

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

R. Finn Smith – District 1
Christopher R. Mills – District 2
Larron B. Fields – District 3
Joseph D. Calderón – District 4
Dwayne Penick – District 5
Don R. Gerth – District 6

City Manager

Manny Gomez

June 5, 2023



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

June 5, 2023 - 6:00 p.m.

Sam D. Cobb, Mayor

R. Finn Smith
Commissioner – District 1

Joseph D. Calderón
Commissioner – District 4

Christopher R. Mills
Commissioner – District 2

Dwayne Penick
Commissioner – District 5

Larron B. Fields
Commissioner – District 3

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 May 15, 2023, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming June 5, 2023, as “*Regional Educational Cooperative Day*”
3. Recognizing Matthew Cortez, Distinguished Graduate for Class A-23-49 (*August Fons, Police Chief*)

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

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

4. Resolution No. 7343 – Authorizing a Memorandum of Agreement with the Lea County Board of Commissioners for the Hobbs Animal Adoption Center Operational and Capital Expenditures in the Amount of \$50,000.00 *(Toby Spears, Finance Director)*
5. Resolution No. 7344 – Approving the Final Plan for the Crosswinds Subdivision *(Kevin Robinson, Development Director)*
6. Resolution No. 7345 – Authorizing a Dedication of Property Located in Section 15, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico *(Kevin Robinson, Development Director)*
7. Resolution No. 7346 – Approving the Vacation/Replat of a Portion of Scharbauer and Houston Adjacent to Lots 15 and 16, Block 158 of the Highland Park Addition *(Kevin Robinson, Development Director)*
8. Resolution No. 7347 – Authorizing the Mayor to Execute a Grant Amendment with the Department of Finance and Administration Local Government Division for CDBG Project No. 21-C-NR-I-03-G-12 *(Todd Randall, City Engineer)*

DISCUSSION

9. New Mexico National Guard Youth ChalleNGe Academy *(Richard J. Martinez)*
10. Seasonal Aquatics Feasibility Study: Update and Staff Recommendations *(Doug McDaniel, Recreation Director)*

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

11. **FINAL ADOPTION:** Ordinance No. 1153 - Amending Section 10.04.050 and 10.04.060 of the Hobbs Municipal Code Amending the Penalty Assessment Program *(Amber C. Leija, Assistant City Attorney)*
12. Resolution No. 7348 – Approving a Development Agreement with Stuard Homes, LLC, Concerning the Development of Market Rate Single-Family Housing *(Kevin Robinson, Development Director)*

13. Resolution No. 7349 – Authorizing the Expenditure of Funds to be Used for the Upgrade Design and Improvements to a Pocket Park in the Westminster Neighborhood of Hobbs, New Mexico (*Commissioner Roy Dwayne Penick, District 5*)
14. Consideration of Approval of the Sole Source Purchase of One Replacement G2-60 Centrifuge Rotating Assembly in the Amount of \$152,064.00 from Alfa Laval, Inc. (*Tim Woomer, Utilities Director*)
15. Consideration of Approval of Bid 1605-23 to Furnish One 2022 or Newer Emergency/Standby Diesel Generator Unit and One Automatic Transfer Switch to be Located at the HIAP Booster Pump Station and Reservoir; and to Provide all Material, Labor, Equipment, and Engineer PE Approved Drawings to Convert the Electrical Service at the HIAP Booster Pump Station and Potable Water Production Wells No. 1 and No. 2 from Delta Electrical Service to Wye Electrical Service with Staff's Recommendation to Accept the Bid of Alpha Southwest, Inc., in the Amount of \$399,522.00 (Not Including NMGR) (*Tim Woomer, Utilities Director*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

16. Next Meeting Date:
 - City Commission Regular Meeting:
 - **Tuesday, June 20, 2023, at 6:00 p.m.**
(Monday, June 19, 2023, Juneteenth National Independence Day Holiday)

ADJOURNMENT

If you are an individual with a disability who needs 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: June 5, 2023

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: June 2, 2023
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular City Commission meeting held on May 15, 2023

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, May 15, 2023, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also available to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

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

Mayor Sam D. Cobb
Commissioner R. Finn Smith
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager
Efren Cortez, City Attorney
Valerie Chacon, Deputy City Attorney
August Fons, Police Chief
Shane Blevins, Deputy Police Chief
Chad Wright, Police Captain
Mark Doport, Deputy Fire Chief
Kevin Shearer, Fire Battalion Chief
Michael Prudencio, EMS Coordinator Battalion Chief
Shawn Williams, Fire Marshal
Toby Spears, Finance Director
Nicki Lawless, Library Director
Bob Hamilton, Reference Librarian
Todd Randall, City Engineer
Bobby Arther, Municipal Judge
Bill Griffin, Wastewater Reclamation Facility Supt.
Julie Nymeyer, Executive Assistant
Shelia Baker, General Services Director
Selena Estrada, Risk Management Director
Bryan Wagner, Parks and Open Spaces Director
Nicholas Goulet, Human Resources Director
Tracy South, Assistant Human Resources Director
Matt Hughes, Rockwind Golf Course Superintendent
Doug McDaniel, Recreation Director
Christa Belyeu, I.T. Director
Meghan Mooney, Communications Director
Janie Lara, Clerk Assistant
Jan Fletcher, City Clerk
28 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Mayor Cobb welcomed Representative Larry Scott and Senator Gay Kernan to the meeting. He thanked them for their capital project funding during the recent Legislative session and for their advocacy.

Mayor Cobb announced, for the record, that the Commission met in closed session on May 1, 2023, at 4:00 p.m. for discussion of pending litigation in which the City is or may become a participant. No action or vote was taken by the Commission.

Commissioner Calderón moved the minutes of the regular meeting of May 1, 2023, and the budget work session of May 1, 2023, be approved as written. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Mayor Cobb proclaimed Monday, May 15, 2023, as “*SkillsUSA Day*”. He presented the proclamation to Mr. Zeke Kaney, Hobbs Municipal Schools Principal of the CTECH Facility, and members of the SkillsUSA Team.

Mayor Cobb proclaimed Saturday, May 20, 2023, as “*Kids to Parks Day*”. He presented the proclamation to Mr. Bryan Wagner, City of Hobbs Parks and Open Spaces Director.

Mayor Cobb proclaimed the week of May 21 – 27, 2023, as “*Emergency Medical Services Week*”. He presented the proclamation to Mr. Mark Doporto, Deputy Fire Chief, and Mr. Michael Prudencio, EMS Coordinator Battalion Chief.

Mr. Manny Gomez, City Manager, recognized the following Milestone Service Awards for the Month of May, 2023:

- 5 years – Caleb Zapata, Recreation Department
- 5 years – Nathan Luevano, Recreation Department
- 5 years – Madeline Carson, Recreation Department
- 5 year – Anabel Salcido Alcantar, Recreation Department
- 5 years – Francisco Porras, Information Technology Department

Mr. Gomez reviewed highlights about the work of each employee. He expressed gratitude to each and every employee for their hard work and also thanked the employees' families for their contributions to the organization.

Public Comments

Ms. Kay Hannum, Chair of the Friends of the Library, stated the committee would be hosting a community meet-and-greet reception on May 22, 2022, to welcome Ms. Nicki Lawless, the new Library Director, to her position. She stated the reception will be held at the Hobbs Public Library from 5:00 to 7:00 p.m. and is open to the public to attend.

Mr. Richard Sanchez of Habitat for Humanity expressed thanks and appreciation to the City of Hobbs for its support of Habitat for Humanity in Hobbs. He stated many other Habitat organizations do not receive support from their municipalities like the organization in Hobbs.

Commissioner Penick thanked Mr. Sanchez for his leadership in Hobbs.

Ms. Jill Ashenfelter addressed several comments to the Commission in opposition to tonight's proposed ordinance opting in to local elections. She stated the voter I.D. requirement should first be removed from the Charter before moving forward. Ms. Ashenfelter stated there are problems with voter integrity and election ballots should be hand counted.

Mr. Nick Maxwell stated he is opposed to the resolution of support on tonight's consent agenda supporting Holtec International and the Eddy Lea Energy Alliance. He encouraged the Commission not to adopt the resolution.

Consent Agenda

Mayor Cobb explained the process for the consent agenda which is reserved for items which are routine when the agenda is lengthy. He stated any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.

Commissioner Penick moved for approval of the following Consent Agenda item(s):

Resolution No. 7338 – Supporting Holtec International and the Eddy Lea Energy Alliance in Their Efforts to Pursue a Consolidated Interim Storage Facility in Lea County, New Mexico

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

Discussion

None.

Action Items

Resolution No. 7339 – Authorizing a Memorandum of Agreement with the Hobbs Municipal Schools for the Grant of \$150,000.00 to be Used for the Construction of a Special Education Courtyard on the Hobbs High School Campus

Commissioner Calderón explained the resolution which authorizes the Mayor to execute a Memorandum of Agreement with the Hobbs Municipal Schools detailing the terms and responsibilities of each party regarding a fiscal contribution from the City of Hobbs to the Hobbs Municipal Schools in the amount of \$150,000.00 to go towards the construction of a special education courtyard on the HHS campus. He stated this fiscal contribution comes from his City discretionary funds and will revert to the City of Hobbs if not used by June 30, 2023. Commissioner Calderón urged support for the resolution and stated it was the idea of Hobbs High School Principal Alfredo Turrubiates.

There being no discussion, Commissioner Calderón moved that Resolution No. 7339 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and agreement are attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1152 – Authorizing the City of Hobbs to Opt In to Local Elections for the Election of Municipal Officers

Ms. Jan Fletcher, City Clerk, explained the proposed ordinance authorizing the City of Hobbs to opt in to local elections for the election of its municipal officers. She stated Mr. Keith Manes, Lea County Clerk, is present tonight related to this election item.

Ms. Fletcher stated this topic was first discussed at the Commission meeting held on April 3, 2023, and a proposed ordinance was brought before this Commission for consideration on April 17, 2023. At that time, the Commission voted to publish the ordinance with an adjustment to lengthen the terms of office for elected officials. Ms. Fletcher stated the ordinance was published on April 25, 2023, and is being presented tonight for final consideration by the Commission.

Ms. Fletcher explained the details of the ordinance. She stated it is administrative in nature and it authorizes the City to opt in to elections called “regular local elections” which are held in November of odd years – to be combined with other non-partisan elections for local governing body members such as school boards, NMJC and other special districts. Ms. Fletcher stated two of these elections have been held so far, in November 2019 and November 2021. These elections are administered statewide by the County Clerks. The Lea County Clerk is already conducting regular local elections in Lea County in November of odd years and tonight’s action would simply add the City of Hobbs to this election process.

Ms. Fletcher stated because the date of the election would be changing from March of even-numbered years to November of odd-numbered years, one of the requirements is that the ordinance must include a provision adjusting the terms of office by shortening the term or lengthening the term of office. After discussion, the Commission voted on April 17, 2023, to advertise the ordinance and adjust the terms of office by lengthening the terms. This has been done statewide by other municipalities when moving through this opt-in process. Ms. Fletcher reviewed the terms of office as follows:

- Mayor, Districts 1, 2, 3 – Terms ending in March of 2024 will be extended and now expire on December 31, 2025, with a new term beginning January 1, 2026.
- Districts 4, 5, 6 and Municipal Judge – Terms ending in March of 2026 will be extended and now expire on December 31, 2027, with a new term beginning January 1, 2028.

Mr. Fletcher explained her thoughts behind the proposal which are related to the frequency of changing election laws, cost savings to the City for the County to administer the election, combining the elections to create uniformity of process and consistency for voters, and to ultimately increase voter turnout.

Ms. Fletcher stated if the Commission votes to approve this ordinance and opt in to the regular local election, the voter I.D. requirement contained in the City's Charter would no longer be enforceable. State law does not require voter I.D. to vote in any election and State law will supersede the provisions of the Charter. The regular local election will be administered by the County Clerk and will not be administered by the City.

Lastly, Ms. Fletcher noted the municipality can rescind the opt-in ordinance after two regular local elections. If municipal elections are reinstated and again administered by the City, the voter I.D. requirement in the City Charter would then resume and become enforceable for municipal elections.

In closing, Ms. Fletcher expressed appreciation to the Mayor and Commissioners for consideration of this ordinance. She stated the City Clerk's Office stands ready to support the Commission in its final decision.

In response to a question by Commissioner Smith, Mr. Manes stated a first-time voter who registered by mail is required to show an I.D. when voting for the first time.

Mayor Cobb stated there has been substantial State legislation related to elections. Mr. Manes stated one bill alone was 300 pages in length. Mayor Cobb stated there is a movement to enhance and make voting less restrictive. Mr. Manes stated when Legislative bills are adopted, he is bound and obligated to follow New Mexico State laws related to election. Mr. Manes stated he personally supports voter I.D. but it is not allowed under New Mexico State law.

In response to Commissioner Mills' question, Mr. Manes stated there is now a permanent absentee list for every election. He stated the County is mandated to have two drop boxes for absentee ballots, one of which will be located at the Courthouse in Lovington and the other will be located at the Lea County Annex on Bender Blvd. Mr. Manes stated video surveillance of the drop box areas along with other laws such as no campaigning, etc.

Commissioner Penick stated in 2014, it was voted overwhelmingly by the citizens of Hobbs to support voter photo I.D. and overturning their opinion is wrong.

Mr. Efren Cortez, City Attorney, reviewed voter I.D. cases of importance. In the ACLU of New Mexico vs Santillanes, a 2007 case, the Court held that the City of Albuquerque's charter amendment requiring voter I.D. violated the Fourteenth Amendment Equal Protection Clause. The next case, Crawford vs. Marion County Election Board, a 2008 Court case, held that Indiana's law requiring voter I.D. was constitutional in large part because Indiana provided a voter I.D. to the voter free of charge contemporaneously with their vote. In 2008, the Tenth Circuit overturned the Federal Court's ruling in the Santillanes case and held the City of Albuquerque's charter amendment requiring voter I.D. was constitutional. In 2020, the Tenth Circuit struck down a Kansas law that required proof of U.S. citizenship in order to register to vote in Fish vs. Schwab. Mr. Cortez stated there could be more litigation in the future regarding the legality of voter I.D. requirements.

In 2014, the citizens of Hobbs voted in favor of voter I.D. with 1,018 voting in favor and 292 voting against. Mr. Cortez reviewed the City's charter requirements of voter I.D. In the charter, the City actually defaults to the county to confirm if the voter is registered to determine eligibility.

Mr. Cortez reviewed the following New Mexico Statutes:

- NMSA 1978, § 1-22-3.1(B)
Allows a municipality to "opt-in" to the Local Election Act by adoption of ordinance
- NMSA 1978, § 1-22-3.1(B)
Ordinance must set forth whether terms of incumbents will be extended or shortened
- NMSA 1978, § 1-22-3.1(B)
Allows a municipality to "opt-out" after the second regular local election under the Act

In response to Commissioner Smith's comment, it was clarified that the next two regular local elections would be held in 2025 and 2027.

Mr. Cortez explained the details of NMSA 1978, § 1-22-3.1(C) regarding voter I.D. requirements as they relate to regular local elections which have a specific place in the Local Election Act. He reviewed the content of the section which states a home rule municipality that pursuant to its charter is implementing a form of required voter identification that supersedes the provisions of NMSA 1978, § 1-1-24 shall not elect its municipal officers at the regular local election. He stated this section is the requirement to register to voter. Mr. Cortez stated the City is required to give the plain meaning to the Statute as written and it is assumed the intent of the legislation was to be written in this manner. It is clear that the County cannot be compelled to enforce voter I.D. laws.

In response to earlier comments regarding extending the terms of office, Mr. Cortez stated election deferral and extending terms of office has been challenged in State vs. Oliver in 2020 in a pro-active mandamus proceeding. The Supreme Court did find a portion of SB 407 was unconstitutional as terms of Judges, District Attorneys, County Officials, etc., set forth by the N. M. Constitution cannot be extended by a legislative body. Mr. Cortez noted that the City of Albuquerque has done the very thing proposed by the City of Hobbs. Albuquerque was the test case on the constitutionality of voter I.D as Albuquerque opted in and did not vote to repeal their voter I.D. Being pro-active in their approach, staff at the City of Albuquerque did bring forth a measure to repeal its voter I.D. and the measure died. Albuquerque still has their voter I.D. in its Charter and the County conducts their elections. This is the exact same process that Hobbs is proposing.

Mayor Cobb requested comments from the audience on the proposed ordinance.

Ms. Jill Ashenfelter stated she is opposed to the ordinance and does not feel voters would want to model Hobbs like Albuquerque. She recommended that the City continue doing its own elections.

Representative Larry Scott stated as with most pieces of legislation, this one has pluses and minuses. He stated he stands in support of the ordinance and stated his interest is parochial. Representative Scott stated all of the City Commission is familiar with the gross receipts tax issue the City is facing as a result of destination sourcing. He stated the City's Legislative team worked very hard to mitigate revenue shortfalls with legislation which made it all the way to the Governor's desk but was not signed. Representative Scott stated the team was very effective and in the interest of continuity, he stated he would like to see this body retain its seats until resolution of the HB6 issue.

Senator Gay Kernan echoed the comments of Representative Scott and stated progress is being made on HB6 tax issues and it is critical to keep these key individuals in place while the work continues. Senator Kernan stated she appreciated all of the good information provided tonight and the City will have an opportunity to look at this

matter again after two elections. She expressed confidence in the election process and with the County Clerk. Senator Kernan supported passage of the ordinance.

Mr. Nick Maxwell stated he does not support the ordinance. He stated the language is plainly written and the legislature gave thought to municipalities who have charters. Mr. Maxwell stated the City has no authority to hold its election in November and this is raw power to overtake the voters of Hobbs. Once the City votes away its sovereignty, it will not be able to conduct its elections again. He stated he is opposed to the ordinance and expressed disappointment in the Republican speakers tonight.

Commissioner Penick stated it is a pleasure to serve together with this group of individuals and the Commission has formed a cohesive team; however, he does not support extending the terms of office for the elected officials.

Commissioner Mills stated it has been a tough issue for him. He stated even if we leave the election as is with the City, voter I.D. will not be viable in New Mexico. He stated it is an ideological partisan issue.

Commissioner Fields stated he has thought long and hard on the issue. He expressed appreciation to Mr. Cortez for all of the information provided. Commissioner Fields stated it is important to make sure the City is compliant with State law.

There being no further discussion or public comment, and proper publication have been made, Commissioner Calderón moved that Ordinance No. 1152 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Penick no, Calderón yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

Commissioner Calderón left the meeting at 7:20 p.m.

Resolution No. 7340 – PUBLIC HEARING: Concerning the Application of GSA Pizza, LLC, d/b/a Pizza Inn, 1943 North Grimes, for the Issuance of a Restaurant Liquor License for the Sale of Beer and Wine

Ms. Valerie Chacon, Deputy City Attorney, stated the purpose of tonight's public hearing is to consider the application of GSA Pizza, LLC, d/b/a Pizza Inn, for a beer and wine license at 1943 North Grimes.

Ms. Chacon asked if anyone was present at the public hearing regarding the application. Mr. Brandon Acevedo and Mr. Ryan Ganaway stated they are present on behalf of GSA Pizza. No other parties were present to speak for or against the application.

Ms. Chacon stated the State of New Mexico Alcoholic Beverage Control has granted preliminary approval to the issuance of a Restaurant "A" License for the sale of beer and wine at Pizza Inn, 1943 North Grimes. She stated a public hearing must be held within 45 days of receipt of the application on whether or not the transfer of the proposed liquor license should be granted. She stated notice of the hearing was published in the Hobbs News Sun on April 9 and 16, 2023, as shown by the Affidavit of Publication on file.

Ms. Chacon 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. Chacon further stated disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or locations and a copy of the record must be submitted to the Alcoholic Beverage Control. Mr. Acevedo testified that all the statements made by Ms. Chacon are true and correct to his knowledge.

There being no discussion, Commissioner Gerth moved that Resolution No. 7340 be adopted as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills 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. 7341 – Consideration and Approval of the FY 2023-2024 Preliminary Budget

Mr. Toby Spears, Finance Director, stated a budget work session was held on May 1, 2023, to discuss the FY 24 preliminary budget. Pursuant to applicable State law, the preliminary budget must be approved and submitted to the Local Government Division of the New Mexico Department of Finance and Administration by June 1, 2023. Since the budget discussion, one change was made to increase the cost of living adjustment (COLA) for employees from 2% to 4%. Mr. Spears stated this proposed preliminary budget includes \$69,863,600 in proposed General Fund expenditures and \$141,501,454 in proposed expenditures for all funds. Revenues in the General Fund are projected at \$64,685,850 and total revenue projections for all funds are set at \$126,299,905. He stated the current projected general fund cash reserve is set at 34% with a preliminary ending cash balance for all funds of \$63,894,457.

In response to Mayor Cobb's question, Mr. Spears stated the City is required by State law to have 1/12th or 8.33% in reserve. With the anticipated flowback of unspent funds as of June 30, 2023, Mr. Spears projected the City will have 56% in its reserve fund.

There being no further discussion, Commissioner Penick moved that Resolution No. 7341 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills 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. 7342 – Approving Amended Fees at Rockwind Community Links Golf Course

First, Mayor Cobb congratulated Rockwind Community Links on the notification received by the City today that Rockwind will be hosting the National Junior College Golf Championship in May of 2024. He stated this will be a very prestigious event for Rockwind to host.

Mr. Doug McDaniel, Recreation Director, Mr. Ben Kirkes, Rockwind Community Links Golf Professional/General Manager, and Mr. Cameron Bergman, Rockwind Director of Instruction/Community Engagement, presented a proposal to the Commission for amended fees at Rockwind Community Links Golf Course.

Mr. McDaniel stated a fee survey was done and previously presented to the Commission for discussion on March 6, 2023. Mr. McDaniel stated fees were last approved in 2014 in advance of the golf course's grand opening in 2015. He stated the reputation of the Rockwind Community Links Golf Course has continued to grow throughout the State of New Mexico and the surrounding region. Operational and maintenance cost, cost of goods sold and personnel costs have all increased since 2015 and it is necessary to increase the fees at this time. Currently, Rockwind has a "one size fits all" green fee concept for all days of the week that the course is open. Staff recommended a new fee structure which would have separate greens fees for weekdays (Monday, Wednesday, Thursday) and weekends/holidays (Friday, Saturday, Sundays and holidays). The current and proposed fees are included in Exhibits A, B and C, copies of which are attached to these minutes. Staff estimates the amended fees will generate approximately \$100,000 in additional revenue, dependent upon the number of rounds played, cart fees, tournament fees, etc.

There being no further discussion, Commissioner Penick moved that Resolution No. 7342 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution, exhibits and supporting documentation are attached and made a part of these minutes.

Consideration of Approval of RFP No. 543-23 to Provide Quick Service Restaurant Operations at Rockwind Community Links to Kenny Kim and Joy Field

Mr. McDaniel explained RFP 543-23 to provide quick-service restaurant, food, beverage and catering services at Rockwind Community Links Golf Course. He stated one proposal was received and was deemed to be responsive by the Finance Department. Mr. McDaniel stated representatives of an Evaluation Committee from Administration, Communications, General Services, Recreation and the Parks and Open Spaces Departments reviewed and scored the proposal. The proposers, Mr. Kenny Kim and Ms. Joy Field, have a combined total of 41 years in restaurant, food truck and catering operations. He stated they have successfully managed locations in Hobbs, Lovington, Eunice and Ruidoso.

Mr. McDaniel explained the meaning of quick service operations and stated a limited menu of items will be offered. If the proposal is awarded by the Commission, a Professional Services Agreement will be drafted and brought back before the Commission for approval with anticipated operations at Rockwind beginning approximately July 1, 2023. He explained the initial term of the Professional Services Agreement will be for one year with three additional one-year terms available. The proposer has offered \$1,000.00 per month to the City plus 3% profit sharing for the initial year of operations.

There being no discussion, Commissioner Gerth moved that RFP 543-23 be awarded to Mr. Kenny Kim and Ms. Joy Field as recommended. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Consideration of Approval of RFP No. 540-23 for West Bender Blvd. Improvements Project and Recommendation to Accept Proposal from Molzen-Corbin & Associates, Inc.

Mr. Todd Randall, City Engineer, explained RFP 540-23 for the West Bender Blvd. Improvements Project. He further explained the RFP seeks professional engineering and professional surveying services to conduct right-of-way surveying, topographic surveying, utility surveying, drainage analysis and storm drain design, engineering design, and construction plans for the West Bender Blvd. Improvements Project.

Mr. Randall stated three proposals were received as follows:

Molzen-Corbin & Associates
Pettigrew & Associates
Stantec Consulting Services, Inc.

The Evaluation Committee has determined that Molzen-Corbin & Associates Inc. is the most qualified offeror. Mr. Randall stated the cost of the design fee is \$377,092.83 plus \$25,218.08 in New Mexico gross receipts tax for a total of \$402,210.91.

Commissioner Gerth stated he hated for a local vendor to miss out on the project. Mr. Randall explained that the proposal is qualification based. He also explained the RFP proposal process as compared to the cooperative purchasing process.

Commissioner Penick agreed with the comments of Commissioner Gerth.

In response to Commissioner Gerth's question, Mr. Randall stated Souder Miller & Associates helped draft the proposal which excludes them from submitting a proposal on the project. Mr. Randall added that Souder Miller was aware of this exclusion from the onset.

In further response to Commissioner Gerth's inquiry, Mayor Cobb stated the ultimate goal for West Bender is to have four lanes of traffic plus a center turn lane with drainage.

There being no further discussion, Commissioner Fields moved that RFP 543-20 be awarded to Molzen-Corbin & Associates for the West Bender Blvd. Improvement Project. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Mr. Gomez thanked staff for their presentations. He also made the following announcements:

- City water conservation period is May 15 through September 15 of each year.
- May 17, 2023, is the Officer Down Memorial Ceremony at 8:00 a.m. in the street in front of the Hobbs Police Department, 300 North Turner.
- Congratulations to Rockwind on hosting the 2024 NJCAA Golf Championship.
- National Track Tournament is May 18 – 20 at the New Mexico Junior College with over 100 schools and 800 athletes participating.
- City Offices will be closed on May 29, 2023, for the Memorial Day Holiday.
- COREfest will be held on June 3 to celebrate the 5th anniversary of the CORE.
- Welcome to the City's new Library Director, Ms. Nichole Lawless, from Pueblo, Colorado. Thank you to Bob Hamilton for his leadership and serving as Acting Library Director, and thanks to the staff at the Hobbs Public Library.

Commissioner Gerth stated the golfing amenities at Rockwind Community Links are amazing and well worth the fees. He stated the City should look at slight increases in the fees more frequently rather than waiting so long to address the need.

Commissioner Mills stated there will be emails and calls from people who are unhappy with his decision tonight on the voting issue but there are often no easy answers. He

said it is the real life of an elected official who make large sacrifices to be elected officials. Commissioner Mills stated he will be serving on the Judicial Nominating Committee and interviewing applications next week. Commissioner Mills also stated he has met with some business owners regarding retail theft ideas and a good conversation was held on the topic.

Commissioner Penick expressed appreciation to staff at Rockwind Community Links for the great course ratings. He also thanked Ms. Shelia Baker who wears many hats at the City. He also thanked the citizens for their open line of communication.

Commissioner Smith echoed the sentiments of the other Commissioners and stated it was a very tough decision tonight on the election issue. He, too, appreciated the comments from citizens. Commissioner Smith agreed with Representative Scott's comment that every issue has two sides and that's what democracy is about.

Commissioner Penick also thanked Mr. Toby Spears and Mr. Todd Randall for their hard work.

Mayor Cobb stated the City wants to do what is best for the community. He thanked everyone for their attendance at the meeting tonight.

Mayor Cobb wished Commissioner Penick a happy birthday and led everyone in singing happy birthday.

Adjournment

There being no further business or comments, Commissioner Smith moved that the meeting adjourn. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Penick yes, Fields yes, Mills yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 8:05 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



PROCLAMATIONS

AND

**AWARDS OF
MERIT**

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, Coach Chuck Pierce along with Coach Bryan Coltrane led the Hobbs High School Academic Competition Team to win first place in the Inaugural Regional Educational Cooperative State Academic Competition Tournament; and

WHEREAS, the team consisted of three Seniors who graduated with the Highest Honors, including the 2023 Hobbs High School Valedictorian and Salutatorian. There were Juniors on the team who are also very high academic achievers; and

WHEREAS, the Regional Educational Cooperative has taken a major step forward this year in elevating the importance of academic achievement in the state through the implementation of this state-wide academic competition; and

WHEREAS, the questions the students were expected to answer included information from a wide variety of categories ranging from current events, to World History, Advanced Mathematics, Chemistry, and Political Science; and

WHEREAS, preparation for this program relied heavily upon the Advanced Placement/Dual Credit courses that these students are enrolled in at Hobbs High School in addition to the memorization of a sizable portion of World History and Geography content.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim June 5th, 2023, as

“REGIONAL EDUCATIONAL COOPERATIVE DAY”

in recognition of their outstanding accomplishments and their first place win at the State Academic Competition. Congratulations for a job well done!

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of June, 2023 and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, Mayor

ATTEST:


JAN FLETCHER, City Clerk





CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF HOBBS AND LEA COUNTY FOR HOBBS ANIMAL ADOPTION CENTER OPERATIONAL AND CAPITAL EXPENDITURES FOR \$50,000.00

DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: May 17, 2023
SUBMITTED BY: Toby Spears, Finance Director

Summary: On October 20th, 2022, the Board of County Commissioners of Lea County approved the request of County Commissioner Rebecca Long, to use a portion of her discretionary funds, up to \$50,000.00 as a grant to the City of Hobbs for the Hobbs Animal Adoption Center operational and capital expenditures. This resolution authorizes the Mayor to execute a Memorandum of Agreement with the City of Hobbs and Lea County.


Fiscal Impact:

Reviewed By: 
Finance Department

Budget revenue and expense amounts are approximately \$50,000.00

Attachments:
Resolution; MOA,

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

The Commission should consider approval of this measure.

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. _____

RESOLUTION NO. 7343

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF HOBBS AND LEA COUNTY FOR HOBBS ANIMAL ADOPTION CENTER OPERATIONAL AND CAPITAL EXPENDITURES FOR \$50,000.00

WHEREAS, The City of Hobbs, City Mayor, Sam D. Cobb, seeks to execute a memorandum between the City of Hobbs and Lea County for the Hobbs Animal Adoption Center Operational and Capital Expenditures for \$50,000.00.

WHEREAS, at the Lea County Commissions regular meeting on October 20, 2022, the Board of County Commissioners of Lea County approved the request for County Commissioner Rebecca Long to use a portion of her discretionary funds, up to \$50,000.00 to grant to the City of Hobbs for operational and capital expenditures for the Hobbs Animal Adoption Center; and

WHEREAS, the City wishes to accept the funds for the operational and capital expenditures for the Hobbs Animal Adoption Center.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor may finalize and sign a memorandum on behalf of the City of Hobbs with Lea County for the Hobbs Animal Adoption Center Operational and Capital Expenditures in the amount of \$50,000.00.

PASSES, ADOPTION AND APPROVED the 5th day of June, 2023.

SAM D. COBB, MAYOR

ATTEST:

JAN FLETCHER, City Clerk

**MEMORANDUM OF AGREEMENT BETWEEN
LEA COUNTY, NEW MEXICO AND THE
CITY OF HOBBS**

This Memorandum of Agreement is made on the date of the signatures below by and between Lea County, New Mexico, (hereinafter "County") and the City of Hobbs (hereinafter "City").

PURPOSE

The purpose of this Memorandum of Agreement is to memorialize the terms and agreement, including changes thereto, between County and City regarding County's grant of \$50,000.00 for operational and capital expenditures for the Hobbs Animal Adoption Center.

WHEREAS, at its regular meeting October 20th, 2022, the Board of County Commissioners of Lea County approved the request of County Commissioner Rebecca Long to use a portion of her discretionary funds, up to \$50,000.00 as a grant to the City for operational and capital expenditures for the Hobbs Animal Adoption Center; and

WHEREAS, the City wishes to accept the funds for the operational and capital expenditures for the Hobbs Animal Adoption Center.

AGREEMENT

1. The County will provide a grant up to \$50,000.00 to the City.
2. The City will use the grant funds for the operational and capital expenditures for the Hobbs Animal Adoption Center.

SOVEREIGN IMMUNITY

County and City and their public employees (as defined in the New Mexico Tort Claims Act) do not waive sovereign immunity, do not waive any defense(s), and/or do not waive any limitation(s) pursuant to the New Mexico Tort Claims Act. No provision in this Memorandum of Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to County and City and their public employees.

LIABILITY

Each party agrees to bear liability and responsibility for the negligent, reckless or deliberate acts or omissions of their own officers and employees, as limited by the New Mexico Tort Claims Act.

THIRD PARTY BENEFICIARIES

It is specifically agreed between the parties executing the Memorandum of Agreement that it is not intended by any of the provisions of any part of the Memorandum of Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Memorandum of Agreement to maintain, pursuant to the provisions of the Memorandum of Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action.

INSURANCE

Both County and City shall maintain liability insurance or qualify as a self-insured entity, as required by law.

TERM

This Memorandum of Agreement shall continue in full force and effect, until the grant funds have been used or July 31, 2023, whichever occurs first.

SEVERABILITY

If any provision of this Memorandum of Agreement is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

NO ORAL MODIFICATION

The forgoing constitutes the entire agreement between the Parties and may be modified only in writing signed by both Parties. Amendments and alterations to this Memorandum of Agreement after execution may only be made in writing signed by both parties.

GOVERNING LAW

This Memorandum of Agreement shall be construed in accordance with the laws of the State of New Mexico.

EFFECTIVE DATE

This Memorandum of Agreement shall be in full force and effect upon execution and approval of the parties hereto.

ATTEST:

CITY OF HOBBS

BY: _____
Sam Cobb,
Mayor

Date: _____

ATTEST:

LEA COUNTY, NEW MEXICO

BY: _____
Dean Jackson,
Lea County Chair

Date: _____

Approved as to Form:

By: _____
Efren A. Cortez
City Attorney

Date: _____

By: _____
John W. Caldwell
County Attorney

Date: _____

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-OCT-219R

A RESOLUTION APPROVING \$50,000.00 APPROPRIATION FROM DISTRICT 2
FISCAL YEAR 2022 – 2023 DISCRETIONARY FUNDING TO THE CITY OF HOBBS FOR
OPERATIONAL AND CAPITAL EXPENDITURES FOR THE HOBBS ANIMAL ADOPTION CENTER

WHEREAS, Lea County wishes to partner with local governmental entities on projects to improve the quality of life in Lea County; *and*

WHEREAS, funds are budgeted for each of the five County Commissioners for the purpose of community partnerships and improvements; *and*

WHEREAS, the City of Hobbs seeks funding for operational and capital expenditures for the Hobbs Animal Adoption Center; *and*

WHEREAS, District Two (2) County Commissioner Rebecca Long wishes to use \$50,000.00 of her budgeted discretionary funds for a partnership with the City of Hobbs for operational and capital expenditures for the Hobbs Animal Adoption Center.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that a grant of \$50,000.00 be awarded to the City of Hobbs and the funding be provided to the City of Hobbs within the current fiscal year for operational and capital expenditures for the Hobbs Animal Adoption Center.

BE IT FURTHER RESOLVED that the County Manager may finalize and sign any agreements consistent with the terms of this resolution.

PASSED and APPROVED on this 20th day of October, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS



Dean Jackson (District 1), Chair
Voted: Yes No Abstain



Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain



Rebecca Long (District 2), Member
Voted: Yes No Abstain



Jonathan Sena (District 4), Member
Voted: Yes No Abstain



Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

By: 
Tryon Hassen, Chief Deputy Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:


John W. Caldwell, County Attorney





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: RESOLUTION TO APPROVE THE FINAL PLAN FOR THE CROSSWINDS SUBDIVISION, AS RECOMMENDED BY THE PLANNING BOARD.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 22, 2023
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Final Plan for The Crosswinds Subdivision, is submitted by Crosswinds Community Church. The subdivision is located northwest of the intersection of Seminole Highway and Navajo within the municipal boundaries. The subdivision encompasses +/- 91- acres and will contain 3 lots, of which Lot 1 is proposed to contain the future development of Crosswinds Church. The Planning Board consider this item at the May 16, 2023 Regular Meeting and voted 4-0 to recommend approval. The Municipality is in receipt of an Engineer of Record Certification concerning the installation of infrastructure as to the approved Municipal Standards.

Fiscal Impact:

Reviewed By: Deborah Corral
Finance Department
Digitally signed by Deborah Corral
Date: 2023.05.22 10:40:16 -06'00'

The positive impact of the new development and GRT collections and monthly utility bills of the new development may offset any expenses that the City will incur from the maintenance responsibility of streets, water and sewer lines.

Attachments: Resolution, Final Plan, DRAFT Planning Board Minutes.

Legal Review:

Approved As To Form: Efren A. Cortez
City Attorney
Digitally signed by Efren A. Cortez
DN: cn=Efren A. Cortez, o=City of Hobbs, ou=City Attorney's Office, email=ecortez@hobbsnm.org, c=US
Date: 2023.05.22 13:56:16 -06'00'

Recommendation:

Approval of the Resolution to approve The Crosswinds Subdivision as recommended by the Planning Board.

Approved For Submittal By:

[Signature]
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7344

A RESOLUTION TO APPROVE THE FINAL PLAN FOR CROSSWINDS SUBDIVISION, AS RECOMMENDED BY THE PLANNING BOARD.

WHEREAS, Crosswinds Community Church has submitted a Final Plan for Crosswinds Subdivision, for review by the City Planning Board; and

WHEREAS, the subdivision Final Plan was reviewed and approved by the Hobbs Planning Board at the May 16, 2023 regular meeting; and

WHEREAS, the Final Plan for Crosswinds Subdivision, was reviewed and found compliant with MC Title 16 by the City of Hobbs Planning Board and the Municipality is in receipt of the Engineer of Record Certification as to the installation of all public infrastructures.

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

1. The City of Hobbs hereby grants Final Plan Approval to Crosswinds Subdivision, as recommended by the Planning Board; and

2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK

RECORD DESCRIPTION - PER DEED BOOK 1903, PAGE 318

An existing tract of land located in the Southeast Quarter of Section 24, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico being more particularly described as follows:

Beginning at the intersection of the North line of Bender Blvd. and the West line of the Southeast Quarter of said Section for the Southwest Corner of this tract which lies N0°35'08"W along the West line of the Southeast Quarter of said Section a distance of 40.0 feet from the South Quarter Corner of said Section; then N00°35'08"W along the West line of said Southeast Quarter a distance of 2601.99 feet to the Northwest Corner of the Southeast Quarter of said Section; then N89°13'41"E along the North line of said Southeast Quarter a distance of 380.93 feet to a point on Southwesterly line of Navajo Road; then S64°22'07"E along said road a distance of 627.98 feet to the beginning of a curve to the right having a radius of 1946.08 feet a central angle of 52°45'54" and a chord bearing and distance of S37°59'10"E 1729.52 feet; then Southeasterly along said curve a distance of 1792.18 feet; then S88°31'37"W 352.57 feet; then S00°41'14"E 916.12 feet to a point on the North line of U.S. 62-180; then S89°22'44"W along the North line of said Bender Blvd. a distance of 708.94 feet; then S00°37'16"E 11.00 feet; then S89°12'54"W along the North line of said Bender Blvd. a distance of 478.26; then S00°37'16"E 15.00 feet; then S89°08'28"W along the North line of said Bender Blvd. a distance of 456.83 feet to the point of beginning.

Roadway dedication

A tract of land located in the Southeast Quarter of Section 24, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico being more particularly described as follows:

Commencing at a found _____, thence along the West line of the Southeast Quarter of said Section N0°35'11"W 40.00 feet to a 1/2" rebar with broken yellow plastic cap, being a point on the North R.O.W. line of East Bender BLVD.; thence continuing along said section line, N0°35'11"W 1,313.83 feet to a calculated point; thence N88°42'11"E 298.53 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873", being the Point of Beginning (P.O.B.1); thence N88°42'11"E 60.00 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence N0°35'11"W 512.25 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873", being the beginning of a curve concave easterly, said curve has a radius of 498.50 feet; thence northerly along said curve through a central angle of 26°13'01" an arc distance of 228.10 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence N25°37'50"E 482.92 feet to a point on the South R.O.W. line of Navajo Drive, being a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence along said R.O.W. N64°22'10"W 60.00 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence South 25°37'50"W 482.92 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873", being the beginning of a curve concave easterly, said curve has a radius of 558.50 feet; thence southerly along said curve through a central angle of 26°13'01" an arc distance of 255.55 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence South 0°35'11"E 513.00 feet to the Point of Beginning.

Containing 1.704 acres as described.

60' Surface & Subsurface Public Infrastructure Easement Dedication

A tract of land located in the Southeast Quarter of Section 24, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico being more particularly described as follows:

Commencing at a found 5/8" Rebar, being accepted as the South Quarter Corner of Section 24, thence along the West line of the Southeast Quarter of said Section N0°35'11"W 40.00 feet to a 1/2" rebar with broken yellow plastic cap, being a point on the North R.O.W. line of East Bender BLVD.; thence continuing along said section line, N0°35'11"W 1,313.83 feet to a calculated point for the Point of Beginning (P.O.B.1); thence N88°42'11"E 358.53 feet to a calculated point; thence N0°35'11"W 60.00 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence S88°42'11"W 60.00 feet to a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence S88°42'11"W 298.53 feet to a point on the West line of Southeast Quarter of said Section being a set 5/8" rebar with Orange Cap stamped "R Mulliken PS 16873"; thence along said West line S00°35'11"E 60.00 feet to the Point of Beginning.

Containing 0.494 acres as described.

CERTIFICATE OF SURVEY

I, Richard L. Mulliken, New Mexico Professional Surveyor, hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision. I further certify that this survey is true and correct to the best of my knowledge and belief, and that this Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

Richard L. Mulliken NMPS #16873 Date _____

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico: _____
County of Lea: _____

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By _____

By _____

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

On this _____ day of _____, 20____, before me, _____ and _____, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public _____

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD

The plat, restrictions and dedication reviewed and approved on the _____ day of _____, 20____ A.D., by the City Planning Board of Hobbs, New Mexico.

Chairman: William M. Hicks III

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

This instrument was acknowledged before me this _____ day of _____, 20____ A.D., by William M. Hicks III.

My Commission Expires: _____

Notary Public _____

CERTIFICATE OF MUNICIPAL APPROVAL

I, Jan Fletcher the duly appointed and acting city clerk of the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat of Crosswinds Subdivision, was approved by the commission of the City of Hobbs by Resolution No. _____ on the _____ day of _____, 2020, A.D.

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

On this _____ day of _____, 20____, before me, Jan Fletcher to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public _____

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: R. MULLIKEN
DRAWN BY: A. UROUIDI, R. MULLIKEN



INDEXING INFORMATION FOR COUNTY CLERK
OWNER: CROSSWINDS COMMUNITY CHURCH
LOCATION: SE/4 OF SECTION 3, T.18S, R.38E N.M.P.M., CITY OF HOBBS LEA COUNTY, NEW MEXICO

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I here by certify that this instrument was filed for record on:
The _____ Day of _____, 20____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____ County Clerk
By _____ Deputy

Subdivision Plat OF Crosswinds Subdivision FOR Crosswinds Community Church

PROJECT NUMBER: 2020.1092

SHEET: 2 of 2
SU - 102



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: RESOLUTION APPROVING THE DEDICATION OF PROPERTY LOCATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 22, 2023
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Dedication Plat for Property to contain public infrastructure(s) being the East 1/2 of a portion of Roth Road, a Minor Residential, is submitted for your review and consideration. The Planning Board reviewed this issue on May 16, 2023 and voted 4-0 to recommend approval.

Deborah Corral
Digitally signed by Deborah Corral

Fiscal Impact:
Department

Reviewed By: Corral

Date: 2023.05.22 10:41:03 -06'00'
Finance

Attachments:

Resolution, Dedication plats, Planning Board Minutes.

Legal Review:

Approved As To Form: Efrén A. Cortez
City Attorney

Digitally signed by Efrén A. Cortez
Hobbs, en: City Attorney's Office, email=ecortez@hobbsnm.org, c=US Date: 2023.05.22 13:57:51 -06'00'

Recommendation:

Consider to Approve the Resolution to dedicate property being the East 1/2 of a portion of Roth Road, a Minor Residential.

Approved For Submittal By:

Kevin Robinson
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7345

A RESOLUTION APPROVING THE DEDICATION OF PROPERTY LOCATED IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO.

WHEREAS, the City of Hobbs has recently received a dedication plat from property owners, dedicating a property to the City of Hobbs; and

WHEREAS, that portion of the dedicated property being the East ½ of a portion of Roth Road, a Minor Residential; and

WHEREAS, future development adjacent to the dedicated public right – of – way will require the emplacement of public infrastructures as per MC 16.12.040.

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 dedication of properties, as shown on the plats attached hereto as Exhibit "A" and made a part of this resolution.
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023

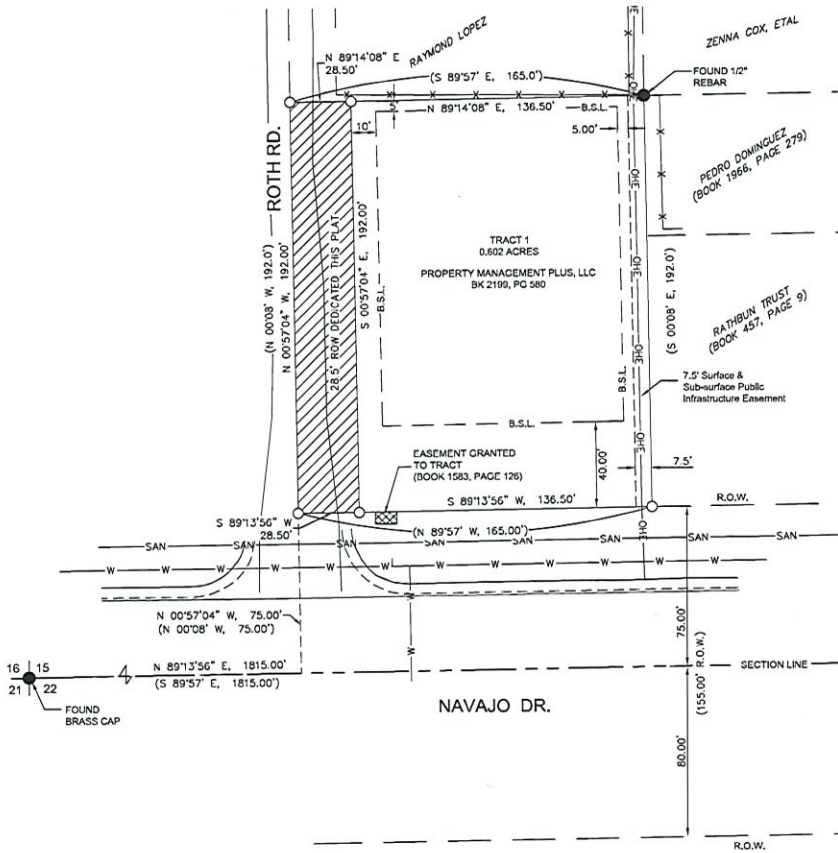
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

KASSIS SUMMARY PLAT

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M. LEA COUNTY, NEW MEXICO



RECORD LEGAL DESCRIPTION

TRACT:
A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH POINT BEARS S89°57'E, 1815.00 FEET AND N00°09'W, 75.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE N00°09'W, 192.00 FEET; THENCE N89°13'56"E, 136.50 FEET; THENCE S00°09'W, 192.00 FEET; THENCE N89°13'56"E, 136.50 FEET TO THE POINT OF BEGINNING. RIGHT-OF-WAY LINE 10.00 FEET; THENCE NORTHERLY ALONG A LINE PERPENDICULAR TO THE RIGHT-OF-WAY LINE 5.00 FEET TO THE POINT OF BEGINNING.
SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS APPEARING OF RECORD WITH WARRANTY COVENANTS.

MEASURED LEGAL DESCRIPTION

TRACT:
A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH POINT BEARS N89°13'56"E, 1815.00 FEET AND N00°09'W, 75.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE N00°09'W, 192.00 FEET; THENCE N89°13'56"E, 136.50 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 0.602 ACRES, MORE OR LESS, THE EAST 7.5 FEET RESERVED FOR A SURFACE AND SUB-SURFACE PUBLIC INFRASTRUCTURE EASEMENT.
THE WEST 28.5 FEET BEING DEDICATED TO THE CITY OF HOBBS FOR ROAD AND UTILITY EASEMENTS.
SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS APPEARING OF RECORD WITH WARRANTY COVENANTS.

DEDICATION DESCRIPTION - ROTH ROAD

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH POINT BEARS N89°13'56"E, 1815.00 FEET AND N00°09'W, 75.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE N00°09'W, 192.00 FEET; THENCE N89°13'56"E, 136.50 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 0.126 ACRES, MORE OR LESS.

OWNERS STATEMENT AND AFFIDAVIT:

THE UNDERSIGNED, FIRST DULY SWORN ON OATH, STATE AS THE OWNER(S) AND PROPRIETOR(S) WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATTED, THE PROPERTY DESCRIBED AND AS SHOWN ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF CITY OF HOBBS.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS: _____ DAY OF _____ 2023.

BY: Nadeem Kassis - Property Management Plus, LLC

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

ON THIS _____ DAY OF _____ 2023, BEFORE ME, NADEEM KASSIS TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD

THE PLAT, RESTRICTIONS AND DEDICATION REVIEWED AND APPROVED ON THE _____ DAY OF _____ 2023 A.D., BY THE CITY PLANNING BOARD OF HOBBS, NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS III

ACKNOWLEDGMENT
STATE OF NEW MEXICO:
COUNTY OF LEA:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2023.
BY WILLIAM M. HICKS III

PUBLIC NOTARY

MY COMMISSION EXPIRES: _____

CERTIFICATE OF MUNICIPAL APPROVAL

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF BENDER TRAILS SUBDIVISION, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION NO. _____ ON THE _____ DAY OF _____ 2023 A.D.

JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT
STATE OF NEW MEXICO:
COUNTY OF LEA:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2023.
BY JAN FLETCHER.

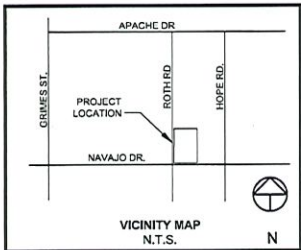
PUBLIC NOTARY

MY COMMISSION EXPIRES: _____

I, Jeremy Baker, New Mexico Professional Surveyor No. 25773, do hereby certify that this Boundary Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is a Easement Plat within an existing tract or tracts.



Jeremy Baker, N.M. P.S. 25773 _____ Date _____



DOCUMENT LIST

- A. WARRANTY DEED
- FILED: 5/30/2008
- BOOK: 2199
- PAGE: 580

LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8 INCH REBAR W/BLUE PLASTIC CAP MARKED "BAKER NM P25773"
- BOUNDARY LINE
- - - BUILDING SETBACK LINE (B.S.L.)
- - - SECTION LINE
- - - FENCE LINE
- - - OVERHEAD ELECTRIC
- ▨ RIGHT-OF-WAY DEDICATION
- ▩ ALLEY DEDICATION
- XXX'XXX'XXX'XXX' MEASURED BEARING AND DISTANCE
- (XXX'XXX'XXX'XXX') RECORD BEARING AND DISTANCE

BASIS OF BEARING

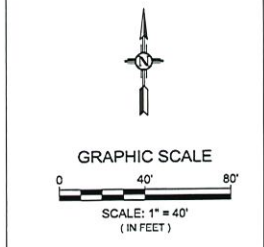
BEARINGS SHOWN HEREON ARE FROM GPS/GNSS OBSERVATIONS AND CONFORM TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM OF 1983. TRUE NORTH CAN BE OBTAINED BY APPLYING A CONVERGENCE ANGLE OF 00°38'46.7" AT A 1/2" REBAR FOR THE NORTHEAST CORNER OF THIS TRACT. DISTANCES SHOWN HEREON ARE IN GROUND AND WERE OBTAINED BY APPLYING A COMBINED GRID TO GROUND SCALE FACTOR OF 1.0001136892 AT THE PREVIOUSLY NOTED POINT LOCATED AT N 635361.54, E 908735.36. THE VERTICAL DATUM IS BASED ON GEOID18 AND IT PROVIDES ORTHOMETRIC HEIGHTS CONSISTENT WITH THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

7921 N. World Dr.
Hobbs, NM 88242-9032
Squarerootservices.net
575-231-7347

TYPE OF SURVEY:
Summary Subdivision
OF
PROJECT NAME:
H-TOWN PLAZA
FOR
CLIENT:
Property Management Plus

PROJECT NUMBER:
22080

PROJECT SURVEYOR:
Jeremy Baker, PS
DRAWN BY:
LPS



INDEXING INFORMATION FOR COUNTY CLERK
OWNER:
Property Management Plus
LOCATION:
SW1/4 of Section 15,
Township 18 South, Range 38 East
N.M.P.M., Lea County New Mexico

State of New Mexico, County of Lea, I here by certify that this instrument was filed for record on:

SHEET:
1 of 1
SU - 101



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: RESOLUTION APPROVING THE VACATION\REPLAT OF A PORTION OF SCHARBAUER & HOUSTON ADJACENT TO LOTS 15 & 16, BLOCK 158 OF THE HIGHLAND PARK ADDITION.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 22, 2023
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Property Owner is requesting the vacation\replat of a portion of Scharbauer & Houston adjacent to Lots 15 & 16, Block 158, of the Highland Park Addition and comprising +/- 2,000 square feet of public property.

Fiscal Impact:

Reviewed By: Deborah Corral
Finance Department

The municipality will be compensated \$4,000.00; the value of the vacated property, prior to recordation and conveyance of the Vacated Property.

Attachments: Resolution, Vacation Plat and Planning Board Minutes.

Legal Review:

Approved As To Form:
Efrén A. Cortez
City Attorney

Recommendation:

Consideration of Approval of the Resolution to approve the Vacation\Replat, as recommended by the Planning Board.

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.

CITY OF HOBBS

RESOLUTION NO. 7346

A RESOLUTION APPROVING THE VACATION\REPLAT OF A PORTION OF SCHARBAUER & HOUSTON ADJACENT TO LOTS 15 & 16, BLOCK 158 OF THE HIGHLAND PARK ADDITION.

WHEREAS, The adjacent property owner is requesting the vacation\replat of a portion of Scharbauer & Houston adjacent to Lots 15 & 16, Block 158, of the Highland Park Addition; and

WHEREAS, the Vacation\Replat was then reviewed and recommended for approval by the City of Hobbs Planning Board at the May 16, 2023 meeting; and

WHEREAS, the City Commission has determined that the vacation of a portion of the street right-of-way will not adversely affect the interests or rights of persons in contiguous territory or within the subdivision and the title of those lands in the vacated area may be transferred in fee simple to the owner of the adjacent lots thereto upon remuneration.

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

1. The City of Hobbs hereby approves the Vacation\Replat as attached hereto and made a part of this Resolution.

2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

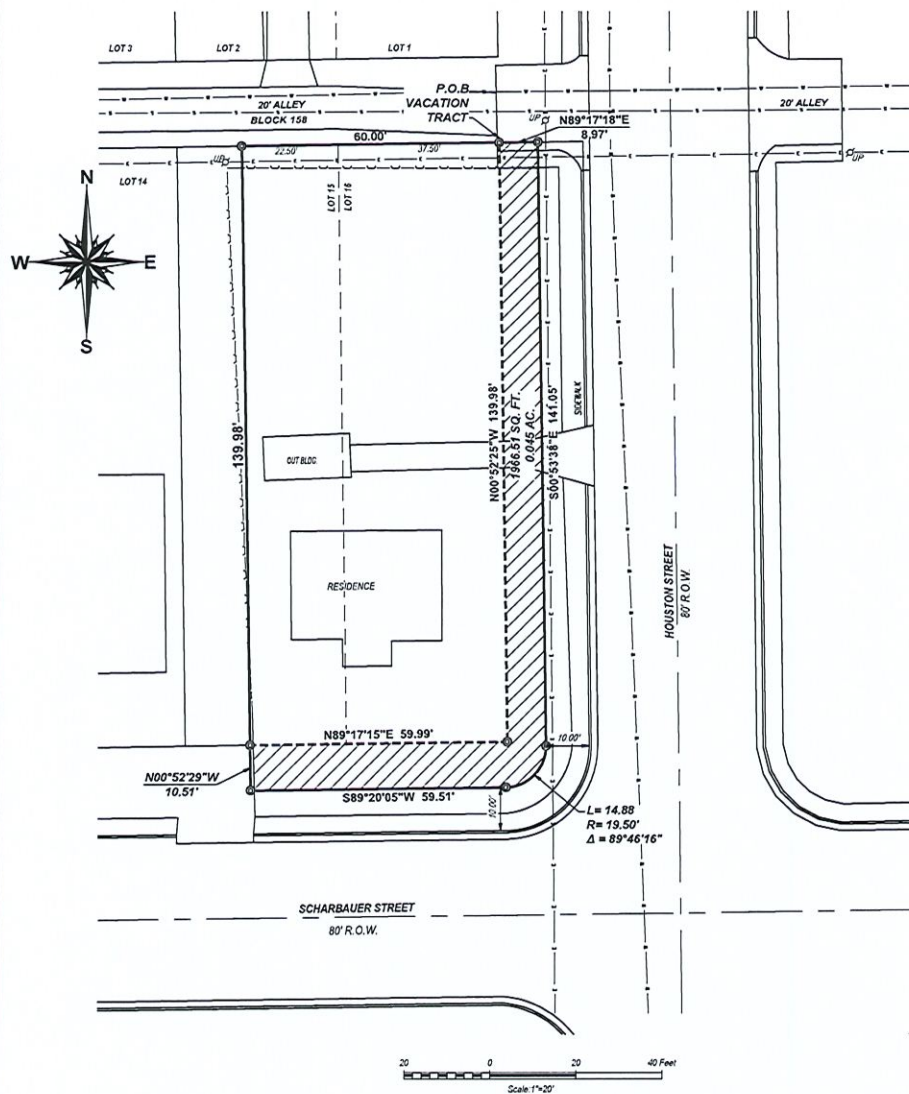
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

PRELIMINARY - MAY 25, 2023
This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

PARTIAL SCHARBAUER STREET AND HOUSTON STREET RIGHT-OF-WAY VACATION LOCATED WITHIN HIGHLAND PARK ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO



DESCRIPTION OF VACATION:

A PORTION OF A STREET RIGHT-OF-WAY VACATION LOCATED WITHIN THE HIGHLAND PARK ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE NORTHEAST CORNER OF LOT 16, BLOCK 158, HIGHLAND PARK ADDITION TO THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO FOR THE NORTHWEST CORNER OF THIS TRACT, THENCE N89°17'18"E A DISTANCE OF 8.97 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE NORTHEAST CORNER OF THIS TRACT, THENCE S00°53'38"E A DISTANCE OF 141.05 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE SOUTHEAST CORNER OF THIS TRACT, THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 14.88 FEET, THENCE S89°20'05"W A DISTANCE OF 59.51 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE SOUTHWEST CORNER OF THIS TRACT, THENCE N00°52'29"W A DISTANCE OF 10.51 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF LOT 15 OF SAID BLOCK 158, THENCE N89°17'15"E A DISTANCE OF 59.99 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF SAID LOT 16, THENCE N00°52'25"W A DISTANCE OF 139.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.045 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

THIS VACATION PLAT REVIEWED AND APPROVED ON THE _____ DAY OF _____, 2023 A.D., BY THE CITY PLANNING AND ZONING BOARD OF HOBBS, LEA COUNTY, NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS III

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 A.D., BY WILLIAM M. HICKS III.

NOTARY PUBLIC

CERTIFICATE OF MUNICIPAL APPROVAL:

I, JAN FLETCHER THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING STREET VACATION PLAT OF A PORTION OF HOUSTON AND SCHARBAUER STREET WITHIN THE HIGHLAND PARK ADDITION BY THE CITY OF HOBBS, NEW MEXICO, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. _____ ON THE _____ DAY OF _____, 2023 A.D.

JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 A.D., BY JAN FLETCHER.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE:

I, GARY G. EIDSON, NEW MEXICO PROFESSIONAL SURVEYOR No. 12641, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



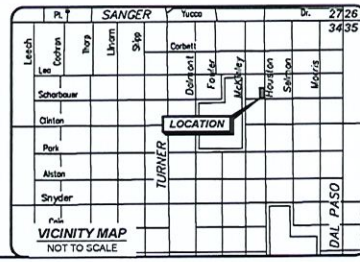
NOTE

- 1) BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. THE CONVERGENCE ANGLE TO TRUE NORTH IS 00°39'23" W BASED ON A POINT OF ORIGIN LOCATED AT (NAD83) N 432006.73 E 914724.94 ESTABLISHED FROM GPS OBSERVATIONS AND SUBSEQUENT NGPS OPUS PROCESSING. DISTANCES ARE SURFACE VALUES.
- 2) DATE OF SURVEY: MAY 4, 2023
- 3) UTILITY LOCATIONS SHOWN HEREON ARE FROM OBSERVED EVIDENCE AND INFORMATION PROVIDED BY THE CITY OF HOBBS ENGINEERING DEPARTMENT. ACTUAL LOCATIONS SHOULD BE VERIFIED.

LEGEND:

- - DENOTES SET 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" UNLESS OTHERWISE NOTED
- - DENOTES ELECTRIC LINE W/POLE UP UTILITY POLE
- |— - DENOTES METAL FENCE
- |—|— - DENOTES SETMER LINE
- |—|—|— - DENOTES WATER LINE

PROVIDING SURVEYING SERVICES SINCE 1946
JOHN WEST SURVEYING COMPANY
 412 N. DAL PASO HOBBS, N.M. 88240
 (575) 393-3117 www.jwsc.biz
 TDP/LS# 10021000



Scale: One Inch = Twenty Feet
 CAD Drafter & Date: ACK - 05/25/2023
 JWSC W/O No: 23.11.0137
 JWSC File No: D-1467
 01/05/2023 10:11 AM VACATION AND REPLAT LOT 15 & 16 BLOCK 158 HIGHLAND PARK ADDITION
**STATE OF NEW MEXICO
 COUNTY OF LEA - FILED:**

CITY OF HOBBS

RESOLUTION NO. 7347

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT
AMENDMENT WITH THE DEPARTMENT OF FINANCE AND
ADMINISTRATION LOCAL GOVERNMENT DIVISION
FOR
CDBG PROJECT NO. 21-C-NR-I-03-G-12

WHEREAS, the City of Hobbs received an executed grant agreement for CDBG 21-C-NR-I-03-G-12 effective April 7, 2022 in the amount of \$750,000; and

WHEREAS, the City of Hobbs requested an adjustment to the project budget to reflect expenditures by the City of Hobbs for Engineering Design services; and

WHEREAS, the City of Hobbs requested an adjustment to the project schedule due to delays in the design phase related to right of way encroachments and retro meet ADA requirements.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is, authorized and directed to execute on behalf of the City of Hobbs, a CDBG grant amendment with the Department of Finance Administration Local Government Division for Project No. 21-C-NR-I-03-G-12

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Entity Name: <u>CITY OF HOBBS</u>		<input type="checkbox"/> Grant Agreement		CDBG Amount: \$ 750,000.00		
CDBG Project Number: <u>21-C-NR-I-01-G-12</u>		<input checked="" type="checkbox"/> Grant Amendment		Other Amount: \$ 100,000.00		
Project Cost Activities	Project Funding Sources					Total Project Cost
	CDBG Funds	Other Sources (identify other local, state, federal, or private)				
		Cash Match	Leverage			
Administration (Contractual)						\$ -
Architect/Engineer	\$ 6,000.00					\$ 6,000.00
Other Professional						\$ -
Inspection (Testing)						\$ -
Property Acquisition						\$ -
Property Rehabilitation						\$ -
Construction	\$ 744,000.00	\$ 75,000.00	\$ 25,000.00			\$ 844,000.00
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
Totals	\$ 750,000.00	\$ 75,000.00	\$ 25,000.00	\$ -	\$ -	\$ 850,000.00



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING SECTION 10.04.050 AND 10.04.060 OF THE HOBBS MUNICIPAL CODE AMENDING THE PENALTY ASSESSMENT PROGRAM

DEPT. OF ORIGIN: City Attorney's Office
DATE SUBMITTED: May 24, 2023
SUBMITTED BY: Amber C. Leija, Municipal Prosecutor

Summary: On August 1, 2016, the City Commission adopted Ordinance No. 1095, including section 10.04.050 which enacted a penalty assessment program and set forth fine amounts for certain traffic violations deemed "penalty assessment misdemeanors." Ordinance No. 1095 also included section 10.04.060 which adopted court fees of twenty-nine dollars (\$29) for adjudicated penalty assessments. During the 2023 regular session of the NM Legislature, the Legislature enacted House Bill (H.B.) 139 which eliminated the previously enacted and applied court fees of twenty-nine dollars (\$29). As a result, the proposed ordinance will also repeal the court fees outlined in section 10.04.060(A). The proposed ordinance will increase each penalty assessment (i.e. fine) by twenty-nine dollars (\$29) while eliminating the court fees of twenty-nine dollars (\$29). Additionally, a penalty assessment has been added for the parking of heavy trucks and trailers as outlined in section 10.05 as adopted via Ordinance No. 1150. Pursuant to NMSA 1978, § 3-17-3, the proposed title and subject matter of the proposed ordinance was published in the Hobbs News-Sun on May 7, 2023, and a copy of the proposed ordinance was available in the City Clerk's Office for inspection and public review.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The increase of \$29 for each adjudicated penalty assessment misdemeanor shall be placed in in the General Fund from the date of enactment. The \$29 court costs which will be collected until July 1, 2024, will continue to be remitted to the State of New Mexico.

Attachments:
Ordinance

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

The Commission should consider adoption of the proposed Ordinance.

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

ORDINANCE NO. 1153

AN ORDINANCE AMENDING SECTIONS 10.04.050 AND
10.04.060 OF THE HOBBS MUNICIPAL CODE

WHEREAS, on August 1, 2016, the City of Hobbs adopted a Penalty Assessment Program via Ordinance No. 1095; and

WHEREAS, Ordinance No. 1095 enacted Section 10.04.050 and Section 10.05.060 of the Hobbs Municipal Code which set forth penalty assessments for certain traffic violations and enacted court fees for adjudicated traffic penalties respectively; and

WHEREAS, during the 2023 NM Legislative session, the NM Legislature enacted House Bill (H.B.) 139 which will eliminate the court fees of twenty-nine dollars (\$29) for adjudicated traffic violations as of July 1, 2024; and

WHEREAS, the City of Hobbs seeks to increase each penalty assessment misdemeanor by twenty-nine dollars (\$29).

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Sections 10.04.050 and 10.04.060 of the Hobbs Municipal Code, are hereby amended as more specifically described as follows:

Obedience to Signs Designating One-Way Streets and Alleys	12-6-2.9	45.00	\$74.00
Rotary Traffic Islands	12-6-2.10	45.00	\$74.00
Driving on Streets Laned for Traffic	12-6-2.12	45.00	\$74.00
Following Too Closely	12-6-2.13	45.00	\$74.00
Driving on Divided Streets	12-6-2.14	45.00	\$74.00
Controlled Access Violation	12-6-2.15 through 12-6-2.16	45.00	\$74.00
Failure to Yield	12-6-4.1 through 12-6-4.2	45.00	\$74.00
Vehicles Entering Stop or Yield Intersections	12-6-4.3	45.00	\$74.00
Improper Turning	12-6-5.1 through 12-6-5.6	45.00	\$74.00
Starting Parked Vehicle	12-6-5.7	45.00	\$74.00
Turning and Stopping Movements and Required Signals	12-6-5.8	45.00	\$74.00
Signals by Hand and Arm or Signal Device	12-6-5.9 through 12-6-5.10	45.00	\$74.00
Parking Violations	12-6-6.1 through 12-6-6.14	25.00	\$54.00
<u>Heavy Truck and Trailer Parking Violation</u>	<u>10.05.040</u>		\$179.00
Emerging from Alley, Building, Driveway or Private Road	12-6-7.1	45.00	\$74.00
Stop When Traffic Obstructed	12-6-7.2	45.00	\$74.00
Stopping for School Bus	12-6-7.3	150.00	\$179.00
Operation of Vehicle on Approach of Emergency Vehicle	12-6-7.4A	80.00	\$109.00
Railroad Grade Crossing Violations	12-6-7.5 through 12-6-7.8	45.00	\$74.00
Stopping, Standing or Parking in Passenger Curb Loading Zone	12-6-8.3	25.00	\$54.00
Stopping, Standing or Parking in Freight Curb Loading Zone	12-6-8.4	25.00	\$54.00
Stopping, Standing and Parking of Buses and Taxicabs	12-6-9.3	25.00	\$54.00
Restricted Use of Bus and Taxicab Stands	12-6-9.4	25.00	\$54.00
Operation Without Oversize-Overweight Permit	12-6-11.1	80.00	\$109.00
No Slow-Moving Vehicle Emblem or Flashing Amber Light	12-6-11.2	25.00	\$54.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5 A, B, C	70.00	\$99.00

10.04.050 Adopted.

- A. As used in the Uniform Traffic Ordinance, a penalty assessment program is hereby adopted.
- B. A "penalty assessment misdemeanor" means violation of any of the following listed sections of the Uniform Traffic Ordinance for which, except as provided in Subsection E of this section, the listed penalty assessment is established:

Common Name of Offense	Section Violated	Penalty Assessment
Obedience to Officers	12-3-2	45.00 \$74.00
Use of Coaster Wagons and Similar Devices	12-3-6	45.00 \$74.00
Obedience to Required Traffic Control Device	12-5-3	45.00 \$74.00
Red Light	12-5-6	45.00 \$74.00
Pedestrian Control Signals	12-5-7	45.00 \$74.00
Flashing Signals	12-5-8	45.00 \$74.00
Lane Control Signals	12-5-9	45.00 \$74.00
Display of Unauthorized Signs, Signals or Markings	12-5-10	45.00 \$74.00
Interference with Official Traffic Control Devices or Railroad Signals	12-5-11	45.00 \$74.00
Traffic Lanes	12-5-14	45.00 \$74.00
Basic (Speeding) Rule	12-6-1.1	45.00 \$74.00
Speed Limits	12-6-1.2	
(1) Up to and including 10 miles per hour above the speed limit		45.00 \$74.00
(2) From 11 and up to and including 15 miles per hour above the speed limit		60.00 \$89.00
(3) From 15 and up to and including 20 miles per hour above the speed limit		95.00 \$124.00
(4) From 21 and up to and including 25 miles per hour above the speed limit		130.00 \$159.00
(5) From 26 and up to and including 30 miles per hour above the speed limit		155.00 \$184.00
(6) From 31 and up to and including 35 miles per hour above the speed limit		180.00 \$209.00
Minimum Speed Regulation	12-6-1.5	45.00 \$74.00
Special Speed Limitations	12-6-1.7	45.00 \$74.00
Improper Passing	12-6-2.1 through 12-6-2.7	45.00 \$74.00

Unattended Motor Vehicle	12-6-12.8	45.00	\$74.00
Limitations on Backing	12-6-12.9	45.00	\$74.00
Obstruction to Driver's View or Driving Mechanism	12-6-12.10	45.00	\$74.00
Restriction on Use of Television in Motor Vehicles	12-6-12.11	45.00	\$74.00
Coasting Prohibited	12-6-12.12	45.00	\$74.00
Following Fire Apparatus Prohibited	12-6-12.13	115.00	\$144.00
Crossing Fire Hose Prohibited	12-6-12.14	115.00	\$144.00
Driving Through Safety Zones Prohibited	12-6-12.15	45.00	\$74.00
Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways	12-6-12.16	45.00	\$74.00
Driving on Sidewalk and Private Property	12-6-12.17	45.00	\$74.00
Prohibited Activities While Driving	12-6-12.18	80.00	\$109.00
Processions	12-6-12.20	45.00	\$74.00
Offenses by Persons Owning or Controlling Vehicles	12-6-12.22	70.00	\$99.00
Permitting Unauthorized Persons to Drive	12-6-12.23	70.00	\$99.00
Unlawful Riding	12-6-13.2	45.00	\$74.00
Unhitched Trailer on Street	12-6-13.3	45.00	\$74.00
Littering	12-6-13.5	300.00	\$329.00
Trains and Buses Not to Obstruct Streets	12-6-13.6	45.00	\$74.00
Boarding or Alighting from Vehicles	12-6-13.7	45.00	\$74.00
Improper Opening of Doors	12-6-13.8	25.00	\$54.00
Occupied Moving House Trailer	12-6-13.9	25.00	\$54.00
Animals on Street	12-6-13.10	25.00	\$54.00
Driving on Steep Grades	12-6-13.11	45.00	\$74.00
Child Restraint	12-6-13.12	45.00	\$74.00
Seat Belts	12-6-13.13	45.00	\$74.00
Open Container (1st Offense)	12-6-13.14	45.00	\$74.00
Pedestrian Obedience to Traffic Control Devices and Regulations	12-6-14.2 through 12-6-14.7	45.00	\$74.00
Drivers to Exercise Due Care	12-6-14.8	45.00	\$74.00
Electric Personal Assistive Mobility Devices	12-6-16	10.00	\$39.00
Prohibited Use of Electronic Device While Driving (First Offense)	12-6-18	80.00	\$109.00
Prohibited Use of Electronic Device While Driving (Second and Subsequent Offense)	12-6-18	130.00	\$159.00
Operating Motorcycles on Streets Laned for Traffic	12-7-2	45.00	\$74.00
Clinging to Other Vehicles	12-7-3	45.00	\$74.00

Riding on Motorcycles	12-7-4	45.00 \$74.00
Eye Protective Devices or Windshields	12-7-5	45.00 \$74.00
Mandatory Use of Protective Helmets	12-7-6	300.00 \$329.00
Footrests and Handlebars	12-7-7	45.00 \$74.00
Motorcycle Maneuverability	12-7-8	45.00 \$74.00
Off-Highway Motor Vehicles - Registration; Plate Requirement	12-7-9.1	20.00 \$49.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 A, B, C, D	210.00 \$239.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 E	60.00 \$89.00
Driving of Off-Highway Motor Vehicles Adjacent to Streets	12-7-9.3	20.00 \$49.00
Operation of Off-Highway Motor Vehicles on Private Lands	12-7-9.4	20.00 \$49.00
Off-Highway Motor Vehicle Safety Permit; Requirements, Issuance	12-7-9.8	60.00 \$89.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (1, 12)	210.00 \$239.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (3, 4, 5, 6, 9) B, C, D	110.00 \$139.00
Operating and Equipment - Safety Requirements	12-7-9.9A (7)	60.00 \$89.00
Operating and Equipment - Safety Requirements	12-7-9.9A (8, 11) E	20.00 \$49.00
Mopeds - Standards	12-7-10	45.00 \$74.00
Operation of Bicycles	12-8-3 through 12-8-12	25.00 \$54.00
Handicap Parking	12-9-9	500.00
Improper Equipment	12-10-1.1 through 12-10-1.51, excluding 12-10-1.12.1	45.00 \$74.00
Sun Screening Material on Windshields and Windows	12-10-1.12.1	75.00 \$104.00
Restrictions Upon Use of Streets by Certain Vehicles	12-10-3.1	45.00 \$74.00
Minimum Vehicle Size	12-10-3.2	45.00 \$74.00
Projecting Loads on Passenger Vehicles	12-10-3.3	45.00 \$74.00
Special Projecting Load Limits	12-10-3.4	45.00 \$74.00
Trailers and Towed Vehicles	12-10-3.5	45.00 \$74.00
Width of Vehicles	12-10-3.6	45.00 \$74.00
Height and Length of Vehicles and Loads	12-10-3.7	45.00 \$74.00

Display of Current Valid Registration Plate	12-10-4	60.00 \$89.00
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- C. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to an accident resulting in injury or death to a person.
- D. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety (90) days.
- E. The penalty assessment for speeding in violation of Section 12-6-1.2(A)(4), regarding speeding in a construction or safety zone posted as a double fine zone, shall be twice the penalty assessment for speeding for the equivalent miles per hour over the speed limit set out under the adopted penalty assessment program contained herein.
- F. Nothing contained in this chapter is intended to diminish the Municipal Judge's authority to designate the specified offenses under the traffic ordinance to which fines may be accepted by the traffic violations bureau under Section 12-11-2 of the Uniform Traffic Ordinance.

(Ord. No. 1095 , 8-1-2016)

10.04.060 Fees.

~~A. As outlined in Section 12-12-1.3 of the Uniform Traffic Ordinance, and Section 1.16.020 of the Hobbs Municipal Code, any person convicted of violating any provision of the traffic ordinance shall be assessed the following fees in addition to the individual prescribed penalty for each violation:~~

- ~~1. A corrections fee of twenty dollars (\$20.00);~~
- ~~2. A judicial education fee of three dollars (\$3.00);~~
- ~~3. A court automation fee of six dollars (\$6.00).~~

~~B. In addition to the fees outlined herein, a~~Any person convicted of violating any provision of the traffic ordinance shall be assessed a "penalty assessment fee" of ten dollars (\$10.00) which, upon collection, shall be deposited in a special fund in the municipal treasury for use by the municipality only for municipal jailer training; for the construction planning, construction, operation and maintenance of the municipal jail; for paying the costs of housing the municipality's prisoners in other detention facilities in the state; or complying with match or contribution requirements for the receipt of federal funds relating to jails. However, if the municipality has a balance in this special fund that is over the amount projected to be needed for the next fiscal year for the purposes set forth in this subsection, the municipality may transfer the unneeded balance to its general fund.

~~B.~~ In addition to the fees outlined herein, and as outlined in Section 12-6-12.2(O) of Uniform Traffic Ordinance and Section 1.16.060 of the Hobbs Municipal Code, any person

convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1(A), (B), (C), or (D) shall be assessed, in addition to any other fee or fine, the following fees:

1. A fee of eighty-five dollars (\$85.00) to defray the costs of chemical and other tests utilized to determine the influence of alcohol or drugs;
2. A fee of seventy-five dollars (\$75.00) to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs or for other traffic safety purposes.

The municipality shall maintain these fees in separate funds and transfer the fees collected in this subsection to the administrative office of the courts for credit to the crime laboratory fund and the traffic safety fund. No reference to the State DWI provision (NMSA 1978, § 66-8-102) in Section 1.16.060 of the Hobbs Municipal Code shall operate to conflict with or override this provision.

~~D.C.~~ As used in the Uniform Traffic Ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the Municipal Judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay the penalty assessment in lieu of trial.

~~E.D.~~ All fees outlined herein shall be distributed as prescribed by law and outlined in the Uniform Traffic Ordinance, the Hobbs Municipal Code, and State Statutes.

(Ord. No. 1095 , 8-1-2016)

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

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

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 22, 2023
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Stuard 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 \$100,000.00.

Fiscal Impact: Budget Available \$422,321.00
Single Family Housing #010100-44901-170
Reviewed By: Deborah Corral
Finance Department

Attachments: Developers Request and Development Agreement.

Legal Review: Approved As To Form: Efren A. Cortez
City Attorney

Recommendation: Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By: Kevin Robinson
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.

CITY OF HOBBS

RESOLUTION NO. 7348

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

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with Stuard 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 5th day of June, 2023.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this 5th day of June 2023 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and **Stuard Homes LLC, 4915 W. Steel Driver Rd., Hobbs, NM 88240**, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

RECITALS:

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

** Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of 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. \$5.00 per sq. ft. north of Sanger
 - ii. \$10.00 per sq. ft. south of Sanger
 - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
 - i. \$5,000.00 per single family unit
 - ii. \$2,500.00 per multi-family unit
- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
 - i. \$90.00 per lineal front footage of complete public infrastructure, and further broken down as follows:
 1. **Water** (\$12.50 / lf):

- a. Twelve dollars fifty cents (\$12.50) 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** (\$17.50 / lf):
 - a. Seventeen dollars fifty cents (\$17.50) 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** (\$45/ lf):
 - a. Forty five dollars (\$45) 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. Fifteen (\$15) 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 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not eligible for payment.

L. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and

posted by regular mail, postage prepaid, to the City, ATTN: City Attorney, 200 E. Broadway, Hobbs, NM 88240; to Developer ATTN and Stuard Homes LLC, 4915 W. Steel Driver Rd., 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.

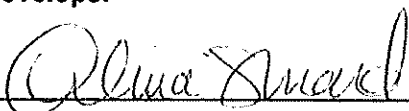
The foregoing constitutes the entire agreement between the parties hereto and may be modified only in writing by the parties hereto.

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: June 5, 2023

SUBJECT: A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO BE USED FOR THE UPGRADE DESIGN AND IMPROVEMENTS TO A POCKET PARK IN THE WESTMINSTER NEIGHBORHOOD OF HOBBS, NEW MEXICO

DEPT. OF ORIGIN: City Commission
DATE SUBMITTED: May 24, 2023
SUBMITTED BY: Roy Dwayne Penick, Commissioner District 5

Summary:

This resolution authorizes City staff to expend funds toward the upgrade design and improvements to a pocket park located in the Westminster Neighborhood of Hobbs, New Mexico. Attached are a map of the park's location and a rendering of the proposed improvements. The estimated budget for the upgraded design and improvements is up to \$130,000.00. This fiscal expenditure comes from Commissioner Roy Dwayne Penick's discretionary funds and will be classified as a capital improvement of public property expenditure.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

The use of Commissioner Penick's discretionary funds in the amount of up to \$130,000.00 will be deducted from line 010100-44901-00319 Special Projects District 5 for FY22-23.

Attachments:

Request; Resolution; Map and Rendering

Efren A

Legal Review:

Approved As To Form: Cortez

City Attorney

Digitally signed by Efren A. Cortez
DN: cn=Efren A. Cortez, o=City of Hobbs, ou=City Attorney's Office, email=ecortez@hobbsnm.org, c=US
Date: 2023.05.24 10:05:13 -0500

Recommendation:

The Commission should consider approval of the Resolution.

Approved For Submittal By:

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. 7349

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO BE USED FOR
THE UPGRADE DESIGN AND IMPROVEMENTS TO A POCKET PARK IN THE
WESTMINSTER NEIGHBORHOOD OF HOBBS, NEW MEXICO

WHEREAS, District 5 City Commissioner Roy Dwayne Penick seeks to utilize up to \$130,000.00 of his discretionary funds for FY 22-23 for the upgrade design and improvements to a pocket park located in the Westminster Neighborhood of Hobbs, New Mexico; and

WHEREAS, the expenditure of discretionary funds for this project will constitute a capital improvement of public property and thus qualify for expenditure of discretionary funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor and City Manager be and are hereby directed to execute any and all paperwork necessary to accomplish the upgrade design and improvements to the pocket park located in the Westminster Neighborhood in Hobbs, New Mexico up to \$130,000.00.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



COMMISSION SPECIAL PROJECT
REQUEST

DATE:

05-9-2023

TOTAL AMOUNT OF REQUEST

100K ~~130K~~ RRP

COMMISSIONER:

Dwayne Penick

PROJECT NAME:

West Minister Park

LOCATION:

West Minister

PURPOSE OF EXPENDITURE

Playground equipment Picnic
Tables ext..

CLASSIFICATION: (circle one)

Government Entity (Hobbs Schools, NMJC, other)

Capital Improvement of public property (parks, streets, right of ways, etc)

Equipment to be owned or maintained by the City of Hobbs

Beautification project of City owned property (examples: clean-up supplies,
advertising, tipping fees, etc)

Amendments to EDC airline subsidy

Animal Adoption Programs (spay & neuter programs)

City sponsored promotions (advertising, etc)

VENDORS TO BE USED:

SIGNED

Dwayne Penick

Possible Westminster Park
Red Box Area
Small Pavilio with Picnic Table
1 Bay w/ 2 Belt Swings
5-12 yrs age group Play Feature with Slide, Climbers and Spinners
Wood Fiber Surfacing

Legend
Feature 1



Google Earth

N Genoa

300 ft



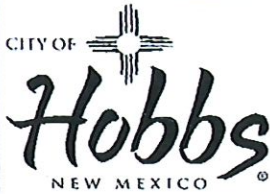


Westminster Playground

23299A • 5.18.2023



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CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: Purchase Replacement G2-60 Centrifuge Rotating Assembly, Sole Source Purchase
DEPT. OF ORIGIN: Utilities
DATE SUBMITTED: May 15, 2023
SUBMITTED BY: Tim Woomer, Utilities Director

Summary.

- The current rotating assembly is fourteen (14) years old and has undergone four major repairs requiring large scale machining in an offsite repair facility. This assembly is eight (8) feet in length, weighs approximately one (1) ton, and spins at 3,260 RPM.
- The age of this unit, and the number of major failures have reduced the reliability and safety margin of the rotating assembly to a level that replacement is necessary.
- By utilizing the original centrifuge chassis, we realize a savings of \$150,000.00 dollars over the purchase of a complete new centrifuge unit.
- The City is not permitted to stockpile unprocessed bio-solids on site and stockpiling unprocessed bio-solids generates odors that negatively affect local residents' life quality.

Fiscal Impact: \$152,064.00

Reviewed By: _____
Finance Department

Digitally signed by Tim Woomer, DN: cn=Tim Woomer, o=CITY OF HOBBS, ou=City of Hobbs, email=tim.woomer@ci.hobbs.nm.us, c=US

The total amount includes the Alfa Laval OEM G2-60 Centrifuge Rotating Assembly. Complete from drive sheave to gearbox and ready to drop into the existing chassis. This equipment purchase is presently funded at \$152,064.00 under Utilities Enterprise Fund 624062-44901-00286 for FY 2022-23.

Attachments:

Alfa Laval Quote for one (1) complete rotating assembly and Alfa Laval Sole Source Letter.

Legal Review:

Approved As To Form: *EAC*
City Attorney

Recommendation:

Approve the purchase of One (1) Replacement G2-60 Centrifuge Rotating Assembly in the amount of \$152,064.00 from Alfa Laval Inc.

Approved For Submittal By:

Bill Griffin
Department Director
FOR TIM WOOMER

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
SOLE SOURCE/EMERGENCY PURCHASE

TO: CPO _____
FROM: Bill Griffin _____
DATE: 5/15/2023 _____

CHECK ONE: SOLE SOURCE EMERGENCY PURCHASE

ITEM(S)/SERVICES(S) TO BE PURCHASED: Alfa Laval G2-60 Decanter Centrifuge replacement
rotating assembly complete and assembled from drive sheave to backdrive gearbox.

Award To (If new vender make sure address is on this form): Alfa Laval, Inc.
5400 International Trade Drive
Richmond, Va. 23231
804-222-5300
Phone/Fax Number:
Roger Mckinney
Point of Contact:

COST: \$152,064.00 (NMGRT not applic.)

The WWRF uses a centrifuge to dewater the digested biosolids before sending it to the sludge
dryer. The current centrifuge rotating assembly has had four (4) major failures requiring
large scale machining at an offsite repair facility. The age of this unit, and the number of major
repairs have reduced the reliability and safety margin of the rotating assembly to a level that
replacement is necessary. This is the rotating assembly only and will be utilized in the original
chassis. Alfa laval is the manufacturer of this equipment and no other vendors can supply a
drop-in interchange unit. This will be a sole source purchase from Alfa Laval.

Account Number: 62-4062-44901-00286

Prepared By: Bill Griffin

Department Approval: Bill Griffin (FOR TIM WOOMER)

CPO: _____

CITY OF HOBBS REQUISITION/QUOTE FORM

(Purchase \$20,000.00+ SPD, GSA & Quote Contract)

TO: CPO

FROM: Utilities Dept.

DATE: 5/10/2023

VENDOR NAME: Alfa Laval Inc ADDRESS: 5400 International Trade Drive Richmond, VA 23231 PHONE NUMBER: 804-222-5300 FAX NUMBER: 804-236-3276	1)	2)	3)
--	----	----	----

QTY	DESCRIPTION ITEM(S) SERVICE TO BE PURCHASED	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Replacement complete, assembled, factory OEM original, rotating assembly for Alfa Laval G2-60 Biosolids processing Centrifuge.	\$152,064.00	\$152,064.00		\$0.00		\$0.00
			\$0.00		\$0.00		\$0.00
			\$0.00		\$0.00		\$0.00
	This purchase qualifies as an exempt purchase under 3.20.035.		\$0.00		\$0.00		\$0.00
	Alfa Laval is the original and only manufacturer of this centrifuge. Alfa Laval is the only manufacturer and supplier of OEM replacement parts. Therefore; Alfa Laval is the only manufacturer/supplier of this rotating assembly.		\$0.00		\$0.00		\$0.00
			\$0.00		\$0.00		\$0.00
			\$0.00		\$0.00		\$0.00
			\$0.00		\$0.00		\$0.00

TAX:	NMGRT not applicable
TOTAL AMOUNT:	\$152,064.00
DELIVERY DATE:	46 wks after order
ESTIMATED SHIPPING CHARGES:	included

CIRCLE ONE: STATE CONTRACT / GSA CONTRACT / QUOTE **CONTRACT/QUOTE NO.:** OP-2303-FWD-0455699 **EXPIRATION DATE:** 06/22/23

SPD or GSA contracts should be attached or on file in CPO, GSA contracts must have a letter from the contractor indicating a willingness to extend pricing, and all terms to the City of Hobbs.

AWARD TO: Alfa Laval Inc **POINT OF CONTACT:** Roger Mckinney (If it is a new vendor make sure address is on this form)

If lowest price is not recommended, please state why (subject to approval by CPO): Alfa Laval is the OEM for this centrifuge and the part qualifies

as an exemption due to Alfa Laval being the only manufacturer/supplier of this part.

Account No.: 62-4062-44901-00286

Prepared By: Bill Griffin

Department Approval: Tom Woomer

Date: 05/15/2023
Your ref: Bill Griffen
Our ref: Roger McKinney



City of Hobbs WWRF
200 E. Broadway
Hobbs, NM 88240

Alfa Laval, Inc.
www.alfalaval.com

Alfa Laval Parts & Service – Sole Source Letter

Alfa Laval Inc. is the original equipment manufacturer (OEM) of the Alfa Laval Decanter Centrifuges and spare Rotating Assemblies owned and operated by the City of Hobbs facilities. Proper maintenance of these units is key to the assurance of operational safety and optimum performance.

Alfa Laval considers all dimensions, tolerances, and material specifications to be its intellectual property.

Alfa Laval utilizes traceability and material certificates for all critical components.

For example:

- All Conveyor Tile Assemblies specified on our Centrifuges are individually shear tested with a defined force acting on the braze joint. Any deformation of braze joint or cracking of carbide results in part rejection. Each Lot has traceability documentation to reflect safety consideration
- Other example of special mechanical properties and traceability is a conveyor tension bar.

There are many other parts that have OEM design with proprietary specification, such as gears, shafts, wear protection components, etc. Some of the bearings used in Alfa Laval centrifuges are manufactured for Alfa Laval only.

The use of non-OEM spare parts, repairs performed by unauthorized shops or on-site service by improperly trained personnel could result in significant damage to the centrifuge. Improper material selection or the use of unsuitable manufacturing methods may create the potential risk of serious damage or personal injury. The City of Hobbs is hereby advised that it would assume, without limitation, full legal responsibility for any loss, liability, damage or personal injury which may arise as a result of any election by the City of Hobbs to use non-OEM parts or have work performed by unauthorized personnel.

Alfa Laval Parts & Service

All Parts and Service activities, including sales of spare parts, in-house repairs, field service, upgrades, retrofits, training, etc. must be sole source direct with Alfa Laval Inc. There is no representative, distributor or third-party company authorized to represent Alfa Laval Inc.

Parts and Service municipal business.

As the OEM, Alfa Laval has all the resources to repair these centrifuges to original specifications and offer a one (1) year warranty. Alfa Laval will not warrant repairs performed by anyone other than Alfa Laval. Alfa Laval provides field service, training, technical and sales support to the City of Hobbs from our offices and/or Repair Centres located in Chesapeake, Virginia, Fresno, California Greenwood, Indiana and Houston, Texas. All personnel are factory trained and supported through our Warminster, Pennsylvania Office.

We realize that this equipment is critical to the operation of your facility. If you have any questions or require additional information, please contact me on my cell at 317-345-5512.

Regards,

Roger McKinney

Roger McKinney
Pacific Northwest Regional Manager
Food and Water Division



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2023

SUBJECT: Bid 1605-23; Furnish One (1), 2022 Or Newer, Emergency/Standby Diesel Generator Unit and One (1) Automatic Transfer Switch to be Located at The HIAP Booster Pump Station and Reservoir. Provide all Material, Labor, Equipment, and Engineer (PE) Approved Drawings to Convert the Electrical Service at the HIAP Booster Pump Station and Potable Water Production Wells #1 and #2 from Delta Electrical Service to Wye Electrical Service.

DEPT. OF ORIGIN: Utilities Department

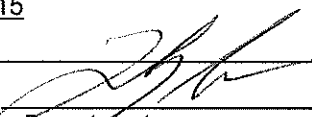
DATE SUBMITTED: May 25, 2023

SUBMITTED BY: Tim Woomer, Utilities Director

Summary:

- The City of Hobbs Utilities Department requests the purchase of a 400kW to 500kW Emergency Standby Generator for the HIAP Booster Pump Station and Reservoir. This will replace the 23-year-old existing diesel generator that is obsolete and unrepairable.
- Work consists of disconnecting and removing all existing wiring from the existing Automatic Transfer Switch (ATS), breaker box, and generator and then removing all existing equipment. The installation of a new emergency/standby diesel generator unit and one (1) automatic transfer switch, including complete installation, testing, training, and commissioning of all equipment to be located at the HIAP Booster Pump Station and Reservoir.
- Provide all Material, Labor, Equipment, and Engineer (PE) Approved Drawings to Convert the Electrical Service at the HIAP Booster Pump Station and Potable Water Production Wells #1 and #2 from Delta Electrical Service to Wye Electrical Service.
- This generator serves as one the primary means of delivering water to the north side water system of Hobbs during emergency power outages.
- Bid 1605-23 was published on March 26, 2023 and two (2) qualified bids were received by the closing date of April 6, 2023.
- The bids are as follows
 - Alpha Southwest Inc., Albuquerque NM: Bid price \$399,522.00
 - IPS Inc., Hobbs, NM: Bid price \$434,389.15

Fiscal Impact: \$399,522.00 (Not Including NMGRT)

Reviewed By: 
Finance Department

Funds for the City of Hobbs HIAP Generator Replacement Project are approved in the FY2022/2023 Enterprise Fund Budget. This purchase utilizes Account Number 60-4620-43015 and is budgeted in the amount of \$250,000.00. Additional funds in the amount of \$400,000.00 are included in the FY2023/2024 Enterprise Fund Budget to complete this Project.

Attachments:

- Bid 1605-23 Specifications/Documents
- Alpha Southwest, Inc.; Bid & Specification Sheet
- IPS Inc.; Bid & Specification Sheet

Legal Review:

Approved As To Form: Valerie S. Chen for
City Attorney

Recommendation:

Award Bid 1605-23 for the City of Hobbs HIAP Generator Replacement Project to Alpha Southwest, Inc., of Albuquerque, NM, in the amount of \$399,522.00 (Not Including NMGR).

Approved for Submittal By:

Jim Hoomey
Department Director
[Signature]
City Manager

CITY CLERKS USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied: _____
File No. _____

INVITATION TO BID

BID NO. 1605-23

FURNISH ONE (1), 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE

City of Hobbs, New Mexico

Sealed bids will be received by the City of Hobbs, New Mexico, at the office of the Finance Director in City Hall, 200 E Broadway St, Hobbs, New Mexico 88240 until 2 P.M. April 6, 2023

At the above time, bids will be publicly opened in Public Meeting Room B131 in the basement of City Hall and read aloud. Any bid received after the stated time will be returned unopened.

Vendors may inspect the existing Electrical Service and the existing Emergency Generator and Automatic Transfer Switch (ATS) located at the HIAP Booster Pump Station and Reservoir, 6410 N. A St., Hobbs, NM 88240 by contacting Mr. Chris Maynard, Water Production Supervisor, at (575) 397-9330 or by email at cmaynard@hobbsnm.org to set up an inspection appointment.

Copies of the specifications may be procured without charge from the office of the City Finance Director. If there are any questions regarding this bid contact Shelly Raulston, sraulston@hobbsnm.org or (575) 397-9244.

In case of ambiguity or lack of clearness in stating proposal prices the City of Hobbs, New Mexico, reserves the right to adopt the most advantageous thereof, or to reject any or all bids and waive irregularities.

CITY OF HOBBS, NEW MEXICO

Manny Gomez
City Manager

Publication Date: March 26, 2023

INSTRUCTIONS TO BIDDERS

I. SUBMITTING BIDS

- A. Sealed bids will be received by the Finance Department, in accordance with the Bid Advertisement. Bidders shall use the bid form included with the specifications. Bid forms must bear the signature of the bidder to be considered. Pursuant to NMSA 1978, § 13-1-191.1 (2006), bidders shall complete the attached Campaign Contribution Disclosure form. Failure of bidders to complete bidding documents in accordance with all instructions provided is cause for the City of Hobbs to reject bids.
- B. Bids must be submitted in a sealed envelope with the outside marked:
BID NO. 1605-23; FURNISH ONE (1), 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE
- C. All bids shall be net. Do not include any taxes from which municipalities are exempt.
Tax exemption certificates will be furnished, if needed.
- D. Resident/Veterans preference - pursuant to sections 13-1-21 & 13-4-2 NMSA 1978, bidders claiming preference must be certified prior to bid opening. Bidder's preference will be taken into consideration, only if the preference number/certificate is stated on the bid form on page 7 and a copy of certification is attached.
- E. It is the bidder's responsibility to deliver his bid to the proper place and at the time designated. The fact that a bid was dispatched will not be considered. The time of bid opening is determined by the clock in the Finance Department at City Hall.
- F. Brand name and numbers are for reference only, equivalents will be considered. If bidding "Equivalent," Bidders must be prepared to furnish "Complete Data" upon request, preferably with bid to avoid delay in award.

- G. Specifications,
Specifications on the bid are not meant to exclude any bidder or manufacturer. Where a brand name or equal is indicated, it is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to restrict competition.
2. Exceptions and/or alternatives to specifications and conditions of this bid shall be listed on a separate sheet of paper and attached to the bid. This sheet shall be labeled "Exceptions and/or Alternatives to Specifications and Conditions", and illustrative brochures and specifications shall be included. After examination and comparison of the specifications, the City of Hobbs reserves the right to reject any or all bids.
 3. If any bidder is of the opinion that the specifications as written preclude them from submitting a bid, it is requested that their opinion be made known to the City of Hobbs, in writing, AT LEAST FIVE (5) DAYS PRIOR to the bid opening date.
- H. The Emergency Diesel Generator and Automatic Transfer Switch (ATS) to be a 2022 model or newer as stated in the Detailed Specifications.
- I. NON-COLLUSION: In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the City of Hobbs.
- J. NON-DISCRIMINATION: Vendors doing business with the City of Hobbs must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of the Act (Rev.1979), and the Americans with Disabilities Act of 1990, (Public Law 101-336)
- K. DEFAULT: The city reserves the right to cancel all or any part of this bid without cost to the City, if the Vendor fails to meet the provisions of this bid and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the City due to the Vendor's default. The Vendor shall not be liable for any excess cost if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the vendor, such causes include, but are not restricted to, acts of God , the public enemy, acts of the State or Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of subcontractors due to any of the above, unless the City shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required scheduled delivery. The rights and remedies of the City provided in this paragraph shall not be exclusive and are in addition to any other rights not being provided by law or under this order.

II. SERVICES

- A. **WARRANTY:** The vendor agrees that the supplies or services furnished under this bid shall be covered by the most favorable commercial warranties the vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the City and are in addition to and do not limit any rights afforded to the City by any other clause of this bid. Vendor agrees to honor manufacturer's warranty.

The successful bidder shall provide in writing a receipt for all warranty repairs. Receipt must indicate the date of service, parts replaced and a specific detail of the type of repair(s).

- B. The proposed unit to be furnished shall carry a minimum of 2 year standby warranty and service that is provided by the manufacturer and dealer. Successful bidder must have a Certified Generator Technician that has been certified for a minimum of one year and stocked with an adequate supply of parts for the proposed unit.
- C. **MANUALS:** The operator's manual, parts catalog, and technical manual shall be provided with the generator and ATS at the time of delivery. Manuals shall cover in detail, maintenance, operation, replacement parts and technical data to repair the equipment specified.
- D. The unit offered under this bid shall be new, standard production model of the latest design in current production of the year that it was manufactured.

III. AWARD OF CONTRACT

- A. The City Commission of the City of Hobbs, New Mexico, reserves the right to waive irregularities in bids, and to reject any or all bids or portions thereof. They may award to the bidder whose bid is deemed to be in the best interest of the City of Hobbs.
- B. All bids shall remain open for sixty (60) days after the day of the bid opening.
- C. Alternate bids will be considered only if the bidder is successful on the base bid. Offers with two base bids will be disqualified. Base bid must be identified as prime bid.
- D. To preclude possible errors and/or misinterpretations, bid prices must be affixed legibly in ink, or typewritten. Corrections or changes must be signed or initialed by bidder prior to schedule bid opening. Failure to do so will be just cause for rejection of bid.

- E. Bids may be withdrawn upon receipt of written request prior to schedule bid opening for the purpose of making any corrections and/or changes. Such corrections must be properly identified and signed or initialed by bidder. Resubmitting must be prior to scheduled bid opening for consideration.
- F. After bid opening, no modifications on bid prices or other provisions of bids shall be permitted. A low bidder alleging a material mistake of fact, after bids have been opened, may be permitted to withdraw the bid upon written request prior to award at the discretion of the Finance Director.
- G. This bid will be awarded on a Total Bid basis or Per Line Item.
- H. City of Hobbs reserves the right to reduce or increase the number of units to be purchased upon notification to the successful bidder.

IV. DELIVERY

- A. Diesel Generator, Automatic Transfer Switch (ATS), and all Material needed to convert the existing DELTA Electrical Service to a WYE Electrical Service for the HIAP Booster Pump Station and the Potable Water Production Wells #1 and #2 shall be delivered to the City of Hobbs HIAP Booster Pump Station and Reservoir, 6410 North A St., Hobbs, NM 88240.
- B. Bidder will fill in the delivery time on the attached bid form.

V. PAYMENT

- A. The City of Hobbs requests one invoice following delivery. Payment will be made within fifteen (15) days of acceptance of the equipment by the UTILITIES DEPARTMENT upon certification that all contract terms have been met.

VI. INSURANCE

- A. Successful bidder shall provide City with a Certificate of Liability Insurance including products and completed operations.

GENERAL: Bidder shall Furnish One (1), 2022 or Newer, Emergency/Standby Diesel Generator Unit and One (1) Automatic Transfer Switch. Bidder shall provide all Material, Labor, and Equipment needed to convert the existing DELTA Electrical Service to WYE Electrical Service, including potable water production wells #1 and #2. Bidder shall provide Engineer (PE) approved drawings. Bidder shall provide complete Installation, Testing, Training, and Commissioning of all Equipment to be Located at The HIAP Booster Pump Station and Reservoir, 6410 N. A St., Hobbs, NM 88240.

NO COMPANY LOGOS, SIGNS, STICKERS, OR MARKINGS ARE TO BE APPLIED TO ANY UNITS PROVIDED TO THE CITY OF HOBBS NEW MEXICO.

MINIMUM SPECIFICATIONS:

1) Scope of work for the transition from existing Δ-Service to Y-Service

- Remove existing 600-amp service, main disconnect, disconnect existing ATS
- Remove four 200 amp disconnects, one 400 amp disconnect, a 100-amp load center and transformer feeding it.
- Remove existing gutter and panel rack and replace it with new panel rack and 2-10' gutters, with a new 600 amp 4-wire 480/277 volt service, new 600 amp CT can, new meter can, new 600 amp fusible main disconnect to feed a new Square D 600 amp I Line panelboard with 5-200 amp 3-pole breakers to feed Water Production Wells #1 & #2 and Booster Pumps 1, 2, and 3, and 1-30 amp 2-pole breaker to feed new XTMR feeding new 100 amp single phase 120/240 volt load center.
- Dig up existing underground conduits and redirect them to new panelboard through the gutters.
- Pour concrete base for the equipment
- Pull new wire with a neutral from panel rack, underground and up two risers that feeds both water wells.
- Pull new wire with a neutral to three disconnects in basement under building feeding booster pumps.
- Pull new wire with a neutral from disconnects in basement up to VFD's and back down to all three booster pumps.
- Pull new wire with neutral from inside both water well buildings out and up risers.
- Install 100 amp disconnect inside building near VFD's to feed transformer.
- Install neutral bar kits on all five 200 amp disconnects.
- Terminate all connections to water wells and booster pumps and check rotation on all electrical equipment before starting back up.
- Demo all overhead secondary going from main building to wells.
- Replace poles and anchors as needed.
- Hang and tie off new overhead secondary, terminate at both ends of wire runs.

2) Emergency/Standby Generator Unit

- 400 KW to 500 KW (most suitable size for the combined Load) emergency/standby electrical service generation unit
- Fuel type - Diesel
- 480 volt, 3 phase, 60 hertz, WYE configuration
- Circuit Breaker – 600 amp
- Emergency Stop Switch
- Remove existing conductors and control wiring, clean all wiring conduit(s), and install new conductors and control wiring for new Diesel Generator, Automatic Transfer Switch (ATS), and Disconnect/Breaker.
- Provide interposing relays for the following alarm conditions to be indicated on our SCADA system: ATS in emergency, Generator running, Generator Fail, and Generator battery voltage low.
 - a. ATS in emergency - Opened in normal operations – Closed when in Emergency
 - b. Generator Running – Opened in normal operations – Closed when Generator is Running
 - c. Generator Fail – Opened in normal operations – Closed when Generator Fails
 - d. Generator Low Battery – Opened in normal operations – Closed when Battery is Low
- Install conduit and conductors for the above alarm conditions from the generator and the ATS to the SCADA control panel within the HIAP Booster Pump Station. City of Hobbs SCADA personnel can assist with the connection to the PLC hardware
- EPA emissions certified for US stationary emergency/standby only
- UL2200 listed package, NFPA 99/110 compliant
- Integral grade exhaust system
- Sound attenuated and weather protective enclosure
- Engine Cooling Radiator, High Ambient Air Temperature
- UL142 closed top double wall fuel tank base, 24 hour run time fuel capacity
- Lockable fuel cap, fuel level gauge & alarm sender, vents, reliefs
- Electronic modular control panel
- UL489 main circuit breaker 600 AF 3–pole LSi electronic 100% rated
- Low coolant level and/or high coolant temperature shutdown and alarm
- Low oil pressure and/or high oil temperature shutdown and alarm
- Lead acid engine start battery set, cables, secure mounting tray
- Charging alternator
- Multi rate 10A battery charger/maintainer with NFPA alarms
- Engine jacket water heater
- Digital voltage regulator & excitation module
- Fluid fill - engine oil, engine coolant, battery electrolyte (fuel not included)
- Extend reinforced concrete pad to accommodate new Generator if necessary
- Two (2) Year Warranty
- Two (2) copies of Operation and Maintenance Manuals
- One round trip vendor startup & owner training by vendor's certified generator technician
- Turnkey installation/testing/commissioning of both Emergency/Standby Generator and

Automatic Transfer Switch (ATS) at the HIAP Booster Pump Station and Reservoir, as well as potable water production wells #1 and #2. 6410 N. A St., Hobbs, NM 88240.

- City of Hobbs to retain old Generator and ATS

3) Automatic Transfer Switch (ATS)

- 480 Volt, 3 Phase, 60 Hertz, WYE Configuration
- 600 Amp, 3 Phase, 60 Hertz
- Contactor Switching, Open Transition Transfer
- Digital Microprocessor Control
- Pilot Lights, Test Switch, Plant Exerciser
- Standard Time Delays
- Phase Monitor
- NEMA 3R Outdoor Enclosure
- Surge Protection
- Two (2) Copies of Operation and Maintenance Manuals
- Two (2) Year Warranty
- City of Hobbs to retain old Generator and ATS

4) Engineer approved drawings

- Provide Engineer approved drawings by an Engineer licensed in the state of New Mexico for the entire project.

INVITATION TO BID

FURNISH ONE (1) 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE

Date: 4 APR 23, 2023

To: The City of Hobbs, New Mexico

Bid of ALPHA SOUTHWEST, INC.

A) A Corporation under the laws of the State of NEW MEXICO; or

B) A partnership consisting of _____; or

C) An individual trading as _____.

The undersigned bidder, pursuant to the foregoing "Notice to Bidders", has carefully examined the instructions to Bidders, this bid form and the Detailed Specifications.

L0378007104

Resident Preference
Certification Number

ALPHA SOUTHWEST, INC.
Company Name

[Signature]
BY

DAVID M. YATES
Type or Print Name

205 ROSSMOOR RD SW, ALBUQUERQUE
Address

NM 87105 Telephone _____
State Zip

Number _____ City _____

NOTE: To be valid, bid must be signed. The signature of a corporation is its president, or an authorized vice president, attested by the secretary. A signature of a partnership must be a valid partner.

Do Not Return Invitation to Bid Form in Case of a "NO BID"
If applicable - bidder acknowledges receipt of the following AMENDMENT(S):

Amendment No: _____ Dated: _____ Amendment No.: _____ Date: _____

Amendment No: _____ Dated: _____ Amendment No.: _____ Date: _____

INVITATION TO BID

FURNISH ONE (1), 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE

Bid of ALPHA Southwest Inc Bidders to furnish the following.
 (Company Name)

Recommended delivery time of 120 days after notification of award

Vendor delivery time 395 days after notification of award.

ITEM NO.	EST QTY.	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	1	Provide Parts, Labor, and Equipment to convert the existing DELTA Electrical Service to a WYE Electrical Service	<u>\$ 179,982.00</u>	<u>\$ 179,982.00</u>
2	1	Automatic Transfer Switch (ATS) Service Rated 600-amp, 3 phase, 60 hertz. WYE configuration.	<u>\$ 24,460.00</u>	<u>\$ 24,460.00</u>
3	1	Installation of Emergency/Standby Generator and ATS, including all necessary electrical work and concrete work pursuant to the minimum specifications.	<u>\$ 184,312.00</u>	<u>\$ 184,312.00</u>
4	1	Startup, Testing, Commissioning, and Training of City of Hobbs Staff for Standby Generator and ATS Operation and Maintenance by Vendor's Certified Generator Technician	<u>\$ 6,628.00</u>	<u>\$ 6,628.00</u>

5	1	Engineer (PE) Approved Drawings	<u>\$ 4,140.00</u>	<u>\$ 4,140.00</u>
		TOTAL	<u>\$ 399,522.00</u>	<u>\$ 399,522.00</u>
		TOTAL	<u>\$ 399,522.00</u>	

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.


Signature

4 APR 23
Date

Vice President
Title (Position)

Resident Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one box only

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$3M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime."

(Signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.

NON-COLLUSION AFFIDAVIT

STATE OF NEW MEXICO

City OF ALBUQUERQUE

DAVID M. YATES (name) being first duly sworn, deposes and

says that he/she is (title) Vice President

of (organization) ALPHA SOURCE WEST INC.

who submits herewith to the City of Hobbs, a bid/proposal:

That all statements of fact in such bid/proposal are true:

That said proposal/bid was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said proposer/bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the City of Hobbs, or of any proposer/bidder of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of bid/proposal, said bidder/proposer;

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding or withdraw his/her proposals;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the proposal price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of their proposal price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association organization, bid depository or to any member or agent thereof, or to any individual group of individuals, except that City of Hobbs, or to any person or persons who have a partnership or other financial interests with said proposer/bidder in his/her business.

By: [Signature]

Title: Vice President

SUBSCRIBED and sworn to before me this 5th day of April, 2023

Notary Public: [Signature]

My Commission Expires:

STATE OF NEW MEXICO
NOTARY PUBLIC
MEGHAN L. SANCHEZ
COMMISSION # 1112428
COMMISSION EXPIRES 09/17/2023

RELATED PARTY DISCLOSURE FORM

(Bidders and Proposers only)

1. Are you indebted to or have a receivable from any member of the City of Hobbs Commissioners, administration officials, department heads, and key management supervisors with the City of Hobbs?

YES ___ NO X

2. Are you, or any officer of your company related to any member of the City of Hobbs Commissioners, administration officials, department heads, key management supervisors of the City of Hobbs and have you had any of the following transactions since January 1, 2017 to which City of Hobbs was, is to be, a party?

Sales, Purchase or leasing of property? YES ___ NO X
Receiving, furnishing of goods, services YES ___ NO X
or facilities?
Commissions or royalty payments? YES ___ NO X

3. Does any member of the City Commission; administration officials, department heads, key management supervisors with the City of Hobbs, have any financial interest in your company whether a sole proprietorship, partnership, or corporation of any kind that currently conducts business with the City of Hobbs?

YES ___ NO X

4. At any time from January 1, 2017 through the present, did you, your company, or any officer of your company have an interest in or signature authority over a bank account for the benefit of a member of the City Commission administration officials, department heads, key management supervisors with the City of Hobbs?

YES ___ NO X

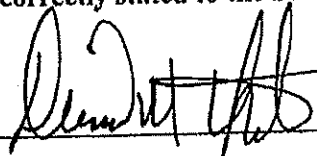
5. Are you negotiating to employ or do you currently employ any employee, officer, or family member of an employee or officer for the City of Hobbs? NO

6. Are you an employee of the City of Hobbs or a member of your family an employee of the City of Hobbs?

YES ___ NO X

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature of Owner or Company President



Date

4 APR 23

(Print Name and Title):

DAVID M. YATES Vice President



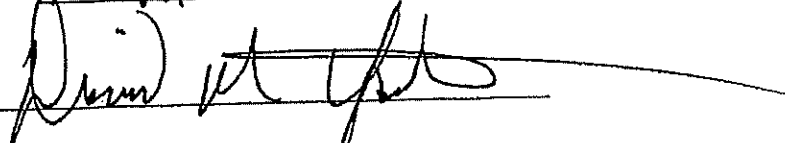
City of Hobbs Certification Regarding Debarment, Suspension, Ineligibility and

The Bidder/Proposer certifies, by submission of this bid/proposal, neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this submission of bid/proposal by any Federal, State or Local government. It further agrees by submitting this bid/proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts and subcontracts. Where the bidder/proposer or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this bid/proposal submission.

Failure to acknowledge the above conditions would render the Bid/Proposal non-responsive.

I acknowledge the above conditions:

Company Name ALPHA SOUTHWEST INC.

Signature 

Print Name DAVID M. YATES

INVITATION TO BID

FURNISH ONE (1) 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE

Date: April 5th, 2023

To: The City of Hobbs, New Mexico

Bid of Ingram Professional Services;

A) A Corporation under the laws of the State of New Mexico; or

B) A partnership consisting of _____; or

C) An individual trading as _____.

The undersigned bidder, pursuant to the foregoing "Notice to Bidders", has carefully examined the instructions to Bidders, this bid form and the Detailed Specifications.

Resident Preference
Certification Number

Ingram Professional Services
Company Name

[Signature]
BY:

Philip Ingram
Type or Print Name

1612 W. Sanger
Address

575 393-1417
Number

City

Hobbs NM 88240 Telephone

NOTE: To be valid, bid must be signed. The signature of a corporation is its president, or an authorized vice president, attested by the secretary. A signature of a partnership must be a valid partner.

Do Not Return Invitation to Bid Form in Case of a "NO BID"

If applicable - bidder acknowledges receipt of the following AMENDMENT(S):

Amendment No: _____ Dated: _____ Amendment No.: _____ Date: _____

Amendment No: _____ Dated: _____ Amendment No.: _____ Date: _____

INVITATION TO BID

FURNISH ONE (1), 2022 OR NEWER, EMERGENCY/STANDBY DIESEL GENERATOR UNIT AND ONE (1) AUTOMATIC TRANSFER SWITCH TO BE LOCATED AT THE HIAP BOOSTER PUMP STATION AND RESERVOIR. PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, AND ENGINEER (PE) APPROVED DRAWINGS TO CONVERT THE ELECTRICAL SERVICE AT THE HIAP BOOSTER PUMP STATION AND POTABLE WATER PRODUCTION WELLS #1 AND #2 FROM DELTA ELECTRICAL SERVICE TO WYE ELECTRICAL SERVICE

Bid of Ingram Professional Services Bidders to furnish the following.
(Company Name)

Recommended delivery time of 120 days after notification of award

Vendor delivery time 365 days after notification of award.

ITEM NO.	EST QTY.	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	1	Provide Parts, Labor, and Equipment to convert the existing DELTA Electrical Service to a WYE Electrical Service	\$ _____	\$ <u>183,333.⁰⁵</u>
2	1	Automatic Transfer Switch (ATS) Service Rated 600-amp, 3 phase, 60 hertz. WYE configuration.	\$ _____	\$ <u>30,562.⁶⁵</u>
3	1	Installation of Emergency/Standby Generator and ATS, including all necessary electrical work and concrete work pursuant to the minimum specifications.	\$ _____	\$ <u>202,290.⁰⁰</u>
4	1	Startup, Testing, Commissioning, and Training of City of Hobbs Staff for Standby Generator and ATS Operation and Maintenance by Vendor's Certified Generator Technician	\$ _____	\$ <u>11,454.⁰⁵</u>

5	1	Engineer (PE) Approved Drawings	\$ _____	\$ <u>6,750.⁰⁰</u>
		TOTAL	\$ _____	\$ _____
		TOTAL	\$ <u>434,389.15</u>	

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

“Prospective contractor” means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

“Representative of a prospective contractor” means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Pr

Signature

4-5-23

Date

President

Title (Position)

Resident Veterans Preference Certification

Ingram Professional Services (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident Veterans' preference to this procurement:

Please check one box only

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$3M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime."



(Signature of Business Representative)*

4-5-23

(Date)

*Must be an authorized signatory for the Business.

The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.

NON-COLLUSION AFFIDAVIT

STATE OF NM

City OF Hobbs

Philip Ingram (name) being first duly sworn, deposes and says that he/she is (title) Philip Ingram

of (organization) Ingram Professional Services Inc

who submits herewith to the City of Hobbs, a bid/proposal:

That all statements of fact in such bid/proposal are true:

That said proposal/bid was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said proposer/bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the City of Hobbs, or of any proposer/bidder of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of bid/proposal, said bidder/proposer;

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding or withdraw his/her proposals;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the proposal price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of their proposal price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association organization, bid depository or to any member or agent thereof, or to any individual group of individuals, except that City of Hobbs, or to any person or persons who have a partnership or other financial interests with said proposer/bidder in his/her business.

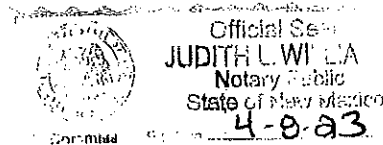
By: [Signature]

Title: President

SUBSCRIBED and sworn to before me this 5th day of April, 2003

Notary Public: [Signature]

My Commission Expires:





**City of Hobbs
Certification Regarding Debarment, Suspension, Ineligibility and**

The Bidder/Proposer certifies, by submission of this bid/proposal, neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this submission of bid/proposal by any Federal, State or Local government. It further agrees by submitting this bid/proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts and subcontracts. Where the bidder/proposer or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this bid/proposal submission.

Failure to acknowledge the above conditions would render the Bid/Proposal non-responsive.

I acknowledge the above conditions:

Company Name Ingram Professional Services Inc.

Signature 

Print Name Philie Ingram