

# Commission Meeting Agenda



## ***Mayor***

Samuel D. Cobb

## **City Commission**

Marshall R. Newman

Christopher R. Mills

Larron B. Fields

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

## ***Acting City Manager***

Manny Gomez

***November 16, 2020***



## Hobbs City Commission

Regular Meeting

City Hall, City Commission Chamber

200 E. Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico

Monday, November 16, 2020 – 6:00 p.m.

**Virtual Meeting** Held by Video Conference

Sam D. Cobb, Mayor

Marshall R. Newman  
Commissioner – District 1

Christopher R. Mills  
Commissioner – District 2

Larron B. Fields  
Commissioner – District 3

Joseph D. Calderon  
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 2, 2020, Regular Commission Meeting
2. Minutes of the November 9, 2020, Special Commission Meeting

## PROCLAMATIONS AND AWARDS OF MERIT

3. Recognition of City Employees - Milestone Service Awards for the Month of November, 2020 (*Manny Gomez, Acting City Manager*)
  - 15 years – Rafael Labastida, Hobbs Police Department
  - 15 years – Michael Nash, Hobbs Fire Department

## PUBLIC COMMENTS

Written public comments are welcome. Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment should be submitted in writing to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on November 16, 2020.

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

None

## DISCUSSION

4. Proposed Ordinance Amending Chapter 8.12 of the Hobbs Municipal Code Related to Fireworks (*Shawn Williams, Fire Marshal; and Brandon Roberts, Fire Inspector*)

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, any public comment on this proposed ordinance should be submitted in writing to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on November 16, 2020.

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

5. Resolution No. 7004 – Authorizing Grant Funding for Certain Additional Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants (*Toby Spears, Finance Director*)
6. Resolution No. 7005 - Approving an Affordable Senior Housing Funding Commitment and Letter of Financial support to Yes Housing, Inc., for a Proposed Affordable Senior Housing Complex to be Located Northeast of the Intersection of Berry and Grimes (*Kevin Robinson, Development Director*)

7. Resolution No. 7006 - Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (507 South McKinley, 507 ½ South McKinley, 215 East White, 213 and 213 ½ East White, 220 West Gypsy and 219 North Avenue C) (*Art De La Cruz, Community Services Superintendent*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

8. Next Meeting Date:

- City Commission Regular Meeting  
***Monday, December 7, 2020, at 6:00 p.m.***

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) 397-9200 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 16, 2020

**SUBJECT: City Commission Meeting Minutes**

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

**Summary:**

The following minutes are submitted for approval:

- Regular Commission Meeting of November 2, 2020
- Special Commission Meeting of November 9, 2020

**Fiscal Impact:**

Reviewed By: \_\_\_\_\_  
*Finance Department*

N/A

**Attachments:**

Minutes as referenced under "Summary".

**Legal Review:**

Approved As To Form: \_\_\_\_\_  
*City Attorney*

**Recommendation:**

Motion to approve the minutes as presented.

Approved For Submittal By:

  
\_\_\_\_\_  
*Department Director*

  
\_\_\_\_\_  
*City Manager*

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, November 2, 2020, in Hobbs, New Mexico. This was a virtual meeting held by video conferencing and viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

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

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone viewing through Livestream. Mayor Cobb called the roll and the following identified themselves as participating remotely through video conferencing and answered present:

Mayor Sam D. Cobb  
Commissioner Marshall R. Newman  
Commissioner Christopher Mills  
Commissioner Larron B. Fields (*Logged in at 6:10 p.m.*)  
Commissioner Joseph D. Calderón  
Commissioner Dwayne Penick  
Commissioner Don Gerth

The following staff members and presenters participated remotely in the meeting via video conference:

Manny Gomez, Acting City Manager/Fire Chief  
Efren Cortez, City Attorney  
Toby Spears, Finance Director  
Doug McDaniel, Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Nicholas Goulet, Human Resources Director  
Kevin Robinson, Development Director  
Shawna Read Richards, Nurse Practitioner  
Susana Arvizu, Hobbs Hispano Chamber of Commerce  
Zachary Boudreaux, Turf Drain of America Representative  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk

Mayor Cobb explained the guidelines issued by the New Mexico Attorney General's Office, Open Government Division (OGD), regarding the virtual public body meeting through video conferencing. He stated the following guidelines must be followed:

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.

- The public body should produce and maintain a recording of the open session of the meeting.

For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting.

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

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

### **Approval of Minutes**

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, October 19, 2020, be approved as written. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried.

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

#### ***Proclamation Proclaiming November 8-14, 2020, as "National Nurse Practitioner Week".***

Mayor Cobb proclaimed November 8 - 14, 2020, as "National Nurse Practitioner Week", and he recognized Ms. Shawna Read-Richards, who accepted the proclamation on behalf of the Lea County Nurse Practitioners. Ms. Read-Richards stated there are 48 nurse practitioners in the local group and these nurse practitioners are at the front lines of the pandemic and play a key role in actively fighting COVID-19. She thanked the Mayor and Commission for recognizing nurse practitioners nationwide.

Commissioner Calderón stated nurse practitioners do a super job taking care of people. He thanked Ms. Read-Richards for all they do in the medical field.

### **Public Comments**

The public was given the opportunity to submit public comments prior to the meeting in writing via email to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or via fax to (575) 397-9334 by 4:30 p.m., on November 2, 2020. There was one public comment submitted from Mr. Dave Slate which was read into the record regarding the use of fireworks and ATVs throughout the community. A copy of the written comments are attached and made a part of these minutes.

Commissioner Fields logged into the meeting at 6:10 p.m.

### **Consent Agenda**

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

Resolution No. 6989 – Approving the FY 2021 DFA 1<sup>st</sup> Quarter Financial Report for Lodgers' Tax.

Resolution No. 6990 – Authorizing a Memorandum of Understanding with the University of the Southwest for Use of the Kitchen to Prepare Meal Services for the Senior Center.

Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields 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**

Drainage Master Plan for Rockwind Community Links.

Mr. Bryan Wagner, Parks and Open Spaces Director, introduced Mr. Zachary Boudreaux, of Turf Drain of America, who presented a PowerPoint presentation to the Commission regarding a Drainage Master Plan for Rockwind Community Links. He made some suggestions to the Commission for possible solutions to the turf areas at the golf course which are bald. He stated most turf issues of this nature are related to drainage and no place for water to go. He suggested that a seepage collection system is needed, and he stated some of the transportation options available to move the seepage are gravity, siphon, pump or a combination of these options. One of the methods discussed was an irrigation driven pump and pumping the sediment into the lake to recycle the water.

In response to Commissioner Gerth's question, Mr. Boudreaux stated the nearest golf course that has utilized Turf Drain of America is located in Scottsdale, Arizona. He stated results would be visible but he is hesitant to give a timeframe for when a difference would be noticed as all golf courses respond differently.

After a brief discussion regarding filtering of the sediment, Mayor Cobb requested Mr. Boudreaux follow up with the Commission regarding how much sediment could possibly build up in the lake per year.

Recognition of the Hobbs Hispano Chamber of Commerce.

Acting City Manager/Fire Chief Manny Gomez introduced Ms. Susana Arvizu, President of the Hobbs Hispano Chamber of Commerce (Chamber). He stated Commissioner Calderón requested the youth group with the Chamber be recognized for their participation in the recent District 3 City of Hobbs Clean-Up.

Ms. Arvizu thanked the Commission for allowing her to recognize Activate. She stated the group started out as a church group and have now expanded to assist the entire community. Ms. Arvizu stated she asked for four volunteers and 15 volunteers, all high school and college students, from Activate assisted in the City of Hobbs Clean-Up. She thanked the group and the Hobbs Fire Department for their participation in this community effort.

Commissioner Calderón stated he also participated in the District 3 Clean-Up and it was good to meet this group.

### **Action Items**

#### **Resolution No. 6991 – Approving the FY 2021 DFA 1st Quarter Financial Report.**

Mr. Toby Spears, Finance Director, presented a PowerPoint presentation to the Commission reviewing the DFA 1<sup>st</sup> Quarter Financial Report for FY 2021. He stated the total year-to-date expenditures are \$26,441,352.04 and total year-to-date revenues are \$25,159,491.12. Mr. Spears stated the ending cash balance for September 30, 2020, is \$146,399,061.12 for all funds.

There being no discussion, Commissioner Calderón moved that Resolution No. 6991 be adopted as presented. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields 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. 6992 – Adopting Budgetary Adjustment #2 for FY 2020-2021.**

Mr. Spears presented a PowerPoint to the Commission regarding the Budgetary Adjustment #2 for FY 2020-2021. He stated the annual budget is prepared prior to the beginning of the fiscal year and it becomes necessary to adjust the budget for items not contemplated at the time of its preparation, or for issues that arise during the fiscal year. Mr. Spears stated the total revenues decreased by \$432,615.29, and the total expenditures increased by \$365,243.97 providing an ending balance of \$86,539,994.36 for all funds and a general fund reserve of 46%. He further stated that once approved by the Commission, the resolution must be forwarded to the Department of Finance and Administration for its approval.

Commissioner Gerth moved to approve Resolution No. 6992 as presented. Commissioner Mills seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6993 – Authorizing Grant Funding for Certain Additional Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants.

Mr. Spears stated the City of Hobbs was awarded a Federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969.00. He stated the New Mexico Department of Finance and Administration (DFA) has oversight on this overall grant and has provided a recommended process as well as procedure guidelines to municipal governments. Mr. Spears further stated the City established an application process for small businesses headquartered in Hobbs, New Mexico. He stated on September 21, 2020, the City Commission approved Resolution No. 6973, which approved the application process for the Grant. Pursuant to that process, the small businesses identified in "Exhibit A" have successfully submitted an application for grant funding. Mr. Spears stated the approval of this resolution would authorize the Finance Department to encumber those funds from the balance of the grant funds and begin the reimbursement process to the businesses. He stated the City has received 67 applications of which 22 have been previously approved, and staff is working with other applicants to submit all of the required documentation. Mr. Spears stated 25 applicants have qualified for tonight's meeting as follows:

1. QuickCuts
2. Lawn Patrol, LLC
3. Big Cheese Pizza of Hobbs #1 Inc.
4. Score Compliance
5. MyPower, Inc.
6. Travel Unlimited
7. ENM Trucking LLC
8. Fields Master Cleaners
9. Threshold LLC
10. Rock N' Taco
11. Hobbs Orthopaedic & Sports Therapy
12. #2 Tia Juana's
13. #2 BRK LLC (Best Western Executive Inn)
14. #2 Ampersand Media & Design LLC
15. #2 Jerbs Custom Jewelry, LLC
16. #2 Jitter Properties (Hobbs Family Inn)
17. #2 Jitter Enterprises (Saxony)
18. #2 Dynamite Gaming, LLC
19. RLR Trucking LLC
20. #2 R&B Ganaway Enterprises (Cherry Berry)
21. #2 Bloom Ventures LLC
22. #2 Deep Investments Inc. (Comfort Suites/Mainstay Suites)
23. Professional Translation Services
24. Trifecta Solutions LLC
25. #2 Drive Train, Inc.

Mr. Spears stated DFA has updated the requirements to apply for the Federal CARES Act Relief Funds Small Business Continuity Grant. He explained the new updates. Mr. Spears also stated each approved applicant will receive funding up to \$5,000.00 and may apply for additional funds of up to \$20,000.00. He stated the funding is strictly for reimbursement and cannot be given as the result of loss of business income. Mr. Spears added businesses cannot seek reimbursement of the same expenses if they were reimbursed through a PPP loan or other source of funding from the Federal Government.

In response to Commissioner Gerth's inquiry, Mr. Spears stated it is best for businesses to submit their applications online and communicate via email. He stated the last day to submit applications is December 4, 2020. He further stated once all of the qualifying documents have been received, the business will not have to resubmit tax documents for its second requests.

There being no further comment or discussion, Commissioner Gerth moved that Resolution No. 6993 be adopted as presented. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

*PUBLIC HEARING: Resolution No. 6994 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway, Hobbs, New Mexico.*

*PUBLIC HEARING: Resolution No. 6995 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes, Hobbs, New Mexico.*

*PUBLIC HEARING: Resolution No. 6996 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland, Hobbs, New Mexico.*

*PUBLIC HEARING: Resolution No. 6997 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland, Hobbs, New Mexico.*

*PUBLIC HEARING: Resolution No. 6998 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso, Hobbs, New Mexico.*

*PUBLIC HEARING: Resolution No. 6999 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway, Hobbs, New Mexico.*

Mr. Efren Cortez, City Attorney, was appointed as the Hearing Officer. Ms. Linda L. Akins and Mr. Marvin Green, representing BW Gas & Convenience Retail, LLC, d/b/a Allsup's, were present viturally.

Ms. Jan Fletcher, City Clerk, administered the oath to Ms. Akins and Mr. Green as the representatives for BW Gas & Convenience Retail, LLC, d/b/a Allsup's. Ms. Aikins stated she would be presenting testimony as the attorney for the applicant.

Ms. Akins presented testimony in the hearing regarding the application of transfer of ownership and of Liquor Licenses No. 0414 located at 2810 Lovington Highway, No. 0806 located at 4308 North Grimes, No. 0394 located at 316 North Marland, No. 0036 located at 100 East Marland, No. 1058 located at 3709 North Dal Paso and No. 0885 located at 5312 Lovington Highway to BW Gas & Convenience Retail, LLC, d/b/a Allsup's.

In response to Mr. Cortez' inquiry, no members of the public submitted a written response in favor or against the transfers via email to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or fax to (575) 397-9334 no later than 4:30 p.m. on November 2, 2020.

Mr. Cortez stated the State of New Mexico Alcoholic Beverage Control has granted preliminary approval to the application for transfer of ownership of the liquor licenses and a public hearing has to be held within 45 days of receipt of the application on whether or not the proposed transfer of ownership of the licenses should be granted. He further stated the application can be denied for only three reasons which are as follows: (1) if the location is within 300 feet of a church or school, which is not applicable here; (2) if it is in violation of a zoning or other ordinance of the governing body, which is not applicable here; and (3) if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district.

Ms. Akins testified that all the above statements made by Mr. Cortez are true and correct to her knowledge.

There being no discussion or further comments, Commissioner Calderón moved that Resolutions No. 6994, 6995, 6996, 6997, 6998 and 6999 be adopted approving the transfer of ownership of the liquor licenses listed above from Allsup's to BW Gas & Convenience Retail, LLC. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Calderón yes, Fields yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolutions and application packets are attached and made a part of these minutes.

*Resolution No. 7000 – Approving the Final Plan for Kass Glorietta Subdivision Located Northeast of the Intersection of Glorietta and Dal Paso.*

Mr. Kevin Robinson, Development Director, stated the Final Plan for Kass Glorietta Subdivision was submitted by Property Management Plus, LLC. He stated the proposed subdivision is located northeast of the intersection of Glorietta and Dal Paso within the



municipal boundaries. Mr. Robinson stated the proposed subdivision encompasses +/- 2.61 acres and will contain 12 single family residential lots. He stated the City of Hobbs Planning Board approved the Final Plan for this subdivision on October 20, 2020.

There being no discussion, Commissioner Fields moved that Resolution No. 7000 be adopted as presented. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields 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. 7001 – Approving the Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7, Located Southwest of Millen Drive and Zia Crossing Parkway.

Mr. Robinson stated the Final Plan for Zia Crossing Subdivision, Phase 2, Unit 7, was submitted by Black Gold Estates, LLC. He stated the proposed subdivision is located southwest of the intersection of Millen Drive and Zia Crossing Parkway within the municipal boundaries. Mr. Robinson stated the proposed subdivision encompasses +/- 25.73 acres and will contain 99 single family residential lots. He stated the City of Hobbs Planning Board approved the Final Plans for this subdivision on October 20, 2020, pending an unqualified Engineer of Record Certification (EOR) of Public Infrastructure. Mr. Robinson stated the City is in receipt of an EOR concerning the installation of infrastructure as to the approved construction plan set.

In reply to Commissioner Gerth's question, Mr. Robinson stated a park will be included in the Master Plan by Black Gold Estates, LLC. He stated the park has been relocated to an west of the units in order for everyone to have access to the park.

Commissioner Fields moved that Resolution No. 7001 be adopted as presented. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields 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

FINAL ADOPTION: Ordinance No. 1127 - Approving a Real Estate Purchase Agreement to Sell and Convey Real Property Located at 3425 North Northwest to Troy Hudson and Melissa Hudson for the Purchase Price of \$155,000.00.

Mr. Robinson explained the ordinance and stated the City proposes to sell and convey real property located at 3425 North Northwest, Hobbs, New Mexico, to Troy and Melissa Hudson for the purchase price of \$155,000.00. Mr. Robinson stated the most recent appraisal conducted on this property in June of 2018 reflected a fair market value at \$158,000.00. He stated the Real Estate Purchase Agreement (REPA) provides for a 6% commission to be paid to the realtor at closing resulting in a net revenue to the City in the amount of \$145,700.00.

Proper publication having been made, and there being no public comments having been submitted in writing prior to the meeting by email or fax and there being no further discussion, Commissioner Penick moved to adopt Ordinance No. 1127 as presented. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

*PUBLICATION: Proposed Ordinance Amending Chapter 2.60 of the Hobbs Municipal Code Related to Labor Management Relations.*

Mr. Cortez stated during the 2020 Regular Legislative Session, the New Mexico Legislature passed House Bill 364 (HB 364) which amended the Public Employees Bargaining Act (NMSA 1978, § 10-7E-1, et seq.). He stated on March 5, 2020, Governor Michelle Lujan Grisham signed HB 364 into law. Part of HB 364 required local governments to submit to the State Public Employees Labor Relations Board (PELRB) copies of updated local ordinances that reflect the changes required by HB 364. The PELRB has approved a model ordinance. Mr. Cortez the Legal Department has prepared a proposed ordinance for the City of Hobbs which substantially complies with the approved model ordinance. Mr. Cortez stated failure to adopt a local ordinance that substantially complies with the model ordinance may result in the local government losing its local Labor Board. He further stated time is of the essence for the Commission to submit a final adopted ordinance to the State by December 31, 2020.

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

*Resolution No. 7002 – Approving Renewals of Medical, Benefit Value Advisor, Dental, Vision, Teladoc, Life Insurance, Short Term Disability, Long Term Disability, Critical Illness Coverage, Hospital Indemnity Coverage and Accident Coverage.*

Mr. Nicholas Goulet, Human Resources Director, introduced Ms. Charlene Fairchild, a representative from AON. Ms. Fairchild and Mr. Goulet presented a PowerPoint presentation to the Commission reviewing the Medical/Blue Cross/Blue Shield (BCBS) employee ratios, Benefit Value Advisor/BCBS, Dental/Delta Dental, Telemedicine/TelaDoc, VSP/Vision Insurance, Short Term Disability/Hartford, Long Term Disability/Hartford, Life Insurance/Hartford, Critical Illness/Hartford, Group Accident Insurance Plan/Hartford and the FSA Flexible Spending Account for City Employees. He stated the City anticipates an increase of 6.7% in cost for FY 2021 for coverage in relation to the current rates paid in calendar year 2020. Mr. Goulet stated AON received bids from BCBS (current provider), United Healthcare and Presbyterian and based on the proposed market, he stated BCBS continues to have the lowest overall verified cost and the most comprehensive provider network for our area. Mr. Goulet stated the total renewal

cost for both active employees and retirees is approximately \$8,303,123. He reviewed the various premium costs for City employees based upon the new renewal price.

Commissioner Mills thanked Mr. Goulet for the clear explanation and presentation regarding health care.

There being no further discussion, Commissioner Calderón moved to approve Resolution No. 7002 as presented. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

#### **Comments by City Commissioners, City Manager**

Acting City Manager/Fire Chief Gomez stated the City of Hobbs will be hosting a trash clean-up in District 4 on Saturday, November 21, beginning at 8:00 a.m., in the parking lot at McBride's Supply, 709 W Broadway.

Acting City Manager/Fire Chief Gomez stated the Water Office was forced to close recently. He stated employees everywhere are faced with exposure to COVID-19 and in order to protect employees and citizens, the City may have to close or curtail some operations. Under law, he explained that employee medical information is confidential, and he requested that the public be patient if and when a closure occurs.

Commissioner Fields stated he is thankful to have recently attended a virtual Municipal Office Leadership Institute (MOLI) training hosted by the New Mexico Municipal League that was very informative and beneficial to him. Commissioner Fields thanked Ms. Mollie Maldonado, Deputy City Clerk, for her assistance in getting him enrolled in the virtual program.

Commissioner Fields expressed his appreciation to Ms. Tanya Sanchez, Tourism Coordinator, the Hobbs Fire Department and the volunteers from the Hobbs Hispano Chamber of Commerce for their assistance during the District 3 Clean-Up. He stated there was 2,200 pounds of trash picked up.

Commissioner Calderón announced the the District 4 Clean-Up has been scheduled for Saturday, November 21, 2020. He stated the Clean-Up will begin at the corner of Grimes and Broadway at 8:00 a.m. He added that anyone wanting more information could contact Ms. Sanchez at 575-391-4178. Commissioner Calderón encouraged everyone to remember social distancing, wear a mask and wash hands frequently.

Commissioner Penick thanked everyone for the hard work put on tonight's PowerPoint presentations. He also expressed his appreciation to the military and first responders.

Commissioner Penick reminded everyone to exercise their right to vote at the 2020 General Election to be held on November 3, 2020.

Commissioner Penick stated 2020 is the second year he has worked on the Clean-Up of District 5, and he appreciates the other Commissioners following suit.

Commissioner Gerth expressed his appreciation to everyone for their hard work.

Mayor Cobb also encouraged everyone to get out and vote as it is important to the Nation and the State.

### **Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 8:14 p.m.

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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk

## Jan Fletcher

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**From:** Dave & Dee [REDACTED]  
**Sent:** Monday, November 2, 2020 10:19 AM  
**To:** Jan Fletcher  
**Subject:** EXTERNAL: City Commission

Ms. Fletcher:

I am responding to the recent article in the Hobbs News-Sun regarding the enforcement of fireworks in our city. I believe we already have ordinances that address the types of "legal" fireworks in Hobbs, and also the "legal" permissible times to discharge them. The article didn't explain in detail how the existing ordinances are to be changed. Enforcement of the existing ordinances would probably be enough as written, except we need a zero tolerance policy and higher fines and sentences. Confiscation of the illegal fireworks should be included. Zero tolerance! My wife and I have lived in the Taylor Estates for over thirty years and the problems have gotten worse over the entire time. We credit the lack of enforcement for the deterioration. Besides the disobedience around the permissible holidays, there are some people that set them off throughout the year (as recently as two weeks ago at 10:00 PM).

Fireworks are "seasonal". However, an even bigger problem for the entire city is the recreational use of ATV's inside the city limits. Over the past ten years, we have seen these three and four wheelers all over the city. Residential streets and alleys as well as our main streets. We've seen young children less than 5 years old up to adults over 60 years old riding these illegal vehicles. New Mexico has a traffic code that specifically addresses the use of these "off road" vehicles, yet we continue to see them throughout the day and into the night. Some of them have mufflers, but most of them don't. We have witnessed parents driving and carrying their infant children in their laps. Many of these offenders disobey the rules of the road like speeding and ignoring stop/yield signs. Also, we have seen minor children (under 12 years old) driving golf carts on the streets, and ignoring the traffic laws. As with the fireworks problem, enforcement of the current ordinances would go a long ways with a zero tolerance policy. Do the crime, pay the fine. I have called HPD many times over the last ten years and officers have been dispatched almost every time. Most of the time, they have only given the offenders a verbal warning. Would you like to hear how many times they wait until the officer is out of sight, and then return to their "rights" to break the law? I have reported several of the offenders more than once, so that tells me that the verbal warnings are ignored. Almost every day, we have several of the illegal vehicles running thru our streets and alleys. A patrol thru the area every half hour would discourage them if they knew they are going to be cited, and have to pay a sizeable fine.

The primary reasons for the above mentioned ordinances are safety, and preventing public nuisances. By responding to my requests, a tragedy (death or critical injuries) may be avoided by stopping these illegal activities. Few of the children driving or riding on the ATV's are wearing the required safety helmets mandated in the NM Traffic code. Another serious violation we have observed is more than one person on a vehicle designed for only one. One parent that lives near us carries as many as four on his, and he is the only person riding on a seat. His passengers are hanging on! I would recommend at least a \$500 fine for that offense alone, plus the three kids not wearing safety helmets should be a \$100 fine each. I think that is child endangerment. One traffic stop by a police officer should bring his reckless lack of parental thinking to a halt. Maybe even a call to Child Protective Services would be in order, and get them involved.

If any of the city commissioners, the mayor, or the police chief would like to visit with me about our problems, I will be happy to talk to them. You now have my email address and they can contact me at their convenience. We are not on any social media, we prefer to communicate with people we are familiar with. So, please send us an email.

Thank you for your time and diligence.

Dave Slate

Minutes of the special meeting of the Hobbs City Commission held on Monday, November 9, 2020, in Hobbs, New Mexico. This was a virtual meeting held by video conferencing and viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

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

Mayor Pro Tem Calderón called the meeting to order at 4:00 p.m. and welcomed everyone viewing through Livestream. Mayor Pro Tem Calderón called the roll and the following identified themselves as participating remotely through video conferencing and answered present:

Commissioner Joseph D. Calderón  
Commissioner Marshall R. Newman  
Commissioner Christopher Mills  
Commissioner Larron B. Fields  
Commissioner Dwayne Penick  
Commissioner Don Gerth

Absent: Mayor Sam D. Cobb

The following staff members participated remotely in the meeting via video conference:

Manny Gomez, Acting City Manager/Fire Chief  
Efren Cortez, City Attorney  
Toby Spears, Finance Director  
Jan Fletcher, City Clerk

Mr. Efren Cortez, City Attorney, explained the guidelines issued by the New Mexico Attorney General's Office, Open Government Division (OGD), regarding the virtual public body meeting through video conferencing. He stated the following guidelines must be followed:

- At the start of the meeting, the Chair should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting.

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

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

### **Public Comments**

The public was given the opportunity to submit public comments prior to the meeting in writing via email to the City Clerk at [ifletcher@hobbsnm.org](mailto:ifletcher@hobbsnm.org) or via fax to (575) 397-9334 by 3:30 p.m., on November 9, 2020. There were no public comments submitted.

### **Action Items**

#### **Resolution No. 7003 – Authorizing Grant Funding for Certain Additional Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants.**

Mr. Toby Spears, Finance Director, explained the City of Hobbs was awarded a Federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969.00. He stated the New Mexico Department of Finance and Administration (DFA) has oversight on this overall grant and has provided a recommended process as well as procedure guidelines to municipal governments. The City has established an application process for small businesses headquartered in Hobbs, New Mexico. On September 21, 2020, the City Commission approved Resolution No. 6973, which approved the application process for the Grant. Pursuant to that process, the small businesses identified in “Exhibit A” have successfully submitted an application for grant funding. Mr. Spears stated the approval of this resolution would authorize the Finance Department to encumber those funds from the balance of the grant funds and begin the reimbursement process to these businesses. He stated the City has received 82 applications of which 47 have been previously approved. Mr. Spears stated 20 applicants have qualified for today’s special meeting as follows:

1. La Fondita
2. Rockin Your Bump
3. Tee's Treats Bakery
4. America Supply LLC
5. ASC Irrigation & Repair LLC
6. Simply Design Studio and Print Shop
7. #2 Loarn's Investments (Mr. B'S Vending)
8. #3 Jitter Properties (Hobbs Family Inn)
9. #3 Jitter Enterprises (Saxony)
10. #2 OMG Printing, Inc.
11. #3 Deep Investments Inc. (Comfort Suites/Mainstay Suites)
12. #3 R&B Ganaway Enterprises (Cherry Berry)



13. #3 Bloom Ventures LLC
14. #2 Trifecta Solutions LLC
15. #3 BRK LLC (Best Western Executive Inn)
16. #3 Ampersand Media & Design LLC
17. #2 Everything Nice, LLC
18. #2 Fields Master Cleaners
19. #2 Hobbs Orthopaedic & Sports Therapy
20. #2 Taqueria Villa Nueva

Mr. Spears stated each approved new applicant will receive funding up to \$5,000.00 and may apply for additional funds of up to \$20,000.00. He stated the funding is strictly for reimbursement and cannot be given as the result of a loss of business income.

In reply to Commissioner Fields' question, Mr. Spears stated 32 reimbursements have been submitted to DFA thus far in the amount of \$160,000.00. Mr. Spears stated if this resolution is approved today, there will be an additional \$100,000.00 encumbered for a total of \$260,000.00 which is almost 50% of the grant funding for the CARES Act Relief Funds Small Business Continuity Grants in the amount of \$658,969.00.

Commissioner Fields expressed his appreciation to the Finance Department for processing the grant funding as it is a tedious process.

There being no further comment or discussion, Commissioner Newman moved that Resolution No. 7003 be adopted as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Penick yes, Gerth yes, Calderón yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

### **Comments by City Commissioners, City Manager**

Acting City Manager/Fire Chief Manny Gomez thanked everyone for attending today's special meeting. He stated businesses are very critical to the community and the deadline for grant funding for small business is nearing an end. The deadline to apply for the CARES Act Relief Funds Small Business Continuity Grants is December 4, 2020. Acting City Manager/Fire Chief Gomez stated grant funding for small businesses has been advertised in the newspaper, social media and on the City of Hobbs' webpage. He encouraged all small businesses to participate in the grant funding.

Acting City Manager/Fire Chief Gomez sent best wishes to all Veterans and their families and thanked them very much for their service and sacrifice to defend our nation.

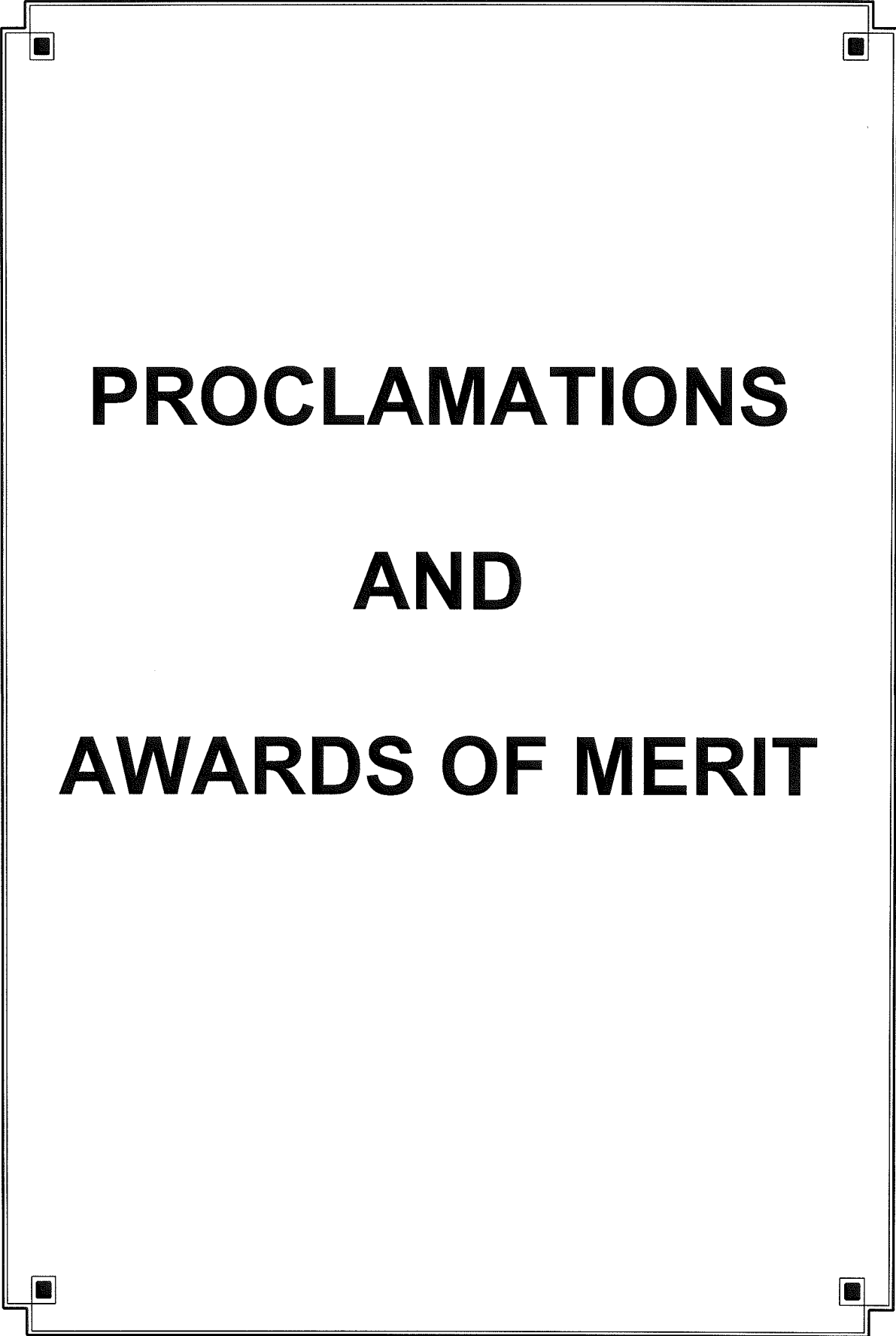
**Adjournment**

There being no further business or comments, Commissioner Newman moved that the meeting adjourn. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Penick yes, Gerth yes, Calderón yes. The motion carried. The meeting adjourned at 4:18 p.m.

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

ATTEST:

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



**PROCLAMATIONS**

**AND**

**AWARDS OF MERIT**

## **November Milestones 2020**

### **15 years**

Rafael Labastida	HPD	11/14/2005
Michael Nash	HFD	11/28/2005

# DISCUSSION

CITY OF HOBBS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING HOBBS MUNICIPAL CODE  
CHAPTER 8.12 FIREWORKS

WHEREAS, pursuant to NMSA § 60-2C-7 of the Fireworks Licensing and Safety Act, a municipality may adopt an ordinance regulating certain types of fireworks; and

WHEREAS, the City has adopted Chapter 8.12 Fireworks which was last revised in 2001 to comply with the State's Fireworks Licensing and Safety Act; and

WHEREAS, the City wishes to amend Chapter 8.12 to comply with certain changes implemented to the Fireworks Licensing and Safety Act enacted by the New Mexico Legislature in 2007, as well as certain changes to address concerns that are unique to local conditions in Hobbs, New Mexico; and

WHEREAS, the amendments contemplated herein will allow the City of Hobbs to address fireworks use and misuse within the municipal boundaries of Hobbs, New Mexico, in a more effective and efficient manner thus protecting the health, safety, and welfare of the general public; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Hobbs that the Hobbs Municipal Code Chapter 8.12 be amended as follows:

## Chapter 8.12 - FIREWORKS

### 8.12.010 - Title for citation.

This chapter shall be known and cited as the "Hobbs fireworks ordinance."

(Prior code § 10A-1)

### 8.12.020 - Definitions.

As used in this chapter:

"1.3G Explosives" means those items formerly known as Class B special fireworks. Items classified as 1.3G explosives are display fireworks.

"1.4G Explosives" means those items formerly known as Class C common fireworks. Items classified as 1.4G explosives are consumer fireworks intended for use by the general public.

"Aerial device" means a fireworks device that upon ignition propels itself or an insert a significant distance into the air, but does not include a firework that produces a shower of sparks. Aerial device includes sky rocket and bottle rocket, missile-type rocket, helicopter, aerial spinner, Roman candle, mine and aerial shell.

"Aerial shell" means a cylindrical or spherical cartridge containing a lift charge, burst charge and effect composition. Upon firing from a reloadable tube, the lift charge is consumed and the cartridge is expelled into the air.

"Aerial shell kit-reloadable tube" means a package or kit containing a cardboard, high-density polyethylene or equivalent launching tube and not more than twelve small aerial shells. Each aerial shell is limited to a maximum of sixty grams of total chemical composition, including lift charges, and the maximum diameter of each shell shall not exceed one and three-fourths inches.

"Chaser" means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report.

"City Commission" means the Hobbs City Commission.

"Cone fountain" means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Consumer fireworks" also known as 1.4G fireworks, are defined as any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission. Consumer fireworks are generally marked with brightly colored and decorated paper and include, in part, a trade name and

manufacturing information. The Department of Transportation classifies consumer fireworks as UN0336, UN0337.

"Crackling device" means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty-milligram limit of firecrackers.

"Cylindrical fountain" means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Display distributor" means any person, firm or corporation selling special fireworks.

"Display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.

"Distributor" means any person, firm or corporation selling fireworks to wholesalers and retailers for resale.

"Fire Chief" means the Chief of the Hobbs Fire Department.

"Firecracker" means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report.

"Fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks", but does not include novelties or theatrical pyrotechnics articles.

"Flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function.

"Ground audible device" means a fireworks device intended to function on the ground that produces an audible effect.

"Ground spinner" means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited.



"Helicopter" or "aerial spinner" means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight.

"Hobbs" means the City of Hobbs, New Mexico.

"Illuminating torch" means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Manufacturer" means any person, firm or corporation engaged in the manufacture of fireworks.

"Mine" or "Shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than sixty grams of total chemical composition, including lift charges, per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse, must be a dense-packed collection of mine or shell tubes and the total chemical composition, including lift charges, shall not exceed two hundred grams.

"Missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition.

"Multiple tube devices" means a device that contains more than one cardboard tube and the ignition of one external fuse that causes all of the tubes to function in - sequence. The tubes are individually attached to a wood or plastic base or are dense packed and are held together by glue, wire, string or other means that securely hold the tubes together during operation. A maximum total weight of five hundred grams of pyrotechnic composition shall be permitted; provided that the tubes are securely attached to a wood or plastic base and are separated from each other on the base by a distance of at least one-half inch. The connecting fuses on multiple tube devices shall be fused in sequence so that the tubes fire sequentially rather than all at once.

"Novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, toy smoke devices, snakes, glowworms, sparklers or toy caps, and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.

"Permissible fireworks" or "consumer fireworks" means fireworks legal for sale and use in Hobbs under the provisions of the Hobbs fireworks ordinance.

Permissible fireworks are:

(1) ground and hand-held sparkling devices:

- (a) cone fountains;
- (b) crackling devices;
- (c) cylindrical fountains;
- (d) flitter sparklers;
- (e) ground spinners;
- (f) illuminating torches; and
- (g) wheels.

"Non-Permissible fireworks" means fireworks not legal for sale and use in Hobbs under the provisions of the Hobbs fireworks ordinance.

Non-permissible fireworks are:

(1) aerial devices:

- (a) aerial shell kit-reloadable tubes;
- (b) aerial spinners;
- (c) helicopters;
- (d) mines;
- (e) missile-type rockets;
- (f) multiple tube devices;
- (g) roman candles;
- (h) shells; and
- (i) stick-type rockets

(2) ground audible devices:

- (a) chasers; and
- (b) firecrackers.

"Retailer" means any person, firm or corporation purchasing fireworks for resale to consumers.

"Specialty retailer" means any person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism.

"Theatrical pyrotechnics articles" means a pyrotechnic device for professional use in the entertainment industry similar to permissible fireworks or consumer fireworks in chemical composition and construction but not intended and labeled for consumer use.

"Wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more

than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition.

"Wholesaler" means any person, firm or corporation purchasing fireworks for resale to retailers.

(Ord. 874 (part), 2001; prior code § 10A-2)

8.12.030 - Permit required—Fee and issuance.

- A. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in the City unless such person has first obtained the appropriate license or permit.
- B. The Fire Chief or designee shall enforce the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]. The Fire Chief or designee shall enforce the Hobbs fireworks ordinance. All retailers shall be required to purchase a retail fireworks permit for each retail location. Permit applications shall be obtained from the City Clerk and submitted for approval to the office of the Fire Chief or designee. Upon receipt of an approved application, the City Clerk shall issue a permit.
- C. An applicant for a permit under the Hobbs fireworks ordinance shall pay to the City Clerk a fee of twenty-five dollars (\$25.00) which shall not be refundable or transferable.
- D. All permits shall be issued for one (1) year beginning on April 1st of each year. All permits shall be issued within thirty (30) days from the date of receipt of an approved application.
- E. Permits issued under the Hobbs fireworks ordinance shall not be restricted in number or limited to any person without cause.
- F. Any violation of the Hobbs fireworks ordinance may result in a revocation of any previously issued permit. Upon receipt of a notice of revocation of any previously issued permit, the permittee may appeal the revocation to the City Commission. The decision of the City Commission will be final. Upon a finding from the City Commission that the permittee violated the Hobbs fireworks ordinance, the permittee shall not be eligible to obtain a permit under the Hobbs fireworks ordinance until the April 1<sup>st</sup> immediately following the decision of the City Commission.

(Ord. 874 (part), 2001; prior code § 10A-3)

8.12.040 - Unauthorized/Illegal fireworks—Possession, sale or use unlawful.

No individual, property owner, or responsible party of listed property/event, firm, partnership, corporation or association shall possess for retail sale in Hobbs, sell or offer for sale at retail or use or possess any fireworks, including ground audible devices and aerial devices, other than permissible fireworks. A recognized exception to this section exists pursuant to Section 8.12.080 herein.

(Ord. 874 (part), 2001; prior code § 10A-4)

8.12.050 - Permissible fireworks.

"Permissible fireworks" for sale to the general public, as that term is used in the Hobbs fireworks ordinance, shall be understood to mean consumer fireworks legal for sale and use in New Mexico under the provisions of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978], as amended, with the exception of ground audible devices and aerial devices, which are prohibited pursuant to Section 8.12.040 of this chapter.

(Prior code § 10A-5)

8.12.060 - Retail sales and storage.

- A. No fireworks may be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.
- B. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years or to an intoxicated person.
- C. All places where fireworks are stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnics articles.
- D. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four (4) inches in height. Smoking, open flames and any ignition source are prohibited within twenty-five (25) feet of any fireworks stock.
- E. No fireworks shall be stored, kept, sold or discharged within fifty (50) feet of a gasoline pump or gasoline bulk station or a building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- F. All fireworks permittees and licensees shall keep and maintain upon the premises a fire extinguisher bearing an Underwriters Laboratories Inc. rated capacity of at least five (5) pound ABC per five hundred (500) square feet of space used for fireworks sales or storage.
- G. Sales clerks and ancillary personnel employed or volunteering at temporary retail locations where fireworks are sold shall be at least sixteen (16) years of age. A sales clerk shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at state-permitted or state-licensed retail locations in Hobbs.
- H. No fireworks shall be discharged within one hundred fifty (150) feet of any fireworks retail sales location.
- I. No person shall ignite any fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.

- J. Any fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse which has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, then the entire fuse shall be covered.
- K. Permissible fireworks may be sold at retail between June 20th and July 6th of each year, six (6) days preceding and including new year's day, three (3) days preceding and including Chinese new year, the sixteenth of September and Cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

(Ord. 874 (part), 2001; prior code § 10A-6)

#### 8.12.070 - Public display requirements.

- A. Any public display of fireworks shall require the individual, association, partnership, corporation or organization desiring to have such a display to secure a written permit from the office of the Fire Chief. The fireworks for such display shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of the Treasury.
- B. The Fire Chief or designee may adopt reasonable rules and regulations for the use of fireworks in public displays.

(Prior code § 10A-7)

#### 8.12.080 - Safe Zones established.

The City of Hobbs shall designate "Safe Zones" and times for unauthorized/illegal firework displays. At least ten calendar days prior to the dates outlined in Section 8.12.060(K), the City of Hobbs shall furnish to the public the location of the designated Safe Zones. Unauthorized/Illegal fireworks are not permitted within the municipal boundaries of Hobbs, New Mexico, unless said unauthorized/illegal fireworks are possessed and displayed in City of Hobbs designated Safe Zones. If unauthorized/illegal fireworks are possessed and or displayed in places other than the designated Safe Zones, the individual, property owner, or responsible party of listed property/event, firm, partnership or corporation is in violation of the Hobbs fireworks Ordinance and are subject to the penalties set forth in Section 8.12.090 and Section 8.12.100.

#### 8.12.090 - Violation—Penalty—Criminal Petty Misdemeanor.

Any individual, property owner, or responsible party of listed property/event, firm, partnership or corporation that violates any provision of the Hobbs fireworks ordinance shall be given the opportunity to surrender their illegal fireworks for destruction in lieu of

a citation. If any individual, property owner, or responsible party of listed property/event, firm, partnership or corporation refuses to surrender the illegal fireworks, they will be issued a citation for violation of the Hobbs fireworks ordinance. Upon conviction, the offender shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Prior code § 10A-8)

8.12.100 - Violations—Penalty—Civil.

- A. Addresses that have been identified as locations where illegal fireworks are used will be issued a Cease and Desist order by certified mail. A Cease and Desist Order is a document that serves as official notice that the owner and/or occupant (responsible party of listed property/event) has been found to be in violation the Hobbs fireworks Ordinance. Any Cease and Desist Order issued within a given calendar year may be used as evidence in any subsequent criminal prosecution and may serve as prima facie evidence against the issuance of any future permits under the Hobbs fireworks ordinance.
- B. If an individual, property owner, or responsible party of listed property/event is found guilty of violating any of the provisions of the Hobbs fireworks ordinance, that person's permit may be revoked or suspended by the Fire Chief, his or her deputies or designee as contemplated by Section 8.12.030(F) above.
- C. No individual, firm, corporation or partnership shall possess any fireworks for sale within the city limits of Hobbs, New Mexico other than those authorized in the Hobbs fireworks ordinance. The Fire Chief, his or her deputies or designee may at reasonable hours enter and inspect the permittee's premises to determine compliance with the Hobbs fireworks ordinance. If any retailer has in his or her possession any fireworks in violation of that ordinance, his or her permit shall be revoked and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person has in his or her possession any fireworks in violation of that ordinance, a warrant may be issued for the seizure of fireworks and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the permissible fireworks shall be returned to the person in whose possession they were found.

(Prior code § 10A-9)

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

# **ACTION ITEMS**





**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 16, 2020

SUBJECT: Resolution Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants

DEPT. OF ORIGIN: Finance Department  
DATE SUBMITTED: November 9, 2020  
SUBMITTED BY: Toby Spears, CPA, CFE – Finance Director

Summary:

The City of Hobbs was awarded a federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969. The NM Department of Finance and Administration has oversight on this overall grant and has provided recommended process and procedure guidelines to municipal governments. The City established an overall application process for small businesses headquartered in Hobbs, New Mexico. On September 21, 2020, the City Commission approved via Resolution No. 6973 the application process for the Grant. Pursuant to that process, the small businesses identified in Exhibit A have successfully submitted an application for grant funding. Approval of this Resolution would authorize the Finance Department to encumber those funds from the balance of the fund and begin the reimbursement process to the businesses.

Fiscal Impact:


The funding has been established in the overall budget of \$658,969. (both revenue and expenditures)

Reviewed By: Toby Spears, CFE, CPA  
*Finance Department*

Digitally signed by Toby Spears, CFE, CPA  
DN: cn=Toby Spears, CFE, CPA, o=City of Hobbs,  
ou=Finance Director,  
email=tspears@hobbsnm.org, c=US  
Date: 2020.11.09 14:43:50 -0700

Attachments:  
Resolution;  
Exhibit A

Legal Review:

Approved As To Form:   
*City Attorney*

Recommendation: The Commission should consider the Resolution

Approved For Submittal By:  
Toby Spears, CFE,  
CPA

Digitally signed by Toby Spears, CFE, CPA  
DN: cn=Toby Spears, CFE, CPA, o=City of Hobbs,  
ou=Finance Director, email=tspears@hobbsnm.org,  
c=US  
Date: 2020.11.09 14:44:09 -0700

*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. 7004

A RESOLUTION AUTHORIZING GRANT FUNDING FOR CERTAIN  
SMALL BUSINESSES PURSUANT TO THE CARES ACT RELIEF FUNDS  
SMALL BUSINESS CONTINUITY GRANT

WHEREAS, on September 21, 2020, via Resolution No. 6973, the City Commission approved the application process for distribution of the federal CARES Act Relief Funds Small Business Continuity Grant to small businesses headquartered in Hobbs, New Mexico, which complies with the guidelines set by the New Mexico Department of Finance and Administration; and

WHEREAS, the small businesses outlined in Exhibit A, attached hereto and incorporated herein, have successfully submitted their Grant applications in compliance with Resolution No. 6973, and therefore should begin the reimbursement process wherein their initial reimbursement amount would be \$5,000.00 and thereafter \$5,000.00 increments not to exceed \$20,000.00 in the aggregate based on provable expenses; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Manager and staff are directed to do all things appropriate and necessary to ensure that the Grant funds are disbursed to the benefit of the small businesses outlined in Exhibit A on a reimbursement basis in an initial amount of \$5,000.00, and thereafter \$5,000.00 increments not to exceed \$20,000.00 in the aggregate based on provable expenses.

PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of November, 2020.

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

ATTEST:

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

**EXHIBIT 'A'**  
**Commission Meeting - November 16, 2020**  
**Resolution No. 7004**

City of Hobbs  
 Workflow process for CARES ACT SBA Grant Program  
 From September 22, 2020 thru December 4, 2020

DATE UPDATED:	11/13/2020
TIME UPDATED:	2:00:00 PM

#	Business Name	Business Address	RELATED PARTY	COMMENTS
1	V&S LLC (Budget Inn)	315 East Marland Street	No	Complete
2	#3 Tia Juana's	3510 N. Lovington Hwy	No	Complete
3	#2 MyPower, Inc.	601 N Shipp	Yes	Complete - Efren Cortez
4	CF Lifestyle Investments LLC DBA Quiznos	1814 N Vega	Yes	Complete - Monica Mendoza
5	Jack and Jill Preschool	2324 N Kingsley	No	Complete
6	AVKD Hospitality LLC DBA Executive Inn/Motel 6	200 N Marland Blvd	No	Complete
7	Cameron Enterprises LLC DBA Saturdays	312 W Bender	No	Complete
8	#3 Trifecta Solutions LLC	221 S Ryco Lane	No	Complete
9	#3 Jerbs Custom Jewelry, LLC	316 W. Bender Blvd	No	Complete
10	Steve Mares Personal Trainer DBA Big Steve's Gym	612 N Turner	No	Complete
11	NP3 Health Solutions LLC	209 W Broadway Ste 1	No	Complete
12	AG Custom Sheet Metal Inc	820 E Bender	No	Complete
13	#3 OMG Printing, Inc.	610 W. Bender Ste. 900	No	Complete
14	#2 Big Cheese Pizza of Hobbs #1 Inc	4118 N Calle Grande	No	Complete
15	#4 Deep Investments Inc. (Comfort Suites/Mainstay Suites)	2708/2700 W. Scenic Drive	No	Complete
16	#4 R&B Ganaway Enterprises (Cherry Berry)	2827 N. Dal Paso ste. 125	No	Complete
17	#4 Ampersand Media & Design LLC	113 E Broadway St	No	Complete
18	#3 Fields Master Cleaners	3317 N Grimes	No	Complete
19	#3 Taqueria Villa Nueva	600 E. Marland	No	Complete
20	#4 Bloom Ventures LLC	3420 N Grimes St. Suite 100	No	Complete

SBA Grant Program  
As Of 11/13/2020 1:00 pm

114 applications submitted

13 approved by Commission on 10/05/2020

9 denied (2 in the county, 4 started business after 03/2019, and 3 have not responded to the lack of Business Registration)

9 approved by Commission on 10/19/2020

25 approved by Commission on 11/02/2020

20 ready to go to Commission on 11/09/2020

20 ready to go to Commission on 11/16/2020

18 have received a Dropbox link, but have yet to submit the required documentation

32 have turned in expenditures and been sent to DFA for approval

19 have turned in expenditures to be sent to DFA on 11/13/2020

\$ 658,969.00 Awarded to City of Hobbs to distribute

\$ 65,000.00 Resolution 6975 (13) Businesses approved by Commission on 10/05/2020

\$ 45,000.00 Resolution 6980 (9) Businesses approved by Commission on 10/19/2020

\$ 125,000.00 Resolution 6993 (25) Businesses approved by Commission on 11/02/2020

\$ 100,000.00 Resolution 7003 (20) Businesses approved by Commission on 11/09/2020

\$ 100,000.00 (20) ready to go to Commission on 11/16/2020

\$ 223,969.00 Remaining Grant Money to Distribute to Businesses





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 16, 2020

SUBJECT: RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO YES HOUSING, INC. FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHEAST OF THE INTERSECTION OF BERRY AND GRIMES.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: November 9, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: YES Housing, Inc. has proposed to finance and develop a 56 unit affordable senior housing complex on developer controlled property located northeast of the corner of Berry and Grimes. The project will be restricted to seniors with all of the proposed units income and rent restricted to 60% or below area median income.

The projects Total Development Cost is anticipated to be +/- \$14,250,000.00 so a local contribution of 10% of TDC would earn the Developer 10 points in scoring toward LIHTC funding. Municipal Code Chapter 3.14 allows the City to extend financial incentives to stimulate the development and construction of Affordable Senior Housing projects for multi-family housing. In order to qualify, the project must be considered as an Affordable Housing Project according to the City's Affordable Housing Plan. The Project must also be approved and funded by the NMMFA and comply with State MFA rules.

The Resolution proposes that the City make a conditional offer of financial assistance in an amount not to exceed \$1,425,000, to include waiver of development fees to YES Housing, Inc. if the proposed project is funded by the state and developed. The Letter of Financial Support gives approval to the Project and commits the funding, contingent on the Developer receiving an allocation of LIHTC's during the 2021 cycle.

Fiscal Impact:

Reviewed By: Toby Spears, CFE, CPA
Finance Department

Total unencumbered Affordable Housing Budget is \$1,145,429.00. A budget reclassification in the amount of \$300,000.00 from 01-0410-44901-00160 to 010100-44901-00169 would need to be made in Bar #3 and submitted to DFA for approval in January 2021.

This resolution will cause the City to incur a maximum expense as reflected above for the development of this Affordable Senior Housing project in fund 01-0100-44901-00169, if the application is funded by NMMFA.

Attachments: Resolution, Draft Planning Board Minutes, Draft Letter of Commitment, Funding Request from YES Housing, Inc.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Staff recommends consideration of the Resolution to approve the commitment to YES Housing, Inc.

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. 7005

**RESOLUTION TO APPROVE AN AFFORDABLE SENIOR HOUSING FUNDING COMMITMENT AND LETTER OF FINANCIAL SUPPORT TO YES HOUSING, INC. FOR A PROPOSED AFFORDABLE SENIOR HOUSING COMPLEX TO BE LOCATED NORTHEAST OF THE INTERSECTION OF BERRY AND GRIMES.**

WHEREAS, the City Commission has previously approved YES Housing, Inc. as a qualified housing developer of affordable multi-family housing and certified this company as a "Pre-Qualifying Grantee"; and

WHEREAS, YES Housing, Inc. intends to submit an application to the NMMFA for an affordable senior housing development, to include 56 units of affordable senior housing units located NE of the intersection of Berry and Grimes; and

WHEREAS, Any outstanding letter of financial support between the Developer and the City of Hobbs shall become null and void upon the ratification of this agreement herewith; and

WHEREAS, a proposed letter of financial support is attached to this resolution, along with the local contribution funding request to the City from YES Housing, Inc.

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 Letter of Financial Support for the proposed Affordable Senior Housing Project, and the Mayor is hereby authorized to sign the letter, a copy of which is attached hereto as Exhibit "A" and made a part of this Resolution.

2. The City of Hobbs hereby approves a commitment of financial support in an amount not to exceed \$1,425,000.00 as a contribution to YES Housing, Inc., under the City of Hobbs Affordable Housing Funding Programs, subject to NMMFA funding.

PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of November, 2020

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

ATTEST:

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



*Office of the Mayor*

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200 E. Broadway St.  
Hobbs, NM 88240

575-397-9206 bus  
575- 397-9227 fax

*City of Hobbs, New Mexico*

November 16, 2020

Ms. Michelle DenBleyker  
YES Housing, Inc.  
104 Roma NW  
Albuquerque, NM 87102

RE: City of Hobbs issuance of a Letter of Financial Support and Conditional Approval of YES Housing, Inc.'s Application for Affordable Housing Incentive Funding.

Dear Ms. DenBleyker:

This letter is an affirmation that the City of Hobbs welcomes and supports YES Housing, Inc.'s proposed 56 unit affordable senior housing development, to be located northeast of the intersection of Berry and Grimes, in the City of Hobbs.

The City Commission has approved a commitment of financial support in an amount of 10% of TDC not to exceed \$1,425,000.00 as Gap Financing to YES Housing, Inc.'s proposed affordable senior housing complex, under the City of Hobbs Affordable Housing Funding Programs, and subject to the conditions as stated in the attached Resolution. Also, the City shall waive all applicable City development fees including building permit fees and utility connection fees on the project. These commitments are subject to approval and funding of your project by NMMFA, City governmental appropriations and/or referendum. This offer will expire on December 31, 2021.

The proposed senior housing development will be subject to all rules, regulations and requirements as promulgated within the City of Hobbs Municipal Code, Major Thoroughfare Plan, Building Codes and Fire Codes. This project will require full buffering from adjacent properties, drainage improvements that reduce post development off site discharge and a security system tied into the Hobbs Public Security System. Additionally, the property will be subject to a long term maintenance agreement to maintain the exterior in an "as new" condition to include building facades, landscaping, lighting and any public hardscape.

If we can be of any assistance during the development process please feel free to call us. Should you or your staff have any questions please contact Manny Gomez, City Manager at (575) 397-9206. We look forward to working with you.

Sincerely,

**CITY OF HOBBS, NEW MEXICO**

---

Sam D. Cobb – Mayor



November 6, 2020

Kevin Robinson  
Planning Department  
200 E. Broadway  
Hobbs, NM 88240

RE: West Berry Senior Apartments  
616 West Berry Dr., Hobbs, NM 88240 – 56 units  
Affordable Housing Funding – Resolution No. 1050

Dear Mr. Robinson:

The enclosed is a request for Affordable Housing Funds, for the new construction of the above-mentioned community. We are requesting **\$1,425,000**, as a forgivable, zero percent (0%), due on sale loan, as well as a waiver of the City of Hobbs Permit Fees.

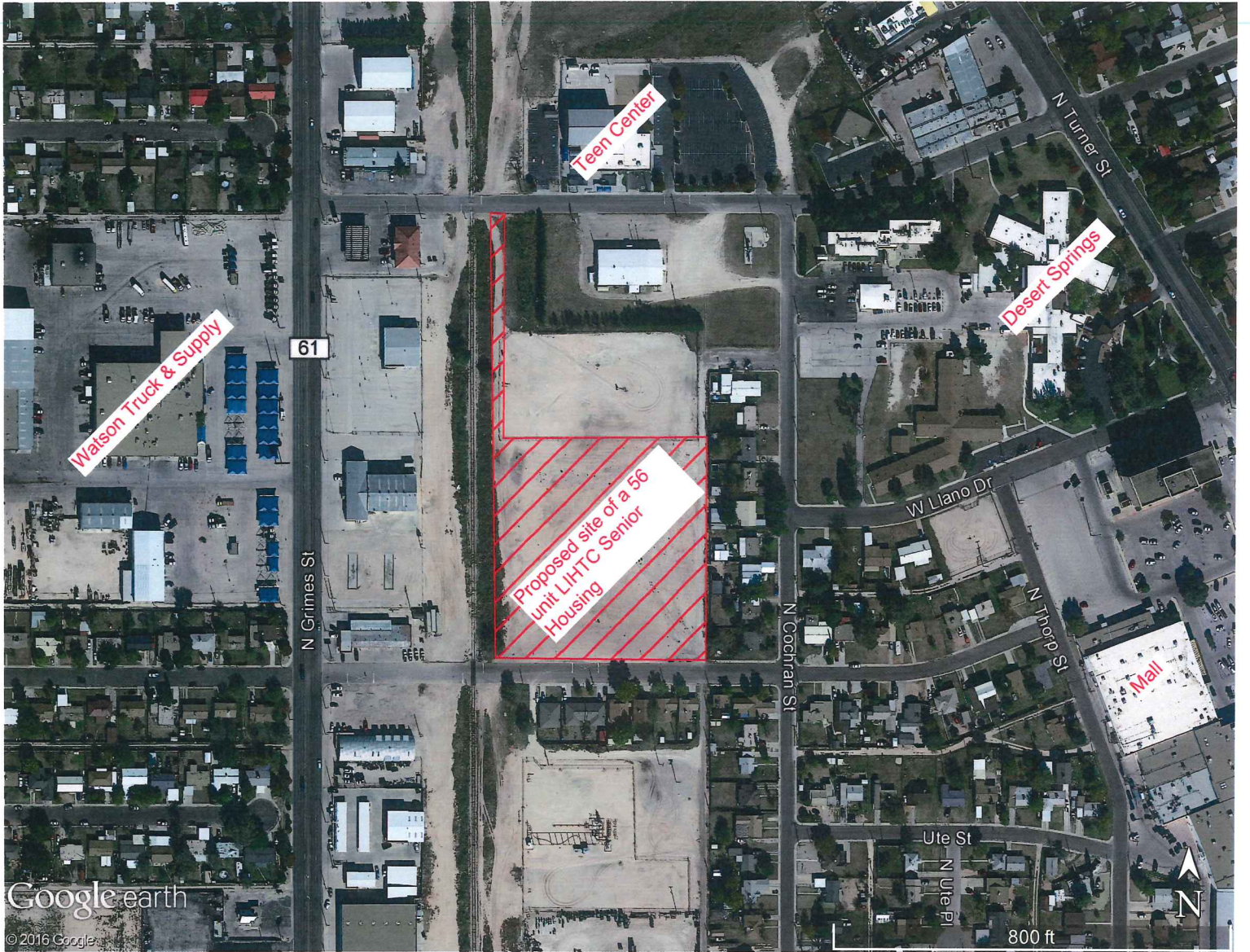
Please feel free to contact me if you have any questions.

Thank you for your consideration.

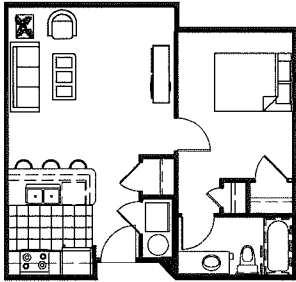
Sincerely,

Michelle Den Bleyker  
Senior Vice President of Real Estate Development  
(432) 530-7978  
[mdenbleyker@yeshousing.org](mailto:mdenbleyker@yeshousing.org)

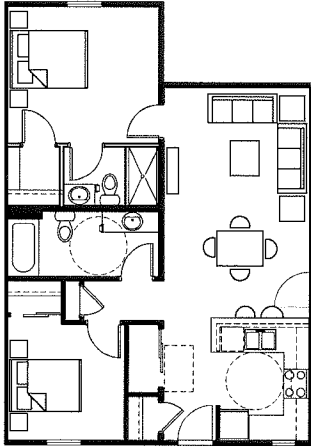




**WEST BERRY - HOBBS, NM**  
Unit Plans

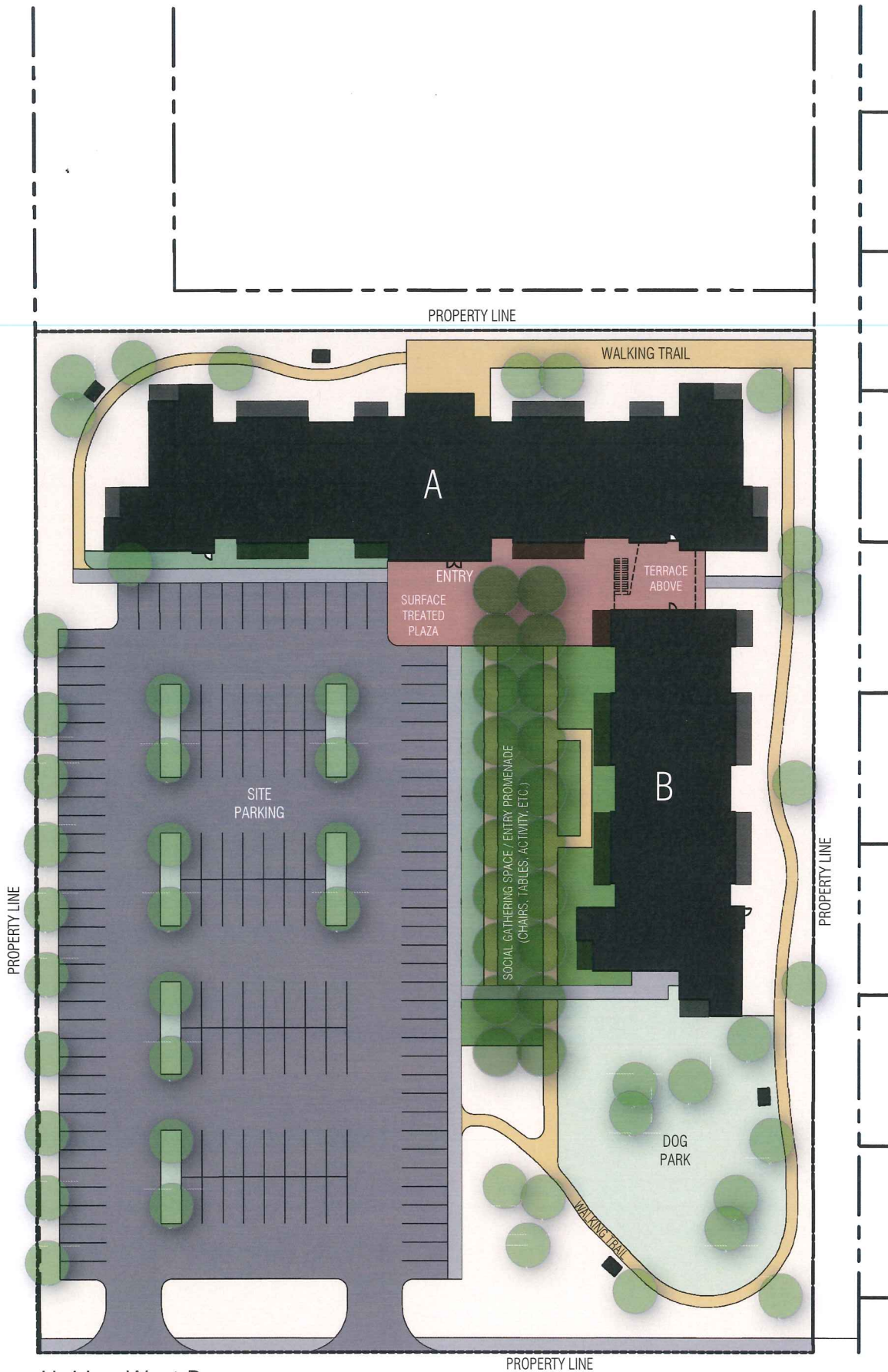


**UNIT 1-1**  
581 GSF



**UNIT 2-2**  
938 GSF





Hobbs, West Berry  
Preliminary Site Plan

1:60 Scale

1/27/2017

DEKKER  
PERICH  
SABATINI

# PROJECT DATA

LOCATION West Berry Drive & North Grimes Street, Hobbs, New Mexico  
 SITE AREA 3.74 acres

APARTMENT PARKING 112 spaces (2.0 per unit)  
 COMMUNITY BUILDING PARKING 16 spaces  
 HC SPACES 8 spaces (included in apartment parking)  
 TOTAL PARKING 128 spaces

DENSITY 14.97 du/acre  
 OCCUPANCY TYPE R-2 apartments  
 CONSTRUCTION TYPE V-A fully sprinklered  
 SETBACK PROVIDED 140' front  
 25' sides  
 20' rear

ACCESSIBILITY  
 1 BD 2 ANSI Type A  
 2 BD 1 ANSI Type A  
 TOTAL ANSI TYPE A 3 (all remaining units are ANSI Type B)

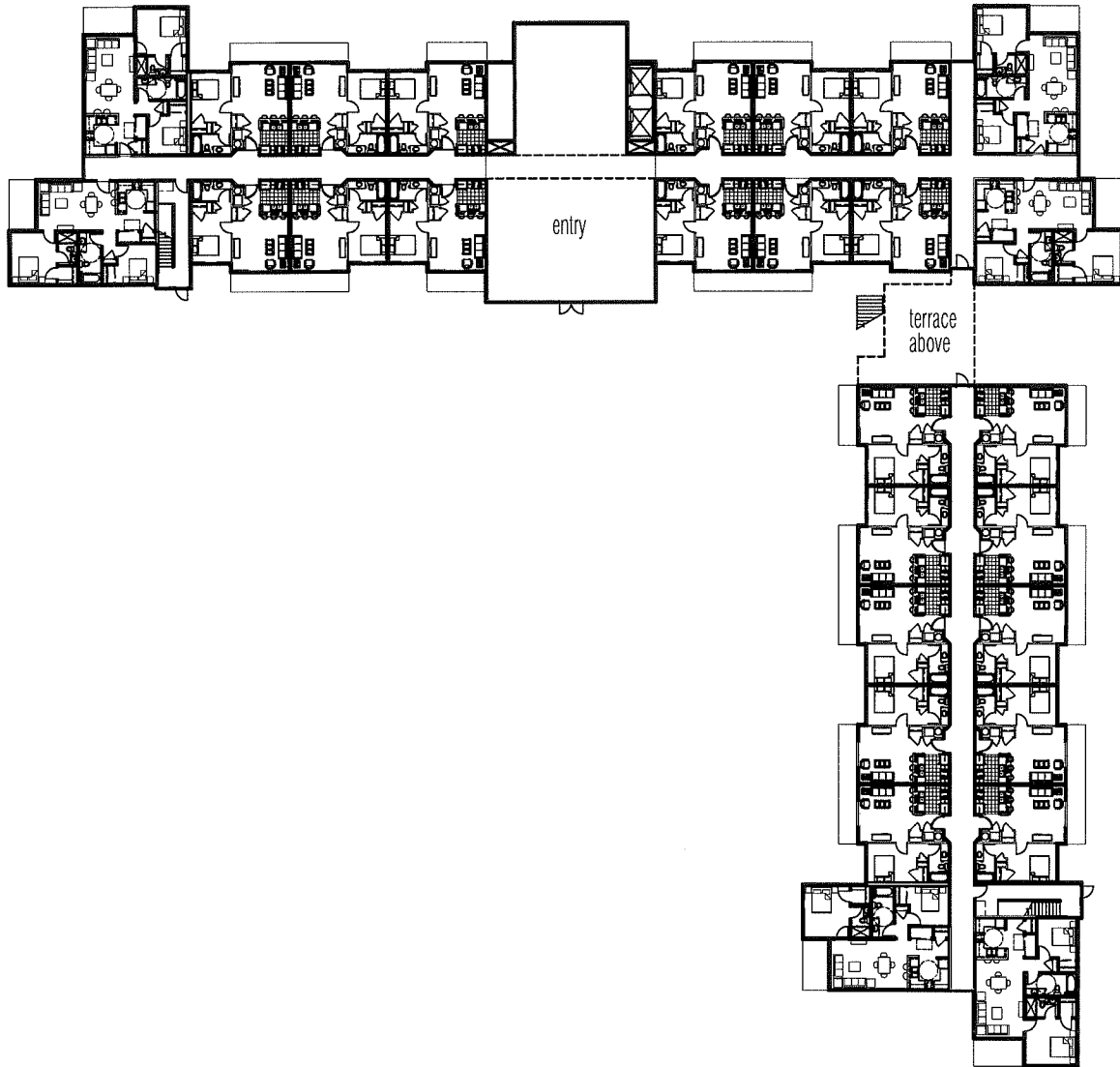
## RESIDENTIAL BUILDING TYPES (TWO STORY)

BUILDING	1BR	2BR	GROSS SF	# OF BLDG'S	TOTAL
A	24	8	33,812 sf	1	33,812 sf
B	20	4	19,870 sf	1	19,870 sf
<b>TOTAL</b>					<b>53,682 sf</b>

## UNIT TYPES

TYPE	GROSS SF	# OF UNITS	TOTAL
1 BD / 1BA (TYPE B) - NO PORCH / BALCONY	582 sf	2	1164 sf
1 BD / 1BA (TYPE B)	659 sf	40	26360 sf
1 BD / 1BA (TYPE A)	659 sf	2	1318 sf
2 BD / 2BA (TYPE B)	1,041 sf	11	11451 sf
2 BD / 2BA (TYPE A)	1,041 sf	1	1041 sf
<b>TOTAL</b>		<b>56</b>	<b>41,334 sf</b>
COMMUNITY BUILDING			5,290 sf
CIRCULATION / MISC.			7,058 sf
<b>TOTAL BUILDING AREA</b>			<b>53,682 sf</b>

Hobbs, West Berry  
 Preliminary Project Summary

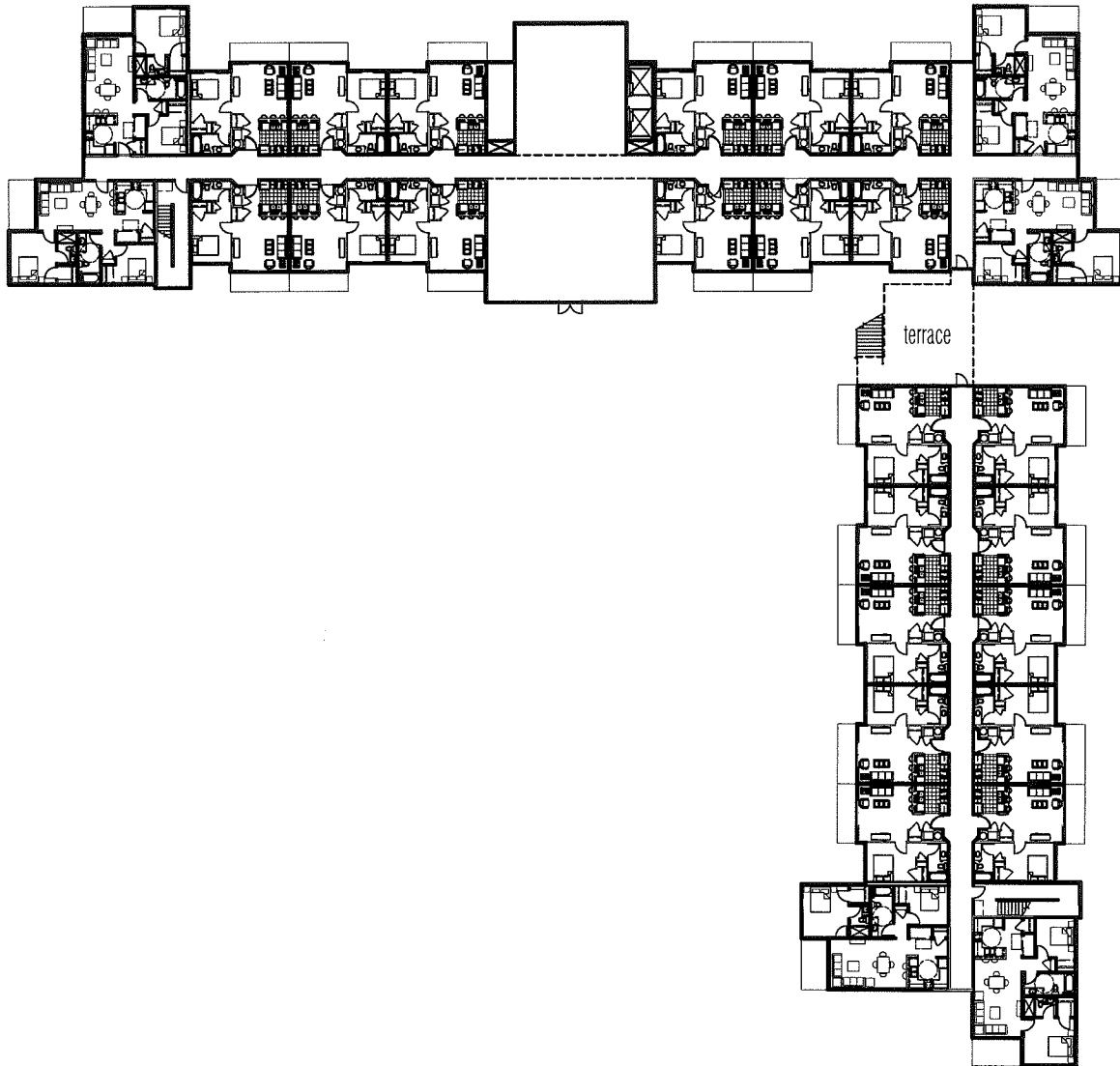


Hobbs, West Berry  
Preliminary Building Floor Plan (level 1)

1:30 Scale

1/27/2017

DEKKER  
PERICH  
SABATINI



Hobbs, West Berry  
Preliminary Building Floor Plan (level 2)

1:30 Scale

1/27/2017

DEKKER  
PERICH  
SABATINI



Hobbs, West Berry  
Preliminary Partial South Elevation

1/27/2017

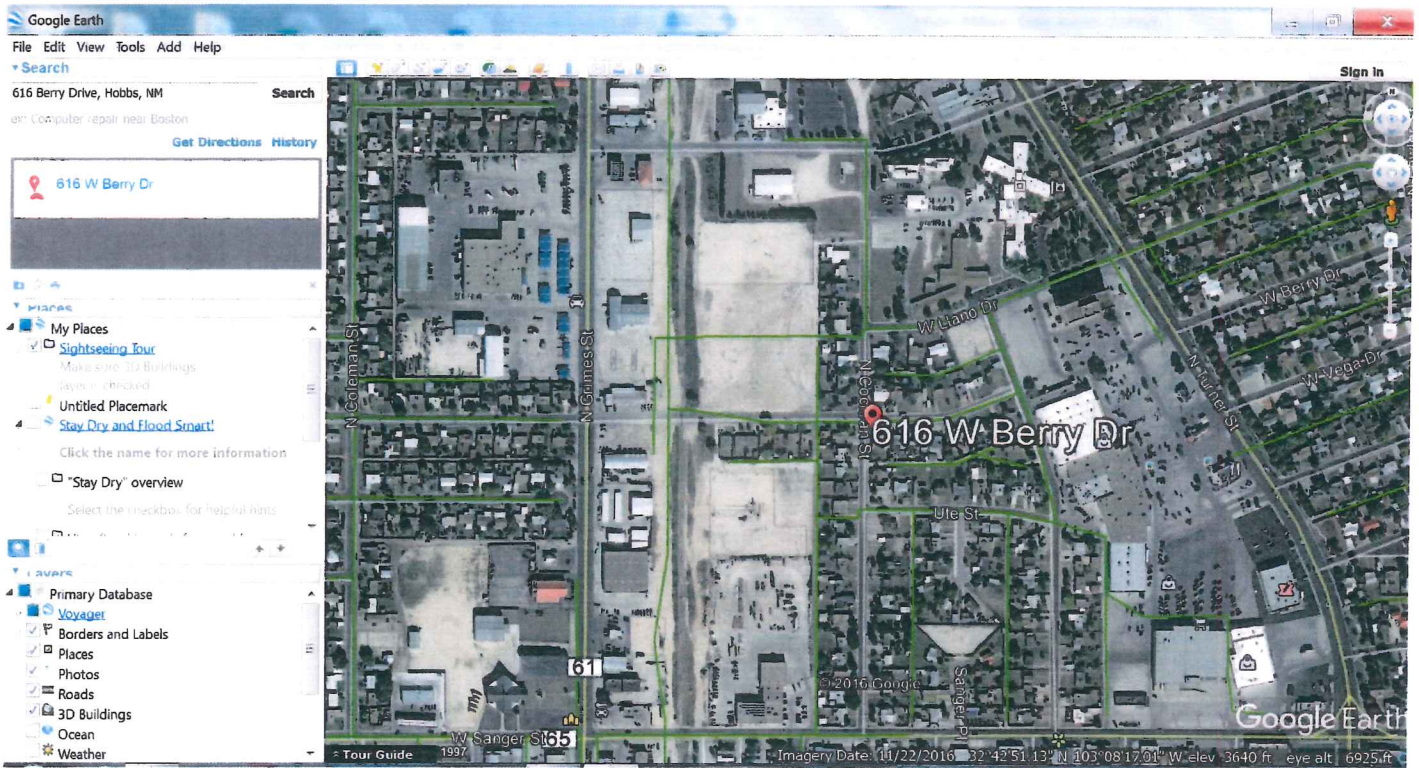


616 W. Berry Drive, Hobbs, NM





616 W. Berry Dr., Hobbs, NM 88240





**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 16, 2020


**SUBJECT: Condemnation Recommendation Structure Contained on Attachment "A"**

DEPT. OF ORIGIN: Community Services  
DATE SUBMITTED: November 5, 2020  
SUBMITTED BY: Art De La Cruz, Community Services Superintendent

**Summary:**

In its continuing promotion of safety and clean up efforts in the City of Hobbs, the Environmental Division of the Hobbs Community Services has identified the structures and vacant lot which present safety and fire hazards which warrant their destruction. These structures are in dire need of repair. Attachment A contains information of the property.

**Fiscal Impact:**

Reviewed By:   
Finance Department

The demolition and clean-up of these properties will cost approximately \$130,000.00. Approximately \$70,000 will be spent on third party contractors and the remaining \$60,000 will be performed by City of Hobbs staff. (Budget line item "Professional Services" 010340-42601)

**Attachments:**

- 1. Resolution
- 2. Photos of Structures contained in Attachment A.

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

The City Commission approve the adoption of the Resolution determining the structure is ruined, damaged and dilapidated and a menace to public health and safety and it requires removal from the real property.

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. 7006

A RESOLUTION DETERMINING THAT CERTAIN  
STRUCTURES ARE RUINED, DAMAGED AND DILAPIDATED,  
ARE A MENACE TO PUBLIC COMFORT, HEALTH AND  
SAFETY AND REQUIRES REMOVAL FROM THE MUNICIPALITY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and Section 3-18-5 NMSA, as amended, the City has inspected the premises described in Attachment "A", attached hereto and incorporated herein by reference, and finds that the structures thereon are ruined, damaged and dilapidated, are a menace to the public comfort, health and safety and requires removal from the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the structures described in Attachment "A" are found to be ruined, damaged and dilapidated, are a menace to the public comfort, health and safety, and should be removed.

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; or, if such service cannot be had, that a copy of this Resolution be posted on the premises; and that a copy of the same be published as required by law.

BE IT FURTHER RESOLVED that unless the owner, occupant or agent in charge of such premises, within ten (10) days from such service or posting and publication of this Resolution, has commenced removing such structures from the real property or has filed written objection with the City, the City shall cause the removal of such structures at the cost and expense of the property owner.

BE IT FURTHER RESOLVED that in cases where the City removes a structure so condemned, a lien shall be levied by the City against the real property involved in an amount equal to the reasonable cost of the services rendered, which lien may be foreclosed in default of satisfaction.

PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of November, 2020.

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

ATTEST:

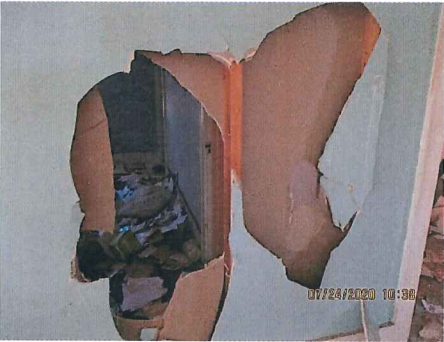
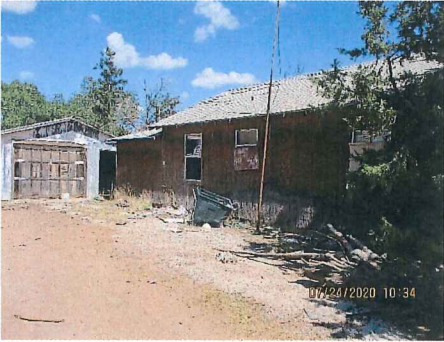
\_\_\_\_\_  
JAN FLETCHER, City Clerk

**Attachment A**

	<b>Address</b>	<b>Owner</b>	<b>Owner's Address</b>	<b>Estimated Cost of Demolition</b>
1	507 S. McKinley (2 Houses) Block 5, Lot 7 New Hobbs Add. Hobbs, Lea County, NM	Heather & Glen Payne	#13 W. Burgess Hobbs, NM, 88240	\$30,000
2	507 ½ S. McKinley (2 Houses) Block 5, Lot 6 New Hobbs Add. Hobbs, Lea County, NM	Heather & Glen Payne	#13 W. Burgess Hobbs, NM, 88240	\$25,000
3	215 E. White (AKA Lot E. of 213 E. White) Block 65 Lot 5 Orig Hobbs Hobbs, Lea County, NM	Joaquin H. Baeza & Claudia J. Baeza	625 W. Hunter Hobbs, NM, 88242	\$15,000
4	213 & 213 ½ E. White Block 65 Lot 6 Orig Hobbs Hobbs, Lea County, NM	Castro Cruz Manuel, Ysidra B. Carrisales & Thomas Carrisales Jr.	209 E. White Hobbs, NM, 88240	\$20,000
5	220 W. Gypsy Block 9, Lot 13 New Hobbs Add. Hobbs, Lea County, NM	Richardson, Pat	21 Calle Don Carlos Tijeras, NM, 87059	\$20,000
6	219 N. Ave C (House & Storage) Block 7, Lot 17 All Hobbs Add. Hobbs, Lea County, NM	Kelley William A IV	219 N. Ave C. Hobbs, NM, 88240	\$20,000

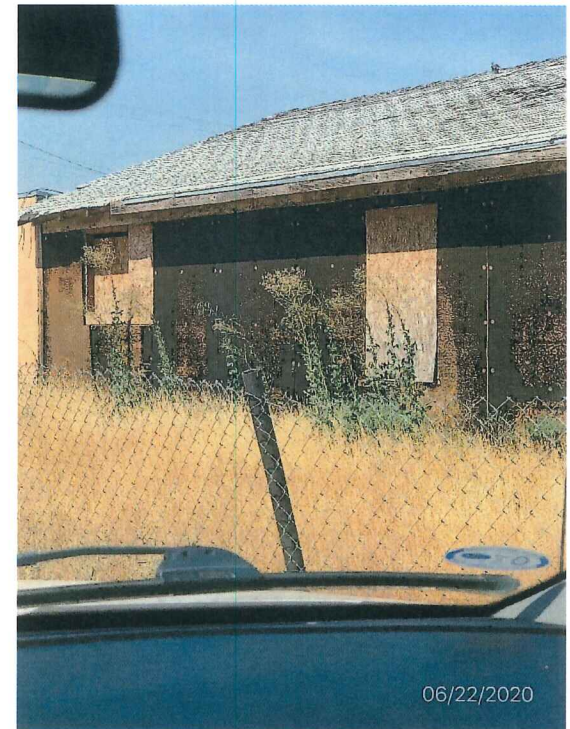
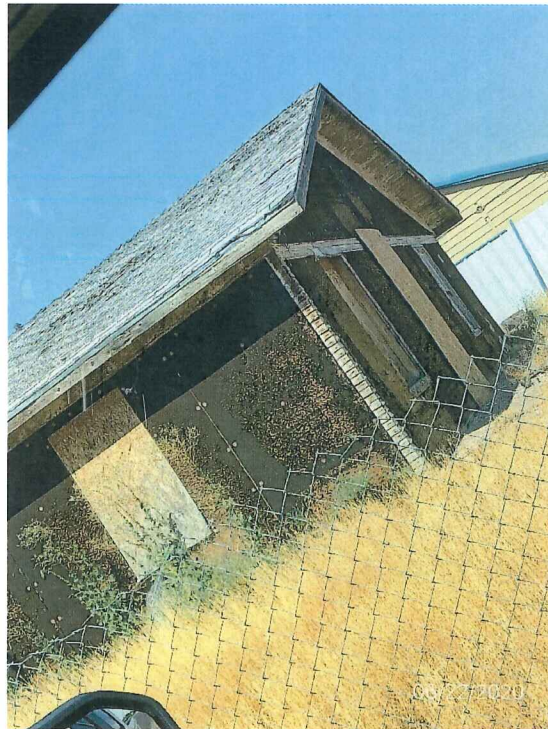


# 219 N. AVE C



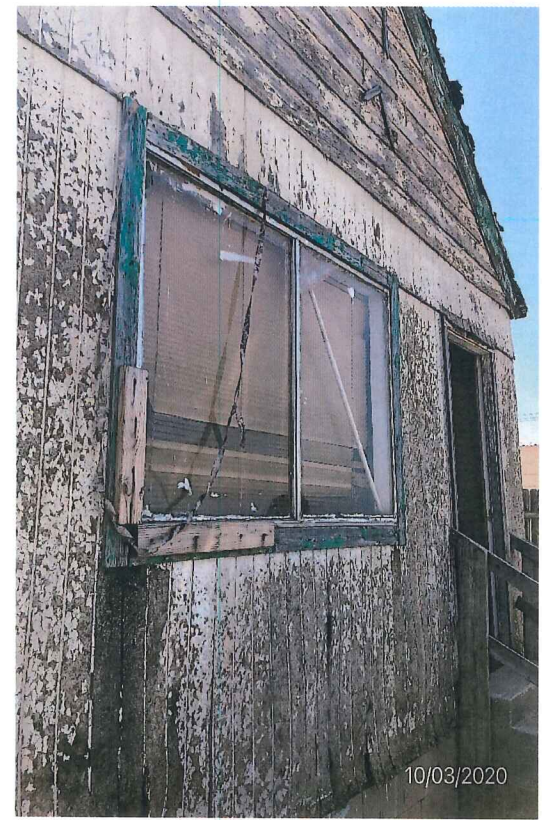
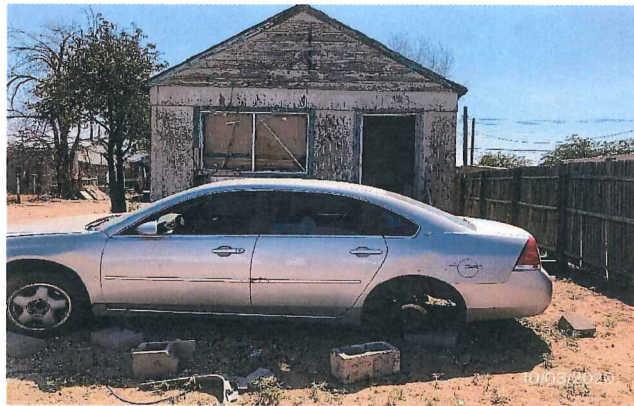


# 220 W. GYPSY



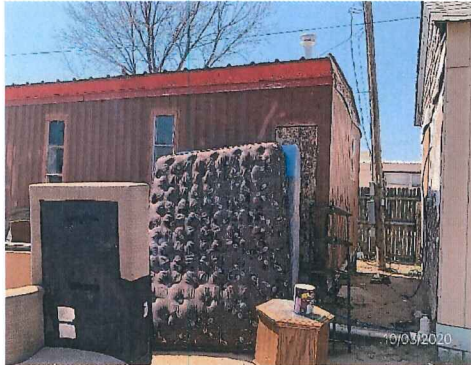
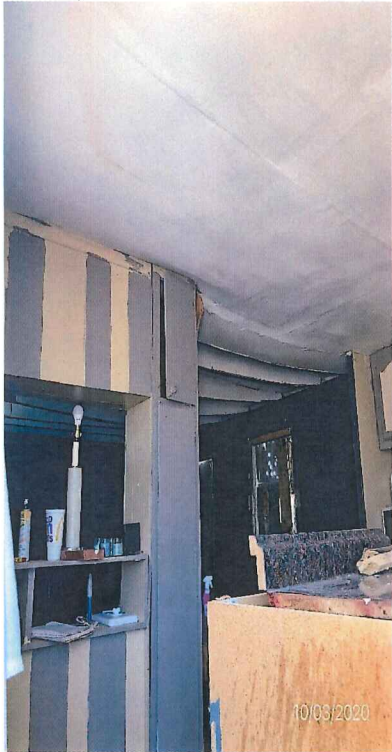


# 213 E. WHITE & 213 ½ E. WHITE



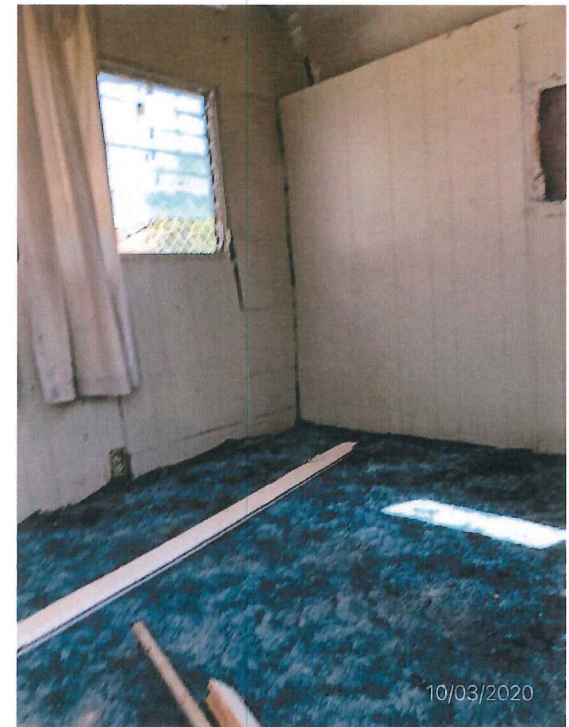
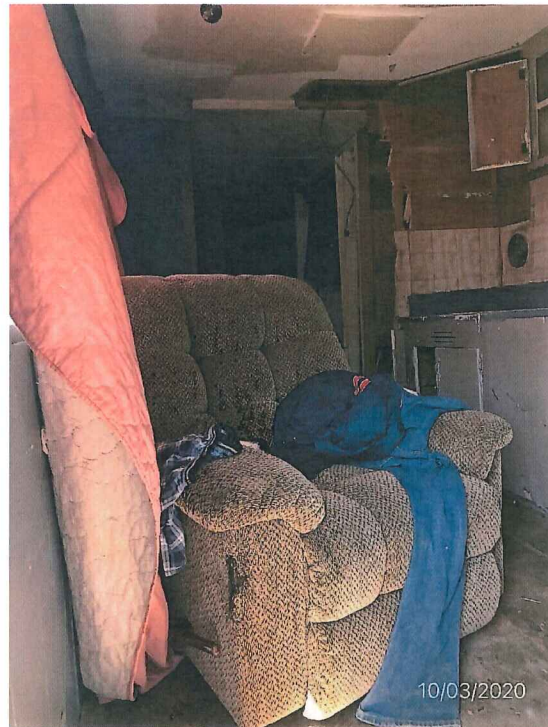
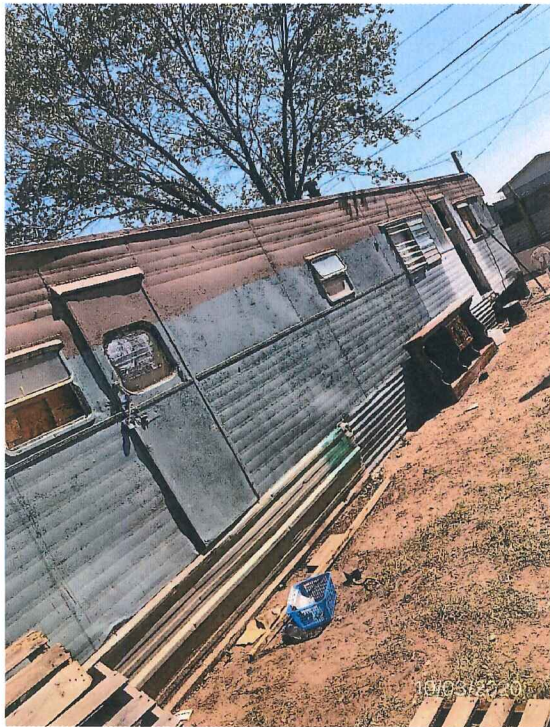


# 213 & 213 1/2 E. WHITE (CONT.)



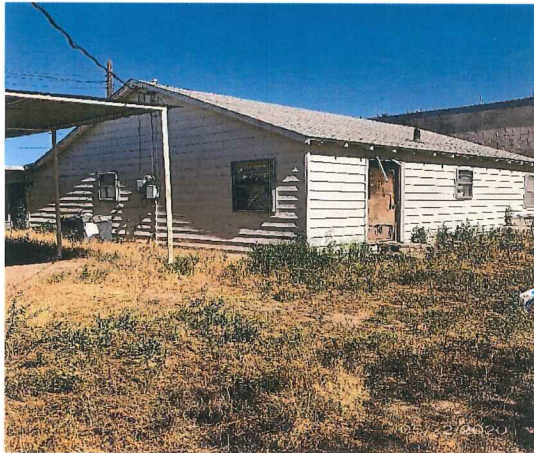


# LOT EAST OF 213 E. WHITE





# 507 S. MCKINLEY (2 HOUSES)





# 507 ½ S. MCKINLEY (2 HOUSES)

