 each). You'll get great color mixing from its high powered RGBWA LEDs, plus full independent control of 3 individual pixels (20 LEDs each).

User selectable 4/5/6/10/16/20-channel DMX modes and an LED control panel make this fixture flexible and easy to use, and built in color change and pixel chase programs are available in standalone, master-slave, and DMX modes for ultimate versatility.

It's built like a brick with a heavy-duty anodized aluminum enclosure, tempered glass top, extended waterproof AC power + 3-pin DMX connections, and the adjustable dual mounting brackets make for total positioning flexibility.

The ToughStick RGBAW™ is backed by Blizzard's 2-year warranty and is built with high-quality materials both inside and out.

### Control Features

- RGBAW color mixing via 60x 3W Red/Green/Blue/Amber/White LEDs
- Variable electronic strobe and dimmer
- Built-in color & chase macros via DMX
- Built-in automated programs via master/slave
- RGBAW color mixing ability in standalone mode
- Independent control of 3 pixels (20 LEDs each)
- User selectable 4/5/6/10/16/20-channel DMX modes



## TOUGHSTICK™ RGBAW



**IP65**

SUITABLE FOR OUTDOOR USE

### Additional Features

- Lux: 28,220 Lux @ 1m, 13,180 Lux @ 2m
- Beam Angle: 25
- Light source: 60x3W (12x R,G,B,A,W) 100,000 hours
- Operating Voltage: 100V-240VAC, 50-60 Hertz
- Fuse: 3A .4A Inrush, 1.98A Max Operating Power Factor: .64

### Weight & Dimensions

- Length: 39.45 Inches (1002 mm)
- Width: 4.33 Inches (110 mm)
- Height: 6.69 Inches (170 mm)
- Weight: 13.23 lbs (6 kg)

### Warranty

- 2-year limited warranty, does not cover malfunction caused by damage to LED's.

**JOB NAME Hobbs CORE Scrim Lights Power and Controls Conduit**

01/25/2019

QUAN.	Unit	DESCRIPTION	MATERIALS		LABOR	
			Price UNIT	Price EXTENDED	Hours EACH	Hours EXTENDED
0	Ea		\$0.00	\$0.00		0
0	Ea	Inclusions:	\$0.00	\$0.00		0
0	Ea	Conduit and wire to 6 boxes	\$0.00	\$0.00		0
0	Ea	Conduit for control wire provided by others	\$0.00	\$0.00		0
0	Ea		\$0.00	\$0.00		0
0	Ea		\$0.00	\$0.00		0
0	Ea		\$0.00	\$0.00		0
770	Ft	3/4" conduit	\$0.76	\$585.20	0.075	57.75
30	Ea	3/4" connectors	\$0.88	\$26.40	0.3	9
67	Ea	3/4" couplings	\$1.20	\$80.40	0.18	10.26
90	Ea	3/4" straps	\$0.85	\$76.50	0.2	18
8	Ea	4sq boxes and blanks	\$1.80	\$9.00	0.52	3.12
6	Ea	Weather Proof Boxes and covers	\$18.00	\$108.00	0.85	5.1
2100	Ea	#12 THHN	\$0.12	\$252.00	0.009	18.9
0	Ea		\$0.00	\$0.00		0
3	lot	plywood and carpet	\$250.00	\$750.00	4	12
1	lot	Lodging and Fuel	\$1,850.00	\$1,850.00		0
2	lot	Extension Ladder	\$150.00	\$300.00		0
2	lot	sheet rock penetrations	\$5.00	\$10.00	1	2
1	lot	floor penetrations	\$18.00	\$18.00	2	2
0	lot		\$0.00	\$0.00		0
8	lot	set up/ clean up / break down daily	\$0.00	\$0.00	1.75	10.5
0	lot		\$0.00	\$0.00		0
0	Ea	Exclusion:	\$0.00	\$0.00		0
0	Ft	Paint & Patch conduit	\$0.00	\$0.00		0
0	Ea	*** Lift or Lift Rental ***	\$0.00	\$0.00		0
0	lot	Ceiling Tile Replacement	\$0.00	\$0.00		0
0	lot	Price Valid for 14 days	\$0.00	\$0.00		0
0	lot	Furnish and installing lights or sleepers	\$0.00	\$0.00		0
0	lot	Furnish and installing control cables	\$0.00	\$0.00		0
0	lot	Connecting lights to the 6 Power boxes installed by	\$0.00	\$0.00		0
0	lot	THECO	\$0.00	\$0.00		0
0	lot		\$0.00	\$0.00		0
0	lot		\$0.00	\$0.00		0
1	lot	Misc nuts, screws, bolt washers, tape, consumables	\$65.00	\$65.00		0
1	lot	Research / Estimate / Material Handling	\$0.00	\$0.00	6	6
		<b>TOTAL LABOR HOURS</b>				<b>154.83</b>
		Totals Material		\$4,118.50		
		Totals Labor		\$10,205.58		
0.48		Labor Burden		\$4,894.57		
		Subtotal		\$19,018.65		
15%		Overhead and Profit		\$2,852.80		
		Subtotal		\$21,871.44		
2%		Bond		\$437.43		
lot		Subcontractor		\$0.00		
15%		Mark up on subcontractors		\$0.00		
		<b>TOTAL JOB PRICE tax not Included</b>		<b>\$22,308.87</b>		



**HAYDON**

Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040  
Ph: (602)296-1496

### Change Order

**Project:** 10-1775-00 Hobbs Health & Wellness Learning  
3201 Millen Dr.  
Hobbs, NM 88240

**Change Order #:** OCO-004 Glycol, Scrim Lighting, Cont.  
**Date :** 10/30/19

**To (Contractor):** Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**The Contract is changed as follows:**

PCO-149	Scrim Accent Lighting - OPTION #1	49,177.40
PCO-226	RFI#263 - Glycol Loop - Chiller Protection	123,493.63
PCO-227	Masonry / Paint / Alarm - Door 213F	13,870.64
PCO-228	Replenishment of Contractor's Contingency from Owner's Contingency – PCO #228	111,242.00
<b>Total:</b>		<u>297,783.67</u>

The original Contract Amount was .....	53,464,234.00
Net change by previously authorized Change Orders .....	794,771.28
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The Contract Time will be unchanged.	
The date of Substantial Completion as of the date of this Change Order therefore is 05/14/18	

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACT AND OWNER.**

**Architect/Engineer:**  
Dekker Perich Sabatini Architects  
2375 E. Camelback Rd., Suite 270  
Phoenix, AZ 85016

**Accepted By Contractor:**  
Haydon Building Corp  
4640 E. Cotton Gin Loop  
Phoenix, AZ 85040

**Authorized By Owner:**  
City of Hobbs, NM  
200 E Broadway  
Hobbs, NM 88240

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_





# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18<sup>th</sup>, 2019

**SUBJECT: RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT CLOSE OUT AGREEMENT BETWEEN THE CITY OF HOBBS AND J. F MADDOX FOUNDATION FOR THE DESIGN AND CONSTRUCTION OF A RECREATION FACILITY (CORE)**

**DEPT. OF ORIGIN:** Office of the City Manager / Engineering Dept. / Finance Dept.  
**DATE SUBMITTED:** November 12<sup>th</sup>, 2019  
**SUBMITTED BY:** City Staff

**Summary:** In 2013, recommendations contained in the Lea County Recreational Master Plan prompted a historic public/private initiative with capital support for the design, construction and equipping of the Project from the City, NMJC, the Hobbs School District, and the Foundation (\$56M) and ongoing operating support pledged by the City, NMJC, and the Hobbs School District. In addition, the NMJC received general obligation bonds approved by the voters of New Mexico in November of 2014, which increased the capital commitment by five million dollars (\$5,000,000) for an original overall budget of \$61M.

To facilitate agreements for the mutual design, construction, and operation of the Project, the City, NMJC, and the Hobbs School District have executed a Memorandum of Understanding dated as of September 4, 2015 (the "MOU") to cooperatively finance, design, construct, operate and maintain the Project, the use of which will be shared by the City, NMJC, and the Hobbs School District.

Haydon Building Corporation was awarded the Project, as the Construction Manager at Risk, and has provided estimates throughout the Schematic Design, Design Development and Final Construction Document phases. In May of 2016, Haydon released the 100% construction plans and specifications to potential/interested subcontractors. A Best Value Assessment (BVA) was provided by Haydon and the design team to create an overall budget of \$63.5M, which was shared with the capital funding partners.

On August 1, 2016, the City Commission approved a Grant Amendment with the J. F Maddox Foundation to increase the Foundation's total contribution for a total initial grant funding of \$25M and a supplemental grant funding of \$2.5M for the portion over the original \$61M cost (**a total project budget of \$63.5M**).

The attached Grant Close-Out Agreement will finalize any future capital contribution by the Foundation. The original supplemental grant was for \$2.5M. A total of \$1,661,966 was used leaving a remaining balance of \$838,034.

**Fiscal Impact:**

Reviewed By:   
Finance Department


**Budget**

J. F Maddox Foundation (Initial Grant Funding)	\$25,000,000
City of Hobbs (General Fund)	\$25,000,000
New Mexico Junior College (General Obligation Bond)	\$4,950,000
New Mexico Junior College (1% of G.O. Bond reserved for Public Art)	\$50,000
New Mexico Junior College (Mill Levy Funds)	\$5,000,000
Hobbs Municipal School District (Local Bond Funds)	\$1,000,000
J. F Maddox Foundation (Supplemental Grant Funding – orig \$2.5M)	\$1,661,966
	<u>\$62,661,966</u>

\*Note: The \$50,000 associated with NMJC Public Art will be a revenue and expenditure in the NMJC budget.

**Attachments:** Resolution, Grant Agreement

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Consideration for the Approval of the Resolution authorizing the Mayor to execute the Grant Close-Out Agreement

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: \_\_\_\_\_

File No. \_\_\_\_\_

Denied



CITY OF HOBBS

RESOLUTION NO. 6879

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A GRANT CLOSE OUT AGREEMENT BETWEEN  
THE CITY OF HOBBS AND J. F MADDOX FOUNDATION  
FOR THE DESIGN AND CONSTRUCTION OF AN  
INDOOR RECREATION AND WELLNESS CENTER**

WHEREAS, the City of Hobbs executed a Grant Agreement with the J. F Maddox Foundation dated August 1, 2016 to increase the J. F Maddox Foundation's total contribution for a total initial grant funding of \$25,000,000 and a Supplemental Grant Funding of \$2,500,000;

WHEREAS, the City of Hobbs has received and reviewed the attached Grant Close Out Agreement between the City of Hobbs and J. F Maddox Foundation ("GRANT AGREEMENT");

WHEREAS, the City of Hobbs and J. F Maddox Foundation desire to close out the Initial Grant and the Supplemental Grant made pursuant to the Grant Agreement and release the Foundation from any further funding obligations under the Grant Agreement; and

WHEREAS, the City of Hobbs and J. F Maddox Foundation agree that the total grant contribution will be limited to \$26,661,966.16;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Mayor be, and he hereby is, authorized and directed to execute the Grant Agreement and to take all necessary and appropriate action to effectuate the terms of the Grant Agreement.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

**GRANT CLOSE OUT AGREEMENT  
[HWLC]**

**THIS GRANT CLOSE OUT AGREEMENT** (the “Close Out Agreement”) shall be effective as of \_\_\_\_\_, 2019, is between the City of Hobbs, a New Mexico municipality (“City”), and J. F Maddox Foundation, a New Mexico nonprofit corporation (the “Foundation”), and is an amendment to that certain Grant Agreement between the Foundation and the City entered into effective as of August 1, 2016 (the “Grant Agreement”). All capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Grant Agreement.

**RECITALS**

A. As of the date set forth above, the City has requested, and the Foundation has paid, all of the Initial Grant Funds pursuant to the terms of the Grant Agreement, which amount totals Twenty-Five Million Dollars (\$25,000,000).

B. Under the terms of the Grant Agreement, the Foundation will pay the City up to a maximum of Two Million Five Hundred Thousand Dollars (\$2,500,000) in Supplemental Grant Funds for Qualified Expenditures incurred by the City and submitted to the Foundation in accordance with the terms and conditions of the Grant Agreement.

C. As of the date set forth above, the City has submitted, and the Foundation has paid, Eight Hundred Twenty-Seven Thousand Four Hundred Twenty Eight Dollars and Fifty-Eight Cents (\$827,428.58) in Supplemental Grant Funds.

D. The Foundation and the City desire to close out the Initial Grant and the Supplemental Grant made pursuant to the Grant Agreement and release the Foundation from any further funding obligations under the Grant Agreement except as set forth below.

**IN CONSIDERATION** of the premises set forth above and the covenants and agreements set forth in this Close Out Agreement, the Foundation and the City agree as follows:

**ARTICLE I**

1. The City and the Foundation agree that, upon payment by the Foundation of a Final Request for Reimbursement from the City in the amount of Eight Hundred Thirty-Four Thousand Five Hundred Thirty-Seven Dollars and Fifty-Eight Cents (\$834,537.58) (the “Final Grant Payment”), the City shall have received all Supplemental Grant Funds for all Qualified Expenditures it is entitled to request and be paid under the terms of the Grant Agreement.

2. The City and the Foundation agree that the Foundation has no obligation under the Grant Agreement to pay the City any additional funds from the Supplemental Grant Funds except the amount specified in paragraph 1 above.

3. The City agrees that it will not seek any payments from the Foundation under the Grant Agreement, now or in the future, except the Final Grant Payment described in paragraph 1 above.

4. The Foundation and the City agree that the City has satisfied (or the Foundation has waived), all conditions precedent contained in the Grant Agreement to the payment of the Final Grant Payment, including all provisions of Sections 6.03, 6.04, 7.17 and 7.18 of the Grant Agreement.

5. The City agrees to take all steps necessary to ensure that its Final Request for Reimbursement is submitted to the Foundation with sufficient time for the Foundation to make the Final Grant Payment prior to December 31, 2019.

**ARTICLE II**

All other terms and provisions of the Grant Agreement, not specifically amended by this Close Out Agreement, remain unchanged and are hereby ratified and confirmed.

**IN TESTIMONY HEREOF**, the City and the Foundation have executed this Close Out Agreement as an amendment to the Grant Agreement on the dates set forth below, but effective for all purposes as of \_\_\_\_\_, 2019.

**FOUNDATION:**

**J. F Maddox Foundation**  
a New Mexico nonprofit corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_  
Title

Date: \_\_\_\_\_, 2019

**CITY:**

**City of Hobbs, New Mexico**  
a New Mexico municipality

By: \_\_\_\_\_

Name: Sam D. Cobb

Its: Mayor

Date: \_\_\_\_\_, 2019



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH LEMKE DEVELOPMENT, INC. CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY HOUSING.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: November 12, 2019
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Lemke Development, Inc. has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$200,000.00.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

FY20 Budget Available \$1,085,040.00

Affordable Housing #010100-44901-170

Attachments: Resolution and Development Agreement.

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By:

[Signature] Department Director

[Signature] 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. 6880

**A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH LEMKE DEVELOPMENT, INC. CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.**

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Lemke Development, Inc. concerning the development of market rate single-family housing; and

WHEREAS, the aforementioned Development Agreement allows for an incentive of reimbursement of public infrastructure for this type of development, said agreement being in the best interest of the City.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Development Agreement, which is attached hereto and made a part of this Agreement as Exhibit #1 and the Mayor, and/or his designee, is hereby authorized to execute the Agreement.
2. That City staff and officials are authorized to do any and all deeds to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
SAM D. COBB, Mayor

ATTEST:

\_\_\_\_\_  
Jan Fletcher, City Clerk

## MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this 18<sup>th</sup> day of November, 2019 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

### RECITALS:

\*\* The City requires to contract with a Market Rate Single Family Development Company to deliver Single Family Market Rate Housing to the Citizens of Hobbs, New Mexico.

\*\* Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of the date of this agreement, within the Municipal Boundaries.

\*\* Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate Single Family Housing shall become null and void upon the ratification of this agreement herewith.

NOW, THEREFORE, the City of Hobbs and Developer do hereby agree as follows:

#### A. Work To Be Performed.

1. The Developer shall furnish to the City its Professional Housing Developer Services for certain work regarding the Market Rate Single Family Housing. All single family structures completed under this agreement shall be located within the municipal boundaries and shall have received a certificate of occupancy after the date of this agreement.

2. Developer shall furnish to City its professional Housing Developer Services as provided by this Agreement. The specific duties include the production and delivering to the public Market Rate Single Family Housing Units in Hobbs. Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time.

3. Specific activities required are to develop privately owned real property in the City including designing, building and transferring to the public individual market rate single family housing units. The City's subsidy may include any or all of the following funding assistance from the City:

Incentives are available for installed public municipal infrastructure only, providing compliance with:

- a. Incentive not to exceed per square footage basis:
  - i. \$10.00 per sq. ft. north of Sanger
  - ii. \$20.00 per sq. ft. south of Sanger
  - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
  - i. \$10,000.00 per single family unit
  - ii. \$5,000.00 per multi-family unit

- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
- i. \$180.00 per linear front footage of complete public infrastructure installed, and further broken down as follows:
    1. Water (\$25 / lf):
      - a. Twenty Five (\$25) per equivalent front foot of lot to which water service is provided (8" minimum service single family & 10" minimum service for multi-family);
    2. Sewer (\$35 / lf):
      - a. Thirty Five (\$35) per equivalent front foot of lot to which sewer service is provided (8" minimum service single family & 10" minimum service for multi-family);
    3. Street (\$90/ lf):
      - a. Ninety (\$90) per equivalent front foot of lot to which street is provided (built to Minor Residential standards as promulgated within the City of Hobbs Major Thoroughfare Plan);
    4. Sidewalk:
      - a. Thirty (\$30) per equivalent front foot of lot to which sidewalk (includes driveway with ADA accessible path) is provided;

Based on quantities of required publicly owned infrastructure installed supporting the project, the City Engineer shall determine if the value of the infrastructure is adequate as an equal exchange of value for the amount of City subsidy contributed to the market rate single family housing unit. The City Engineer shall resolve any issues concerning value or extent of infrastructure and amount of square footage of constructed housing units. Specifically, the City Engineer will determine the value or unit costs of the publicly owned infrastructure according to any City of Hobbs Annual Pavement/Concrete/Utility Contracts or public infrastructure projects and estimates.

**B. Payment For Services.**

- 1) The City shall pay for said services at the rates agreed to and as specified above in the Infrastructure details, as shown herein. Payment will not be made by the City for any unit until a certificate of occupancy is issued, based on this Agreement.
- 2) The total compensation to be paid to the Developer during the term of this Agreement shall not exceed Two Hundred Thousand Dollars (\$200,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after date of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.
- 4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O.,

shall require Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

**C. Construction Requirements.**

Construction shall be of energy-efficient design per New Mexico Energy Conservation Code 2009, utilizing either stucco or brick on the exterior of all buildings.

**D. Assignment of Agreement.**

This Section refers to assignability of this Agreement, and not to assignability of the Project to be developed for housing. Developer shall not assign or transfer any interest in this Agreement. Except that Developer is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which the Developer is the principal party or to an affiliated company, working with the Developer on the Project. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Consent shall not unreasonably be withheld by either party.

**E. Insurance Requirements and Hold Harmless Provision.**

1. Developer agrees to obtain and maintain appropriate insurance during the course of the development of market rate single family housing with the City of Hobbs, as follows, and shall indemnify and hold harmless City, its employees, agents, officers and officials from any and all claims, losses, causes of action, and/or liabilities resulting from the conduct, negligence, errors or omissions of Developer or any employee or agent of Developer while engaged in performing the services called for herein.

2. The Developer shall maintain insurance coverage for General Liability, Automobile Liability, Errors and Omissions Insurance, and Workers' Compensation, subject to review and approval of the City Attorney.

**F. Governing Law and Provisions.**

1. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement, including the expenses of in house counsel.

**G. Final Payment and Release of Claims.**

1. Developer, upon final payment of all amounts due under this Agreement, releases the City and its officers and employees from all liabilities, claims and obligations whatsoever arising



from or under this Agreement.

2. City, upon Developer's final completion of all work items and covenants required of the Developer under this Agreement, shall release the Developer from all liabilities, claims and obligations whatsoever arising from or under this Agreement, on the day that is ten (10) years following the date of the City's issuance of a final certificate of occupancy on the Project.

**H. Amendments.**

This Agreement shall not be altered, changed, or amended except by written instrument approved and executed by both parties hereto.

**I. Breach.**

1. The following events constitute a breach of this Agreement by Developer:
  - a) Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.
2. The following events constitute a breach of this Agreement by City:
  - a) City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement, including making timely and appropriate payments to the Developer.

**J. Remedies Upon Breach.**

1. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.
2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

**K. Termination.**

This Agreement shall be terminated upon the completion of all tenants herein specified or 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not eligible for payment.

**L. Notice.**

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ATTN and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240 and to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

**M. Entire Agreement.**

The foregoing constitutes the entire agreement between the parties hereto and may be modified only in writing by the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first written above.

**City of Hobbs**

**Developer**

\_\_\_\_\_  
By: Sam D. Cobb, Mayor

\_\_\_\_\_  
By: 

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JAN FLETCHER, City Clerk

\_\_\_\_\_  
Efren Cortez, City Attorney