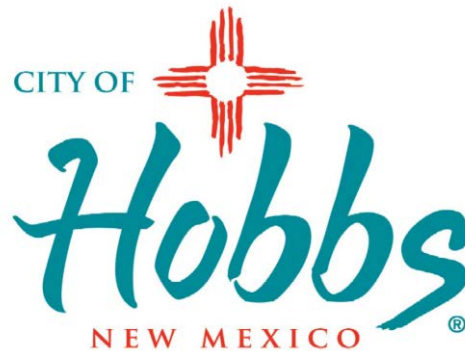


# Commission Meeting Agenda



## 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

*November 1, 2021*



## **Hobbs City Commission**

Regular Meeting

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

**Monday, November 1, 2021 – 6:00 p.m.**

Sam D. Cobb, Mayor

R. Finn Smith  
Commissioner – District 1

Christopher R. Mills  
Commissioner – District 2

Larron B. Fields  
Commissioner – District 3

Joseph D. Calderón  
Commissioner – District 4

Dwayne Penick  
Commissioner – District 5

Don R. Gerth  
Commissioner – District 6

This meeting is open to the public to attend. Members of the public are asked to wear a face mask and follow social distancing guidelines. The public is invited to address public comments to the Commission in person at the meeting or submit written comments prior to the meeting. Written comments should be submitted no later than 4:30 p.m. on November 1, 2021, addressed to the City Clerk by email at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334.

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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 October 18, 2021, Regular Commission Meeting (*Jan Fletcher, City Clerk*)
2. Amended Minutes of the October 4, 2021, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

## **PROCLAMATIONS AND AWARDS OF MERIT**

3. Proclamation Proclaiming November 1, 2021, as *“Extra Mile Day”*
4. Proclamation Proclaiming November 7 – 13, 2021, as *“National Nurse Practitioner Week”* (Shawwna Read, CNP, Lea County Nurse Practitioner Group)

**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.)

Due to COVID-19, public comment may be submitted in person or in writing. Written comments should be submitted to the City Clerk at [ifletcher@hobbsnm.org](mailto:ifletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, November 1, 2021.

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

None

## **DISCUSSION**

5. Lea County Communication Authority - Auto-Attendant Presentation (Angela Martinez, LCCA Director)

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

6. Resolution No. 7127 – Approving the FY 2022 DFA 1st Quarter Financial Report (Deborah Corral, Assistant Finance Director)
7. Resolution No. 7128 – Approving the FY 2022 DFA 1<sup>st</sup> Quarter Financial Report for Lodgers’ Tax (Deborah Corral, Assistant Finance Director)
8. Resolution No. 7129 – Authorizing the Use of Coronavirus State and Local Fiscal Recovery Funds (Manny Gomez, City Manager)
9. Resolution No. 7130 - Approving a Development Agreement with Lemke Development, Inc., Concerning the Development of Market Rate Single-Family Housing (Kevin Robinson, Development Director)

10. Consideration of Approval to Issue a Purchase Order to Watson Truck and Supply, Inc., in the Amount of \$37,384.38 for Certified Warranty Work and Repairs on International and Cummins Heavy Equipment (*Shelia Baker, General Services Director*)
11. Consideration of Approval to Purchase Three Pickup Trucks from Melloy Ford in the Total Amount of \$121,341.80 Utilizing Cooperative Educational Services Contract Number 20-31A-C107-ALL (*Shelia Baker, General Services Director*)
12. Resolution No. 7131 – Determining that Certain Structures are Ruined, Damaged and Dilapidated, are a Menace to Public Comfort, Health and Safety and Requires Removal from the Municipality (1523 East Dunnam, 2121 East Clinton, 210 South Morris) (*Jessica Silva, Code Enforcement Officer*)
13. Resolution No. 7132 - Rescinding Condemnation of Certain Properties that have Previously Been Determined to be Ruined, Damaged, Dilapidated and a Menace to Public Comfort, Health and Safety (*Valerie Chacon, Deputy City Attorney, and Jessica Silva, Code Enforcement*)

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

14. Next Meeting Date:

- City Commission:  
Regular Meeting – ***Monday, November 15, 2021, at 6:00 p.m.***

## **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9200 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

**SUBJECT: City Commission Meeting Minutes**

DEPT. OF ORIGIN: City Clerk's Office  
DATE SUBMITTED: October 25, 2021  
SUBMITTED BY: Jan Fletcher, City Clerk

**Summary:**

The following minutes are submitted for approval:

- Regular Commission Meeting of October 18, 2021
- Regular Commission Meeting of October 4, 2021 (**Amended**)

**Fiscal Impact:**

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

N/A

**Attachments:**

Minutes as referenced under "Summary".

**Legal Review:**

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

**Recommendation:**

Motion to approve the minutes as presented.

Approved For Submittal By:

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

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

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

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 18, 2021, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

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

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting and everyone viewing though Livestream. 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  
Valerie Chacon, Deputy City Attorney  
Rocio Ocano, Assistant City Attorney  
Barry Young, Fire Chief  
Kevin Shearer, Battalion Chief  
John Ortolano, Police Chief  
August Fons, Deputy Police Chief  
Doug McDaniel, Recreation Director  
Bryan Wagner, Parks and Open Spaces Director  
Matt Hughes, Rockwind Community Links Superintendent  
Nicholas Goulet, Human Resources Director  
Selena Estrada, Rick Manager  
Deb Corral, Assistant Finance Director  
Todd Randall, City Engineer  
Kevin Robinson, Development Director  
Ron Roberts, Information Technology Director  
Meghan Mooney, Communications Director  
Bobby Arther, Municipal Judge  
Sandy Farrell, Library Director  
Jacque Pennington, Transportation Supervisor  
Mollie Maldonado, Deputy City Clerk  
Jan Fletcher, City Clerk  
16 citizens

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

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

### **Approval of Minutes**

Commissioner Penick moved that the minutes of the Work Session held on Monday, September 27, 2021, a Special Commission Meeting held on September 29, 2021 and the regular Commission Meeting held on October 4, 2021, be approved as written. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón abstain, Gerth yes, Penick yes, Cobb yes. The motion carried.

Commissioner Calderón stated he abstained from the vote because he was not present for the Work Session held on September 27, 2021.

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

#### **Proclamation Proclaiming the Month of October, 2021, as "Cyber Security Awareness Month"**

Mayor Cobb read the proclamation proclaiming October, 2021, as "Cyber Security Awareness Month" and presented the proclamation to Mr. Matt Blandin, IT Security Specialist. Mr. Blandin stated cyber threats are a modern reality. He thanked the Commission for its leadership in combatting cyber threats.

#### **Proclamation Proclaiming October 17 - 23, 2021, as "Pharmacy Week"**

Mayor Cobb read the Proclamation Proclaiming the week of October 17 - 23, 2021, as "Pharmacy Week". He presented the proclamation to Ms. Jennifer Pyeatt and a group of local pharmacists and pharmacy technicians. Ms. Pyeatt thanked the Mayor and Commission for their support. She encouraged the community to reach out to the local pharmacists if they have questions or need assistance.

#### **Recognition of City Employees - Milestone Service Awards for the Month of October, 2021**

City Manager Manny Gomez recognized the employees who have reached milestone service awards with the City of Hobbs for the month of October, 2021, which total 155 years of service worked. He read their names, job titles and gave a brief summary of the job duties performed by each of the following employees:

- 5 years - Irene Sealy, Library
- 5 years - Franklin Sifford, Parks Dept.
- 5 years - Antonio Alarcon, Hobbs Fire Department
- 15 years - Rafael Marquez, Hobbs Fire Department
- 15 years - Danny Garrett, Hobbs Police Department
- 15 years - Audrey Likins, Hobbs Express

- 15 years - Julia Henry, Planning Department
- 15 years - Jim Jarrett, Water Distribution
- 15 years - Angela Courter, Senior Center
- 15 years - Barbara Dunford, Recreation Dept.
- 15 years - Matthew Hughes, Parks Dept.
- 20 years - Adrian Enriquez, Hobbs Fire Department

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

### **Public Comments**

Due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, October 18, 2021.

Reverend B. J. Choice addressed the Commission and thanked Mayor Cobb and Commissioner Fields for attending his 17 year anniversary celebration in Hobbs. He stated he enjoys serving people and he has enjoyed serving the City of Hobbs. He thanked the Mayor and Commission for tolerating him for the last 17 years.

Mr. Logan McIlroy addressed the Commission regarding the timeframe for revision of the recently adopted Cannabis Regulation Ordinance.

In response to Mr. McIlroy's question, Mayor Cobb stated the City is working on amendments to the cannabis ordinance. He further stated the amendments are a priority and the City understands the expediency. In further response to Mr. McIlroy, Mayor Cobb stated he could not commit to a date for the Commission to address the amendments.

### **Consent Agenda**

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

*Resolution No. 7114 - Approving the Final Plan for Liberty Crossing Subdivision, Unit 1, Located Southeast of the Intersection of Glorietta and Jefferson, as Submitted by ALJO, LLC.*

*Resolution No. 7115 - Authorizing Additional Allocations of Lodgers' Tax Funds for FY 2022 for the Tuff Hedeman Bull Riding Tour and the City of Hobbs Annual Tree Lighting Ceremony*



Consideration of Approval of a Memorandum of Agreement with the Hobbs Municipal Schools for Transportation Services for the 21st Century Community Learning Centers Grant

Resolution No. 7116 - Approving an Agreement with the Hobbs Municipal Schools Regarding Middle School Athletic Programs

Resolution No. 7117 - Authorizing the Submission of a Grant Application with the New Mexico Department of Health EMS Fund Act Special Projects Grant for FY 2023 in the Amount of \$19,597.83 for the Purchase of a Ferno Power X1 Gurney

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

**Discussion**

There were no items presented for discussion.

**Action Items**

Resolution No. 7118 - Approval of a Memorandum of Understanding with the District Attorney's Office, Law Office of the Public Defender, Guidance Center of Lea County and the United Way of Lea County for a Law Enforcement Assisted Diversion Program "LEAD"

Hobbs Police Chief John Ortolano stated the Hobbs Police Department (HPD) requests to enter into a Memorandum of Understanding (MOU) with the District Attorney's Office, the Law Office of the Public Defender, the Guidance Center of Lea County, and the United Way of Lea County for a Law Enforcement Assisted Diversion Program "LEAD".

Ms. Jessica Owen of the Guidance Center of Lea County presented a PowerPoint presentation explaining the LEAD program and how it will improve public safety and public health by reducing the potential for criminal behavior by persons struggling with problematic drug use in the community.

In response to Commissioner Mills' inquiry, Ms. Owen stated the requirement for an address has been removed from the agreement in order to assist those who may be homeless. She further stated as long as citizens are residents of Lea County, they are eligible for assistance. She added because HPD is currently the only law enforcement agency utilizing the LEAD program, the majority of the cases will come from Hobbs.

In response to a question from Commissioner Penick, Ms. Owen stated she collected program outcome data from Seattle, Washington, and Santa Fe, New Mexico, based on information within the LEAD program. She further stated Hobbs will be collecting data monthly in order to have outcome data at the end of the grant period.

Chief Ortolano stated HPD officers on the street will be referring individuals to the LEAD program. He stated the use of the LEAD program and referrals are not going to be influenced by anyone else in the state.

In response to an inquiry from Commissioner Fields, Chief Ortolano stated the time an individual is in the LEAD program is dependent on the individual which will be assessed on a case-by-case basis.

Ms. Owen pointed out that abstinence is not the focus of the LEAD program. They will be focused on reducing the problematic drug use in the community.

In response to an inquiry from Commissioner Mills, Ms. Owen stated the goal is to help 50-70 people during the grant period for the LEAD program.

Chief Ortolano stated once the public is educated and trusts the LEAD program, there will be more individuals enrolled but there may initially only be one or two individuals per month.

Commissioner Mills stated he is in favor of the LEAD program. He further stated the problem lies in the fact that there are so many people addicted to hardcore drugs or prescription drugs in the community and programs like LEAD do not reach as many drug users as needed. Commissioner Mills stated drugs purchased on the streets are cheap and the number of overdoses is high. He expressed his hope that the LEAD program will expand and help more people in the community. He applauded HPD for their efforts in bringing this MOU before the Commission and being proactive in the fight against drugs.

There being no further discussion, Commissioner Calderón moved that Resolution No. 7118 be approved as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and agreement are attached and made a part of these minutes.

*Resolution No. 7119 - Amending Prior Resolution No. 6667 Related to Police Recruitment and Retention*

Chief Ortolano explained the resolution and stated the extremely competitive market to hire and retain police officers has caused many municipalities across the country to start or increase hiring incentives for police officers and non-certified applicants. HPD would like to repeal Resolution No. 6667 and replace it with a proposed recruitment incentive for certified officers and non-certified officers of \$30,000 paid at \$5,000 per year after

completion of each year of service for six years. An additional \$7,500 would be paid to certified officers upon completion of the HPD "in house" training and an additional \$5,000 would be paid to non-certified officers upon completion of the HPD "in house" training.

In response to a question from Commissioner Gerth, Chief Ortolano stated HPD is currently short 25 officers.

Commissioner Penick stated he agrees with the incentive to hire more police officers; however, he expressed concern with what was being done to retain current police officers. He stated he was informed there have been 19 certified police officers to leave HPD in the last two years. He added while he agrees with the recruitment of former military officers, he questioned the effect new incentives may have on existing certified officers. Commissioner Penick stated he would also like to see officers with specialized skills, such as a drug specialist officer, be incentivized for their skills.

Chief Ortolano stated he proposed an incentive, specifically for the drug specialist officers, during the recent collective bargaining discussions and the police officer's union declined the incentive. He further stated there have been two officers that left for personal reasons in 2021 and only one left in 2020. He added there has been a much higher rate of people coming to HPD opposed to leaving.

Commissioner Penick stated, of the 19 he was informed of leaving HPD in the last two years, six of the officers were retirees.

Chief Ortolano stated there have been several Internal Affairs investigations that resulted in seven officers leaving HPD in the last two years.

Commissioner Penick stated he would like to see retention efforts made to keep current certified officers at HPD.

There being no further discussion, Commissioner Fields moved that Resolution No. 7119 be approved as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

*Resolution No. 7120 - Authorizing Budgetary Adjustment #1 for FY 2021- 2022*

Ms. Deb Corral, Assistant Finance Director, stated the fiscal budget of the City of Hobbs is adopted by resolution, and reviewed and approved by the Department of Finance and Administration. The budget is prepared prior to the beginning of the fiscal year, and as such, from time to time, it becomes necessary to adjust the budget for items not contemplated at the time of its preparation or for issues that arise during the fiscal year. She stated the total revenue increased by \$3,659,968.00 and the total expense increased

by \$3,339,600.26 providing a budgeted ending cash balance of \$84,728,587.59 for all funds. Ms. Corral stated the general fund reserve decreased from 48% to 47%.

Mayor Cobb stated the Commission asks many questions of the Finance Department and City staff related to the budget prior to the Commission meeting. He commended staff for their knowledge and competency in handling the City budget.

There being no further discussion, Commissioner Penick moved to approve Resolution No. 7120 as presented. Commissioner Smith seconded the motion and he vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

*Resolution No. 7121 - Calling for a Municipal Officer Election on March 1, 2022, and Notifying the Lea County Clerk and Secretary of State of the Positions to be Filled*

Ms. Jan Fletcher, City Clerk, explained the resolution and stated the regular municipal election will be held on Tuesday, March 1, 2022, and persons shall be elected to fill the following elective offices:

- One Commissioner from District 1 for a two-year term (to fill an unexpired term)
- One Commissioner from District 4 for a four-year term
- One Commissioner from District 5 for a four-year term
- One Commissioner from District 6 for a four-year term
- One Municipal Judge, elected at large, for a four-year term

Ms. Fletcher stated important dates in the resolution are noted as follows:

- January 4, 2022 - Candidate Filing Day in the Office of the Municipal Clerk at City Hall
- January 11, 2022 - Write-In Candidate Filing Day
- February 1, 2022 - First Day for Absentee and Early Voting - City Hall
- February 1, 2022 - Voter Registration Closes by Mail - Lea County Clerk @ 5:00 p.m.
- February 12, 2022 - First Day for Alternate Early Voting - Lea County Office Complex
- February 25, 2022 - Last Day for Issuance of Absentee Ballots
- February 26, 2022 - Last Day for All Early Voting
- March 1, 2022 - Election Day

Ms. Fletcher stated all of the precincts have been consolidated and five Voting Convenience Centers (VCC) have been secured for the election as follows:

- Hobbs City Hall Annex, 1st Floor, 200 East Broadway
- Teen Center, 620 West Alto
- Hobbs Municipal Schools Training Center, 2110 East Sanger
- Lea County Event Center, 5101 Lovington Highway

- Lea County Office Complex, 1019 East Bender Blvd.
- Absentee and Early Voting- Municipal Clerk's Office, 200 East Broadway
- Alternate Early Voting Site - Lea County Office Complex, 1019 East Bender

Ms. Fletcher stated, if approved, the resolution will be submitted to the New Mexico Secretary of State, who will issue an Election Proclamation on December 1, 2021.

There being no questions or comments, Commissioner Gerth moved to approve Resolution No. 7121 as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution is attached and made a part of these minutes.

Resolution No. 7122 - Appointing a Redistricting Committee to Review the City of Hobbs Commission Districts

Ms. Fletcher explained the resolution and stated Section 1.08.010 of the Hobbs Municipal Code requires that after the official Federal Census (Census) data is received, a committee of no less than seven persons be appointed to review and adjust the City's six Commission Districts to ensure each district is as equal as possible based on the population data from the Census. She further stated the services of Research and Polling, Inc., have been secured to analyze the data and provide possible redistricting options. Ms. Fletcher stated this resolution would appoint the following members to the Redistricting Committee:

1. Mr. David Pyeatt
2. Mr. Brad Reimers
3. Mr. B. J. Choice
4. Mr. Oscar Gonzalez
5. Ms. JoAnn Penick
6. Ms. Pat Duran
7. Mr. Guy Kesner

Ms. Fletcher presented a map with preliminary census data and stated the map shows a decrease in the population of Districts 3, 4 and 6, while Districts 2 and 5 have grown. She stated this Committee will work with the demographer to review and adjust the districts to insure that ethnicity/language minority groups, compactness, contiguity, substantial equality in population, community interests, and other criteria set out in the Voting Rights Act are maintained in each single member district. The Committee will meet and recommend a redistricting plan to the Commission for approval.

In response to Mayor Cobb's question, Ms. Fletcher stated the redistricting must be completed by the end of December, 2021.

In answer a question from Commissioner Penick, Ms. Fletcher stated the preliminary data is total population data as opposed to the number of registered voters.

Mayor Cobb stated the growth in Districts 2 and 5 prove the housing incentives are working. These areas have been incentivized by the City through development agreements.

Ms. Fletcher stated the 2020 Federal Census data shows the current population of the City of Hobbs is 40,498 which is an increase from the 2010 Census count of 34,122.

There being no further comment or discussion, Commissioner Penick moved to approve Resolution No. 7122 as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

*Resolution No. 7123 - Authorizing a Memorandum of Agreement with the New Mexico Department of Transportation for Public Transportation Services for Federal FY 21-22*

Ms. Fletcher, who is also the Public Transportation Director, explained the resolution and stated the attached Memorandum of Agreement is for continued operation of Public Transportation Services for Hobbs Express for Federal FY 21-22 beginning October 1, 2021, through September 30, 2022. This is a formulary grant whereby the costs of the program are shared.

Ms. Fletcher stated the overall total Federal grant award is \$1,101,823.92. Under normal circumstances, the City's local match for FFY 21-22 would have been \$382,623.00 but due to the fact that this grant award is still CARES Act Funding, the local match amount has been reduced to \$98,175.14.

There being no comment or discussion, Commissioner Smith moved to approve Resolution No. 7123 as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

*Resolution No. 7124 - Authorizing a Contribution of \$25,000.00 to the Eddy Lea Energy Alliance, LLC*

Mayor Cobb explained the City of Hobbs, Lea County, Eddy County and the City of Carlsbad are members of the Eddy-Lea Energy Alliance (ELEA). ELEA owns property on the Eddy/Lea County line that has been characterized by the Federal government as a possible temporary storage for nuclear material. He stated the Joint Powers Agreement between the governmental entities states that contributions from funds of the parties may

be made to defray the costs of ELEA. Each member has been requested to contribute \$25,000.00 for these costs for FY 2021-22. Mayor Cobb stated the proposed resolution will authorize payment of the City's share of the development costs. Currently, the City of Carlsbad serves as the fiscal agent for ELEA and payments under the Joint Powers Agreement will be made to ELEA via the City of Carlsbad.

Mayor Cobb stated there has been a lot of press regarding the Holtec project and he expressed his displeasure of the opposition the Holtec project has received from State and Federal leaders who have also opposed the fossil fuel industry. He stated if the Holtec project comes to fruition, ELEA will transfer ownership of the property to Holtec and under the terms of the agreement, a royalty fee will be paid to the four entities that make up ELEA for the storage of nuclear fuel, not waste. He stated public education is important on this matter.

Commissioner Gerth moved to approve Resolution No. 7124 as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

*Resolution No. 7125 - Approving a Development Agreement with ALJO, LLC, Concerning the Development of Market Rate Single-Family Housing*

Mr. Kevin Robinson, Development Director, stated ALJO, LLC, has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries and is requesting infrastructure incentives of \$100,000.00. Mr. Robinson stated Mr. Alberto Caballero of ALJO, LLC, is present tonight for any questions.

There being no comments or discussion, Commissioner Calderón moved to approve Resolution No. 7125 as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and development agreement are attached and made a part of these minutes.

In response to Commissioner Mills' inquiry, Mr. Robinson stated the houses development is being built within District 2. He further stated ALJO, LLC, has already constructed 102 housing units in the community.

*Resolution No. 7126 - Approving a Development Agreement with Black Gold Estates Concerning the Development of Market Rate Single-Family Housing*

Mr. Robinson stated Black Gold Estates has requested a Development Agreement concerning the development of single family housing units located within the municipal

boundaries and is requesting infrastructure incentives of \$100,000.00. He further stated Black Gold Estates previous nine development agreements have produced 98 housing units in the community. He added Mr. Phillip Ross is the Engineer of Record and is present tonight representing Black Gold Estates and is available to answer any questions.

There being no questions, Commissioner Calderón moved to approve Resolution No. 7126 as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and development agreement are attached and made a part of these minutes.

In response to a question from Mayor Cobb, Mr. Robinson stated between all of the developers, there have been 714 single-family homes added to the community. He added of the 714 single-family homes, over 500 have been constructed by Black Gold Estates. Mr. Robinson stated there have been 993 multi-family units built in the community.

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

Mayor Cobb stated the next regular Commission meeting will be held on November 1, 2021, at 6:00 p.m.

Mr. Nicholas Goulet, Human Resources Director, introduced Ms. Selena Estrada, who has been hired as the new Risk Manager for the City of Hobbs. He briefly reviewed her experience.

Ms. Estrada stated she is grateful to be a part of the City of Hobbs. She stated she has already begun looking into projects that can assist in organizing data and trends to hopefully find a favorable outcome for the City.

City Manager Gomez announced the following upcoming events:

- Halloween Safe Stops on Friday, October 29, 2021, from 3:00 p.m. to 5:00 p.m.
- Halloween Spooktacular on Friday, October 29, 2021, at the CORE from 3:00 p.m. to 6:00 p.m.
- Open House on Friday, October 29, 2021, at the Teen Center from 3:00 p.m. to 8:00 p.m.
- Halloween Carnival on Saturday, October 30, 2021, at the Lea County Event Center from 12:00 p.m. to 5:00 p.m.

City Manager Gomez stated the City will host Safe Stops at the Hobbs Public Library, the Teen Center and the CORE. He added there will be fun booths at the Halloween Spooktacular at the CORE including pie throwing and a pumpkin drop. City Manager Gomez stated there will be approximately 30 booths at the Halloween Carnival on



October 30, 2021. He expressed his appreciation to the Recreation Department for their hard work on these events.

Commissioner Mills stated diversion programs like LEAD make citizens think of lower level drug use; however, State laws say drug offenders are guilty of a felony and face a minimum 18-month prison sentence for all drug offenses. He further stated it is confusing to have a set of laws for the State but different guidelines for local governments and police officers. Commissioner Mills reminded everyone that Hobbs has a massive drug problem and it needs to be addressed sooner rather than later.

Commissioner Penick reminded the community to lock up their belongings as there is currently a big theft problem in Hobbs. He stated he has been the victim of burglary four times in the past three months. Commissioner Penick stated several oilfield companies have also been burglarized. He spoke very critically of the State's "Catch and Release" program.

Commissioner Penick volunteered to sit in the pie throwing booth at the Halloween Spooktacular event at the CORE.

Commissioner Smith gave kudos to the individuals on the Redistricting Committee. He stated it is important work.

In response to Commissioner Smith's question, City Manager Gomez stated LoCash gave an excellent concert during the recent United Way Concert. He confirmed United Way did receive Lodgers' Tax funds for the concert; however, Ms. Becca Titus of United Way of Lea County is not present to present those attendance numbers.

Commissioner Smith stated he was at Rockwind Golf Course and he could hear LoCash performing sound checks. He stated they sounded great.

Reverend Choice stated he was able to attend the Holtec public hearing and he was very impressed with the safety of Holtec's plans.

In response to Commissioner Penick's inquiry, Mayor Cobb stated if Holtec does not locate on the property owned by ELEA, it could be located between Andrews, Texas, and Eunice, New Mexico. He stated a Consolidated Interim Storage Facility permit has been issued in Andrews County. He encouraged people to study Holtec to see what they are about. Mayor Cobb stated if Holtec gets a 40-year license, it means a guaranteed payment for 40 years to the ELEA partners which makes good sense economically. He added there are safety protocols in place.

**Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:20 p.m.

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

ATTEST:

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 4, 2021, in the City Commission Chamber, 200 East Broadway, 1<sup>st</sup> Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at [www.hobbsnm.org](http://www.hobbsnm.org).

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

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting and everyone viewing through Livestream. 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 (*Telephonically*)  
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager  
Efren Cortez, City Attorney  
Valerie Chacon, Deputy City Attorney  
Rocio Ocano, Assistant City Attorney  
Barry Young, Deputy Fire Chief  
Kevin Shearer, Battalion Chief  
Shawn Williams, Fire Marshal  
John Ortolano, Police Chief  
Missy Funk, Hobbs Animal Adoption Center Manager  
Doug McDaniel, Recreation Director  
Wade Whitehead, Parks Superintendent  
Tracy South, Assistant Human Resources Director  
Toby Spears, Finance Director  
Todd Randall, City Engineer  
Tim Woomer, Utilities Director  
Ron Roberts, Information Technology Director  
Meghan Mooney, Communications Director  
Bobby Arther, Municipal Judge  
Shelia Baker, General Services Director  
Bob Hamilton, Reference Librarian  
Sandra Boltshauser, Clerk Record Specialist  
Jan Fletcher, City Clerk  
8 citizens

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

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

### **Approval of Minutes**

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, September 20, 2021, be approved as written. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried.

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

#### *Proclamation Proclaiming October 3 - 9, 2021, as "Fire Prevention Week"*

Mayor Cobb read the Proclamation proclaiming the week of October 3-9, 2021, as Fire Prevention Week and presented the Proclamation to Fire Chief Barry Young and Fire Marshal Shawn Williams. Fire Chief Young thanked the Commission and stated due to COVID-19, the fire fighters will not be making presentations to the schools in person this year. He explained Hobbs Fire Department (HFD) will be working with the Communications Department to make videos to send to the Hobbs elementary schools. He added the theme for Fire Prevention Week is *"Learn the Sounds of Fire Safety"*. Ms. Meghan Mooney, Communications Director, stated billboards are up throughout Hobbs with the 2021 Fire Prevention Week theme.

### **Public Comments**

Due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at [jfletcher@hobbsnm.org](mailto:jfletcher@hobbsnm.org) or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, October 4, 2021.

Mr. Nicholas Maxwell addressed the Commission regarding his opposition to mandated vaccines for City employees based on religious beliefs. He stated other municipalities have adopted mandates for employee vaccinations without acknowledging the employee's religious beliefs and he does not want to see Hobbs move in that direction.

Ms. Victoria Bruce with Bryan's Green Care wished to address the proposed cannabis ordinance; however, she withdrew her public comment until she could hear the presentation of Ordinance No. 1133.

Mr. Maxwell also addressed concerns with the City's final adoption of the cannabis ordinance. He spoke against the proposed ordinance as it is written.

### **Consent Agenda**

*Resolution No. 7107 - Approving the Final Plan for Tanglewood Unit 5 at Ranchview Estates Subdivision Located Northwest of the Intersection of East Bender Blvd. and Ranchland Drive*

Resolution No. 7108 - Approving the Final Plan for Tanglewood Unit 6 at Ranchview Estates Subdivision Located Northwest of the Intersection of East Bender Blvd. and Ranchland Drive

Resolution No. 7109 - Approving the Final Plan for Mesquite Draw Subdivision Located South of the Intersection of Alabama and Braniff Within the Extra-Territorial Jurisdiction

Resolution No. 7110 - Approving the Vacation and Dedication of Portions of Certain Alleyways Within the Ballew Subdivision Located Northeast of the Intersection of Marland Street and Elm Place

Resolution No. 7111 - Approving an Encroachment Agreement with Dixie Electric, LLC, Concerning the Placement of Structures Within Public Easements and Setbacks

Resolution No. 7112 - Approving the Dedication of a Portion of Dal Paso and Public Well Site Located in Section 23, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico

## **Discussion**

### Zia Natural Gas Company - Integrated Resource Plan

Ms. Leslie Graham, General Manager for Zia Natural Gas Company (Zia), introduced herself, Mr. Oscar Saucedo, Business Development Manager and Mr. Seborn South, District Manager. She presented a PowerPoint presentation outlining Zia's Integrated Resource Plan (IRP) which discussed the System Overview and Load Forecast as well as an evaluation of the supply and demand along with the need for additional resources. She further discussed the evaluation of potential additional resources, a cost effective portfolio of resources and a brief overview of the Energy Efficiency Program. Ms. Graham stated the goal of the IRP is to identify the most cost effective portfolio of resources to supply the existing and future energy needs of their customers. She briefly discussed the IRP requirements, the IRP report contents, and the IRP process. Ms. Graham stated Zia serves approximately 39,500 customers in New Mexico with gas distribution lines in Lea, Eddy, Lincoln, Colfax and Dona Ana counties. She further stated the State of New Mexico moratorium to freeze past due accounts during the COVID-19 pandemic recently expired, so Zia saw a decline in the number of active accounts. She added customers seemed to weigh their options and let the gas be disconnected during warmer months. Ms. Graham stated Zia purchases Hobbs' natural gas from the DCP gas plant located nine miles west of Hobbs and feeds the City through an 8" pipeline. She further explained Zia currently feeds gas to approximately 11,000 customers currently but has served up to 14,000 customers in the past; therefore, Zia does not anticipate capacity issues in the future. Ms. Graham stated February, 2021, saw unprecedented cold weather in New Mexico and Texas, which crippled the states and drove gas prices extremely high. She further stated the cost of gas went from \$10 to \$200 overnight and remained high for a period of seven

days. She further stated Zia received emergency funding to supply customers during this time which will be amortized over 36 months.

In response to Commissioner Smith's question, customers will see an increase in their bill of approximately \$11 monthly.

Commissioner Mills expressed concern regarding the affect the increase will have on families that are on a fixed or low income.

Ms. Graham stated because of this price spike, Zia came up with a contingency plan to keep prices stable for the future by locking in a price rate for 90% of the gas to be used.

Ms. Graham continued her presentation and stated Zia has completed an assessment of need for additional resources and concluded they have sufficient capacity for the growth of Hobbs. She added Zia has identified potential additional resources for gas and alternatives considered are biomass, dairy and hydrogen. She further stated there are concerns with the expensive start-up costs, the low availability, inconsistent supply and quality control. Zia is looking for public input on these concerns. Ms. Graham stated the Energy Efficiency Program is looking to incentivize the use of space heating and water heating when customers upgrade to high efficiency appliances or when the customers are involved in new construction. She stated Zia will continue to offer home assessments to low income customers and rebates will be offered to commercial customers.

In response to a question from Commissioner Calderón, Ms. Graham stated Farmington, New Mexico, did have issues with gas lines freezing in 2011 during an ice storm. She stated the likelihood of that happening in Hobbs is slim. She added Zia's parent company, Natural Gas Processing Company, is based out of Wyoming, and they have designed the gas lines and backups to prepare as if the gas lines were in a much colder climate.

### **Action Items**

#### **FINAL ADOPTION: Ordinance No. 1133 - Adopting Chapter 5.06 of the Hobbs Municipal Code for the Possession, Cultivation, Manufacture and Sale of Cannabis**

Ms. Valerie Chacon, Deputy City Attorney, presented the proposed ordinance for the possession, cultivation, manufacture and sale of cannabis and stated the proposed ordinance complies with House Bill 2 (HB2) which was passed during the 2021 First Special Session of the 55th Legislature and is now codified in NMSA 1978, Section 26-2C-1, et seq. The legislation authorized the possession, cultivation, manufacture, and sale of cannabis and cannabis-derived products in New Mexico. Ms. Chacon explained that NMSA 1978, Section 26-2C-12 authorizes a municipality to adopt time, place and manner rules regarding cannabis establishments. She stated pursuant to NMSA 1978, Section 3-17-3, publication of this proposed ordinance was published in the Hobbs News Sun on September 14, 2021. She further stated if adopted tonight, the ordinance will become effective five days after the final publication.

In response to Mayor Cobb's question, Ms. Chacon stated if the Commission fails to adopt this ordinance, the City would start over in the adoption of a Cannabis Regulation Ordinance. She further stated the Legal Department would change the ordinance as decided by the Commission, it would be presented to the Commission again for publication, published in the Hobbs News Sun pursuant to State statutes and brought before the Commission again for final adoption at a Commission Meeting in November, 2021. Ms. Chacon further stated if the Commission adopts the proposed ordinance as presented, amendments can be made later. The timeline for amendments would be similar to the timeline for a new ordinance with both becoming enforceable in November, 2021.

Mayor Cobb stated Ordinance No. 1133 can serve as a placeholder for any amendments the Commission may choose to adopt.

Commissioner Penick stated it is important to the businesses and the public to move forward in order to adopt Ordinance No. 1133.

In response to Mayor Cobb's inquiry, no members of the audience wished to speak for or against Ordinance No. 1133.

In response to Mayor Cobb's inquiry, Ms. Victoria Bruce declined to make comments to the Commission.

Ms. Jan Fletcher, City Clerk, stated she has received written comments from Ms. Roberta Bruce, Ms. Christy Gonzales, Mr. Jordan McIlroy and Mr. Nick Maxwell throughout the process of the Cannabis Regulation Ordinance. She further stated all of the comments received have been shared with the Commission.

Commissioner Mills stated it is difficult for him, as a defense attorney, to understand the legalization of a substance that has put so many people in prison. He further stated the State has legalized cannabis and the City must follow suit. He added the City may have to amend Ordinance No. 1133 more than once but the City has come a long way in accepting cannabis.

Commissioner Calderón stated he has been an educator for 47 years and during the entire time he has talked to his students against drugs and alcohol. He stated he no longer drinks alcohol and he does not smoke so he is concerned about seeming hypocritical if he votes in favor of Ordinance No. 1133.

Commissioner Fields stated the cannabis situation is very complex. He further stated the Commission is required to make hard decisions based on the needs and wants of their constituents, not their own opinions and beliefs.

Commissioner Smith thanked Commissioner Mills for his statement. He stated the Commission is faced with a difficult decision. He further stated his desire is to treat every business in the same manner regardless of the type of business.

In response to Commissioner Penick's question, Mr. Cortez stated after speaking with New Mexico Congresswoman Yvette Herrell, there is still no clear answer at the present time regarding whether or not the service of cannabis businesses with municipal water will affect the Federal water grants to the City. He further stated in regard to the reclamation side, there should not be an issue with Federal funding; however, the infrastructure funding is still unknown.

Proper publication having been made, and there being no further public comment or discussion by the Commission, Commissioner Gerth moved that Ordinance No. 1133 be adopted as presented. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

*FINAL ADOPTION: Ordinance No. 1134 - Amending the Uniform Traffic Ordinance as Set Forth in Chapter 10.04 of the Hobbs Municipal Code*

Ms. Rocio Ocano, Assistant City Attorney, stated the Uniform Traffic Ordinance (UTO) was adopted by the City of Hobbs on September 5, 2016, via Ordinance No. 1095. In 2017, 2019, and 2020, the New Mexico Municipal League (NMML) proposed amendments to the UTO which corresponded to changes the New Mexico Legislature implemented to the State's Motor Vehicle Code (NMSA 1978, Chapter 66). The proposed ordinance amendments are authorized by Section 10.04.030 of the Hobbs Municipal Code. The proposed amendments pertain to Articles VI, VII, IX, and X of the UTO. All amendments comply with various changes to the Motor Vehicle Code enacted by the New Mexico Legislature. Pursuant to NMSA 1978, § 3-17-3, the proposed ordinance was published in the Hobbs News Sun on September 14, 2021.

Commissioner Mills stated the State has already adopted these amendments; however, he feels by voting to approve them for the City of Hobbs, he is giving his stamp of approval. He expressed displeasure over the writing of Section 12-9-9 of the State's Motor Vehicle Code regarding "Parking in Designated Disabled Parking Spaces". Commissioner Mills stated as written, this section discriminates against handicapped persons. He further stated there is no provision to allow the Court's discretion in the case of a person who has a placard but forgets to display it. He added judges in Hobbs should not have to work around a law.

In response to a question from Mayor Cobb, Ms. Ocano stated it is the discretion of the officer ticketing an individual as to what Court the individual should appear. She further agreed with Mayor Cobb that an individual ticketed with traffic violations should appear before the Municipal Court opposed to Magistrate Court.



Commissioner Penick agreed with Commissioner Mills and stated Hobbs currently has wonderful judges who are compassionate; however, there is no guarantee that the next person in the office of Municipal Judge will follow the UTO to the letter of the law and there is no forgiveness to the UTO as written.

Proper publication having been made, and there being no public comment or further discussion, Commissioner Calderón moved that Ordinance No. 1134 be adopted as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills no, Fields no, Penick no, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1135 - Amending Chapter 9.28 of the Hobbs Municipal Code Related to Drugs and Drug Paraphernalia

Mr. Efren Cortez, City Attorney, addressed several comments to the Commission on the prior two agenda items. He praised the attorneys and City staff for all of their hard work and research on these legal matters.

Mr. Cortez explained the proposed ordinance amending Chapter 9.28 of the Hobbs Municipal Code entitled "Drugs and Drug Paraphernalia." Specifically, the amendments bring Chapter 9.28 into compliance with the statutory changes enacted by the New Mexico Legislature related to "paraphernalia" and the decriminalization of marijuana. Pursuant to NMSA 1978, § 3-17-3, this proposed ordinance was published in the Hobbs News Sun on September 14, 2021. If adopted, this ordinance will become effective five days after it has been published.

Proper publication having been made, and there being no public comment or discussion by the Commission, Commissioner Gerth moved that Ordinance No. 1135 be adopted as presented. Commissioner Smith seconded the motion and he vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

Consideration of Approval of a Professional Services Agreement with the Lea County Humane Society

Hobbs Police Chief John Ortolano introduced Ms. Missy Funk, Animal Adoption Center Manager, and stated in 2009, a partnership began between the Lea County Humane Society (LCHS) and City of Hobbs to become a no kill facility and it has proven to be very successful. The LCHS partnership provides multiple adoption events, shot clinics, and spay and neuter certificates to Lea County residents. Police Chief Ortolano stated the partnership also includes the rescue transport that rescues thousands of animals annually by transporting them to places for adoption nationally and internationally. The Professional Services Agreement establishes the relationship of the City of Hobbs and

the Lea County Humane Society and designates the duties of each and includes the provisions for liability insurance on all volunteers. The term of the agreement is one year with three additional one-year renewal options.

In response to Mayor Cobb's question, Ms. Funk stated LCHS currently has liability insurance. She further stated the Hobbs Animal Adoption Center will remain a no kill shelter.

Commissioner Calderón stated a family member recently adopted a Chihuahua from the Animal Adoption Center. He thanked Ms. Funk for all of her assistance throughout the adoption process.

There being no further comment or discussion, Commissioner Calderón moved to approve the Professional Services Agreement with the Lea County Humane Society as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón 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. 7113 - Approving a Legislative Grant Agreement for a Capital Appropriation Project in the Amount of \$500,000.00 for Security Improvements and Accessibility Compliance for Public Buildings*

Ms. Shelia Baker, General Services Director, explained the resolution and stated the City of Hobbs has received a Capital Appropriation Project grant agreement for \$500,000 to plan, design, construct, purchase, furnish, equip, install, renovate and improve infrastructure, including security improvements and accessibility compliance, for public buildings. The General Services Department intends to utilize the funding for security improvements at Municipal Court and the Hobbs Police Department (HPD). The safety improvements are designed to provide ability for the staff to "Run. Hide. Fight." Ms. Baker outlined the main components of the proposed construction.

In response to a question by the Commission, Ms. Baker stated the bids for security improvements at HPD and Municipal Court will be bid separately to ensure the projects do not go over the appropriated amount of \$500,000.

There being no further comment or discussion, Commissioner Calderón moved to approve Resolution No. 7113 as presented. Commissioner Smith seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

Consideration of Approval of a Professional Services Agreement with ImageTrend, Inc., to Provide Electronic Third-Party Billing Services for Emergency Medical Services Pursuant to RFP No. 523-21

Hobbs Fire Chief Barry Young explained the agreement and stated the City of Hobbs solicited proposals to provide electronic third-party billing services for emergency medical services (ambulance billing). The scope of the proposal consisted of, but not limited to: preparing and submitting accurate and complete insurance claims electronically to include, but not limited to, Medicare, Medicaid, and any other applicable carriers including both commercial and private insurances; verification and missing information for follow up; prepare and mail invoices to patients responsible for co-pays and/or deductibles, private pay, and uninsured patients; provide the City of Hobbs with reconciled monthly receivables showing beginning balances, charges, adjustments, collections, and ending balances; and provide training to EMS staff and the Finance Department. He further stated RFP #523-21 was awarded to Imagetrend at the Commission Meeting held on June 7, 2021, and the City wishes to enter into a professional services agreement for the third-party EMS billing services. He added the cost of the third-party billing service will be 5.85% commission on collections. Fire Chief Young stated the estimated cost for the third-party billing service will be approximately \$117,000. The contract will become effective on December 1, 2021, to allow a smooth transition with the existing vendor.

There being no further comment or discussion, Commissioner Calderón moved to approve the Professional Services Agreement with ImageTrend, Inc. as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Penick yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

**COMMENTS BY CITY COMMISSIONERS, CITY MANAGER**

Mayor Cobb stated the next regular Commission meeting will be held on October 18, 2021, at 6:00 p.m.

City Manager Manny Gomez thanked the Commission for its support of the cannabis ordinance. He stated the Legal Department has been dedicated to the creation of this ordinance that will support the community with the best of intentions.

City Manager Gomez stated the third large item pick up was held this past Saturday, October 2, 2021, servicing the area north of Sanger Street and west of Fowler Street. He further stated the next large item pick up day will be November 6, 2021, which will be for the areas north of Sanger Street and East of Fowler Street to the city limits.

City Manager Gomez stated the City's Facebook and Instagram accounts were down earlier today. He apologized for any inconvenience this outage may have caused and

stated any citizen may contact Ms. Meghan Mooney, Communications Director, at (575) 391-4169 with questions or concerns.

Commissioner Fields stated he recently had a constituent contact him regarding neighbors playing loud music late at night. He suggested the City take a look at existing ordinances, such as the noise ordinance and the weed ordinance, and make changes where necessary. He stated there are weeds on Dal Paso that are as tall as he is.

Commissioner Mills stated he is looking forward to making the cannabis ordinance better. He stated he is excited about the future of Hobbs.

Mayor Cobb stated there is a lot of work coming up in the next few weeks, such as the American Rescue Plan, and the Commission will be busy keeping up with the work of the City.

### **Adjournment**

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:20 p.m.

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SAM D. COBB, Mayor

ATTEST:

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JAN FLETCHER, City Clerk

**PROCLAMATIONS**

**AND**

**AWARDS OF  
MERIT**

Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, Hobbs, New Mexico, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS**, Hobbs, New Mexico, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

**WHEREAS**, Hobbs, New Mexico, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

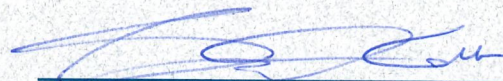
**WHEREAS**, Hobbs, New Mexico, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2021.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim November 1, 2021, as:

### “Extra Mile Day”

I urge each individual in the community to take time take on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 1<sup>st</sup> day of November, 2021, and cause the seal of the City of Hobbs to be affixed hereto.

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

ATTEST:

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



Office of the Mayor  
Hobbs, New Mexico

## PROCLAMATION

**WHEREAS**, nurse practitioners (NPs) serve as trusted health care providers for patients in our state; and

**WHEREAS**, NPs are at the forefront of efforts to combat COVID-19, educating patients about prevention and ensuring the equitable distribution of vaccinations; and

**WHEREAS**, NPs work to expand access to care in underserved communities, end health disparities and combat systemic racism in health care; and

**WHEREAS**, patients depend on the more than 325,000 licensed NPs in the United States to diagnose, manage and treat their chronic and acute health care conditions; and

**WHEREAS**, NPs provide high-quality primary, acute and specialty care services while emphasizing health promotion, disease prevention, health education and counseling, guiding patients to make smarter health and lifestyle choices every day; and

**WHEREAS**, the confidence that patients have in NP-delivered health care is evidenced by the more than one billion visits made annually to NPs across the country; and

**WHEREAS**, more than five decades of research confirms the high quality of care provided by NPs; and

**WHEREAS**, better utilization of NPs through modernized state laws and improved policies creates better health through a more accessible, efficient, cost-effective and higher-quality health care system; and

**WHEREAS**, 23 states, the District of Columbia, Guam and the Northern Mariana Islands have implemented Full Practice Authority for NPs, granting patients full and direct access to the outstanding care offered by these health care professionals; and

**WHEREAS**, leading governmental and policy entities including the National Academy of Medicine, National Council of State Boards of Nursing, National Governors Association and Federal Trade Commission have taken notice of the benefits of providing patients full and direct access to NP care; and


**WHEREAS**, the City of Hobbs is proud to recognize and honor the service of NPs to our state.

**NOW, THEREFORE**, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of November 7 – 13, 2021, as:

## “National Nurse Practitioner Week”

in recognition of the countless contributions NPs have made over the past half century and will continue to make to the health and well-being of citizens in our state.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 1<sup>st</sup> day of November, 2021, and cause the seal of the City of Hobbs to be affixed hereto.

  
SAM D. COBB, Mayor

ATTEST:

  
JAN FLETCHER, City Clerk





# **ACTION ITEMS**





# CITY OF HOBBS

## COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

**SUBJECT:** Resolution approving the FY2022 DFA 1st Quarter (September 2021) Financial Report  
**DEPT. OF ORIGIN:** Finance Department  
**DATE SUBMITTED:** October 21, 2021  
**SUBMITTED BY:** Deborah Corral, Assistant Finance Director

**Summary:**

Submitting the FY2022 1st Quarter DFA Financial Report for the approval of the Governing Body. The Department of Finance and Administration only requires that the 4<sup>th</sup> Quarter DFA Report be approved by resolution, however, it **recommends** all quarterly reports be approved by the governing body.

**Fiscal Impact:**

Reviewed By:   
Finance Department


The ending cash balance represents actual revenue and expenditure activity from 07/01/21-09/30/21.

- Actual Ending Cash Balance at 09/30/2021 is \$146,420,627.45 for all funds (restricted and unrestricted).
- The City of Hobbs year-to-date actual revenues and expenditures for the period are \$31,525,932.67 and \$27,527,455.43 respectively.

**Attachments:**

- 1st Quarter DFA Report Recap
- September 30, 2021 City of Hobbs Cash Report
- Resolution approving 1st Quarter DFA Report

**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

Motion to approve the resolution.

Approved For Submittal By:

  
Department Director  
  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
File No. \_\_\_\_\_ Denied

CITY OF HOBBS  
RESOLUTION NO. 7127

A RESOLUTION APPROVING THE FY2022  
DFA 1st QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico only requires the 4<sup>TH</sup> quarter DFA Financial Report to be approved annually, however, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended September 30, 2021 was \$146,420,627.45 for all funds; and

WHEREAS, the City of Hobbs actual year-to-date revenue and expenditures for fiscal year 2022 crosswalk the amounts to the DFA 1st Quarter Financial Report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 1st Quarter Financial Report be approved.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2021.

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

ATTEST:

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

**State of New Mexico**  
**Local Government Budget Management System (LGBMS)**

**Report Recap - Fiscal Year 2021-2022 - Hobbs (City) - FY2022 Q1**

Printed from LGBMS on 2021-10-21 14:20:00

Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	79,692,584.00	0.00	13,946,818.98	-881,205.66	14,280,170.16	-55,206.59	78,422,820.57	1,190,014.18	77,232,806.39
20100 Corrections	1,009,549.00	0.00	41,475.48	0.00	8,475.29	0.00	1,042,549.19	0.00	1,042,549.19
20600 Emergency Medical Services	583.00	0.00	31,225.00	0.00	13,179.00	0.00	18,629.00	0.00	18,629.00
20900 Fire Protection	913,094.00	0.00	281,116.82	0.00	102,494.94	0.00	1,091,715.88	0.00	1,091,715.88
21100 Law Enforcement Protection	39,074.00	0.00	79,200.00	0.00	12,691.64	0.00	105,582.36	0.00	105,582.36
21400 Lodgers' Tax	1,184,149.00	0.00	279,457.14	-222,127.13	25,355.08	0.00	1,216,123.93	0.00	1,216,123.93
21600 Municipal Street	3,991,957.00	0.00	238,150.47	0.00	15,305.73	0.00	4,214,801.74	0.00	4,214,801.74
21700 Recreation	1,000.00	0.00	463,261.35	474,346.70	937,690.39	82.34	1,000.00	0.00	1,000.00
21800 Intergovernmental Grants	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21900 Senior Citizens	1,000.00	0.00	68,925.78	175,323.24	244,249.02	0.00	1,000.00	0.00	1,000.00
26000 American Rescue Plan Act	0.00	0.00	4,835,515.50	0.00	0.00	0.00	4,835,515.50	0.00	4,835,515.50
29900 Other Special Revenue	443,227.00	0.00	186,422.14	0.00	273,029.71	63,002.49	419,621.92	0.00	419,621.92
30200 CDBG (HUD) Project	186,194.00	0.00	0.00	0.00	0.00	0.00	186,194.00	0.00	186,194.00
30300 State Legislative Appropriation Project	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39900 Other Capital Projects	9,199,550.00	0.00	608,018.36	0.00	238,495.05	0.00	9,569,073.31	0.00	9,569,073.31
40400 NMFA Loan Debt Service	1,989,843.00	0.00	0.00	1,972,656.60	1,972,656.60	0.00	1,989,843.00	0.00	1,989,843.00
50100 Water Enterprise	7,297,418.00	0.00	2,361,491.44	-51,167.48	1,648,769.27	49.67	7,959,022.36	0.00	7,959,022.36
50200 Solid Waste Enterprise	2,684,707.00	0.00	1,861,607.66	0.00	1,838,714.44	0.00	2,707,600.22	0.00	2,707,600.22
50300 Wastewater/Sewer Enterprise	15,183,169.00	0.00	2,131,366.86	-1,921,489.12	1,079,860.75	0.00	14,313,185.99	0.00	14,313,185.99

50400 Airport Enterprise	305,836.00	0.00	35,368.78	0.00	375.26	0.00	340,829.52	0.00	340,82
50600 Cemetery Enterprise	1,000.00	0.00	73,545.01	74,655.62	148,200.63	0.00	1,000.00	0.00	1,00
51800 Golf Course Enterprise	1,000.00	0.00	330,538.74	379,007.23	709,617.36	71.39	1,000.00	0.00	1,00
69900 Other Internal Service	8,776,676.00	0.00	2,192,712.93	0.00	2,214,161.75	0.00	8,755,227.18	0.00	8,755,22
79900 Other Trust & Agency	9,510,600.00	0.00	1,479,714.23	0.00	1,763,963.36	1,948.52	9,228,299.39	0.00	9,228,29
<b>Totals</b>	<b>142,412,210.00</b>	<b>0.00</b>	<b>31,525,932.67</b>	<b>0.00</b>	<b>27,527,455.43</b>	<b>9,947.82</b>	<b>146,420,635.06</b>	<b>1,190,014.18</b>	<b>145,230,62</b>

City of Hobbs  
Cash Balance by Fund  
09/30/2021

		Ending Cash 06/30/2021	June - July FY2022 Revenues	Actual Cash TRANSFERS	June - July FY2022 Expenditures	FY22 Balance Sheet Adjustments	Ending Cash 09/30/21
<b>GOVERNMENTAL FUNDS</b>							
11000	001 GENERAL	79,692,583.32	13,946,818.98	(881,205.66)	14,280,170.16	55,206.59	78,422,819.89
29900	002 LAND ACQUISITION	370,005.05	6,500.00			-	376,505.05
		80,062,588.37	13,953,318.98	(881,205.66)	14,280,170.16	55,206.59	78,799,324.94
<b>SPECIAL REVENUES</b>							
20100	110 LOCAL GOV CORR	1,009,548.34	41,475.48		8,475.29	-	1,042,548.53
21100	120 POLICE PROTECTION	39,073.62	79,200.00		12,691.64	-	105,581.98
29900	130 P D N (parif, drug, narcotics)	1,918.75				-	1,918.75
29900	150 COPS GRANT	1,000.00	114,428.66	-	75,231.53	-	40,197.13
21700	160 HWLC	1,000.00	463,261.35	474,346.70	937,690.39	(82.34)	1,000.00
21900	170 OLDER AMERICAN	1,000.00	68,925.78	175,323.24	244,249.02	-	1,000.00
51800	180 GOLF	1,000.00	330,538.74	379,007.23	709,617.36	(71.39)	1,000.00
50600	190 CEMETERY	1,000.00	73,545.01	74,655.62	148,200.63	-	1,000.00
50400	200 AIRPORT	305,835.97	35,368.78		375.26	-	340,829.49
30300	210 LEGISLATIVE APPROP	-				-	-
21800	220 INTERGOVERNMENTAL GRANTS	-	4,835,515.50			-	4,835,515.50
21400	230 LODGERS' TAX	1,184,148.04	279,457.14	(222,127.13)	25,355.08	-	1,216,122.97
29900	270 PUBLIC TRANSPORTATION	70,302.21	65,493.48	-	197,798.18	(63,002.49)	1,000.00
20900	280 FIRE PROTECTION	913,093.62	281,116.82		102,494.94	-	1,091,715.50
20600	290 EMER MEDICAL SERV	582.73	31,225.00		13,179.00	-	18,628.73
30200	370 COMM DEVE CONST	186,193.20				-	186,193.20
		3,715,696.48	6,699,551.74	881,205.66	2,475,358.32	(63,156.22)	8,884,251.78
<b>CAPITAL PROJECTS FUNDS</b>							
39900	460 BEAUTIFICATION IMPROVEMENI	1,538,849.89				-	1,538,849.89
21600	480 STREET IMPROVEMENTS	3,991,956.59	238,150.47		15,305.73	-	4,214,801.33
39900	490 CITY COMM. IMPROVEMENTS	7,659,699.88	608,018.36	(221,529.45)	16,965.60	-	8,029,223.19
		13,190,506.36	846,168.83	(221,529.45)	32,271.33	-	13,782,874.41
<b>DEBT SERVICE FUNDS</b>							
40400	510 UTILITY BOND	0.00		51,167.48	51,167.48	-	0.00
40400	530 2005 WASTEWATER BOND ISSU	1,989,842.96		1,921,489.12	1,921,489.12	-	1,989,842.96
		1,989,842.96	-	1,972,656.60	1,972,656.60	-	1,989,842.96
<b>TOTAL GOVERNMENTAL FUNDS</b>		98,958,634.17	21,499,039.55	1,751,127.15	18,760,456.41	(7,949.63)	103,456,294.09
<b>ENTERPRISE FUNDS</b>							
50200	100 SOLID WASTE	2,684,706.80	1,861,607.66		1,838,714.44	-	2,707,600.02
39900	440 JOINT UTILITY EXTENSIONS CAPI	1,000.00		221,529.45	221,529.45	-	1,000.00
50100	600 JOINT UTILITY	1,000.00		1,425,582.04	1,425,582.14	(0.10)	1,000.00
50100	610 JOINT UTILITY CONST	1,000.00		157,983.09	157,983.09	-	1,000.00
50300	620 WASTE WATER PLANT CONST	7,773,078.39	12,323.56		192,256.03	-	7,593,145.92
50300	630 JOINT UTILITY - WASTEWATER	1,000.00		879,122.03	879,122.03	-	1,000.00
50300	650 JOINT UTILITY INCOME - WASTE	7,409,090.12	2,119,043.30	(2,800,611.15)	8,482.69	-	6,719,039.58
50100	660 JOINT UTILITY INCOME	6,148,526.09	2,282,088.48	(1,634,732.61)		(49.57)	6,795,931.53
50100	680 METER DEPOSIT RES	1,146,891.55	79,402.96		65,204.04	-	1,161,090.47
	<b>TOTAL ENTERPRISE FUNDS</b>	25,166,292.95	6,354,465.96	(1,751,127.15)	4,788,873.91	(49.67)	24,980,807.52
<b>INTERNAL SERVICE FUNDS</b>							
69900	640 MEDICAL INSURANCE	4,664,841.53	1,889,386.90	-	1,901,089.82	-	4,653,138.61
69900	670 WORKERS COMP TRUST	1,150,237.21	146,222.37		143,347.21	-	1,153,112.37
69900	690 INTERNAL SUPPLY	65,139.47	47,460.67	-	58,960.73	-	53,639.41
69900	740 INSURNACE - RISK	2,896,457.75	109,642.99	-	110,763.99	-	2,895,336.75
	<b>TOTAL INTERNAL SERVICE FUNDS</b>	8,776,675.96	2,192,712.93	-	2,214,161.75	-	8,755,227.14
<b>TRUST AND AGENCY FUNDS</b>							
79900	700 MOTOR VEHICLE	29,528.42	1,177,117.53		1,190,557.38	(1,413.70)	17,502.27
79900	710 MUNI JUDGE BOND FUND	106,707.34				(191.00)	106,898.34
79900	720 RETIREE HEALTH INSURANCE TRI	9,000,000.00	286,106.23	-	557,803.47	(343.82)	8,728,646.58
79900	730 CRIME LAB FUND	75,784.55	14,281.00		15,123.00	-	74,942.55
79900	750 FORECLOSURE TRUST FUND	71.88				-	71.88
79900	770 LIBRARY TRUST	5,984.15	28.20			-	6,012.35
79900	780 SENIOR CITIZEN TRUST	3,319.94	115.00			-	3,434.94
79900	790 PRAIRIE HAVEN MEM	5,833.22	0.64			-	5,833.86
79900	800 COMMUNITY PARK TRUST	1,560.28	0.17			-	1,560.45
79900	820 EVIDENCE TRUST FUND	262,627.64	(683.58)			-	261,944.06
79900	830 HOBBS BEAUTIFUL	17,060.33	2,502.05			-	19,562.38
79900	860 CITY AGENCY TRUST	2,121.56	246.99		479.51	-	1,889.04
	<b>TOTAL TRUST AND AGENCY FUNDS</b>	9,510,599.31	1,479,714.23	-	1,763,963.36	(1,948.52)	9,228,298.70
<b>GRAND TOTAL ALL FUNDS</b>		142,412,202.39	31,525,932.67	(0.00)	27,527,455.43	(9,947.82)	146,420,627.45



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1st, 2021

SUBJECT: Approving the 1st quarter fiscal year 2022 DFA Report for Lodgers' Tax.

DEPT. OF ORIGIN: Finance  
DATE SUBMITTED: October 22nd, 2021  
SUBMITTED BY: Toby Spears, Finance Director

**Summary:**

The NM Department of Finance Administration recommends approving the City of Hobbs quarterly lodgers' tax process. The following attachment is for the 1st quarter 2022 DFA report.

**Fiscal Impact:**

Reviewed By:   
Finance Department

The September 30, 2021 Cash Balance for the Lodgers' Tax Fund is \$1,216,122.97


Total lodgers' tax revenue for the 1st quarter fiscal year 2022 was \$ 279,315.68 and total expenditures were \$247,482.21. Breakdown of the cash balances by category are as follows:

Profit, Non-profit, Public Entities (20%)	= \$309,346.76
Local Government (40%)	= \$ 905,776.21
Fire, EMS, Sanitation (15%)	= \$ 0.00
Airline Subsidy (25%)	= \$ 0.00

**Attachments:**

Resolution  
09-30-2021 Financial Report

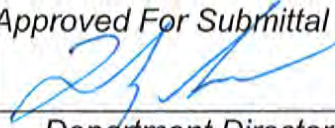
**Legal Review:**

Approved As To Form:   
City Attorney

**Recommendation:**

To be determined by City Commission.

Approved For Submittal By:

  
Department Director

  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7128

A RESOLUTION APPROVING THE FY 2022  
LODGERS' TAX DFA 1ST QUARTER FINANCIAL REPORT

WHEREAS, the State of New Mexico requires the 1st quarter Lodgers' Tax DFA Financial Report to be approved annually, they now recommend that all quarterly financial reports be approved.

WHEREAS, the ending cash balance for the period ended September 30, 2021 was \$1,216,122.97 for lodgers' tax funds; and

WHEREAS, the City of Hobbs actual quarter-to-date lodgers' tax revenue and expenditures for fiscal year 2022 crosswalk the amounts to the DFA 1st quarter financial report;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the herein referenced 1st quarter lodgers' tax financial report be approved.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2021

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

ATTEST:

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

**INSTRUCTIONS**

1. Provide quarterly and year-to-date revenue for the quarterly reporting period. Money received through joint powers agreements must be reported separately. Other sources includes private grants, donations, reimbursements, etc.
  2. Allocate revenue to the promotional, non-promotional and general funds based on the percent of tax imposed. Administrative costs may not exceed 10% of the gross pro
  3. Provide a "book cash balance" for both the promotional and non-promotional funds for the quarterly reporting period and year to date amounts.
  4. Provide quarterly and year-to-date transfers-in and transfers - out.
- [Note: The Lodgers' Tax Act does not allow transfers from the Lodgers' Tax Fund to the General Fund or other Funds of the local public body.]
5. Provide quarterly and year-to-date expenditures on the expenditures tab. Contractual service expenditures must comply with the Lodgers' Tax Act, terms of the contract and the Procurement Code 13-1-28 through 13-1-199 NMSA 1978.

REPORTING ENTITY:	<u>City of Hobbs</u>	<u>5</u>	(PERCENT IMPOSED)	QUARTER ENDING:	<u>9/30/2021</u>
					MONTH/YEAR
<b>1. REVENUE SUMMARY:</b>	QUARTERLY AMOUNT (THIS REPORTING PERIOD)	YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)	<b>2. REVENUE ALLOCATION:</b>	QUARTERLY AMOUNT (THIS REPORTING PERIOD)	YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)
LODGERS' TAX PROCEEDS \$	279,316	279,316	NON-PROMOTIONAL FUND	\$ 0	\$ 0
INVESTMENT INCOME	142	142	PROMOTIONAL FUND	\$ 247,482	247,482
LATE PENALTIES			ADMINISTRATIVE COST	\$ 0	\$ 0
CONVENTION CENTER FINANCING FEES					
HOSPITALITY FEE ACT FEES					
1. _____			( 10% IS THE MAXIMUM OF GROSS TAX PROCEEDS,		
2. _____			i.e. 10% OF QUARTERLY AMOUNT FOR THIS REPORTING PERIOD)		
TOTAL REVENUE \$	279,457	279,458			

<b>4. TRANSFERS: IN</b>		
INTERGOVERNMENT, INTERFUND TRANSFERS - IN		
(e.g. JPAs, GRANTS TRANSFERRED TO LODGERS' TAX FUND)		
1. _____	\$ _____	\$ _____
2. _____		
	\$ 0	\$ 0

**3. CASH BALANCES:**

Carryover From Previous Fiscal Year: Non-Promotional	\$ 15,511
Carryover From Previous Fiscal Year: Promotional	1,168,637
(Note: 2 years maximum carryover before money must be spent).	
NON-PROMOTIONAL FUND	\$ 0
PROMOTIONAL FUND	\$ 31,975
Grand Total (Non-Promo)	\$ _____
Grand Total (Promo)	\$ 1,216,123

**TRANSFERS:OUT**

<b>NON-PROMOTIONAL FUND</b>		
INTERFUND TRANSFERS - (OUT)		
(e.g. FROM NON-PROMOTIONAL TO VENDOR OR PROMOTIONAL)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0
INTERGOVERNMENTAL TRANSFERS - (OUT)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0

<b>PROMOTIONAL FUND</b>		
INTERFUND TRANSFERS - (OUT)		
(e.g. FROM PROMOTIONAL TO VENDOR OR NON-PROMOTIONAL)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0
INTERGOVERNMENTAL TRANSFERS - (OUT)		
1. _____	\$ _____	\$ _____
2. _____		
3. _____		
4. _____		
	\$ 0	\$ 0



**5. EXPENDITURE SUMMARY:**

CATEGORY/DESCRIPTION CONTRACTUAL SERVICES EVENT or ACTIVITY (attach a separate sheet if needed)		NON-PROMOTIONAL FUND		PROMOTIONAL FUND	
		Quarterly Amount (This reporting period)	YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)	Quarterly Amount (This reporting period)	YEAR-TO-DATE (Y-T-D) AMOUNT (SUM OF ALL QUARTERS)
see attached sheet				247,482	\$ 247,482
ADVERTISING CONTRACT(S) *VENDOR: EVENT/ACTIVITY                      DATE					
SUB-TOTAL		0	0	247,482	247,482
*Add additional sheets if necessary.					
OPERATING EXPENSES                      (IDENTIFY)			0		
TOURIST RELATED EVENTS (LIST) EVENT                      DATE					
PUBLIC SAFETY (FIRE / EMS / POLICE)					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
PUBLIC SAFETY					
SANITATION SVCS.					
SUB-TOTAL		0	0	0	0
CAPITAL OUTLAY                      (IDENTIFY)					
BUILDINGS & STRUCTURES					
EQUIPMENT & MACHINERY					
DEBT SERVICE                      (IDENTIFY)					
SUB-TOTAL					
EXPENDITURES TOTAL		\$ 0	\$ 0	\$ 247482	\$ 247482

**CITY OF HOBBS  
EVENT SUMMARIES  
9/30/2021**

			AMOUNT SPENT
22-07	CITY OF HOBBS - CORE (OPERATING)	4/14/2021	125,000.00
22-08	CITY OF HOBBS - CORE (MARKETING)	4/14/2021	40,214.12
22-09	CITY OF HOBBS - ROCKWIND GOLF (MARKETING)	4/14/2021	15,015.67
22-10	EDC - AIRLINE SUBSIDY	04/14/2021	25,355.08
	CITY OF HOBBS POLICE AND FIRE (SECURITY)	04/14/2021	<u>41,897.34</u>
<b>TOTAL</b>			<b>247,482.21</b>

9/30/21

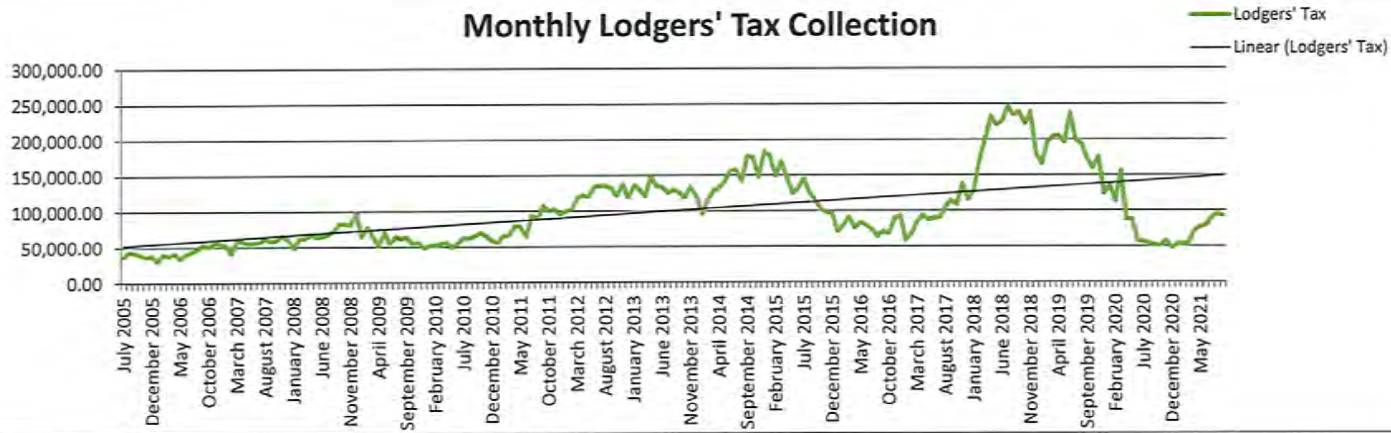
CITY OF HOBBS LODGERS' TAX PROGRAM  
EXPENDITURE REPORT FOR THE 1st QUARTER OF 2021 - 2022

		PROMO	NON PROMO	TOTAL
CASH BAL.	6/30/21	1,168,636.64	15,511.46	1,184,148.10
FIRST QUARTER INCOME		279,315.58		279,315.58
FIRST QUARTER INTEREST		141.56		141.56
TOTAL REVENUE		279,457.14	0.00	279,457.14
FIRST QUARTER EXPENSES		247,482.21		247,482.21
CASH BAL.	9/30/21	1,200,611.57	15,511.46	1,216,123.03
SECOND QUARTER INCOME				0.00
SECOND QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
SECOND QUARTER EXPENSES				0.00
CASH BAL.	12/31/21	1,200,611.57	15,511.46	1,216,123.03
THIRD QUARTER INCOME				0.00
THIRD QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
THIRD QUARTER EXPENSES				0.06
CASH BAL.	3/31/22	1,200,611.57	15,511.46	1,216,122.97
FOURTH QUARTER INCOME(FORCE EXTRA TO PROMO)				0.00
FOURTH QUARTER INTEREST				0.00
TOTAL REVENUE		0.00	0.00	0.00
FOURTH QUARTER EXPENSES**				0.00
CASH BAL.	6/30/22	1,200,611.57	15,511.46	1,216,122.97
YEAR TO DATE INCOME			0.00	279,315.58
YEAR TO DATE INTEREST			0.00	0.00
TOTAL REVENUE		0.00	0.00	279,315.58
YEAR TO DATE EXPENSES		247,482.21	0.00	247,482.21
YEAR TO DATE CASH BALANCES		1,200,611.57	15,511.46	1,216,122.97

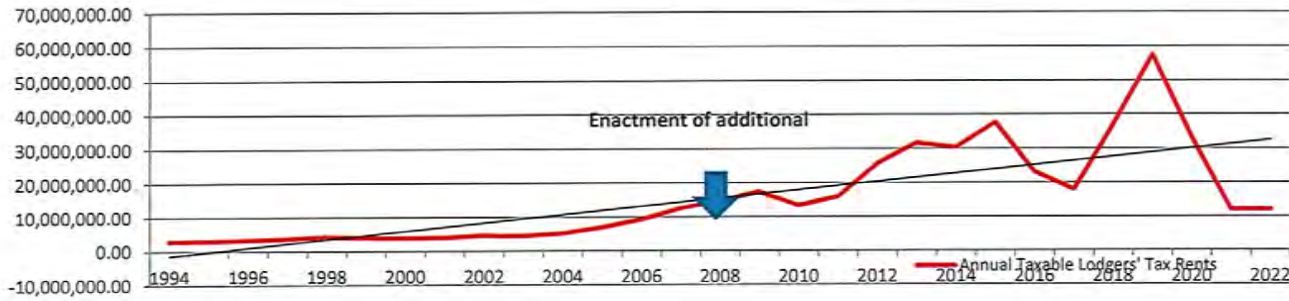


CITY OF HOBBS LODGERS' TAX PROGRAM						
9/30/2021	AWARD					
	PROJECT	DATE	AMOUNT	ACTUAL EXPENSE	ACTUAL OUTSTANDING GRANT	CATEGORY
9/30/2021	CASH BALANCE				1,216,122.97	
<b>Proof of Cash:</b>						
Beginning Cash Available for Profit, Non-Profit, and Public Entities (20%)					309,346.76	
22-01	Western Heritage Museum	7-14-21	26,181.00		26,181.00	
22-02	Southwest Symphony	7-14-21	34,717.00		34,717.00	
22-03	United Way of Lea County	7-14-21	88,500.00		88,500.00	
22-04	Hobbs Chamber of Commerce	7-14-21	49,178.95		49,178.95	
22-05	Cycle City Promotions	7-14-21	50,000.00		50,000.00	
22-06	Hobbs Airfield Speedway, LLC	7-14-21	5,150.00		5,150.00	
TOTAL REMAINING ALLOCATION FOR PROFIT, NON-PROFIT AND PUBLIC ENTITIES			428,549.81	0.00	227,545.95	
Add:	20% Monthly Tax Revenue (starting April 1st, 2013)				55,863.12	
Cash Available for Allocation					137,863.93	
<b>Beginning Cash Available for Local Government (City and County) (40%)</b>					874,801.28	
20-27	CITY OF HOBBS - MARKETING/BRANDING CAMPAIGN	3/2/2020	250,000.00	5,844.00	244,156.00	
22-07	CITY OF HOBBS - CORE (OPERATING)	4/14/2021	500,000.00	125,000.00	375,000.00	
22-08	CITY OF HOBBS - CORE (MARKETING)	4/14/2021	98,400.00	40,214.12	58,185.88	
22-09	CITY OF HOBBS - ROCKWIND GOLF (MARKETING)	4/14/2021	67,400.00	15,015.67	52,384.33	
TOTAL REMAINING ALLOCATION FOR LOCAL GOVERNMENT			915,800.00	186,073.79	729,726.21	
Add:	40% Monthly Tax Revenue (starting April 1st, 2013)				111,726.23	
Cash Available for Allocation					320,999.67	
<b>Beginning Cash Available for Fire, EMS, Sanitation (15%)</b>						
TOTAL REMAINING ALLOCATION FOR CITY OF HOBBS POLICE AND FIRE			41,897.34	41,897.34	0.00	
Add:	15% Monthly Tax Revenue (starting April 1st, 2013)				41,897.34	
Cash Available for Allocation					0.00	
<b>Beginning Cash Available for Airline subsidy (25%)</b>					0.00	
22-10	EDC - AIRLINE SUBSIDY	04/14/2021	150,000.00	25,355.08	124,644.92	
Add:	25% Monthly Tax Revenue (starting April 1st, 2013)				69,828.90	
TOTAL REMAINING ALLOCATION FOR AIRLINE SUBSIDY						
Cash Available for Allocation					(54,816.03)	

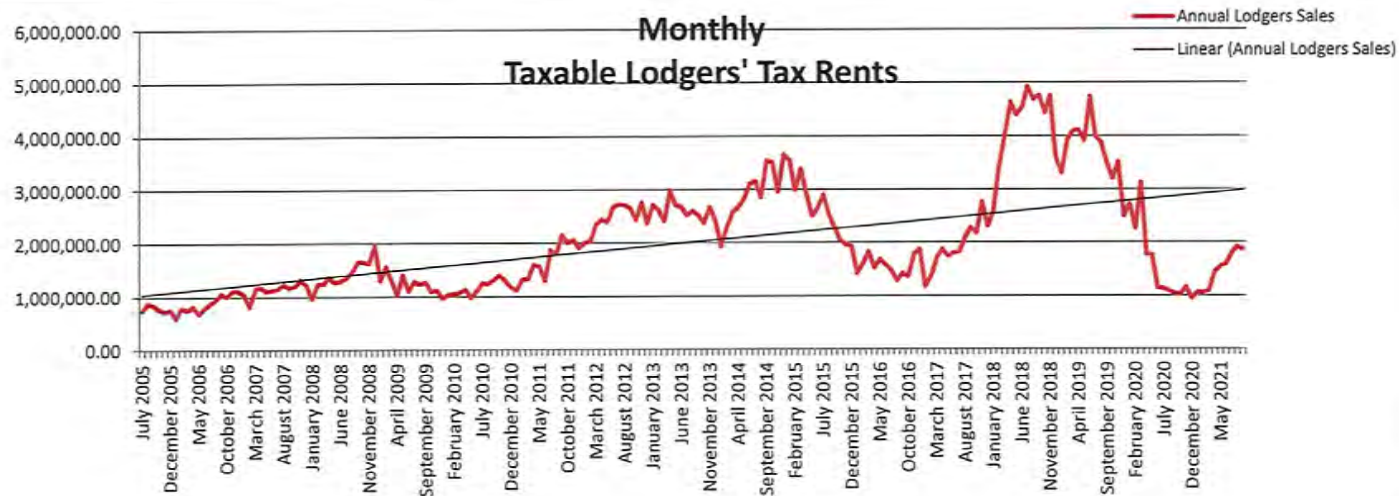
### Monthly Lodgers' Tax Collection



### Annual Taxable Lodgers' Tax Rents



### Monthly Taxable Lodgers' Tax Rents





*FINANCE DEPARTMENT*

---

200 E. Broadway  
Hobbs, NM 88240

575-397-9235 bus  
575-397-9450 fax

October 22nd, 2021

Jolene Gonzales, Special Projects Analyst  
Department of Finance & Administration  
Local Government Division  
407 Galistero  
Santa Fe, NM 87501

Re: 1st quarter lodgers' tax quarterly report

Enclosed is the following:

1st quarter lodgers' tax report for fiscal year 2022

Sincerely,

A handwritten signature in blue ink, appearing to read "Toby Spears", is written over a light blue circular stamp.

Toby Spears, CPA, CFE  
Finance Director  
CITY OF HOBBS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

SUBJECT: A RESOLUTION AUTHORIZING THE USE OF CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS

DEPT. OF ORIGIN: City Manager's Office
DATE SUBMITTED: October 26, 2021
SUBMITTED BY: Manny Gomez, City Manager

Summary: The United States Congress passed the American Rescue Plan Act of 2021 (H.R. 1319) in March of 2021. A portion of the Act designated "Coronavirus State and Local Fiscal Recovery Funds" to be utilized by local governments for: 1) Public Health and Economic Impacts; 2) Premium Pay for Essential Workers; 3) Revenue Loss; and/or 4) Investments in Infrastructure. On July 23, 2021, the City of Hobbs received \$4,835,515.50 in Coronavirus State and Local Fiscal Recovery Funds from the United States Department of Treasury. To date, the City of Hobbs has not expended any of the funds.

The current Resolution acknowledges the courageous sacrifices City of Hobbs employees have made, and will continue to make, by serving the residents of Hobbs, New Mexico, during the current and ongoing COVID-19 pandemic. The current Resolution seeks to grant "premium pay" to City of Hobbs employees in the form of a one-time payment to the employee. Importantly, the Department of Treasury's interim final rule requires that premium pay "must be entirely additive to the worker's regular rate of wages" and the "worker may receive both retrospective premium pay for prior work as well as prospective premium pay for current or ongoing work."

If approved, each full-time City of Hobbs employee (445) will receive a one-time payment of \$ 1422.00 and each part-time City of Hobbs employee (63) will receive a one-time payment of \$ 711.00, subject to applicable taxes.

Fiscal Impact:

Reviewed By:

[Signature]
Finance Department

The aggregate sum for this Resolution is \$677,583.00, which is budgeted from line item # 224022-41101-00322.

Attachments:

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

The Commission should consider the Resolution.

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. 7129

A RESOLUTION AUTHORIZING THE USE OF CORONAVIRUS  
STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, in March 2021, the 117<sup>th</sup> Congress of the United States of America passed the American Rescue Plan Act of 2021 (H.R. 1319), which contained, in part, the Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, on May 17, 2021, the United States Department of the Treasury issued an interim final rule regarding proper disbursement and compliance with the intent of Congress in implementing the Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, pursuant to the United States Department of the Treasury's interim final rule, state and local governments are authorized to utilize Coronavirus State and Local Fiscal Recovery Funds for: Public Health and Economic Impacts; Premium Pay for Essential Workers; Revenue Loss; and Investments in Infrastructure; and

WHEREAS, on July 23, 2021, the City of Hobbs received \$4,835,515.50 from the Department of the Treasury in Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the United States Department of Treasury's interim final rule states in pertinent part, "Furthermore, because premium pay is intended to compensate essential workers for heightened risk due to COVID-19, it must be entirely additive to a worker's regular rate of wages and other remuneration and may not be used to reduce or substitute for a worker's normal earnings... Treasury encourages recipients to prioritize providing retrospective premium pay where possible... and an essential worker may receive both retrospective premium pay for prior work as well as prospective premium pay for current or ongoing work."

WHEREAS, the City of Hobbs employees courageously continued to perform their assigned duties during the pandemic and subsequent public health emergency declared by Governor Michelle Lujan Grisham on March 23, 2020, and extended thereafter; and

WHEREAS, at the inception of the pandemic, the City Manager for the City of Hobbs determined that all City of Hobbs employees were critical to the protection of the health and well-being of the residents of Hobbs, New Mexico; and

WHEREAS, all City of Hobbs departments remained operational and provided in-person services during the public health emergency, with some closing temporarily based on orders from the State of New Mexico then subsequently reopening when not prohibited by the State while the public health emergency was still active; and

WHEREAS, the City of Hobbs employees placed their own safety – as well as the safety of their families – secondary to the needs of the residents of Hobbs, New Mexico, during the pandemic and subsequent public health emergency; and

WHEREAS, in light of the recent spike in COVID-19 cases in Lea County, New Mexico, as well as the October 15, 2021, issuance of Executive Order 2021-058 from Governor Lujan Grisham which renewed the state of public health emergency related to the COVID-19 pandemic in New Mexico, it is evident that the COVID-19 pandemic is ongoing; and

WHEREAS, moving forward the City of Hobbs employees will continue to place their own safety – as well as the safety of their families – secondary to the needs of the residents of Hobbs, New Mexico, as the COVID-19 Delta variant continues to plague Hobbs, New Mexico, and premium pay is warranted to compensate City of Hobbs employees for “prior work as well as...current or ongoing work[]”; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City of Hobbs approves a one-time payment of premium pay pursuant to the Coronavirus State and Local Fiscal Recovery Funds to each full-time employee employed by the City of Hobbs as of the date of this Resolution in the amount of \$1422.00, and to each part-time employee employed by the City of Hobbs as of the date of this Resolution in the amount of \$711.00, subject to applicable taxes for an aggregate amount of \$ 677,583.00.

BE IT FURTHER RESOLVED that the one-time payment of premium pay outlined herein shall be drawn from the City of Hobbs' current State and Local Fiscal Recovery Funds and shall not entitle any employee that receives the same to any future premium payments nor shall the one-time payment act as a permanent increase to the future annual salary for any employee.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2021.

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

ATTEST:

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

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

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: October 25, 2021
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Lemke Development Inc. has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$100,000.00.

Fiscal Impact: Reviewed By: Finance Department
If approved funds to be encumbered in fund 010100-44901-00170 (single family housing) having a balance of \$995,521.00.

Attachments: Resolution and Development Agreement.

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

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

Approved For Submittal By: Department Director, City Manager
CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN
Resolution No., Ordinance No., Approved, Other, Continued To, Referred To, Denied, File No.

CITY OF HOBBS

RESOLUTION NO. 7130

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

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

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

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

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

PASSED, ADOPTED AND APPROVED this 1<sup>st</sup> day of November, 2021.

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

ATTEST:

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

## MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

**THIS AGREEMENT** is entered into on this 1<sup>st</sup> day of November 2021 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

### RECITALS:

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

\*\* Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of 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 be eligible for payment.

**L. Notice.**

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

**M. Entire Agreement.**

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

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

**City of Hobbs**

**Developer**

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

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

ATTEST:

APPROVED AS TO FORM:

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

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



CITY OF HOBBS  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

**SUBJECT:** ISSUE P.O. FOR SERVICES TO WATSON TRUCK AND SUPPLY, INC.  
**DEPT. OF ORIGIN:** General Services  
**DATE SUBMITTED:** 10-25-2021  
**SUBMITTED BY:** Shelia Baker, General Services Director

**Summary:**


The City Garage relies on certified services to be performed for warranty work and repair on International and Cummins heavy equipment. In order to procure services for FY22, the Garage received 3 quotes from certified service vendors, for 250 labor hours.

The received quotes were as follows:

<u>Company</u>	<u>Total Price Quote</u>
Watson Truck and Supply	\$37,384.38
Roberts Truck Center	\$40,722.81
Border International	\$41,250.00

It is the recommendation of the General Services Dept. to issue a P.O. to Watson Truck and Supply, Inc. in the amount of \$37,384.38.

**Fiscal Impact:**

Reviewed By: 

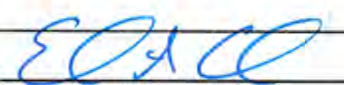
Finance Department

P.O. Amount: \$37,384.38  
Budget Number: 010420-42403  
Available FY22 Budget: \$108,934.23

**Attachments:**

Quotes

**Legal Review:**

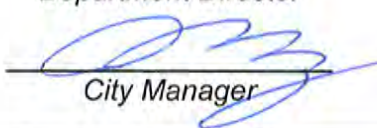
Approved As To Form: 

City Attorney

**Recommendation: Issue P.O. to Watson Truck and Supply, Inc.**

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. \_\_\_\_\_

CUSTOMER: CITY OF HOBBS

MAKE/MODEL:

VIN:

MILEAGE:

PHONE / FAX #:



1501 N. GRIMES  
HOBBS, NEW MEXICO 88240  
(505) 397-2411

**ESTIMATE**

*— NOT A BID —*

	QTY	EACH	LABOR HRS	PARTS
TECHNICIAN LABOR			250.00	\$0.00
				\$0.00
				\$0.00
				\$0.00
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				\$0.00
<b>TOTALS FORWARD</b>			<b>250.00</b>	<b>\$0.00</b>
REMARKS			LABOR HR @ \$140.00	\$35,000.00
			PARTS EXCLUDING FRT.	\$0.00
			WRECKER & STORAGE	
			PAINT MATERIALS & SUPPLIES	
			MISC SUPPLIES	
			SHOP CHARGE	
			TAX	\$2,384.38
			TOTAL	\$37,384.38

DIDN'T KNOW ABOUT TAX

**— NOTICE —**

This ESTIMATE is based on our inspection and does not cover any additional parts or labor which may be required after the work has been opened up. Occasionally after the work has started damaged or broken parts are discovered which are not evident on the first inspection. This company assumes no liability for any delays caused by parts shipments. Prices are subject to change without notice and are subject to additional charges for freight. NO WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE BY SELLER FOR THESE PRODUCTS.

BY: \_\_\_\_\_ WATSON TRUCK & SUPPLY, INC. \_\_\_\_\_ DATE \_\_\_\_\_

**Repair Management**  
BY NAVISTAR

**ROBERTS TRUCK CENTER**

4510 AVENUE A - LUBBOCK, TX 794043434

Phone: (1) 806-7638213 - Fax: (1) 806-7445213

Estimate Number: 3298182 - RO Number: N/A

Service Writer: Joseph Blevins - Date: 10/13/2021 9:12 AM (C)

Currency: USD

**Unit No: ROBERTS TRUCK CENTER**

VIN: 1HTWNAZR29J159647  
Model: 7500 SBA 6X4  
Engine: MAXXFORCE 10 350HP/2200 GOV  
Make: International  
Delivered: 12/29/2008  
In Service: 12 Years 9 Months  
Mileage: 0 Eng Hrs: 0

Recall/AFC: No

Contact Name: GRACIE BORJAS  
Position: service-primary  
Phone: (806) 763-8213  
E-Mail: GRACIE.BORJAS@ROBERTSTRUCK.COM  
PO Number:

Operation (Un-Sectioned)	Labor Cost	Parts Cost	Core Charge	Total Cost
Pricing for 250 hours of labor	\$37,750.00	\$0.00	\$0.00	\$37,750.00

Notes: [10/13/2021 9:12 AM] - Dealer: Request for 250 hours labor with tax

Summary	
Parts:	\$0.00
Core:	\$0.00
Labor:	\$37,750.00
Tax:	\$2,972.81
<b>TOTAL:</b>	<b>\$40,722.81</b>

This estimate is subject to teardown and inspection and is valid for 30 days from date above. I, the undersigned, authorize you to perform the repairs and furnish the necessary materials. I understand any costs verbally quoted are an estimate only and not binding. Your employees may operate vehicle for inspecting, testing and delivery at my risk. You will not be responsible for loss or damage to vehicle or articles left in it. AUTHORIZED BY \_\_\_\_\_  
DATE: \_\_/\_\_/\_\_



---

Edward Trevino  
Acting Garage Superintendent  
City of Hobbs  
1200 E. Stanolind, Rd  
Hobbs NM, 88240

Dear Mr. Trevino,

Per your request I have put together a cost below for the 250 labor hours along with shop supply cost that would be incurred for this labor request. Our system calculates shop supplies as 12% of the labor cost, please see below total labor and shop supply cost.

If you have any questions, please feel free to reach out so that we may address questions or concerns you may have.

Labor Breakdown 250 hours @ \$165.00 hour = \$41,250.00  
Shop Supply Breakdown \$41,250.00 x 12% = \$4,950.00

Sincerely,

JUAN VELASCO  
SERVICE MANAGER  
BORDER INTERNATIONAL TRUCKS  
EL PASO, TX  
(915)858-4644 ext. 5415  
[juan.velasco@borderint.com](mailto:juan.velasco@borderint.com)



**CITY OF HOBBS**  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

**SUBJECT:** AUTHORIZE PURCHASE OF PICKUP TRUCKS  
**DEPT. OF ORIGIN:** General Services  
**DATE SUBMITTED:** 10-36-2021  
**SUBMITTED BY:** Shelia Baker, General Services Director

**Summary:**

Staff identified the need for replacing vehicles and budgeted to do so in the FY22 budget. The units to be replaced are as follows:

Department	Traffic	Garage	Building Inspectors
Year	2008	2008	2018
Make	Ford	Ford	Ford
Model	F150	F150	F150
Mileage	119,152	125,294	27,383 (totald)

For the purchase of the new units, the City would utilize a Cooperative Educational Services, CES, contract with Melloy Ford. The CES contract number is: 20-31A-C107-ALL. The CES contract provides an 18% discount for the type of vehicles and region that we are in. The quoted prices are: 2022 2WD F-150 \$39,480, 2022 2WD F-150 \$39,480, 2022 4WD F-150 \$42,381.

**Fiscal Impact:**

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

*Finance Department*

Estimated Purchase Amount: \$121,341.00  
 Budget Number: 010412-43003, 010420-43003, 010422-43003  
 FY22 Budget Amount: \$135,000.00

**Attachments:**

Quotes, CES Contract

**Legal Review:**

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

*City Attorney*

**Recommendation: Authorize Purchase from CES contract number 20-31A-C107-ALL**

Approved For Submittal By:

*Shelia Baker*  
Department Director

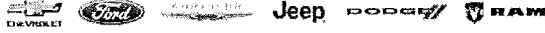
*[Signature]*  
City Manager

CITY CLERK'S USE ONLY  
COMMISSION ACTION TAKEN

Resolution No. \_\_\_\_\_  
 Ordinance No. \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Denied: \_\_\_\_\_  
 File No. \_\_\_\_\_

SINCE 1952



# FLEET

October 19, 2021

**CES Contract #2020-31A-C107-ALL**

**City of Hobbs**

**2022 Ford F150 XL, 2WD, SuperCab, 6.5' Box, White**

<b>MSRP \$35,420.00</b>	<b>CES Discounted Price (-18%)</b>	<b>\$28,170.00</b>
*5.0L V8 Engine		\$1,995.00
*Electronic Locking Axle/3.31 Axle Ratio		\$420.00
*Trailer Towing Package		\$975.00
*XL Power Equipment Group		\$1,170.00
*Running Boards		\$250.00
*Power Trailer Tow Mirrors		\$395.00
*Spray In Bedliner		\$595.00
*Cruise Control		\$225.00
*Hard Tri-fold Bedcover		\$1,195.00
*All Weather Floor Mats		\$200.00
*16 LED Lightbar		\$1,895.00
*Window Tint		\$425.00
*Perimeter Lighting (2 Front, 2 Rear)		\$1,100.00
*Transport to Hobbs		\$470.00



**Total with Options \$39,480.00**

***Karen Sluga***

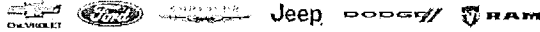
***Melloy Auto Group***

***Fleet/Government Sales***

***karen@melloyfleet.com***

***(505)866-3180***

SINCE 1952



# FLEET

October 19, 2021

**CES Contract #2020-31A-C107-ALL**

**City of Hobbs**

**2022 Ford F150 XL, 2WD, SuperCab, 6.5' Box, White**

<b>MSRP \$35,420.00</b>	<b>CES Discounted Price (-18%)</b>	<b>\$28,170.00</b>
*5.0L V8 Engine		\$1,995.00
*Electronic Locking Axle/3.31 Axle Ratio		\$420.00
*Trailer Towing Package		\$975.00
*XL Power Equipment Group		\$1,170.00
*Running Boards		\$250.00
*Power Trailer Tow Mirrors		\$395.00
*Spray In Bedliner		\$595.00
*Cruise Control		\$225.00
*Hard Tri-fold Bedcover		\$1,195.00
*All Weather Floor Mats		\$200.00
*16 LED Lightbar		\$1,895.00
*Window Tint		\$425.00
*Perimeter Lighting (2 Front, 2 Rear)		\$1,100.00
*Transport to Hobbs		\$470.00

Total with Options \$39,480.00

*Karen Sluga*

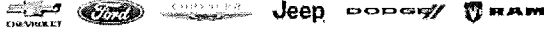
*Melloy Auto Group*

*Fleet/Government Sales*

*[karen@melloyfleet.com](mailto:karen@melloyfleet.com)*

*(505)866-3180*

SINCE 1952



# FLEET

October 19, 2021

**CES Contract #2020-31A-C107-ALL**

**City of Hobbs**

**2022 Ford F150 XL, 4WD, SuperCrew, 5.5' Box, White**

<b>MSRP \$42,555.00</b>	<b>CES Discounted Price (-18%)</b>	<b>\$33,896.00</b>
*5.0L V8 Engine		\$1,995.00
*Electronic Locking Axle/3.73 Axle Ratio		\$570.00
*Skid Plates		\$160.00
*Running Boards		\$250.00
*Cruise Control		\$225.00
*Hard Tri-fold Bedcover		\$1,195.00
*All Weather Floor Mats		\$200.00
*16 LED Lightbar		\$1,895.00
*Window Tint		\$425.00
*Perimeter Lighting (2 Front, 2 Rear)		\$1,100.00
*Transport to Hobbs		\$470.00

**Total with Options \$42,381.00**

***Karen Sluga***

***Melloy Auto Group***

***Fleet/Government Sales***

***karen@melloyfleet.com***

***(505)866-3180***



## Contract Award Letter

July 17, 2020

Randy Witt  
MFL, Inc dba Melloy Ford  
499 Emilio Lopez Rd NW  
Los Lunas, NM87031

Re: ACCEPTANCE of OFFER and CONTRACT AWARD for:

---

CES RFP 2020-31A for CES Contract # 2020-31A-C107-ALL - Vehicles - Car, Vans, Pickups and Public Safety

Dear Procurement Partner,

Cooperative Educational Services (CES) thanks you for responding to CES RFP 2020-31A solicitation. The responses have been reviewed and it is our pleasure to inform you that your company has been selected to provide the products and services indicated in your response.

The enclosed Acceptance of Offer and Contract Award, in conjunction with the Bid documents that you submitted with your proposal, constitute the Agreement between the parties. Please retain all documents for your records. The term of this Indefinite Quantity Contract Award as defined in NMSA 13-1-63; is for four (4) years from the date of this letter, Pursuant to 13-1-150 NMSA.

***It is the vendor's responsibility to keep pricing up-to-date, throughout the life of the contract.***

Sincerely Yours,

Cooperative Educational Services

David Chavez  
Executive Director  
Ofc: 505.344.5470  
Fax: 505.344.9343

**ACCEPTANCE OF PROPOSAL  
AND CONTRACT AWARD**

CES RFP NUMBER: 2020-31A

RFP DESCRIPTION: Vehicles - Car, Vans, Pickups and Public Safety

CES CONTRACT NUMBER: 2020-31A-C107-ALL

**CONTRACT**

This contract award is being made by Cooperative Educational Services ("CES"), 4216 Balloon Park Rd. NE, Albuquerque, New Mexico 87109 effective this 7/17/2020, to MFLL, Inc dba Melloy Ford, with its principal office located at 499 Emilio Lopez Rd NW, Los Lunas, NM 87031 pursuant to the above referenced CES conducted Request for Proposal ("RFP"), or Request for Bids ("RFB") procurement, and Contract Holder accepts the award and enters into this contract pursuant to the following terms and conditions.

**RECITALS**

Cooperative Educational Services (CES) is a cooperative procurement agency created by a Joint Powers Agreement as authorized by Section 11-1-1, et. seq., N.M.S.A., 1978, and Section 13-1-135 and procures tangible personal property, services and construction services ("Products, Services and/or Construction Services") pursuant to the New Mexico Procurement Code for the benefit of its Members and Participating Entities. The Members consist of public educational institutions in New Mexico that are signatories to a Joint Powers Agreement establishing CES as their procurement agency. The Participating Entities are governmental and 501(C) (3) organizations that have entered into Participating Entity Agreements with CES which allow them to take advantage of the procurement efforts of CES.

The undersigned (Contract Holder) has successfully responded to a RFP or RFB published by CES in accordance with the Procurement Code, ( 13-1-103, 111, 112), and Contract Holder is being awarded this RFP or RFB contract by CES which allows Contract Holder to offer Products, Services and Construction Services in accordance with the terms and conditions set forth herein and in the RFP or RFB documents and this contract award.

## CONTRACT TERMS

1. The contract term shall be for four (4) calendar years from the effective contract award date 7/17/2020 through 7/16/2024. CES reserves the right to renew the Contract through a written amendment signed by all required signatories, but in any case, the Contract shall not exceed the total number of years allowed pursuant to NMSA 1978 13-1-150. CES reserves the right to offer month-to-month extensions if it is determined by CES to be in the best interest of CES Members/Participating Entities.
2. Contract Holder agrees and acknowledges that the contract terms and provisions are those contained in the above referenced RFP or RFB and agrees to furnish all Products, Services and/or Construction Services in compliance with all terms, conditions, specifications of and amendments to this RFP, IFB or RFB. Contract Holder understands that his obligations under this RFP or RFB contract extend to CES Members and Participating Entities who are third party beneficiaries of this RFP or RFB procurement process. The Members/Participating Entities may negotiate with Contract Holder certain additional terms and conditions relating to the scope of services and other performance details. However, the terms and conditions of the RFP or RFB may not be altered or amended except with the approval of CES and in accordance with the State Procurement Code.
3. Contract Holder acknowledges and agrees that CES' purpose and function is to act as a cooperative procurement agent on behalf of its Members and Participating Entities so that they may take advantage of these procurement efforts. CES does not have any subsequent responsibility relating to the quality and fitness of any Products, or the performance of any Services and Construction Services by Contract Holder. Any purchase orders placed by a CES Member or Participating Entity with Contract Holder directly or through CES and any resulting contract between the Contract Holder and a CES Member or Participating Entity do not create any additional obligations on the part of CES.
4. For transactions which involve CES transmitting purchase orders from a CES Member/Participating Entity to Contract Holder, CES volunteers to act as a payment facilitator to make payments to Contract Holder with funds transferred to CES by the CES Member/Participating Entity in accordance with CES Member/Participating Entity's written instructions and to provide an accounting of all monies paid or received by CES pursuant to this Agreement. CES also volunteers to provide informal mediation services between Contract Holder and CES Member/Participating Entity in the event any dispute arises between them.
5. Contract Holder understand and agree that upon CES' receipt of funds from CES Member/Participating Entity, CES has no right or authority to thereafter apply those funds to any purpose other than as instructed by CES Member/Participating Entity. CES shall incur no liability to Contract Holder except for liability arising from CES' own gross negligence or willful misconduct, to the extent allowed by New Mexico law. Through this procurement process, Contract Holder is authorized to provide the described Products, Services or Construction Services. CES has no obligation or right to involve itself with the manner or method by which Contract Holder provides these Products, Services or Construction Services.
6. To the extent allowed by New Mexico law, Contract Holder agrees to hold CES harmless from all costs, expenses, attorney fees and judgments based upon claims between a CES Member/Participating Entity and Contract Holder in connection with the specified Products, Services or Construction Services provided by Contract Holder
7. Contract Holder agrees that it will not assert any claim against CES in the event that a dispute arises regarding the alleged failure of Contract Holder or CES Member/Participating Entity to perform as provided for in the



RFP or RFB documents, any purchase order or other contract between Contract Holder and a CES Member/Participating Entity. This does not include claims against CES based upon the alleged gross negligence or intentional acts of CES.

8. Any liability incurred in connection with this Agreement shall be subject to the immunities and limitations of the New Mexico Tort Claims Act, §§ 41-4-1 et seq, NMSA 1978, as amended.

9. The Recitals are incorporated herein as contract terms.

Agreed effective the above date:

Cooperative Educational Services

MFL, Inc dba Melloy Ford

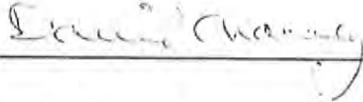
David Chavez

Randy Witt

Printed Name

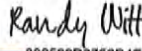
Printed Name

By:



By:

DocuSigned by:



300529B9752B4E...

Fleet?Govt Sales Mgr

Title: Executive Director

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

**ATTACHMENT A  
TO CONTRACT 2020-31A-C107-ALL  
ACCEPTANCE OF PROPOSAL  
AND CONTRACT AWARD**

**SCOPE OF WORK AND SPECIFICATIONS**

CES is seeking qualified contractor(s) in the State of New Mexico to provide a variety of Vehicles - Car, Vans, Pickups and Public Safety for a firm, fixed price as described in solicitation CES RFP 2020-31A, or other pricing methodologies identified herein. The Contractor will furnish and provide any and all documentation, labor, materials and equipment needed to perform and complete the scope of work stated for each individual project requested under CES RFP2020-31A

*\*Omissions in CES RFP 2020-31A for Vehicles - Car, Vans, Pickups and Public Safety of any provision therein described shall not be construed as to relieve the vendor of any responsibility or obligation to the complete and satisfactory delivery, operation, and support of any and all equipment, product, materials or services.*

**ATTACHMENT B  
TO CONTRACT 2020-31A-C107-ALL  
ACCEPTANCE OF PROPOSAL  
AND CONTRACT AWARD**

**PRICING**

A. CES Members and Participating Entities will pay Contractor for Vehicles - Car, Vans, Pickups and Public Safety rendered at the rates set forth as part of Attachment B and all other pricing documentation approved by CES.

B. **New Technology and Products:** New products or related services announced by the manufacturer and/or Contractor may be added to this existing contract. Pricing shall be equivalent to the percentage discount of other products. Contractors may replace or add product lines to an existing contract, if the line is replacing previous products; is substantially superior to the original products offered; is discounted in a similar or to a greater degree; and if the products meet the requirements of the original RFP. No products may be added to avoid competitive procurement procedures. CES is responsible for approving any new product, service or technology for this contract. CES can reject any approved additions, any new product, service or technology for this contract, without cause.







Link to MFL dba Melloy Ford. dba Melloy Dodge 2020-31A Pricing. You can either click on the link or copy into a web browser - <https://cooperativeeducation.sharepoint.com/MFLldbaMelloyFord/2020-31A/Pricing>



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

SUBJECT: Condemnation Recommendation Structure Contained on Attachment "A"

DEPT. OF ORIGIN: Hobbs Police Department - Community Services Division

DATE SUBMITTED: October 26, 2021

SUBMITTED BY: Jessica Silva, Code Enforcement Officer

Summary:

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

Fiscal Impact:

Reviewed By:

[Signature]
Finance Department

The demolition and clean-up of these properties will cost approximately \$51,475.72. The current budget in the "Professional Services" line item of the Environmental Budget (01340-42601) has an adequate balance to sustain this expenditure.

Attachments:

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

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

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

Approved For Submittal By:

[Signature]
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.



CITY OF HOBBS

RESOLUTION NO. 7131

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

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

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

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; and that a copy of the same be published as required by law.

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

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

PASSED, ADOPTED AND APPROVED this 1<sup>st</sup> day of November, 2021

---

SAM D. COBB, Mayor

ATTEST:

---

JAN FLETCHER, City Clerk

**Attachment A**

	<b>Address</b>	<b>Owner</b>	<b>Owner's Address</b>	<b>Estimated Cost of Demolition</b>
1	1523 E. Dunnam Hobbs, Lea County, NM  *Lots Seventeen (17) & Eighteen (18), Block Nine (9), Morningside Heights Addition to the City of Hobbs, Lea County, New Mexico, as referenced on that certain Plat filed August 29, 1951.	Gabriel Maceo Flores	1523 E. Dunnam Hobbs, NM, 88240	\$16,921.88
2	2121 E. Clinton Hobbs, Lea County, NM  *The East 150 feet of Block One (1) of the Gale Addition to the City of Hobbs, Lea County, New Mexico, as referenced on the certain Plat filed June 26, 1967.	Annie Lujan	1116 N. Gulf Hobbs, NM, 88240	\$18,638.78
3	210 S. Morris Hobbs, Lea County, NM  *The West Half (W/2) of Lots Thirty-two (32) and Thirty-three (33), Block "A", Berry Hobbs Addition to the City of Hobbs, Lea County, NM, as referenced on that certain Plat filed August 2, 1957	Richard Mead	3906 W. Smith Hobbs, NM, 88240	\$15,915.06

# 210 S. Morris



# 210 S. Morris (CONT.)



# 2121 E. Clinton



# 2121 E. Clinton (CONT.)



# 2121 E. Clinton (CONT.)





# 1523 E. Dunnam



# 1523 E. Dunnam (CONT.)





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 1, 2021

SUBJECT: RESCINDING CONDEMNATION OF CERTAIN PROPERTIES THAT HAVE PREVIOUSLY BEEN DETERMINED TO BE RUINED, DAMAGED, DILAPIDATED AND A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: October 26, 2021
SUBMITTED BY: Valerie S. Chacon, Deputy City Attorney and Jessica Silva, Code Enforcement Officer

Summary:

The City of Hobbs is proposing a Resolution to rescind condemnation of certain properties. These properties were previously condemned, but are no longer ruined, damaged, dilapidated and a menace to public comfort, health and safety. Pursuant to Section 8.24.010 of the Hobbs Municipal Code, the City of Hobbs may condemn a property if it is determined ruined, damaged, dilapidated and a menace to public comfort, health and safety and require such properties to be removed. The properties listed in attachment "A" have all been demolished or renovated, therefore, rendering the properties in compliance with the Hobbs Municipal Code. This Resolution will rescind the condemnation designation from the properties described in attachment "A", for they are no longer ruined, damaged, dilapidated, or a menace to public comfort, health and safety.

Fiscal Impact:

There is no fiscal impact for this proposed resolution.

Reviewed By: [Signature] Finance Department

Attachments: Proposed Resolution, Attachment "A", and pictures of the properties described in Attachment "A".

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

The Commission should adopt the Resolution.

Approved For Submittal By: [Signature] Department Director
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7132

A RESOLUTION RESCINDING CONDEMNATION OF CERTAIN PROPERTIES THAT  
HAVE PREVIOUSLY BEEN DETERMINED TO BE RUINED, DAMAGED,  
DILAPIDATED AND A MENACE TO PUBLIC COMFORT, HEALTH AND SAFETY

WHEREAS, pursuant to Section 8.24.010 of the Hobbs Municipal Code, and NMSA § 3-18-5, the City may condemn a property if the property is determined to be ruined, damaged, dilapidated and a menace to public comfort, health and safety and required such property to be removed; and

WHEREAS, the City has inspected the properties described in Attachment "A", which have been previously condemned by this commission; and

WHEREAS, the City finds the properties in Attachment "A" to be in compliance with the Hobbs Municipal Code; and

WHEREAS, the City Commission desires to rescind the condemnation of the properties listed in Attachment "A" as the properties are no longer ruined, damaged, dilapidated, or a menace to the public comfort, health and safety.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hobbs that the condemnation of the properties listed in Attachment "A" is hereby rescinded.

PASSED, ADOPTED AND APPROVED this 1<sup>st</sup> day of November, 2021.

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

ATTEST:

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

**Attachment A**

	<b>Address</b>	<b>Owner</b>	<b>Owner's Address</b>	<b>Current Status</b>
1	1401 E. Dunnam 2.13 AC LOC SE4SW4 Morningside Hts. Add. Hobbs, Lea County, NM	Hernandez, Natividad	108 E. Midwest Hobbs, NM,88240	Demolished
2	1405 E. Dunnam (Behind) .34 AC LOC SE4SW4 Morningside Hts. Add. Hobbs, Lea County, NM	Roman, Delores R.	1122 E. Walker Hobbs, NM,88240	Demolished
3	East of 1523 E. Dunnam Block 9 Lot 15 Morningside Hts. Add. Hobbs, Lea County, NM	Jimenez, Evaristo S.	905 W. Humble St. Hobbs, NM, 88240	Demolished
4	1529 E. Dunnam Block 9 Lot 15 Morningside Hts. Add. Hobbs, Lea County, Nm	Jimenez, Evaristo S.	905 W. Humble St. Hobbs, NM, 88240	Demolished
5	Behind 1615 E. Dunnam (1) Block 9 Lot 6 Morningside Hts. Add Hobbs, Lea County, NM	UMI Anthony Henry	PO BOX 487 Los Cerrillos, NM, 87010	Demolished
6	Behind 1615 E. Dunnam (2) Block 9 Lot 6 Morningside Hts. Add. Hobbs, Lea County, NM	UMI Anthony Henry	PO BOX 487 Los Cerrillos, NM, 87010	Demolished
7	2000 E. Dunnam Block 10 Lot 15 Goodwin Add. Hobbs, Lea County, NM	Lozano Bernardino De La Rosa	2009 E. Dunnam Hobbs, NM, 88240	Demolished
8	Behind 505 E. Roxana Block 31 Lot 9 New Hobbs Add. Hobbs, Lea County, NM	Olivas, Pedro	309 W. Cope Pl. Hobbs, NM, 88240	Demolished
9	505 E. Roxana Block 31 Lot 9 New Hobbs Add. Hobbs, Lea County, NM	Olivas, Pedro	309 W. Cope Pl. Hobbs, NM, 88240	Demolished
10	303 E. Roxana Block 33 Lot 15 New Hobbs Add. Hobbs, Lea County, NM	Grajeda, Alonso	206 W. Yeso	Demolished

11	204 E. Roxana Space B Block 23 Lot 13 New Hobbs Add. Hobbs, Lea County, NM	Caamano, Juan C.	2115 E. Marland St. Hobbs, NM, 88240	Demolished
12	405 ½ W. Roxana Block 39 Lot 2 New Hobbs Add. Hobbs, Lea County, NM	Chavez-Santana, Bernardo	405 W. Roxana Hobbs, NM, 88240	Demolished
13	502 W. Roxana Block 17 Lot 22 New Hobbs Add. Hobbs, Lea County, NM	Wilson, Kathy	8902 San Juan Hobbs, NM, 88240	Demolished
14	504 W. Roxana Block 17 Lot 22 New Hobbs Add. Hobbs, Lea County, NM	Wilson, Kathy	8902 San Juan Hobbs, NM, 88240	Demolished
15	515 W. Roxana Block 40 Lot 8 New Hobbs Add. Hobbs, Lea County, NM	Perez, Luz	515 W. Roxana Hobbs, NM, 88240	Demolished
16	312 S. Ave C Block 16 Lot 6 All Hobbs Add. Hobbs, Lea County, NM	Martinez, Yesenia	312 S. Avenue C Hobbs, NM, 88240	Demolished
17	221 N. Ave C Storage Block 7 Lot 14 All Hobbs Add. Hobbs, Lea County, NM	Alvillar, Florentina	2113 E. Pedigree Lane B-9 Hobbs, NM, 88240	Demolished
18	S. of 314 N. Ave B Block 6 Lot 4 All Hobbs Add. Hobbs, Lea County, NM	Deborde, Charlotte Ann	314 N. Ave B. Hobbs, NM, 88240	Demolished
19	N. of 302 S. Ave B Block 11 Lot 10 All Hobbs Add. Hobbs, Lea County, NM	Ponce, Sergio	3716 N. Knapp Ln. Hobbs, NM, 88240	Covered to Storage
20	208 N. Ave B Block 7 Lot 4 All Hobbs Add. Hobbs, Lea County, NM	Navarro, Lisa	516 W. Silver Hobbs, NM, 88240	Demolished
21	407 W. Shipp Block 8 Lot 15 Southern Hts Add. Hobbs, Lea County, NM	Burciaga, Edenis	407 W. Shipp Hobbs, NM, 88240	Demolished

22	Behind 311 W. Shipp Block 8 Lot 19 Southern Hts. Add. Hobbs, Lea County, NM	Deyarmon George W IV	2742 Highway 67 Malvern, AR, 72104	Demolished
23	109 W. Shipp Storage Block 5 Lot 13 Southern Hts. Add. Hobbs, Lea County, NM	Valencia, Angelica	109 W. Shipp Dr. Hobbs, NM, 88240	Demolished
24	401 N. Shipp Block 107 Lot 15 Highland Park Add. Hobbs, Lea County, NM	Bocstick, Burch F.	118 E. Taylor Hobbs, NM, 88240	Demolished
25	800 N. Mckinley Block 158 Lot 9 Highland Park Add. Hobbs, Lea County, NM	White, Harvey D.	PO Box 1163 Hobbs, NM, 88240	Demolished /Replaced
26	East of 410 W. Texas Block 95 Lot 19 New Hobbs Add. Hobbs, Lea County, NM	Gilcrease, Tommy	410 W. Texas Hobbs, NM, 88240	Demolished
27	220 W. Midwest Block 65 Lot 13 New Hobbs Add. Hobbs, Lea County, NM	Sanchez, Manuel P.	918 N. Fowler Hobbs, NM, 88240	Demolished
28	916 E. Midwest Unit 34 Lot 21 Orig New Hobbs Hobbs, Lea County, NM	Rios, Felipe	916 E. Midwest Hobbs, NM, 88240	Demolished



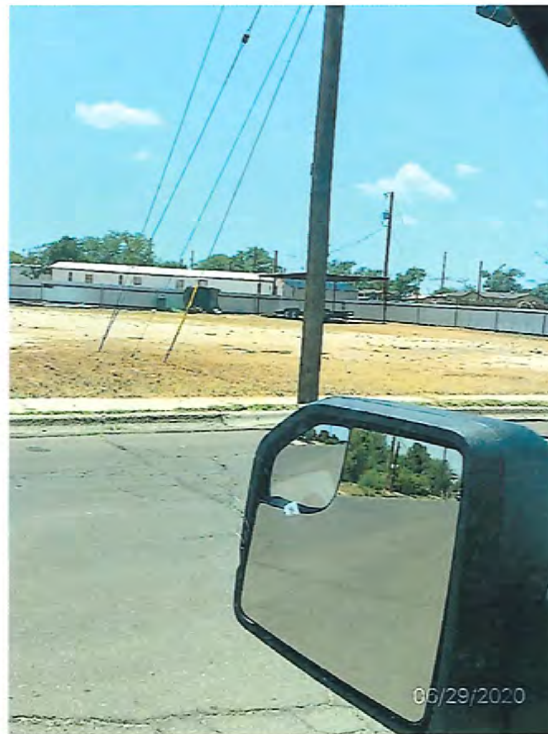
# 1401 E. Dunnam



# 1405 E. Dunnam (Behind)



# East of 1523 E. Dunnam



1529 E. Dunnam



# Behind 1615 E. Dunnam (1)



## Behind 1615 E. Dunnam (2)



# 2000 E. Dunnam



505 E. Roxana (#9&10)





303 E. Roxana



# 204 E. Roxana Space B



405 ½ W. Roxana



# 502 W. Roxana



# 504 W. Roxana



# 401 N. Shipp



# 109 W. Shipp (Storage)



# Behind 311 W. Shipp





407 W. Shipp



208 N. Ave B



North of 302 S. Ave B



South of 314 N. Ave B



# 221 N. Ave C (Storage)



312 S. Ave C



# 515 W. Roxana



# 916 E. Midwest





# 220 W. Midwest



# East of 410 W. Texas



# 800 N. Mckinley

