

# Commission Meeting Agenda



## ***Mayor***

Samuel D. Cobb

## ***City Commission***

Marshall R. Newman

Christopher R. Mills

Larron B. Fields

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

## ***Acting City Manager***

Manny Gomez

***August 3, 2020***



## **Hobbs City Commission**

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

**Monday, August 3, 2020 – 6:00 p.m.**  
**Virtual Meeting Held by Video Conference**

Sam D. Cobb, Mayor

Marshall R. Newman  
Commissioner – District 1

Joseph D. Calderon  
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

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### **A G E N D A**

City Commission Meetings are  
Broadcast Live on KHBX FM 99.3 Radio and  
Available via Livestream at [www.hobbsnm.org](http://www.hobbsnm.org)

#### **CALL TO ORDER AND ROLL CALL**

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES**

1. Minutes of the July 20, 2020, Regular Commission Meeting

#### **PROCLAMATIONS AND AWARDS OF MERIT**

#### **PUBLIC COMMENTS**

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment should be submitted in writing via email to the Deputy City Clerk at [mmaldonado@hobbsnm.org](mailto:mmaldonado@hobbsnm.org) or via fax at (575) 397-9334 no later than 4:30 p.m. on August 3, 2020.

A handwritten signature in black ink, appearing to be "M. Cobb", is written in the bottom right corner of the page.

**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.)*

2. Resolution No. 6960 – Approving the Vacation of the L Shaped Alleyway Located within Block 49 of the Original New Hobbs Addition and Re-plating Lots 5 through 22 into Lot 23 *(Kevin Robinson, Development Coordinator)*

**DISCUSSION**

3. Water Office Update *(Tim Woomer, Utilities Director)*
4. Hobbs Police Department Update *(Police Chief John Ortolano)*
5. Discussion and Prioritization of the Top 10 Projects for the FY 2022-2026 Infrastructure Capital Improvements Plan (ICIP) *(Todd Randall, City Engineer and Kevin Robinson, Development Coordinator)*

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

6. **FINAL ADOPTION:** Ordinance No. 1125 – Approving a Real Estate Purchase Agreement to Sell and Convey a Parcel of Land Located Northeast of the Intersection of Texas and Dal Paso, Containing 1.30 Acres More or Less, to Franklin Land Associates, LLC for the Purchase Price of \$190,000.00 *(Kevin Robinson, Development Coordinator)*

**\*\*NOTE:\*\*** Public Comment on this ordinance should be submitted in writing via email to the Deputy City Clerk at [mmaldonado@hobbsnm.org](mailto:mmaldonado@hobbsnm.org) or via fax at (575) 397-9334 no later than 4:30 p.m. on August 3, 2020.

**COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

7. Next Meeting Date:
  - City Commission Regular Meeting  
**August 17, 2020, at 6:00 p.m.**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9208 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: August 3, 2020

**SUBJECT: City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: July 27, 2020  
SUBMITTED BY: Mollie Maldonado, City Clerk

**Summary:**

The following minutes are submitted for approval:

- Regular Commission Meeting of July 20, 2020

**Fiscal Impact:**

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

N/A

**Attachments:**

Minutes as referenced under "Summary".

**Legal Review:**

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

**Recommendation:**

Motion to approve the minutes as presented.

Approved For Submittal By:  
  
for Department Director  
  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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



Minutes of the regular meeting of the Hobbs City Commission held on Monday, July 20, 2020, in Hobbs, New Mexico. This was a virtual meeting held by video conferencing and viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

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

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

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

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

Toby Spears, Acting City Manager/Finance Director  
Efren Cortez, City Attorney  
John Ortolano, Police Chief  
Robert Blanchard, President of the Hobbs Police Officers Association  
W.T. Martin, Jr., Attorney for the Hobbs Police Officers Association  
Missi Currier, CEO with EDCLC  
Doug McDaniel, Recreation Director  
Tanya Sanchez, Tourism Development Coordinator  
Tim Woomer, Utilities Director  
Shelia Baker, General Services Director  
Jan Fletcher, City Clerk

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

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.
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For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting.

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

Commissioner Fields delivered the invocation and Mayor Cobb led the Pledge of Allegiance.

### **Approval of Minutes**

Commissioner Fields moved that the minutes of the regular meeting held on Monday, July 6, 2020, be approved as presented. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Mills yes, Fields yes, Newman yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

### **Closed Session**

The City Commission convened in a virtual closed session on Monday, July 20, 2020, at 5:15 p.m., for the discussion of the purchase, acquisition or disposal of real property, specifically related to the acquisition of property located near the area of 200 East Broadway and near 1518 East Main. The matters discussed in the closed meeting were limited only to that specified above. No action was taken during the meeting.

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, the closed session was held as a virtual meeting conducted by video conference.

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

#### **Recognition of City Employees - Milestone Service Awards for the Month of July, 2020**

Mr. Toby Spears, Acting City Manager/Finance Director recognized the employees who have reached milestone service awards with the City of Hobbs for the month of July, 2020, which total 65 years of service worked. Mr. Spears read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- 5 years – Latrisca Brown, Municipal Court
- 15 years – Dana Ankerholz, Hobbs Fire Department
- 15 years – Julie Nymeyer, Engineering
- 15 years – Shawn Hardison, Hobbs Fire Department
- 15 years – Robert Janousek, W.W.T.P.

Mr. Spears stated these employees are not present due to COVID-19 and social distancing requirements. He thanked the Commission for recognizing the employees and their service to the City. He stated employees are the most important resource and asset

within the organization. Mr. Spears expressed thanks and appreciation to the employees and their families.

### **Public Comments**

The public was given the opportunity to submit public comments prior to the meeting in writing via email to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or via fax to (575) 397-9334 by 4:30 p.m., on July 6, 2020. There were two public comments submitted from the following individuals which were read into the record: (1) Dr. K. T. Manes; and (2) Mr. Nicholas Maxwell. Copies of the written comments are attached and made a part of these minutes.

### **Consent Agenda**

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

Resolution No. 6948 – Authorizing the Appointment of Robert Sims, Jr., to the Community Affairs Board.

Resolution No. 6949 – Authorizing an Agreement with the Southeastern New Mexico Economic Development District/Council of Governments for FY 20-21 in the Amount of \$10,237.00.

Resolution No. 6950 – Authorizing the City Manager to Enter Into a Contract with the Non-Metro Area Agency on Aging to Receive Grant Funds up to \$106,427.34 for Meal Service at the Hobbs Senior Center.

Resolution No. 6951 – Authorizing the Removal of Uncollectable Accounts Receivable for Water, Garbage and Sewer Services for the Period of July 2015 through June 2016 in the Amount of \$201,106.51.

Resolution No. 6952 – Approving the FY 2020 DFA 4<sup>th</sup> Quarter Financial Report.

Resolution No. 6953 – Approving the FY 2020 DFA 4<sup>th</sup> Quarter Financial Report for Lodgers' Tax.

Resolution No. 6954 – Adopting Budget Adjustment #4 for FY 2019-2020.

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



**Discussion**

There were no items for discussion.

**Action Items**

Resolution No. 6955 – Authorizing an Allocation of Lodgers’ Tax Funds for FY 2021 for the Economic Development Corporation of Lea County - Airline Subsidy and Marketing; CORE - Marketing and Promotion; Rockwind Golf Course – Marketing and Promotion; and the City of Hobbs Convention and Visitors Bureau – New Mexico True Grant Match 2021 with the New Mexico Tourism Department.

Mr. Spears stated on July 8, 2020, the Lodgers’ Tax Board held a virtual quarterly meeting. He presented the revenue report and explained the funding cycle and monthly Lodgers’ Tax collections. He stated the ending balances as of June 30, 2020, are as follows:

Ending Cash Balance	\$1,826,158.69
Year to Date Expenditures	\$1,077,371.29
Available for Profit, Non-Profit & Public Entities	\$ 707,884.38
Available for Local Government (City and County)	\$1,243,192.97
Available for Fire, EMS & Sanitation	\$ 248,933.03
Available for Airline Subsidy	\$ 581,149.89

Mr. Spears stated the Lodgers’ Tax Board recommended to the Commission for consideration of awarding Lodgers’ Tax funding to the following organizations:

- Economic Development Corporation of Lea County  
*Promotion of Airline*  
*Original Request: \$200,000.00*  
*Board Recommendation: \$200,000.00 with amendment*

- City of Hobbs - Rockwind Community Links  
*Annual Advertising and Promotions for Rockwind Community Links*  
*Original Request: \$65,100.00*  
*Board Recommendation: \$65,100.00*

- City of Hobbs – CORE  
*Annual Advertising and Promotions for the CORE*  
*Original Request: \$103,862.50*  
*Board Recommendation: \$103,862.50*

- City of Hobbs - Convention and Visitors Bureau

*New Mexico True Grant*

*Original Request: \$35,345.00*

*Board Recommendation: \$35,345.00*

The Commission heard presentations and comments from Ms. Missi Currier, CEO with the Economic Development Corporation of Lea County (EDCLC), Mr. Doug McDaniel, Recreation Director and Ms. Tanya Sanchez, Convention and Visitors Bureau.

Commissioner Calderón moved to approve Resolution No. 6955 as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

Resolution No. 6956 – Adopting the FY 2020-2021 Final Budget.

Mr. Spears stated the Preliminary FY 2020-2021 Budget for the City of Hobbs was approved on May 15, 2020, by the City Commission. He stated the final budget being submitted to the Commission for approval incorporates the preliminary budget and the ending cash balance as of June 30, 2020. Mr. Spears stated this budget also incorporates carry over items budgeted in FY 2019-2020 including projects not completed which were requested by City staff to carry over into the current year as well as new requests. He stated adjustments to transfers have been made to meet State of New Mexico fund balance requirements, while maximizing the cash balance in the General Fund. Mr. Spears stated the City reserves from the General Fund are 47% assuming \$3.4 million monthly in gross receipts tax. He stated City staff is hoping for a better outlook by October, 2020. Mr. Spears stated if the City approves this final budget, it will be sent to New Mexico Department of Finance and Administration by July 31, 2020.

Mayor Cobb commended Mr. Spears, Acting City Manager/Fire Chief Manny Gomez, Department Heads and City employees for their work on the budget. He stated he has concerns at the Federal level which could impact the local level.

Commissioner Penick moved to approve Resolution No. 6956 as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.



Resolution No. 6957 – Authorizing the Mayor to Execute a Memorandum of Understanding with Lea County for the Airline Subsidy for FY 20-21.

Mr. Efren Cortez, City Attorney, explained the resolution and the Memorandum of Understanding (MOU) between the City of Hobbs and Lea County for the Airline Subsidy for FY 20-21 detailing the terms and responsibilities of their joint requirements for the airline subsidy. He stated the City of Hobbs and Lea County will each provide subsidy funding up to \$1.15 million dollars each for the service pursuant to the MOU between the City and County. Mr. Cortez stated the County will consider approval of the MOU at a Lea County Board of County Commissioners meeting to be held in the near future.

Commissioner Calderón moved to approve Resolution No. 6957 as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

Resolution No. 6958 – Authorizing the Mayor to Execute a Professional Services Agreement with the Economic Development Corporation for FY 20-21.

Mr. Cortez explained the resolution and stated the professional services agreement with the EDCLC will encompass both the jet airline service to and from Hobbs and the EDCLC's operations and special projects. Mr. Cortez stated pursuant to an MOU with Lea County, the City and County will each provide a subsidy up to \$1.15 million dollars for the jet airline services. He continued to state the City of Hobbs will provide an additional \$200,000.00 for marketing Fly Hobbs. Additionally, on June 15, 2020, the Commission approved Resolution No. 6946, authorizing FY 20-21 funding appropriations for the EDCLC for operations and special projects in the amount of \$250,000. Mr. Cortez stated the professional services agreement would encompass both the Airline Subsidy and FlyHobbs marketing in the amount of \$1.35 million and the funds for operations and special projects in the amount of \$250,000. He stated it is important to note the new contract requires the airline to provide competitive fees for regional destination points.

Ms. Currier expressed appreciation to the City Commission the support and funding for EDCLC. She stated EDCLC has made a commitment to Hobbs through the economic development and promotion of Hobbs. Ms. Currier stated she looks forward to continuing the relationship with Hobbs.

Mayor Cobb stated he, Acting City Manager/Fire Chief Gomez and City staff meet frequently with EDCLC to coordinate the growth of local businesses and bring in new diversity to Lea County.

Commissioner Calderón moved to approve Resolution No. 6958 as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.

Resolution No. 6959 – Approving a Proposed Collective Bargaining Agreement with the Hobbs Police Officers Association.

Mr. Cortez explained the resolution and stated pursuant to the Hobbs Municipal Code Section 2.60.150, the City and the Hobbs Police Officers Association, Local 701 ("Union") participated in collective bargaining negotiations on July 2, 2020. He stated the previous Collective Bargaining Agreement (CBA) expired on June 12, 2019. The City and Union have finalized negotiations and the proposed CBA was ratified by the Union on July 15, 2020. Mr. Cortez noted provisions include 1) The CBA is for one year and shall end June 30, 2021; 2) The Union will receive an annual increase of 5% (FY 21); 3) The Union will not be eligible for Cost of Living Adjustments (COLA) or merit increases; 4) Other sections were amended for clarity and consistency. He stated FY21 salary and benefits will increase by approximately \$310,000 to compensate for the 5% increase, which is 5% greater than the current approved budget, and is included in the final FY21 budget. Mr. Cortez thanked Mr. W. T. Martin, Jr., attorney for the Union, and Mr. Robert Blanchard, President of the Union, for their work with this CBA.

Police Chief John Ortolano stated police officer recruitment and retention are of the utmost importance. He stated he supports this CBA between the City and the Union. He further stated Hobbs has great police officers and he has been hearing positive comments from the public regarding the professionalism of the police officers.

Mr. Martin stated he also supports this CBA. He complimented all involved. He stated he has represented the Union for many years and this was the best ever negotiating session. Mr. Martin stated this CBA encourages recruitment and retention. He further stated this CBA will help maintain the professionalism of the department and is good for the morale of the Hobbs Police Department.

Mr. Blanchard expressed his appreciation to Police Chief Ortolano and Mr. Cortez. He stated the Union agrees that this CBA is for the best of all officers.

Commissioner Mills stated at this time it is important for the City to reaffirm its commitment to the employees of HPD.

Commissioner Calderón moved to approve Resolution No. 6959 as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Mills yes, Newman yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried. Copies of the resolution and documentation are attached and made a part of these minutes.



Consideration of Approval of RFP No. 518-20 for Janitorial Services and Recommendation to Multi-Award the Proposal to ARC Janitorial and Community Maintenance.

Ms. Shelia Baker, General Services Director, explained the RFP and stated an advertisement was placed in the Hobbs News Sun on June 10, 2020, for RFP No. 518-20, Janitorial Services for City Hall, Library, Utilities, Garage, Teen Center, Municipal Court, Street & Traffic and Building Maintenance. She further stated proposals were due at 2:00 p.m. on Thursday, June 25, 2020, and five proposals were submitted. Ms. Baker stated an evaluation committee met and scored the proposals based on the following criteria: Yearly cost of each location; Reference check of past/present customers; a minimum of two years of experience in janitorial services with similar facilities and services; proposed staffing; their experience; outline of work and New Mexico Resident/Veterans Bidders Preference. She added that additional points were offered for all eight buildings proposed. Ms. Baker stated the committee scored each building separately and the City has the ability to multi-award the work. She stated based on the average scores, ARC Janitorial received the highest score for City Hall and Community Maintenance received the highest scores for Library, Utilities, Garage, Teen Center, Municipal Court, Street & Traffic and Building Maintenance. Ms. Baker stated it is the recommendation of the General Services Department to award RFP 518-20 to ARC Janitorial for City Hall and Community Maintenance for Library, Utilities, Garage, Teen Center, Municipal Court, Street & Traffic and Building Maintenance. Ms. Baker explained the last contracts for the buildings were procured in 2016 and 2017. She stated the proposals for FY21 have increased and are \$62,000 over budget. Ms. Baker stated if the Commission approves the RFP, the City of Hobbs will conduct contract negotiations as to scope of service and overall price. She stated these contracts will need to be approved by Commission since the amount is over the \$75,000.00 threshold required in the procurement ordinance.

Commissioner Penick thanked Ms. Baker for a job well done.

There being no further discussion, Commissioner Newman moved to approve the RFP No. 518-20 for Janitorial Services and the recommendation to Multi-Award the Proposal to ARC Janitorial and Community Maintenance. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documents are attached and made a part of these minutes.

Consideration of Approval of RFP No. 519-20 for Janitorial Services and Recommendation to Award the Proposal to Community Maintenance.

Ms. Baker explained the RFP and stated an advertisement was placed in the Hobbs News Sun on June 10, 2020, for RFP No. 519-20, Janitorial Services for the Police Department, Forensic Lab, District Attorney's Office, Animal Adoption Center, Hobbs Express, Parks Operations Center, Motor Vehicle Department and Rockwind Community Links. She

further stated proposals were due at 2:00 p.m. on Thursday, June 25, 2020, and four proposals were submitted. Ms. Baker stated an evaluation committee met and scored the proposals based on the following criteria: Yearly cost of each location; Reference check of past/present customers; a minimum of two years of experience in janitorial services with similar facilities and services; proposed staffing; their experience; outline of work and New Mexico Resident/Veterans Bidders Preference. She added that additional points were offered for all eight buildings proposed. Ms. Baker stated each building was scored separately and based on the average scores, Community Maintenance received the highest scores for all eight buildings included in the RFP. She stated it is the recommendation of the General Services Department to award RFP 519-20 to Community Maintenance for the Police Department, Forensic Lab, District Attorney's Office, Animal Adoption Center, Hobbs Express, Parks Operations Center, Motor Vehicle Department and Rockwind Community Links. Ms. Baker explained the last contracts for the buildings were procured in 2016 and 2017. She stated the proposals for FY21 have increased and are \$84,000 over budget. Ms. Baker stated if the Commission approves the RFP, the City of Hobbs will conduct contract negotiations as to scope of service and overall price. This contract will need to be approved by Commission since the amount is over the \$75,000.00 threshold required in the procurement ordinance.

There being no further discussion, Commissioner Newman moved to approve RFP No. 519-20 for Janitorial Services and Recommendation to award the proposal to Community Maintenance. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documents are attached and made a part of these minutes.

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

Mr. Spears thanked the Mr. Doug McDaniel and the staff at Rockwind Community Links for hosting the Junior Open tournament. He stated there were 70 golfers.

Mr. Spears also thanked Mr. T.J. Parks, Superintendent for the Hobbs Municipal Schools, and the staff at Hobbs High School for a successful graduation. He wished the 2020 graduating seniors good luck.

Commissioner Mills announced he will be attending a meeting at Pizza Mill in Hobbs to highlight the troubles facing New Mexico restaurants due to COVID-19 and current public health orders. He stated the City cannot forget the local businesses. He reminded the Commission there are currently 154 people in the hospital due to COVID-19 and there are many empty beds. Commissioner Mills stated he would like to see the City of Hobbs help the restaurant industry locally with outdoor dining. He stated he would like to help the restaurants comply legally. He added he would also like to see the City offer support to businesses during this public health order. Commissioner Mills stated they as a Commission should not forget that they were elected by the people to represent them.



Commissioner Fields commended Mr. Spears and the Finance Department staff for the preparation of the FY21 budget.

Commissioner Calderón stated he and Police Chief John Ortolano have been visiting the schools and meeting the principals. He further stated the HHS graduation went very well and was very well organized. Commissioner Calderón reminded everyone to wear a mask.

Commissioner Penick thanked Dr. Manes for his public comments. He stated they were well researched and he appreciated the comments. Commissioner Penick reminded everyone to support local businesses and not discriminate between local restaurants and big box stores. He further stated Commission Meetings need to be moved back to the Commission Chamber.

Mayor Cobb thanked everyone for their attendance. He stated he has not been present at local rally events, but the City has been represented by the younger Commissioners and committee members. He further stated the op-ed printed in the Hobbs News Sun was signed by 17 mayors throughout New Mexico. Mayor Cobb stated he is still meeting with the Mayoral Caucus weekly to create a broad base support. He further stated the New Mexico Municipal League is also working to create a plan and a public policy to present to the Office of the Governor. He added his role is to work at a state-wide level for New Mexico.

### **Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:15 p.m.

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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk



COVID-19 has caused many a great sense of fear and anxiety, much of which has been promoted by the media and by some government officials. In behavioral economics, we call this occurrence an availability cascade. Indeed, Nobel laureate, Daniel Kahneman, explains this concept clearly in his book *Thinking, Fast and Slow*:

*An availability cascade is a self-sustaining chain of events, which may start from media reports of a relatively minor event and lead up to public panic and large-scale government action. On some occasions, a media story about a risk catches the attention of a segment of the public, which becomes aroused and worried. This emotional reaction becomes a story in itself, prompting additional coverage in the media, which in turn produces greater concern and involvement. The cycle is sometimes sped along deliberately by 'availability entrepreneurs', individuals or organizations who work to ensure a continuous flow of worrying news. The danger is increasingly exaggerated as the media compete for attention-grabbing headlines. Scientists and others who try to dampen the increasing fear and revulsion attract little attention, most of it hostile: anyone who claims that the danger is overstated is suspected of association with a 'heinous cover-up'. The issue becomes politically important because it is on everyone's mind, and the response of the political system is guided by the intensity of public sentiment. The availability cascade has now reset priorities. Other risks, and other ways that public resources could be applied for the public good, all have faded into the background.*

Thus, because of the great potential for availability cascades to occur, and something I believe has occurred with COVID-19, it becomes important, essential even, that the numbers and statistics are presented in an accurate way to the public. The governor of NM, nor the NM Department of Health has presented a completed or accurate picture of COVID-19 in NM. However, we can do this by comparing the number of tests out of the population of the city/county/state where the tests are being conducted. Specifically, as of July 18, 2020, 21.97% of NM has been tested, 21.17% of NM has tested negative, and 0.798% of NM has tested positive, which means that 3.63% of all tests have been positive and 96.37% negative. The number of positive tests out of all tests has been trending down (see the graph). Thus, as more New Mexicans get tested, the positive tests out of all the tests conducted, continues to decrease. These numbers should provide a great relief to many – a very small percentage of NM has contracted COVID-19 and 78% of those who have contracted COVID-19 in NM have already passed the CDC recovered criteria where recovery is present if “at least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test.” (<https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>) Additionally, the death rate is at .027% of the population of NM, which is less than the annual deaths attributed to suicide in NM in 2018 (<https://ibis.health.state.nm.us/>).

For those still in fear of contracting COVID-19, science and scientific studies have provided important recommendations for reducing the risk of contracting COVID-19, such as maintaining

**Public Comment #1**

adequate hygiene, washing hands, and not putting ourselves in any unnecessary situations that could greatly increase the likelihood of contracting COVID-19 (e.g., hosting a COVID party). However, essentially all health recommendations are just that, a recommendation and thus a matter of choice, which involves *free will*. When you go to the restroom, while I would like to believe that you wash your hands every time, do you and have you ALWAYS done so?

Please look up the stats for the top 15 leading causes of death in NM (<https://ibis.health.state.nm.us/>), you will find that heart disease, cancer, and chronic lower respiratory diseases, are three of the top four causes of death in NM, at 2 – 7 times the death rate of COVID. Yet, do we stop living our lives out of fear of contracting any of those three illnesses or any other illness for that matter? When the doctors and medical professionals tell us that the risks of contracting heart disease are significantly increased by smoking, eating unhealthily, and not exercising, are we forced to follow these guidelines? No, because we all face choices in life, some choices leading to more positive consequences than others. This is important because no government official is telling you that you are *mandated* to stop smoking, *mandated* to eat healthy, or *mandated* to exercise so that you can prevent a disease that could cause you a 7x greater risk of dying than COVID-19. Let's put this in perspective, if you were told that to prevent contracting and/or dying from COVID-19, you have to work out three times a week for at least 20 minutes each session, record those workouts, and if you do not you will receive a \$100 fine for each time you do not follow the orders set forth in the mandate, would you do it? I'm sure you would like to tell yourself that you would, but I am doubtful.

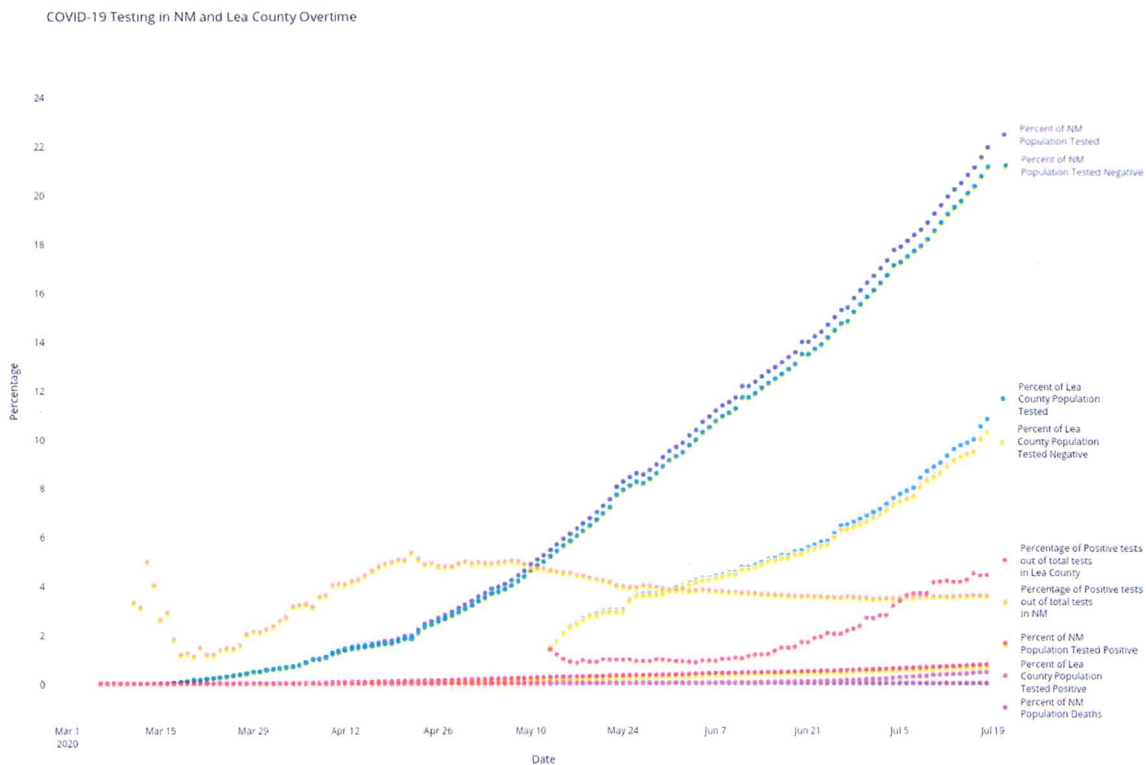
Despite the information and statistics presented in this article, many will continue living in fear of a virus with a very *low infection rate*, based on the population, and a *high survival/recovery rate*. We, all New Mexicans and Americans, must realize that the onus rests with the individual to contemplate and determine what is safe/unsafe for themselves– we cannot *force* any beneficial health recommendations on another, because at the end of the day it is the individual's choice whether they heed the advice of medical professionals or continue to live their life as they see fit. Similarly, if an individual is fearful of contracting COVID-19, it is their choice to stay home to avoid potentially contacting someone that potentially has COVID-19. In contrast, those that are not afraid of contracting the virus, or the seriousness of the virus, should have a choice to go about their life as they see fit. Yet, that choice has been deprived when certain businesses are forced to close and/or are fined and certain health recommendations are mandated with a fine and/or imprisonment. Importantly, someone not following a health recommendation, dressed up as a mandate, probably has good reason for not following the health recommendation. Have you considered that someone not wearing a mask may in fact face a greater health risk by wearing a mask than not, such as those with COPD? No one deserves to be harassed or berated for choosing to wear or not wear a mask. Additionally, no one should be harassed or berated for choosing to stay home or choosing not to stay home – let people live their life. All of us now know the potential risks of contracting COVID-19, it should now be left up to the individual if they heed those warnings or not – no one is being fined if they do not wash their hands. Shopping at a grocery store with hundreds of strangers poses just as great of risk, if not more, as eating with a family member/friend inside of a restaurant, yet the latter is unjustly and unscientifically prohibited. Importantly, just



because someone heeds all the health recommendations does not mean they cannot contract COVID-19, it just means the risk is reduced. I hope this article has reduced some of the unknown and worry surrounding COVID-19 in New Mexico; however, I know from *Thinking, Fast and Slow* that trying "to dampen the increasing fear and revulsion attract[s] little attention, most of it hostile."

Dr. KT Manis

President/CEO  
KTM Enterprises



Interactive graph may be found at: <https://plotly.com/~ktmanis/11/>

## Jan Fletcher

---

**From:** Nick Maxwell <nickray07@gmail.com>  
**Sent:** Monday, July 20, 2020 12:43 PM  
**To:** Jan Fletcher; Mollie Maldonado  
**Subject:** EXTERNAL: Public Comment for Tonight's Commission Meeting

Please find my comment below. I would appreciate it if this comment is read out loud to the public:

[BEGIN COMMENT]

Salutations to all. This public comment comes from Lea County resident and watchdog of the Eddy-Lea Energy Alliance, Nicholas Maxwell. This historic and most urgent message is for all of the public to hear.

I am circulating a citizen petition to convene a grand jury in Lea County for the purpose of investigating Samuel Cobb, John Heaton, and others for the crimes of bribery, conspiracy, and other felonies. This citizen petition is authorized by Section 14 of the bill of rights in the New Mexico constitution.

The petition must be signed by approximately 700 registered voters of Lea County. You may sign the petition if you are a registered voter living within any of the cities or within the unincorporated areas of the county. If you wish to sign or help circulate the petition to initiate an investigation into racketeering felonies related to the solicitation of a bribe by public officials during a rigged public bid, specifically for facilitating a non-competitive price fixing scheme between the Eddy-Lea Energy Alliance with Holtec International, then please contact me at 575-441-3560.

Once again, to the citizens of Hobbs, my number is 575-441-3560 and I can be reached at any time.

Please take action.

Warm regards, Hobbs,  
Nick Maxwell

[END COMMENT]



# **CONSENT AGENDA**





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 3, 2020

SUBJECT: RESOLUTION APPROVING THE VACATION\REPLAT, VACATING THE L SHAPED ALLEYWAY LOCATED WITHIN BLOCK 49 OF THE ORIGINAL NEW HOBBS ADDITION AND REPLATING LOTS 5-22 INTO LOT 23.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: July 27, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: A vacation of the L-shaped alleyway within Block 49 of the Original New Hobbs Addition and replating lots 5-22 into lot 23. The existing alleyway within Block 49 is undeveloped and adjacent to Municipal fee simple property comprised of Lots 5-22 of the Original New Hobbs Addition. The property created by this vacation\replat is in the process of being conveyed to a private developer. The Planning Board reviewed this issue on July 21, 2020 and voted 4 to 1 to recommend approval.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

No Fiscal Impact.

Attachments: Resolution, Vacation\Replat.

Legal Review:

Approved As To Form: Valerie S. Chacon City Attorney

Recommendation:

Staff recommends Consideration of the Approval of the Resolution to approve the Vacation\Replat, 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. 6960.

**A RESOLUTION APPROVING THE VACATION\REPLAT, VACATING THE L SHAPED ALLEYWAY LOCATED WITHIN BLOCK 49 OF THE ORIGINAL NEW HOBBS ADDITION AND REPLATING LOTS 5-22 INTO LOT 23.**

WHEREAS, the attached Plat would vacate the L-shaped alleyway within Block 49 of the Original New Hobbs Addition; and

WHEREAS, the City Commission has determined that the abandonment of the public right of ways will not adversely affect the interests or rights of persons in contiguous territory or within the subdivision.

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.

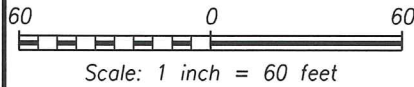
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 3<sup>rd</sup> day of August, 2020.

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

ATTEST:

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



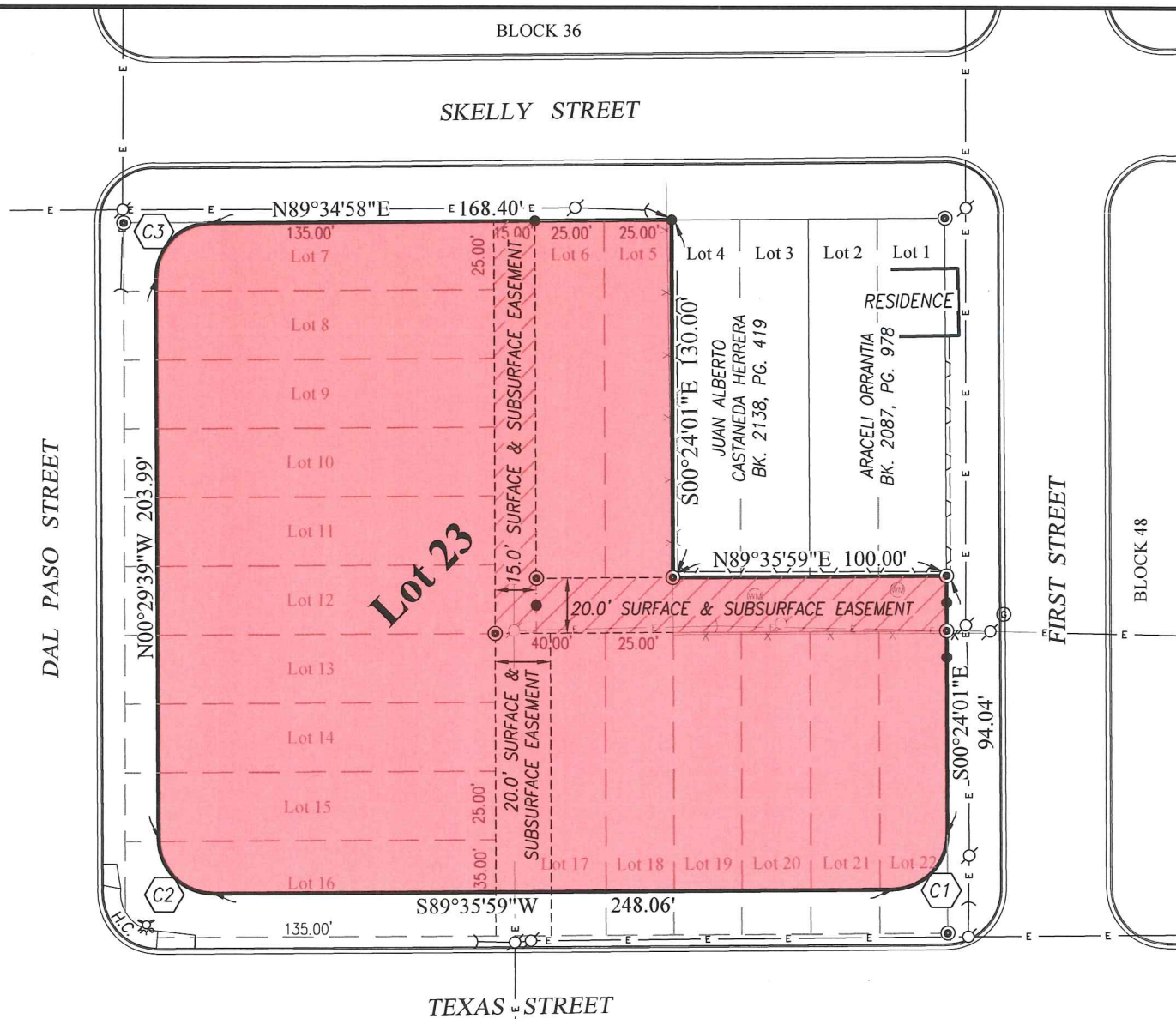
**NOTE**

BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.



**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



**CURVE TABLE:**

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	20.00'	31.42'	90°00'01"	28.28'	N44°35'59"E
C2	20.00'	31.38'	89°54'21"	28.26'	S45°26'50"E
C3	20.00'	31.44'	90°04'38"	28.30'	S44°32'40"W

**ALLEY VACATION AND REPLAT OF LOTS 5 THRU ORIGINAL NEW HOBBS ADDITION, CITY OF HOBBS,**

REPLAT OF LOTS 5 THROUGH 22, AND THE VACATION OF THE ALL HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO, IN THE HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

SAID PROPERTY IS BEING REPLATTED AND ALLEY BEING VACATED. THOSE PORTIONS OF THE ORIGINAL LOTS THAT ARE NOT WITHIN IT HEREBY DEDICATED TO THE PUBLIC WITH THE FREE CONSENT AND THE UNDERSIGNED OWNER AND PROPRIETOR THEREOF.

-----  
MANNY GOMEZ  
ACTING CITY MANAGER, CITY OF HOBBS

**ACKNOWLEDGMENT:**

STATE OF NEW MEXICO  
COUNTY OF LEA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ BY MANNY GOMEZ.

-----  
NOTARY PUBLIC  
MY COMMISSION

**CERTIFICATE OF MUNICIPAL APPROVAL:**

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK ( NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING ALLEY VACATION AND REPLAT OF LOTS 5 THROUGH 22, BLOCK 49, ORIGINAL NEW HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY \_\_\_\_\_ OF \_\_\_\_\_, 2020 A.D.

-----  
OWNER: JAN FLETCHER  
ACTING CITY CLERK, CITY OF HOBBS

**ACKNOWLEDGMENT:**

STATE OF NEW MEXICO  
COUNTY OF LEA

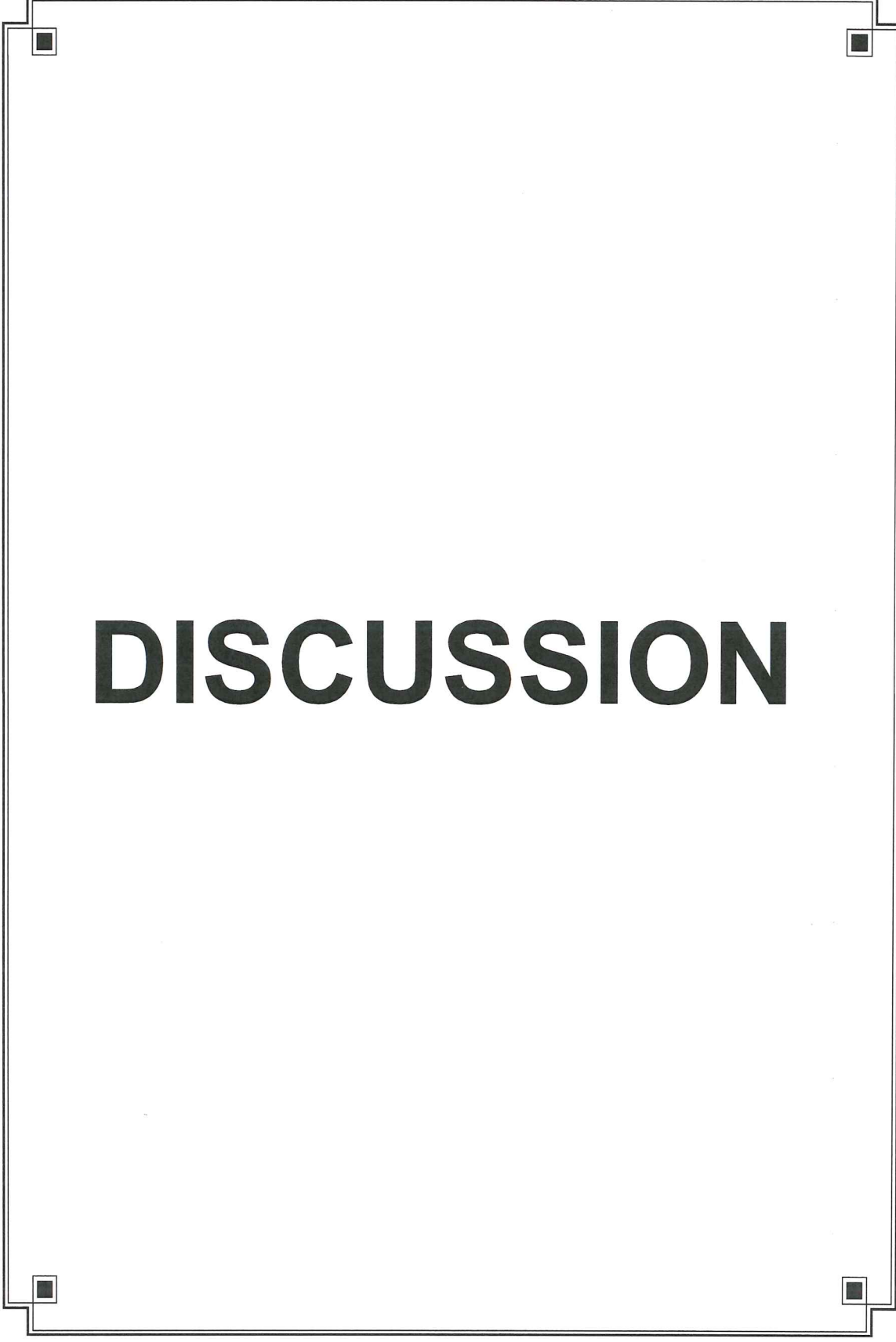
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ BY JAN FLETCHER.

-----  
NOTARY PUBLIC  
MY COMMISSION

**CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:**

THIS PLAT HAS BEEN REVIEWED AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY THE CITY PLANNING AND ZONING BOARD OF HOBBS, LEA COUNTY, NEW MEXICO.





# **DISCUSSION**



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 3, 2020

SUBJECT: DISCUSS AND PRIORITIZE THE TOP 10 PROJECTS AS RECOMMENDED BY THE CITY OF HOBBS PLANNING BOARD FOR THE FY 2022-2026 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP).

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: July 27, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The City of Hobbs Planning Board selected their Top 10 ICIP projects at a public meeting held on July 21, 2020. The City Commission is requested to discuss and individually rank the Planning Boards selection to establish the TOP 5 PROJECTS for inclusion within the Plan.

Last year (per Resolution # 6843), the Top 5 Projects were: #1 Joe Harvey Boulevard Improvements; #2 Community Housing Projects; #3 Aerial Class A Pumper; #4 West Bender Widening & Drainage; and #5 Street Resurfacing.

Fiscal Impact: Reviewed By: Finance Department

The City will be financially impacted negatively if the ICIP is not approved and sent to the State, as the City will be ineligible for State grant funding for City projects.

Attachments: Planning Board Top 10 Recommendations.

Legal Review: Approved As To Form: City Attorney

Recommendation: Staff requests that the Commission discuss this issue and individually rank the Top 10 Projects recommended by the City of Hobbs 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**  
**2022 ICIP Project List (For FY 2021 Legislature)**

**Planning Boards Recommendations**  
**Top 10**  
**2022 Priority List**

- #1 Sewer Main Replacement/Joe Harvey Median / Basin Renovations*
- #2 Community Housing Projects*
- #3 West Bender Widening Project & Drainage*
- #4 Street Resurfacing*
- #5 West Hobbs Industrial Park**
- #6 West College Lane Realignment**
- #7 Arterial Extensions**
- #8 Drainage Master Plan**
- #9 Sewer Main Replacement**
- #10 Update Comprehensive Plan**

*Italicized* indicates Commissions Top 5 Priority List from last year's ICIP.

CITY OF HOBBS

RESOLUTION NO. 6843

**A RESOLUTION APPROVING THE FISCAL YEAR 2021-2025 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP).**

WHEREAS, the City of Hobbs recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue strategic actions and objectives to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in the short and long range capital planning efforts.

WHEREAS, on July 31, 2019, the City of Hobbs Planning Board conducted a Public Hearing and discussed the proposed capital improvement plan, and after due review and with recommendations for minor modifications, the Planning Board unanimously approved the draft plan and recommended approval by the City Commission.

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


1. The City of Hobbs hereby adopts the attached Infrastructure Capital Improvements Plan, subject to availability of funds; and
2. The City intends that this Plan will be a working document and one of many steps toward improving rational, long range capital planning and budgeting for New Mexico's infrastructure.

PASSED, ADOPTED AND APPROVED this 3<sup>rd</sup> day of September, 2019.



ATTEST:

  
JAN FLETCHER, City Clerk

  
SAM D. COBB, Mayor

**Fiscal Year 2021 – 2025  
Local Infrastructure  
Capital Improvement Plan  
(ICIP)**



*City of Hobbs*

**MAYOR**

**Sam D. Cobb**

**CITY COMMISSION**

**Joseph D. Calderón, Mayor Pro Tem  
Marshall Newman  
Christopher Mills  
Patricia A. Taylor  
Roy Dwayne Penick  
Don R. Gerth**

**ACTING CITY MANAGER**

**Manuel Gomez**





**CITY OF HOBBS**  
**2021 - 2025 ICIP Project List**  
**City Commission Recommendations**  
**Top 5 Priority List**

- #1 Joe Harvey Boulevard Improvements**
- #2 Community Housing Projects**
- #3 Aerial Class A Pumper**
- #4 West Bender Widening & Drainage**
- #5 Street Resurfacing**

RANK	Year	Rank2	Project Title	Funded to date	Current Budget 2021	Proposed FY 2022
2022001	2022	001	Joe Harvey Blvd. Improvements	0	775,000	3,000,000
2022002	2022	002	Community Housing Projects	14,620,678	4,364,324	1,000,000
2022003	2022	003	West Bender Widening Project & Drainage	41,772	500,000	3,500,000
2022004	2022	004	Street Resurfacing	25,696,543	1,030,332	1,000,000
2022005	2022	005	West Hobbs Industrial Park	184,960	3,400,000	0
2022006	2022	006	West College Lane Realignment	0	550,000	1,750,000
2022007	2022	007	Arterial Utility Extensions	0	0	750,000
2022008	2022	008	Drainage Master Plan	213,147	486,853	0
2022009	2022	009	Sewer Main Replacement	16,890,014	6,635,366	750,000
2022010	2022	010	Update Comprehensive Plan	0	0	150,000
2022011	2022	011	Citywide Fiber Network	0	1,200,000	1,000,000
2022012	2022	012	Veterans Memorial	59,421	653,079	0
2022013	2022	013	Traffic Study Update	21,144	0	0
2022015	2022	015	Apache Dr/Fowler St Utilities Extension	0		750,000
2022016	2022	016	RR Crossing Upgrades and New Crossings	0	295,047	0
2022017	2022	017	Joe Harvey & Central Traffic Signal		0	750,000
2022018	2022	018	Traffic Signal Upgrades	1,533,613	355,106	350,000
2022019	2022	019	Water Main Replacement	2,523,372	965,538	1,500,000
2022020	2022	020	Parks and Rec. Master Plan Study	0	0	75,000
2022021	2022	021	Del Norte Park Expansion Area	0	0	
2022022	2022	022	Street Sign Replacement	67,714	34,739	50,000
2022023	2022	023	CDBG Annual Project	901,820	150,000	750,000
2022024	2022	024	Projection of Central West	0	0	
2022025	2022	025	SR18 Corridor - Safety / Congestion Improvements	0		
2022026	2022	026	Manhole Repair Program	96,318	573,682	250,000
2022027	2022	027	MAP Roadway Rehabilitation Projects	0		600,000
2022028	2022	028	Arterial COOP Project	0		175,000
2022029	2022	029	Municipal Recreational Facilities	90,000,000	4,281,488	
2022030	2022	030	Municipal Vehicles and Equipment	5,590,086	1,697,059	
2022031	2022	031	Infrastructure Extensions	2,140,088	2,022,498	
2022032	2022	032	Arterial Roadway Enhancement Projects	0		
2022033	2022	033	ADA Intersection Improvement Project			
2022034	2022	034	Water Wells Program	624,609	0	
2023001	2023	001	Jefferson Basin Renovation	0		
2023002	2023	002	FEMA Map Update	0		
2023003	2023	003	HPD Mobile Command Post	0		
2023004	2023	004	Outdoor Range Phase II	423,821	0	
2023005	2023	005	Safety Improvements	0		
2023006	2023	006	Fire / Police Training Facility	0		
2026001	2023	007	Northwest Bypass	0	0	
2023008	2023	008	New Municipal Detention Facility	0	0	
2024001	2024	001	Wildland Fire Apparatus	0	0	
2024002	2024	002	Fowler Street Extension	0	0	
2024003	2024	003	Industrial Frontage Road	0	0	
2024004	2024	004	Water System Improvements (North Reservoir)	0	0	
2024005	2024	005	Heizer Park Renovations	1,542,200	400,000	
2025001	2025	001	Millen Projection	0	0	0
2025002	2025	002	New Elevated Water storage	0	0	0
2025003	2025	003	Bender Median Renovations	0	0	
2026001	2026	001	Southeast Bypass	374,075	0	0
2026002	2026	002	Taylor Ranch Improvements	1,200,000	0	0
2025003	2025	003	Bensing South Projection	0	0	0
2025004	2025	004	Sanger Street Improvements	0		

Number of projects:  
Grand Totals

Funded to Date	Year: 2	Year: 2
166,016,695	32,670,111	18,150,000



# **ACTION ITEMS**





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: August 3, 2020

SUBJECT: AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY A PARCEL OF LAND LOCATED NE OF THE INTERSECTION OF TEXAS AND DAL PASO, CONTAINING 1.30 ACRES, MORE OR LESS, TO FRANKLIN LAND ASSOCIATES, LLC FOR THE PURCHASE PRICE OF \$190,000.00.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: July 27, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Adoption of the Ordinance to sell and convey a parcel of land located NE of the intersection of Texas and Dal Paso, containing 1.30 acres, more or less, to Franklin Land Associates, LLC for the purchase price of \$190,000.00. The City of Hobbs is proposing to sell a municipally owned parcel located NE of the intersection of Texas and Dal Paso, containing 1.30 acres, more or less, to Franklin Land Associates, LLC for the purchase price of \$190,000.00. The proposed replat of the property is attached. The purpose of the sale is Economic Development.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The revenue from this sale will be booked against the Land Acquisition Fund

Attachments: Ordinance; Site Map, Real Estate Purchase Agreement and Special Warranty Deed

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Staff recommends consideration to approve publication of the Ordinance.

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, NEW MEXICO

ORDINANCE NO. 1125

AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY A PARCEL OF LAND LOCATED NE OF THE INTERSECTION OF TEXAS AND DAL PASO, CONTAINING 1.30 ACRES, MORE OR LESS, TO FRANKLIN LAND ASSOCIATES, LLC FOR THE PURCHASE PRICE OF \$190,000.00.

WHEREAS, the City of Hobbs, a municipal corporation, is the owner of a parcel of land located NE of the intersection of Texas and Dal Paso, containing 1.30 acres, more or less; and

WHEREAS, the Commission has determined that the public would be better served if the property is conveyed and developed by the private sector; and

WHEREAS, unless a referendum election is held, the Ordinance authorizing the sale of this property shall be effective forty-five (45) days after its adoption.

WHEREAS, inclusive in this Ordinance are the following:

1. **Terms of Sale:** The City proposes to sell a parcel of land located NE of the intersection of Texas and Dal Paso, containing 1.30 acres, more or less for the purchase price of \$190,000.00.

The Sale of the City owned Real Property must be approved by City Ordinance pursuant to NMSA Section 3-54-1 et. seq., as amended.

An Agreement for the Purchase of Real Estate concerning terms of the sale and Protective Covenants for the property are part of the Proposed Ordinance.

2. **Appraised Value of Municipally Owned Real Property:** The property has been recently appraised and the proposed purchase price is at or above the current appraisal.

3. **Schedule of Payments:** The Purchase Price is to be paid with an earnest money deposit (escrowed upon acceptance of purchase agreement) with the balance to be paid as follows:

Earnest Money Deposit:	\$ 5,000
At Closing Balance of Cash	\$185,000
Total Payments	\$190,000

4. **The Amount of Purchase Price:** \$190,000
5. **Purchaser of Property:** Franklin Land Associates, LLC
6. **Purpose of Municipal Sale:** Economic Development - Site acquisition for company providing Retail Sales of General Merchandise.

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

(I)

That the City of Hobbs hereby approves the sale of the Property as described as follows:

**LEGAL DESCRIPTION**

A parcel of land comprised of Lot 23, Block 49, Original New Hobbs Addition, City of Hobbs, Lea County, New Mexico, containing 1.30 acres, more or less.

Subdivision Plat is attached hereto to this Ordinance as Exhibit #1, and made a part of this Ordinance. Subject to the conditions and terms in Exhibit "2", Agreement for The Purchase of Real Estate, as attached hereto and made a part of this Ordinance.

(II)

That this Ordinance has been published prior to its adoption and shall be published at least once after adoption, pursuant to Sections 3-2-1, et. seq., and 3-54-1, et. seq., NMSA 1978, as amended.

(III)

That the effective date of this Ordinance shall be forty-five (45) days after its adoption by the governing body of the City of Hobbs, unless a referendum election is held.

(IV)

That City staff and officials are hereby authorized and directed to do all acts



and deeds necessary in the accomplishment of the above.

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

CITY OF HOBBS, NEW MEXICO

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

ATTEST:

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

# Special Warranty Deed

**City of Hobbs, a New Mexico Municipal Corporation**

for consideration paid grants to:

**Franklin Land Associates, LLC**

the following described real estate in Lea county, New Mexico

FOR SURFACE TITLE ONLY:

Lots 23, Block 49 of the Original New Hobbs Addition

Said property is burdened with the following Land Use Restrictions; (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owners or occupant; (b) as a discotheque, dance hall or night club; (c) as a massage parlor; (d) funeral parlor; (e) bingo parlor; (f) car wash; (g) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors, or any sound which can be heard outside of any buildings, except that any usual paging system be allowed; (h) any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation; (i) any "second hand" store or liquidation outlet; (j) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard; (k) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (l) any dry cleaners performing on-site cleaning services; (m) any automobile, truck, trailer or recreational vehicles sales, leasing, storage, display or body shop repair operation; (n) any living quarters, sleeping apartments or lodging rooms; (o) any veterinary hospital or animal raising facilities (except this provision shall not prohibit pet shops and shall not prohibit the provision of veterinary services in connection with pet shops or pet supplies business); (p) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater; (q) any bar or tavern; provided, however, a bar within a restaurant shall be permitted; (r) any pool or billiard hall, gun range or shooting gallery, or amusement or video arcade; (s) any use which creates fire, explosives or other hazards; and (t) facilities for the use of treating addiction including but not limited to inpatient or outpatient substance abuse treatment facilities, pharmacological treatment facilities, safe injection sites and methadone maintenance therapy or clinics. Subject to reservations, restrictions and easements appearing of record with special warranty covenants.

IN WITNESS WHEREOF, City of Hobbs, sets its hand and seal on the date first written above.

City of Hobbs

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

STATE OF NEW MEXICO )  
  (SS.  
COUNTY OF LEA         )

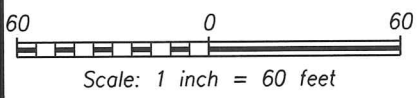
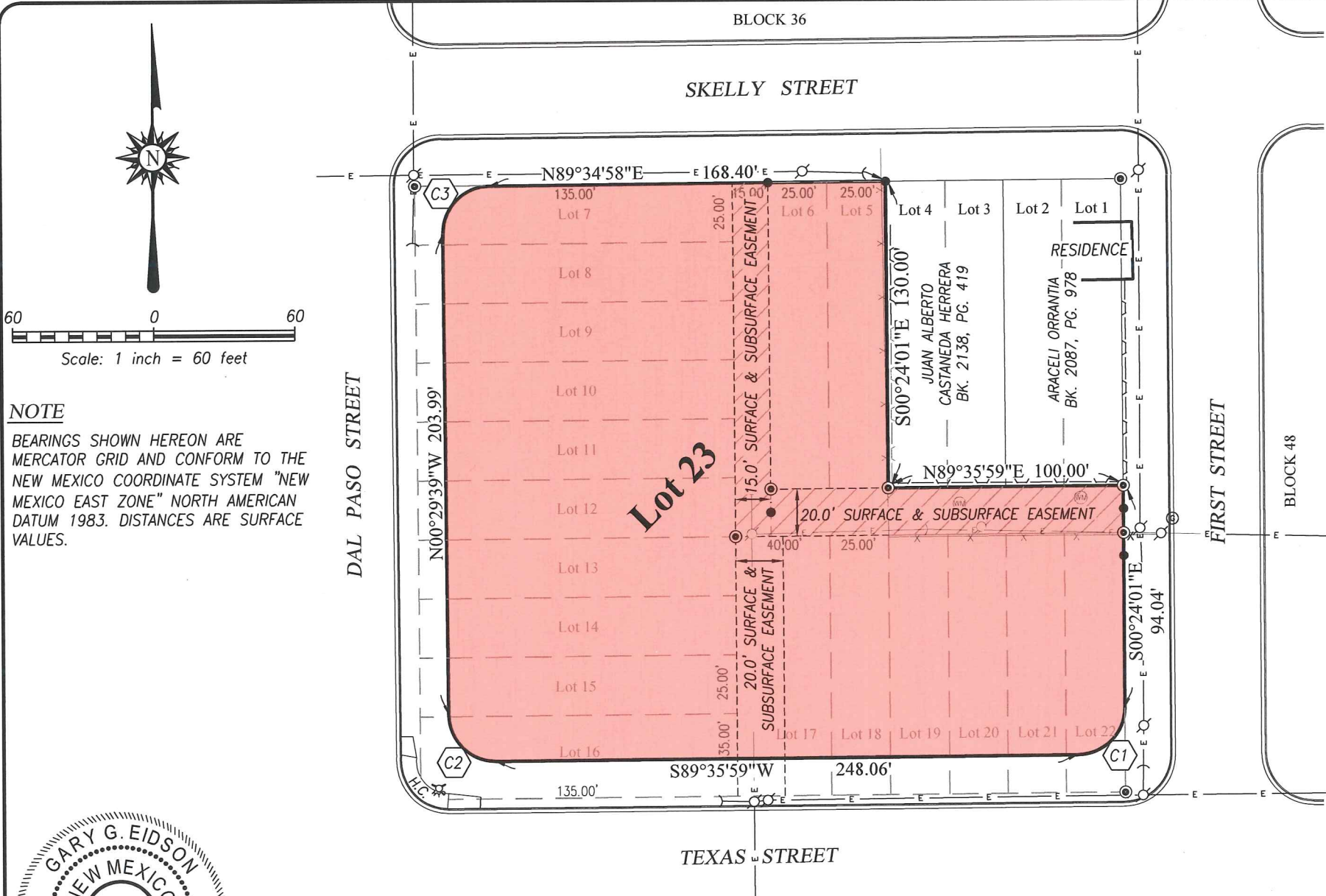
The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2020 by Sam D. Cobb, as Mayor of the City of Hobbs, a New Mexico Municipal Corporation, to me personally known, who being by me duly sworn did say that he is the duly elected Mayor and signing officer of the City of Hobbs, and that said instrument was signed in behalf of said Municipal Corporation, and Sam D. Cobb acknowledged said instrument, and acknowledged that he executed the same as his free act and deed and on behalf of the respective Corporation.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid and year first written above.

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





**NOTE**  
 BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.



**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

**CURVE TABLE:**

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	20.00'	31.42'	90°00'01"	28.28'	N44°35'59"E
C2	20.00'	31.38'	89°54'21"	28.26'	S45°26'50"E
C3	20.00'	31.44'	90°04'38"	28.30'	S44°32'40"W

**ALLEY VACATION AND REPLAT OF LOTS 5 THROUGH 22, ORIGINAL NEW HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO.**

REPLAT OF LOTS 5 THROUGH 22, AND THE VACATION OF THE ALL HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO, INT HOBBS ADDITION, CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

SAID PROPERTY IS BEING REPLATTED AND ALLEY BEING VACATED, THOSE PORTIONS OF THE ORIGINAL LOTS THAT ARE NOT WITHIN IT HEREBY DEDICATED TO THE PUBLIC WITH THE FREE CONSENT AND THE UNDERSIGNED OWNER AND PROPRIETOR THEREOF.

-----  
 MANNY GOMEZ  
 ACTING CITY MANAGER, CITY OF HOBBS

**ACKNOWLEDGMENT:**

STATE OF NEW MEXICO  
 COUNTY OF LEA  
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ BY MANNY GOMEZ.  
 -----  
 NOTARY PUBLIC MY COMMISSION

**CERTIFICATE OF MUNICIPAL APPROVAL:**

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK ( NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING ALLEY VA THROUGH 22, BLOCK 49, ORIGINAL NEW HOBBS ADDITION, CITY OF WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY I \_\_\_\_\_ OF \_\_\_\_\_, 2020 A.D.

-----  
 OWNER: JAN FLETCHER  
 ACTING CITY CLERK, CITY OF HOBBS

**ACKNOWLEDGMENT:**

STATE OF NEW MEXICO  
 COUNTY OF LEA  
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ BY JAN FLETCHER.  
 -----  
 NOTARY PUBLIC MY COMMISSION

**CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:**

THIS PLAT HAS BEEN REVIEWED AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, THE CITY PLANNING AND ZONING BOARD OF HOBBS, LEA COUNTY, NEW MEXICO.