Commission Meeting Agenda

CITY OF Hobbs NEW MEXICO

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

September 4, 2018

Hobbs City Commission

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

Tuesday, September 4, 2018 - 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

A G E N D A

City Commission Meetings are
Broadcast Live on KHBX FM 99.3 Radio
and Available via Livestream at www.hobbsnm.org

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the August 20, 2018, Regular Commission Meeting

2. Minutes of the August 20, 2018, Commission Work Session

PROCLAMATIONS AND AWARDS OF MERIT

3. Recognition of Elected Officials - Achievement of Designation of Certified Municipal Official (CMO) from the New Mexico Municipal League, Municipal Officials Leadership Institute

   - Commissioner Patricia A. Taylor, CMO
   - Commissioner Don R. Gerth, CMO
   - Commissioner Joseph D. Calderón, CMO

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

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

DISCUSSION

4. City Park Update and Dedication Ceremony Announcement *(Doug McDaniel, Parks and Recreation Director)*

5. Presentation by Holtec on the Proposed Interim Storage Facility for Spent Nuclear Fuel

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

6. Resolution No. 6711 - Supporting Holtec International's Effort to Build an Interim Storage Facility for Spent Nuclear Fuel in Southeastern New Mexico and ELEA's Becoming a Party to the NRC Adjudicatory Hearing *(Mayor Sam Cobb)*

7. Resolution No. 6712 - Authorizing a Contribution of $25,000.00 to the Eddy-Lea Energy Alliance, LLC *(Mayor Sam Cobb)*

8. PUBLIC HEARING: Resolution No. 6713 - Concerning the Issuance of a Restaurant Liquor License to Toreados Taco Grill Located at 205 West Sanger, Hobbs, New Mexico *(Efren Cortez, City Attorney)*

9. Resolution No. 6714 - Approving a Development Agreement with ABS Homes Concerning the Development of Market Rate Single Family Housing Units *(Kevin Robinson, Development Director)*

10. Resolution No. 6715 - Approving a Development Agreement with Sombra Homes, LLC, Concerning the Development of Market Rate Single Family Housing Units *(Kevin Robinson, Development Director)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

11. Next Meeting Date:

    - City Commission Regular Meeting
      Monday, September 17, 2018, at 6:00 p.m.

ADJOURNMENT

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

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: **September 4, 2018**

SUBJECT: **City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: August 24, 2018
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of August 20, 2018
- Commission Work Session of August 20, 2018

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, August 20, 2018, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

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

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner 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
Shane Blevins, Police Captain
Brian Dunlap, Deputy Police Chief
Barry Young, Deputy Fire Chief
Todd Randall, City Engineer
Kevin Robinson, Development Director
Tim Woomer, Utilities Director
Ben Maynes, Building Official
Doug McDaniel, Parks and Recreation Director
Michal Hughes, Parks and Recreation Superintendent
Dalia Conken, Senior Affairs Coordinator
Ron Roberts, Information Technology Director
Meghan Mooney, Communications Director
Shannon Carter-Arguello, Municipal Court Clerk
Toby Spears, Finance Director
Tracy South, Assistant Human Resources Director
Sandy Farrell, Library Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
34 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Gerth moved that the minutes of the regular meeting held on August 6, 2018, be approved 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.

Proclamations and Awards of Merit

Proclamation Proclaiming Saturday, August 25, 2018, as "Family Safety Day".

Mayor Cobb proclaimed August 25, 2018, as "Family Safety Day". He presented the proclamation to Ms. Mary Lyle with the Western Heritage Museum. She reviewed the activities for the event that will be held on August 25, 2018, which will be fun for the whole family.

Acting City Manager/Fire Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of August, 2018. He read their job titles and a brief summary of job duties performed by each of the following employees:

- 5 years - Matthew Trujillo, Hobbs Fire Department
- 10 years - Ana Padilla, Senior Center
- 15 years - Lisa Evjen, Utilities Department
- 15 years - Brenda Taylor, Parks & Recreation Department
- 20 years - Keith Akin, Hobbs Fire Department
- 30 years - Terry Bowen, General Services Department

Acting City Manager/Fire Chief Gomez thanked the Commission for recognizing the employees for their service to the City. He stated the employees are the most important resource and asset within the organization. Acting City Manager/Fire Chief Gomez expressed thanks and appreciation to the employees and their families.

Recognition of Achievement of Employee Certifications.

Mr. Tim Woomer, Utilities Director, recognized the following employees in the Utilities Department for attaining Level 4 Certifications:

- Miguel-Angel Pineda – New Mexico Water Supply Level 4
- Anthony Inman – New Mexico Water Supply Level 4

Mr. Todd Randall, City Engineer, recognized the following employee in the Traffic Department for achievement of his Level 2 Traffic Signal certification:

- Gary Henley – Traffic Signals Level 2

Mr. Ron Roberts, I.T. Director, recognized the following employee in the I.T. Department who received an important certification which will benefit the City's cyber security safety:

- Matt Blandin – Security+ Certification

Mr. Toby Spears, Finance Director, recognized the following employee in the Finance Department for receiving her Certified Procurement Officer certification:

- Shelly Raulston – Chief Procurement Officer Certification

Public Comments

Mr. Robert Lujan recommended that when the City hosts community events, it should have the Hobbs Fire Department educate the public in lifesaving and fire safety technics.

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):

Consideration of Approval of Memorandum of Agreement Between the City of Hobbs and the Hobbs Municipal Schools in Conjunction with the 21st Century Community Learning Centers Grant Initiative.

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. A copy of the agreement and supporting documentation are attached and made a part of these minutes.

Discussion

Retail Incentive.

Mr. Rodger Gray presented the details of a proposed retail incentive to the Commission. Mr. Gray stated a retail incentive is a program that would reimburse a developer with Gross Receipts Taxes (GRT) directly attributable to construction activities associated

with the project it is developing. Mr. Gray stated this would assist the developer to reduce the monthly rent to retail tenants and make it more affordable. He stated as an example, the strip mall on the corner of Joe Harvey Blvd. and Grimes remains empty because the rent is not affordable due to the cost of construction.

Mr. Efren Cortez, City Attorney, stated high rental cost for retail facilities is a common problem throughout New Mexico. He stated other municipalities, such as Alamogordo, New Mexico, have Retail Incentive Programs in the form of a Gross Receipts Investment Program (GRIP). Mr. Cortez stated this program assists the developers by reimbursing them with GRT directly attributable to construction activities associated with the project.

Mr. Gray stated the retail incentive could also give a portion of the sales tax from merchandise back to the developer for a defined period of time, typically five years. He stated investors want a return on their investment. Mr. Gray stated this would benefit the City as new businesses would develop in the community and increase the amount of GRT being received.

Mayor Cobb thanked Mr. Gray for the information presented.

Action Items

Resolution No. 6706 - Authorizing Submission of a Grant Application to the New Mexico Department of Transportation to Provide Funding for Public Transportation for FY 19-20 Under Section 5311 of the Federal Transit Act.

Ms. Jan Fletcher, City Clerk/Public Transportation Director, explained the resolution and stated the City of Hobbs operates Public Transportation known as the Hobbs Express. She stated the City is requesting authorization to submit a grant application and commitment to the local share amount. Ms. Fletcher stated the total amount of the grant being requested is in the amount of $1,143,845 with the Federal portion being$685,502 and the local match being $458,343.

Commissioner Newman moved to approve Resolution No. 6706 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 documentation are attached and made a part of these minutes.

Consideration of Approval and Authorizing Use of the New Mexico State Contract Agreement No. 60-805-16-14088 with Dustrol, Inc., for Hot In-Place Asphalt Recycling of Various City Streets in the Total Estimated Amount of $436,712.03 Including GRT.

Mr. Anthony Maldonado, Street Superintendent, explained the contract and stated the streets that would be recycled for FY 2019 include: Industrial, Enterprise, Commerce, Jefferson, Brazos, Dalmont, Fowler, McKinley, Houston, Selman, Morris, Dunnam, White, Byers, and Dal Paso. He explained that the chip seal process has not proven to be a very user friendly process. He stated the hot in-place recycling is quicker, cleaner and much better for the traffic as it only affects traffic for one day rather than three full days with the chip seal process. Mr. Maldonado stated it is also more economical for the City. He stated the proposed contract cost with Dustrol is $436,712.03.

There being no further discussion, Commissioner Newman moved to approve a contract with Dustrol, Inc., for the Hot In-Place Asphalt Recycling of Various City Streets in the amount of $436,712.03 as presented. Commissioner Mills 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 supporting documentation is attached and made a part of these minutes

Resolution No. 6707 - Authorizing Budgetary Adjustment #1 for FY 2018-2019.

Mr. Spears stated the budget is prepared prior to the beginning of the fiscal year and it becomes necessary to adjust the budget for items not contemplated at the time of its preparation, or for issues that arise during the fiscal year. He stated the budgetary adjustments are increases to expenditures and revenue accounts as well as cash transfers between funds. He stated the total expenditures will be increasing by $832,281.62; total revenues will be increasing by$553,250.00; and the ending cash balance for all funds will reduce from $52,041,026.15 to $51,762,014.53 which is a net decrease of $279,011.62. Mr. Spears stated the reserve balance remains at 32%.

Commissioner Newman stated he was not made aware by City staff of reclassification of the Administration Services Director position to a position in the Parks and Recreation Department that is included in the Budgetary Adjustment #1.

Following a brief discussion about the reclassification, Commissioner Penick moved to approve Resolution No. 6707 as presented. Commissioner Calderón seconded the motion and the vote was recorded as follows: Newman no, Mills yes, Taylor 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.

Resolution No. 6708 - Approving the FY 2020-2024 Infrastructure Capital Improvement Plan (ICIP).

Mr. Kevin Robinson, Development Director, stated the Infrastructure Capital Improvement Plan (ICIP) projects were reviewed and approved at the July 31, 2018, special meeting of the City of Hobbs Planning Board. He stated the Commission held a Work Session at 5:00 p.m. today to discuss the ICIP Top 10 Projects. Each of the Commissioners were asked to rank their top projects. Mr. Randall collected individual ranking tally sheets from each Commissioner.

While Mr. Robinson and Mr. Randall were tallying the Top 10 Projects, Mr. Spears stated the City received its GRT revenues for the month of June, 2018, in the amount of $5.4 million. He stated this is one of the highest amounts received since the downfall of the economy. Mr. Spears stated retail revenues increased by $100,000.00 and mining increased by $500,000.00. He stated revenues for Lodgers' Tax are in the amount of $240,000.00.

After the calculation of the project rankings, the Top 5 projects are ranked as follows:

- WWRF Effluent Reuse Project
- Sewer Main Replacement Program
- Citywide Wireless Internet
- Community Housing
- Drainage Master Plan

There being no discussion, Commissioner Mills moved that Resolution No. 6708 be adopted with the Top 5 projects as recommended. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Taylor no, Calderón yes, Penick yes, Gerth yes, Cobb yes . The motion carried. A copy of the resolution, Top 5 project list and ranking sheets of Commissioner are attached and made a part of these minutes.

Resolution No. 6709 - Approving and Adopting the Market Rate Multi-Family and Single Family Unit Production Municipal Infrastructure Reimbursement Incentive Program for FY 2019.

Mr. Robinson explained the Market Rate Incentive Program for FY 2019. He stated the Market Rate Multi-family and Single Family Unit Production Incentive Program is based upon past development agreements and programs approved and adopted by the Commission, and reflect those tenants within past developement agreements and Programs that staff feels were deemed desirable by the Commission. Mr. Robinson stated Paragraph No. 5 requires that all Developers shall attest that no less than 40% of the delivered product was sourced through vendors within Lea County.

After a lengthy discussion regarding the difficulty to attest that 40% of the delivered product being sourced through vendors is within Lea County, Mr. Cortez stated if the it is the desire of the Commission to amend the resolution, he would recommend voting on the amendment first with a motion and a second. Once the amendment is adopted, the resolution and amended agreement would need a motion, second and a vote for final approval.

Commissioner Penick moved to amend Resolution No. 6709 to remove the language from Paragraph 5 that "All Developers shall attest that no less than 40% of the delivered product was sourced through vendors within Lea County". Commissioner Mills 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 emotion carried.

Commissioner Penick moved to approve Resolution No. 6709 as amended. Commissioner Mills 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 documentation are attached and made a part of these minutes.

Resolution No. 6710 - Approving a Development Agreement with Gold Creek Homes Concerning the Development of Market Rate Single Family Housing.

Mr. Robinson stated the attached developement agreement is based on the new Market Rate Single Family Housing Incentive which includes the clause "All Developers shall attest that no less than 65% of the delivered product was sourced through vendors within Lea County". As voted upon by the Commission, Mr. Robinson stated this language needs to be removed from the contract as well. He stated this agreement was set at 65% because it is a Market Rate Single Family Housing.

Commissioner Penick moved to amend Resolution No. 6710 to remove the language "All Developers shall attest that no less than 65% of the delivered product was sourced through vendors within Lea County". Commissioner Mills 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.

Commissioner Newman moved to approve Resolution No. 6710 as amended. 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. 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, introduced Mr. Eric Scramlin, the new Deputy City Attorney.

Commissioner Mills stated he has been receiving phone calls from constituents regarding oilfield trucks and RV's in the roadway. He stated he will be communicating with City staff for clarification regarding this issue.

Commissioner Mills stated he attended the first two-day workshop of the Maddox Leadership Institute and it is an excellent program. He recommended the Commission and Department Heads attend the program which is a one-year commitment of time.

Commissioner Taylor thanked everyone for attending tonight's meeting.

Commissioner Penick stated he also has received phone calls from constituents regarding oilfield trucks and RV's in the roadway.

Commissioner Penick thanked Department Heads and City staff for all they do for the City.

Mayor Cobb stated the next Commission meeting will be held on Tuesday, September 4, 2018.

Adjournment

Commissioner Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion 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 7:25 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the work session of the Hobbs City Commission held on Monday, August 20, 2018, at 5:00 p.m. in the City Commission Chamber at City Hall, 200 East Broadway, Hobbs, New Mexico.

Mayor Cobb called the work session to order and welcomed everyone in attendance. The following were present:

Mayor Sam D. Cobb
Commissioner Marshall Newman
Commissioner Christopher Mills *(Arrived at 5:10 p.m.)*
Commissioner Pat Taylor
Commissioner Joseph D. Calderón
Commissioner Dwanye Penick *(Arrived at 5:25 p.m.)*
Commissioner Don Gerth

Also present were Acting City Manager/Fire Chief Manny Gomez, Mr. Efren Cortez, City Attorney, Ms. Jan Fletcher, City Clerk and Ms. Mollie Maldonado, Deputy Clerk. Other staff members and public were also present.

Mayor Cobb stated the purpose of this Work Session is to discuss the Top 10 Projects for the Infrastructure Capital Improvements Plan (ICIP). He thanked Mr. Guy Kesner, Planning Board member, for his attendance at tonight's meeting.

Discussion of the Top 10 Projects for the FY 2020 - 2024 Infrastructure Capital Improvements Plan (ICIP).

Mr. Kevin Robinson, Development Director, stated the following list is the Top 10 Projects for the FY 2020-2024 Infrastructure:

1. Sewer Main Replacement Program
2. WWRF Effluent Reuse Project
3. New Municipal Detection Facility
4. Citywide Wireless Internet
5. West College Lane Realignment
6. Drainage Master Plan
7. Community Housing Projects'
8. West Bender Widening Projects
9. West Hobbs Industrial Park
10. Projection of Central, Commerce and Industrial

Mayor Cobb requested Mr. Robinson to discuss projects that will be an economic benefit to the community for prioritization purposes.

Mr. Robinson stated Item #10 is the projection of Central, Commerce, Industrial and Highway 62/180. He stated Central is a minor collector connecting Lovington Highway and Hobbs boundaries. Mr. Robinson stated there is available property on Lovington Highway that has single access to Lovington Highway. He stated an additional crossing at Central would eliminate traffic from the Lovington Highway. Mr. Robinson further stated Central would be the connector to Lovington Highway and Joe Harvey Boulevard. Mr. Todd Randall, City Engineer, explained all the connecting corridors. Mayor Cobb stated this would create commercial business on the Lovington Highway while allowing the traffic to be diverted from the Lovington Highway.

Commissioner Taylor stated she prefers construction to be done on the South Bypass which would remove all big vehicles from the Lovington Highway and other roads. Mayor Cobb disagreed.

Commissioner Newman questioned the benefit of the Citywide Wireless Internet project. Mr. Robinson stated it is in a form of a ring of fiber and will benefit the City as employees who are working in the field and City buildings need access to the internet.

Mr. Ron Roberts, I.T. Director, stated Del Norte Park has wireless internet in the pool facility. He explained bandwidth is a concern when using wireless internet.

Commissioner Mills stated that Item # 3 New Municipal Detention Facility has been on the Top 10 ICIP for several years. He stated with the new State law that passed allowing defendants to be released within four hours of being arrested due to not having any means to bail out of jail, there are not enough prisoners to justify a new detention facility. He stated it would be more beneficial for inmates to be put on an electronic monitoring device which is more economical. Commissioner Mills stated he is aware the current jail facility is in need of an update.

Deputy Chief Brian Dunlap reviewed a comparison of statistics on the number of inmates the City of Hobbs has housed. He stated there is really not much of a difference since the new State law became effective. Deputy Chief Dunlap stated the jail was originally built in the 1950's.

Acting City Manager/Fire Chief Manny Gomez stated the current facility is not ADA compliant and is badly in need of an update. He stated there is a current budget balance amount of $500,000.00 for the Detention Facility. Acting City Manager/Fire

Chief Gomez stated it is his recommendation to do a feasability study to determine what is needed in Hobbs for a municipal detention facility.

Mr. Robinson stated it is important what capital outlay projects are submitted as the Top 10 ICIP projects because the New Mexico Legislature will only fund those capital projects, if and when funding is available.

Commissioner Gerth questioned if Item #8 West Bender Widening Projects will be constructed prior to the Drainage Master Plan. Mr. Robinson stated those two projects are not dependent upon one another. He stated one project can be done before the other.

There being no further discussion, the work session adjourned at 5:50 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

ACTION ITEMS

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: September 4, 2018

SUBJECT: Resolution Supporting Holtec International's Effort to Build an Interim Storage Facility for Spent Nuclear Fuel in Southeastern New Mexico and ELEA's Becoming a Party to the NRC Adjudicatory Hearing.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: August 27, 2018
SUBMITTED BY: Sam D. Cobb, Mayor

Summary:

The City of Hobbs seeks to support the efforts of Holtec International to build an interim storage facility for spent nuclear fuel in Southeastern New Mexico. Pursuant to 10 C.F.R. 2.315(c), the City of Hobbs, as a local governmental body, has a reasonable opportunity to participate in the hearings before the Nuclear Regulatory Commission. The City of Hobbs must file a petition with the Nuclear Regulatory Commission and designate one individual to serve as its representative at the hearings.

Fiscal Impact:

No fiscal impact.

Reviewed By: _____
Finance Department

Attachments:

Resolution and NRC Petition

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Adopt the Resolution 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. _____

CITY OF HOBBS

RESOLUTION NO. **6711**

A RESOLUTION SUPPORTING HOLTEC INTERNATIONAL'S EFFORT TO BUILD AN INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL IN SOUTHEASTERN NEW MEXICO AND ELEA'S BECOMING A PARTY TO THE NRC ADJUDICATORY HEARING.

WHEREAS, the 2013 report for the President's Blue-Ribbon Commission on America's Nuclear Future strongly recommended that one or more consolidated interim storage facilities be established to temporarily store the spent nuclear fuel generated by America's nuclear fleet, which generates approximately twenty percent of the electricity in the United States; and

WHEREAS, Holtec International's sub-surface system, known as UMAX, is already certified by the Nuclear Regulatory Commission; and

WHEREAS, design, construction, safety, security, financial assurance and technical control, as well as the complete process for storage, must be overseen and approved by the Nuclear Regulatory Commission; and

WHEREAS, more than 2,000 shipments of spent fuel have occurred in America over the past thirty years without incident; and

WHEREAS, the City of Hobbs believes the Holtec International consolidated interim storage facility will create approximately two hundred highly paid jobs and will provide a $2,400,000,000 capital investment in southeastern New Mexico; and

WHEREAS, southeastern New Mexico is home to the URENCO USA facility and the WASTE ISOLATION PILOT PLANT (WIPP) and benefits from a positive relationship

with the first enrichment facility to be built in the United States in 30 years, as well as the only licensed Nuclear Repository in the United States; and

WHEREAS, the dry, remote southeastern corner of New Mexico is ideal for such temporary storage. A pre-existing scientific and nuclear operations workforce exists in the area, and a community that is open-minded and supportive of safe, secure nuclear projects. ELEA's property, located in Lea County, is a well characterized excellent location for an interim storage facility; and

WHEREAS, Holtec International filed its application for a license to construct and operate the HI-STORE Consolidated Interim Storage Facility in Lea County, New Mexico, on March 30, 2017. On July 16, 2018, the Nuclear Regulatory Commission published a notice of opportunity to request a hearing and petition for leave to intervene; and

WHEREAS, 10 C.F.R. 2.315(c) calls for the presiding officer in an adjudicatory proceeding to "afford an interested State, local governmental body (county, municipality, or other subdivision), and Federally recognized Indian Tribe that has not been admitted as party under P 2.309, a reasonable opportunity to participate in a hearing."

NOW, THEREFORE, BE IT HEREBY RESOLVED by the governing body of the City of Hobbs, that the City of Hobbs request permission to participate in these proceedings as an interested party as the local governmental body in whose jurisdiction the proposed site sits. The City of Hobbs has expectation of a large capital expenditure to build and develop the facility, economic development that will employ its citizens, and benefit from any future nuclear development, science and research activities; and

BE IT FURTHE RESOLVED, the City of Hobbs designates **GARRY BUIE** as its single representative for the hearing, and directs the Mayor on behalf of the governing body of the City of Hobbs to execute the petition to participate as an interested local governmental body and as an interested party in the proceeding on the HI-STORE application, if one is initiated.

PASSED, ADOPTED AND APPROVED this 4th day of September, 2018.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

September 4, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	Docket No. 72-1051
Holtec International	)	
	)	
HI-STORE Consolidated Interim Storage Facility	)	
	)	
	)	

PETITION BY THE CITY OF HOBBS TO PARTICIPATE AS AN INTERESTED LOCAL GOVERNMENTAL BODY

On March 30, 2017, Holtec International filed its application for a license to construct and operate the HI-STORE Consolidated Interim Storage Facility in Lea County, New Mexico. On July 16, 2018, the Nuclear Regulatory Commission published a notice of opportunity to request a hearing and petition for leave to intervene. 83 Fed .Reg. 32919. The notice invited any State, local governmental body, Federally-recognized Indian Tribe, or agency thereof to participate as a non-party in the proceeding on the HI-STORE application, if one is initiated.

Section 2.315(c) of the Nuclear Regulatory Commission's Rules of Practice, 10 C.F.R. § 2.315(c), calls for the presiding officer in an adjudicatory proceeding to "afford an interested State, local governmental body (county, municipality, or other subdivision), and Federally-recognized Indian Tribe that has not been admitted as a party under § 2.309, a reasonable opportunity to participate in a hearing." Pursuant to 10 C.F.R. § 2.315(c), the City of Hobbs hereby requests permission to participate in these proceedings as an interested local governmental body.

The City of Hobbs is a municipality located in Lea County, New Mexico. The City of Hobbs' interest in the HI-STORE Consolidated Interim Storage Facility proceeding arises out of its geographic proximity to the proposed facility, anticipated support by governmental agencies, economic benefits, employment of its citizens, pre-existing scientific and nuclear operations workforce. As indicated by the attached Resolution, the City of Hobbs is authorized to participate in the HI-STORE proceeding under 10 C.F.R. § 2.315(c).

As required by 10 C.F.R. § 2.315(c), the City of Hobbs designates Garry Buie as its single representative for the hearing. Garry Buie's contact information is as follows.

Garry Buie
City of Hobbs
200 E. Broadway
Hobbs, New Mexico 88240
(575) 397-9200
(575) 397-9334
gabuie52@hotmail.com

Attorney for City of Hobbs
Efren A. Cortez, Esq.

Respectfully submitted,

/signed electronically by Sam D. Cobb
Sam D. Cobb
Mayor
City of Hobbs
200 E. Broadway
Hobbs, New Mexico 88240
T: (575) 397-9206
F: (575) 397-0379
E-mail: scobb@hobbsnm.org

September 4, 2018

September 4, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	Docket No. 72-1051
Holtec International	)	
	)	
Consolidated Interim Storage Facility	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition by City of Hobbs to Participate as an Interested Local Governmental Body, has been served through the EFiling system on the participants in the above-captioned proceeding this ____ day of September, 2018.

/signed electronically by Sam D. Cobb

Sam D. Cobb

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: September 4, 2018

SUBJECT: Resolution Authorizing a Contribution of $25,000.00 to the Eddy-Lea Energy Alliance, LLC.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: August 27, 2018
SUBMITTED BY: Sam D. Cobb, Mayor

Summary:

The City of Hobbs, Lea County, Eddy County and the City of Carlsbad are members of the Eddy-Lea Energy Alliance (ELEA). ELEA owns property on the Eddy/Lea County line that has been characterized by the federal government as a possible temporary storage for nuclear material. The project has potential for significant economic development for the parties.

The Joint Powers Agreement between the governmental entities states that contributions from funds of the parties may be made to defray the costs of ELEA. Each member has been requested to contribute $25,000.00 for these costs for fiscal year 2018-19.

The Resolution will authorize payment of the City's share of the development costs.

Fiscal Impact:

The amount has been budgeted in the 2018-2019 fiscal year for Commission's Budget for Professional Services 001-010100-42601.

Reviewed By: _____
Finance Department

Attachments:

Resolution and Invoice

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Adopt the Resolution 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. _____

CITY OF HOBBS

RESOLUTION NO. **6712**

A RESOLUTION AUTHORIZING A CONTRIBUTION OF $25,000.00 FOR FY 2018-2019 TO THE EDDY-LEA ENERGY ALLIANCE, LLC.

WHEREAS, the City of Hobbs, Lea County, Eddy County and the City of Carlsbad are members of the Eddy-Lea Energy Alliance, LLC (ELEA) in conjunction with property on the Lea/Eddy County line. The property has been characterized by the federal government as a possible location for storage of nuclear material and the project has significant economic development potential for the members; and

WHEREAS, Article IV of the Joint Powers Agreement between the governmental entities requires that contributions from the funds of the parties may be made to defray the costs of ELEA and any such contributions shall be equally shared by the members; and

WHEREAS, each member should contribute the sum of $25,000.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the governing body of the City of Hobbs, New Mexico, that the Mayor be and hereby is authorized to contribute the City's share of the costs ($25,000.00) to ELEA.

PASSED, ADOPTED AND APPROVED this 4th day of September, 2018.

_____
SAM D. COBB, Mayor

ATTEST:

_____
JAN FLETCHER, City Clerk

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: **September 4, 2018**

SUBJECT: **Restaurant Liquor License Application of Toreados Taco Grill, LLC, d/b/a Toreados Taco Grill, 205 West Sanger, Hobbs, New Mexico, 88240, for the Sale of Beer and Wine Only**

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: August 23, 2018
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Toreados Taco Grill has applied to the State of New Mexico, Alcohol and Gaming Division, for the issuance of a restaurant liquor license at 25 West Sanger for the sale of beer and wine only. This application has received preliminary approval from the State of New Mexico.

The application was received by the City Clerk's Office on July 19, 2018, and 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 and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By: Deborah Corral
Finance Department

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

Attachments:

1. Application packet from State of New Mexico, Alcohol and Gaming Division
2. Area map
3. Affidavit of Publication
4. Resolution concerning approval or disapproval of the application

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Appoint a Hearing Officer; Motion to approve or disapprove the application.

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. 6713

A RESOLUTION CONCERNING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO TOREADOS TACO GRILL LOCATED AT 205 WEST SANGER, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of Toreados Taco Grill, LLC, for the issuance of a restaurant liquor license for the sale of beer and wine at the Toreados Taco Grill, 205 West Sanger, Hobbs, New Mexico, and said application has received preliminary approval from the State of New Mexico, Alcohol and Gaming Division; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on September 4, 2018, on the question of whether or not the proposed restaurant liquor license should be granted for the sale of beer and wine.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the restaurant liquor license application of Toreados Taco Grill, LLC, d/b/a Toreados Taco Grill, 205 West Sanger, Hobbs, New Mexico, be and is hereby _____ (approved or disapproved) for the sale of beer and wine.

PASSED, ADOPTED AND APPROVED this 4th day of **September, 2018.**

_____
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
July 28, 2018
and ending with the issue dated
August 04, 2018.

Publisher

Sworn and subscribed to before me this
4th day of August 2018.

Business Manager

My commission expires
January 29, 2019
(Seal)

OFFICIAL SEAL
GUSSIE BLACK
Notary Public
State of New Mexico
My Commission Expires 1-29-19

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

LEGAL NOTICE
July 28 and August 4, 2018

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on ***Tuesday, September 4, 2018, at 6:00 p.m.,*** 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.

NOTICE TO PERSONS WITH DISABILITIES: 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) 397-9207.

APPLICATION FOR RESTAURANT LICENSE
FOR THE SALE OF BEER AND WINE

Application #:	1097141
Applicant:	Toreados Taco Grill, LLC Inc.
D/B/A Name:	Toreados Taco Grill
Proposed Address:	205 West Sanger Hobbs, NM 88240

DATED this 23rd day of July, 2018.

/s/ Sam D. Cobb
SAM D. COBB, Mayor

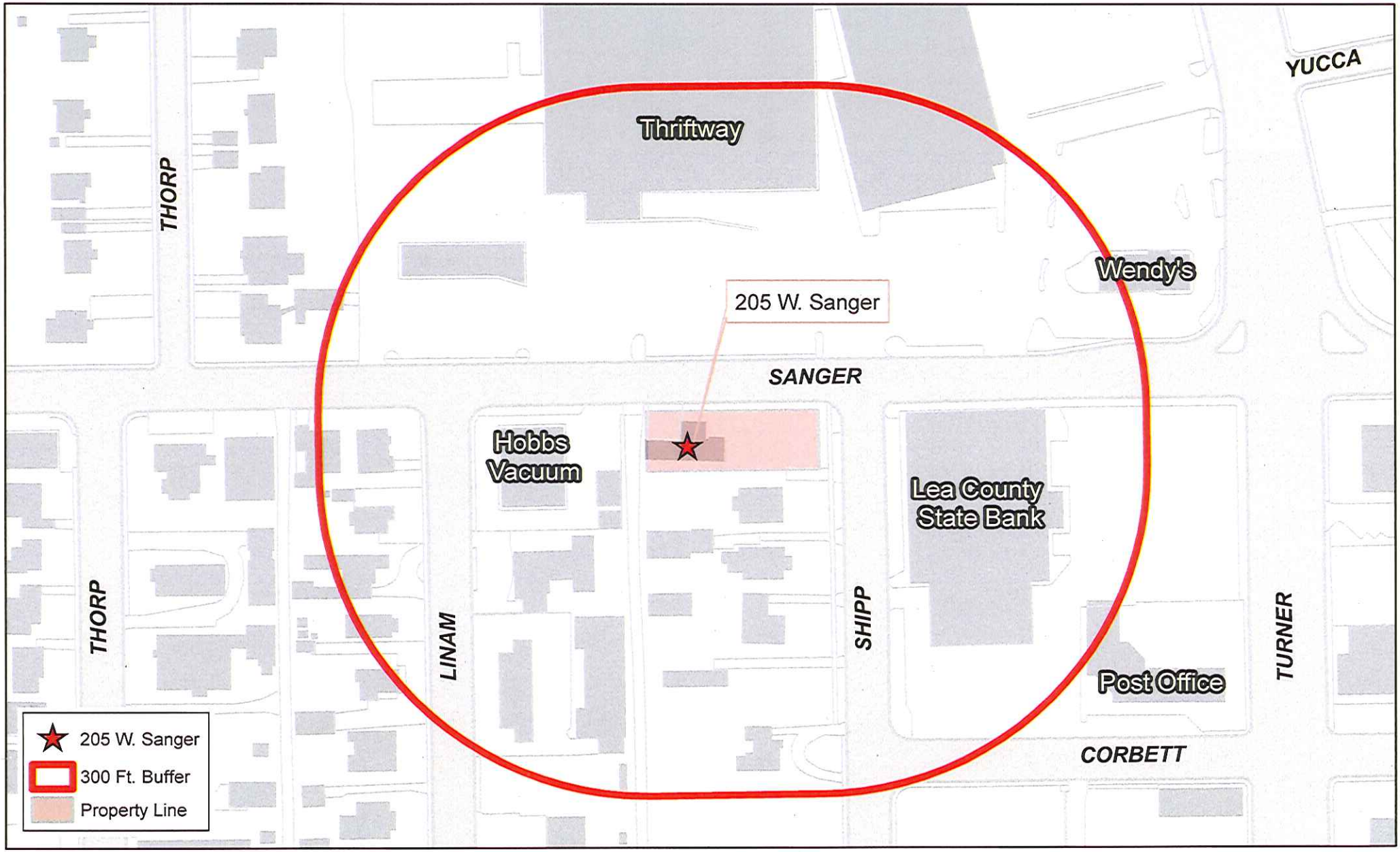
#33049

67108146 00215620

CITY OF HOBBS ATTN: ACCOUNT PAYABLES
200 E. BROADWAY
HOBBS, NM 88240

Toreados Taco Grill

300 Ft. Buffer Zone Map for Liquor License



0 50 100 200 300 Feet

City of Hobbs GIS Division

AP

Date: 7/25/2018 **1 inch = 120 feet** Time: 1:29:26 PM

DISCLAIMER: THE CITY OF HOBBS MAKES NO WARRENTY, REPRESENTATION OR GUARNTEE 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.

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION
P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra A. Lopez
Acting Director

July 13, 2018

Certified Mail No.: 9171 9690 0935 0079 1767 64

RECEIVED
JUL 19 2018
OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

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

Re: Lic. No. /Appl. No.: **Application No. 1097141**
Name of Applicant: Toreados Taco Grill, LLC
Doing Business As: Toreados Taco Grill
Proposed Location: 205 W. Sanger Street, Hobbs, New Mexico 88240

Greetings:

The Director of the Alcohol and Gaming 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 Alcohol and Gaming 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.

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming 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 Alcohol and Gaming 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 Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

Charmaine Martinez, Hearing Officer
New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: charmaine.martinez2@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

RECEIVED
JUN 04 2018
ALCOHOL & GAMING DIVISION

New Mexico Regulation and Licensing Department | Alcohol and Gaming Division | Page 1 Revised 5/16
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

2088330

AGD USE ONLY: Payment| Application Fee $ 200 Received on: 6-4-18 Receipt No. _____
License Fee $ _____ Received on: _____ Receipt No. _____
Application # 1097141 Local Option District: _____

RESTAURANT LIQUOR LICENSE APPLICATION

$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☐ New Restaurant Liquor License

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

NAME OF APPLICANT (company or individual) **ADDRESS** (including city, state, zip) **TELEPHONE NUMBER**

Toreados Taco Grill LLC

D/B/A Name to be used: Toreados Taco Grill **Business Phone #:** 575-942-2678

Email Address (required): toreados taco@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)

205 W. Sanger St
Hobbs NM 88240

Mailing Address: 205 W Sanger St.

Agent/Contact Person: Sylvia Acosta **Phone#:** 432-894-9624 **Email:** _____

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

I, (print name) Jose Daniel Robles Madrigal, as (title) JDRM Jose Daniel Robles M.
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 this form before a Notary Public.

Signature of Applicant: Jose Daniel Robles M. Date: 04-27-18

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Lea)

SUBSCRIBED AND SWORN TO before me this 27th day of April

By: Jose Daniel Robles M. Notary Public: _____

My Commission Expires: February 02, 2021

OFFICIAL SEAL
Yesenia James
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 02/02/2021

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: _____

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): Honghong Thach

B. Date and Term of Lease: 9-1-2017 till 8-31-2020

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: Iglesia Del Dios Viva Miles/feet: 0.3 miles

Address/location of Church: 901 N. Turner St. Hobbs, NM 88240

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

Name of School Will Rogers Elementary Miles/feet 0.7 miles

Address/location of School: 300 E. Clinton 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), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

Miles: 125 mi

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): _____

***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.

Hobbs
NEW MEXICO

PLANNING DEPARTMENT

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

April 24, 2018

Toreados Taco Grill, LLC
205 W. Sanger
Hobbs, New Mexico 88240

RE: Zoning Certification for 205 W. Sanger in Hobbs, NM 88240.

Dear Mr. Robles:

Pursuant to your request for a current Zoning Certification (attached) at 205 W. Sanger in Hobbs, NM, please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and locations of different types of development or specific business uses throughout the City. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, use of buildings, or use of vacant land. Therefore, a proposed land use at the above referenced property in Hobbs, NM is considered a use by right as of this date of April 24, 2018.

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 April 24, 2018.

If you have any questions or need further information, please contact me at (575) 397-9351.

Sincerely,

CITY OF HOBBS, NEW MEXICO

Kevin Robinson

Kevin Robinson – Planning Department

RECEIVED
JUN 04 2018
ALCOHOL & GAMING DIVISION

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: September 4, 2018

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH ABS HOMES CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY HOUSING.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: August 24, 2018
SUBMITTED BY: Kevin Robinson – Planning Department

Summary: ABS Homes 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 $100,000.00.

Fiscal Impact:

Reviewed By: _____
Finance Department

FY19 Budget Available $563,900.00

Single Family Housing #010100-44901-170

Attachments: Developers Request and Development Agreement.

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

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. 6714 .

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH ABS HOMES CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with ABS Homes 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 4th day of September, 2018.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____ 2018 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and ABS Homes, 1515 W. Calle Sur Ste 116, 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 180 days of ratification 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 ratification 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 lineal 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 One Hundred Thousand Dollars ($100,000.00), 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 ratification 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 180 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 ABS Homes, 1515 W. Calle Sur Ste 116, 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

CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: September 4, 2018

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

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: August 24, 2018
SUBMITTED BY: Kevin Robinson – Planning Department

Summary: Sombra Homes, LLC 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 $42,000.00.

Fiscal Impact:

Reviewed By: _____
Finance Department

FY19 Budget Available $563,900.00

Single Family Housing #010100-44901-170

Attachments: Developers Request and Development Agreement.

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

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. 6715

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH SOMBRA HOMES, LLC CONCERNING THE DEVELOPMENT OF MARKET RATE SINGLE-FAMILY.

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Sombra Homes, LLC 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 4th day of September, 2018.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____ 2018 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Sombra Homes, LLC, 1113 W. Canterbury St., Hobbs, NM 88242, (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 180 days of ratification 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 ratification 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 lineal 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 Forty Two Thousand Dollars ($42,000.00), 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 ratification 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 180 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 Sombra Homes, LLC, 1113 W. Canterbury St., Hobbs, NM 88242 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