

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

December 5, 2022



Hobbs City Commission

Regular Meeting

City Hall, City Commission Chamber

200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, December 5, 2022 - 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

A G E N D A

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

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the November 21, 2022, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

PROCLAMATIONS AND AWARDS OF MERIT

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

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

2. Resolution No. 7280 – Approving the Vacation of an Alleyway and Replat of Lots 1 through 10, Block 12, Within the Camino Del Norte Subdivision *(Kevin Robinson, Development Director)*

DISCUSSION

None

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

3. Resolution No. 7281 – Authorizing the City of Hobbs to Enter Into a Memorandum of Agreement with Lea County Accepting an Appropriation of \$250,000.00 for the City of Hobbs Spay and Neuter Program *(August Fons, Police Chief)*
4. Resolution No. 7282 – Authorizing the Retention Incentive for the Hobbs Police Department Beginning December 2022 Through June 2023 *(August Fons, Police Chief)*
5. **PUBLIC HEARING:** Resolution No. 7283 – Regarding the Transfer of Ownership of Liquor License No. 2584 from Jitter Enterprises, LLC, to Hobbs Oil Patch Inn, LLC, d/b/a Hobbs Family Inn Derrick Lounge and Saxony Steak Room Located at 501 North Marland, Hobbs, New Mexico *(Efren Cortez, City Attorney)*
6. Resolution No. 7284 – Approving a Development Agreement with Lemke Development, Inc., Concerning the Development of Market Rate Single-Family Housing *(Kevin Robinson, Development Director)*
7. Resolution No. 7285 – Approving an Infrastructure Extension Development Agreement with Stuard Homes, LLC, Concerning the Development of Public Infrastructures *(Kevin Robinson, Development Director)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

8. Next Meeting Date:
 - City Commission Regular Meeting:
 - **Monday, December 19, 2022, at 6:00 p.m.**

ADJOURNMENT

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 5, 2022

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: December 2, 2022
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of November 21, 2022

Fiscal Impact:

Reviewed By: Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:

Department Director
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, November 21, 2022, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

Mayor Pro Tem Joseph Calderón called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting. The City Clerk called the roll and the following answered present:

Mayor Pro Tem Joseph D. Calderón
Mayor Sam D. Cobb (*attended via telephone*)
Commissioner R. Finn Smith
Commissioner Christopher Mills (*attended via telephone*)
Commissioner Larron B. Fields
Commissioner Dwayne Penick (*attended via telephone*)
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager
Valerie Chacon, Deputy City Attorney
August Fons, Police Chief
Shane Blevins, Deputy Police Chief
Barry Young, Fire Chief
Mark Doporto, Assistant Fire Chief
Toby Spears, Finance Director
Nicholas Goulet, Human Resources Director
Sandy Farrell, Library Director
Meghan Mooney, Communications Director
Bobby Arther, Municipal Judge
Tim Woomer, Utilities Director
Bryan Wagner, Parks and Open Spaces Director
Doug McDaniel, Recreation Director
Matt Blandin, Assistant I.T. Director
Julie Nymeyer, Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
14 citizens

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Fields moved the minutes of the regular meeting of November 21, 2022, be approved as written. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills (no vote recorded), Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Mayor Pro Tem Calderón proclaimed Saturday, November 26, 2022, as “*Small Business Saturday*” and presented the proclamation to Ms. Patty Collins, Executive Director and CEO of the Hobbs Chamber of Commerce. Ms. Collins thanked the City Commission and encouraged everyone to shop local in Hobbs.

Mr. Manny Gomez, City Manager, recognized the following employees for their Milestone Service Awards for the months of October and November, 2022.

- 5 years – Joshua Dellinges, Golf Maintenance
- 5 years – Christopher Mull, Parks and Open Spaces Dept.
- 5 years – Debra Young, Water Office
- 10 years – Matthew Blandin, Computer Operations
- 15 years – Jeffrey Sanford, Computer Operations
- 20 years – Robert Hamilton, Library
- 25 years – Todd Ray, Water Distribution

Mr. Gomez reviewed highlights about each employee and thanked the Mayor Pro Tem and Commission for the opportunity to recognize employees which are the City’s most importance resource. Mr. Gomez expressed gratitude to each employee and also thanked the employees’ families for their contributions to the organization.

Public Comments

No public comments.

Consent Agenda

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

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

Resolution No. 7276 – Approving the City of Hobbs Fiscal Year 2022 Capital Asset Inventory

Commissioner Smith 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. A copy of the resolution is attached and made a part of these minutes.

Discussion

Discussion of the City of Hobbs Jail Transition

Police Chief August Fons stated the Hobbs City Jail has been operational since 1953, having previously been located in the early years at 915 South Dal Paso. He stated it is recommended that the City begin transporting jail prisoners to the Lea County Detention Center (LCDC) in Lovington effective January 1, 2023, rather than housing prisoners at the Hobbs Municipal Jail. Chief Fons stated there are 13 staff members at the City Jail and an average of 8 prisoners are housed at the jail per night with approximately 180 prisoners per month. He stated 90 prisoners are transported monthly to the LCDC. Chief Fons stated all City Jail staff would retain their positions with the City, and it is agreed the City would be responsible for transporting prisoners from the City Jail to the LCDC. He explained that a Memorandum of Understanding is being drafted between the City and County to outline all of the provisions. The details of the agreement are still being worked out between the parties as to the time of day for the transports and for arraignments to be conducted prior to transport. Chief Fons emphasized it is the City's desire to work out a positive arrangement which will be beneficial to the citizens of Lea County.

Warden Quintana from the LCDC agreed with the comments of Chief Fons.

Following some questions by the Commission, Mr. Gomez stated the transition from a detention center to a holding facility is a mindset change and culture change. He stated he believes City staffing is adequate for this purpose. Mr. Gomez stated Chief Fons and Warden Quintana will be able to work out the details of the arrangement.

In response to further comments by the Mayor Pro Tem and Commission, Ms. Valerie Chacon, Deputy City Attorney, stated a roster is available of inmates to determine if someone is unable to appear because they are detained in jail. Mr. Gomez emphasized the City facility would become a holding facility and detainees would be transported to the LCDC during the designated transport times, once approved.

Chief Fons announced that Lieutenant Marina Barrientes has been promoted to the position of Captain in charge of the Community Services Department. He also announced that Lieutenant Ricky Guerrero has been promoted to the position of Captain in charge of the Patrol Division.

Action Items

Resolution No. 7277 – Authorizing a Legislative Capital Appropriation Project Agreement with the State of New Mexico Department of Transportation in the Amount of \$1,400,000.00 for Sewer Line Replacement Along Joe Harvey Blvd. from Central Drive to North Grimes Street and on North Grimes Street from Joe Harvey Blvd. to West Millen Drive

Mr. Todd Randall, City Engineer, stated explained the Project Agreement and stated the City of Hobbs has received Legislative Funding in the amount \$1,400,000.00 to plan, design, replace and construct a wastewater system, including the sewer main and road repair and restoration on Joe Harvey Blvd. from Central Drive to North Grimes Street and on North Grimes Street from Joe Harvey Blvd. to West Millen Drive.

In response to Commissioner Smith's question, Mr. Randall stated the City has two years to use the funding.

In reply to Commissioner Gerth's inquiry, Mr. Randall stated this would complete the replacement of all the pipe.

Commissioner Fields moved Resolution No. 7277 be adopted as presented. Commissioner Smith 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. Copies of the resolution and agreement are attached and made a part of these minutes.

Resolution No. 7278 – Setting the City of Hobbs Medical Insurance Rates for Calendar Year 2023

Mr. Toby Spears, Finance Director, stated on November 7, 2022, the City Commission approved the health insurance renewal with Blue Cross Blue Shield (BCBS) as presented by AON. This renewal resulted in a 38.6% increase from calendar year 2022 to 2023. In reviewing the insurance trust fund future budgeted cash balance, the City of Hobbs is recommending a medical insurance cost increase of 10% for both employer, employee and retiree. Mr. Spears stated with the 10% increase, the projected ending cash balance as of June 30, 2023, of the insurance trust fund would be approximately \$1,012,725.44. The trust fund would absorb the remaining 28.6% of the projected shared increase.

Mr. Spears reviewed a comparison of today's rates and the projected new rates with a 10% increase for the City's three-tiered plan.

Mr. Gomez expressed thanks to Mr. Spears and Mr. Nicholas Goulet, Human Resources Director, for their work on this plan. He stated medical inflation of 9% and a high number of claims will trend to next year as well. Thanks to being self-insured, the City Manager is able to ask the Commission to approve a 10% increase rather than a 38.6% increase.

Mr. Gomez explained the concept that premiums go into the fund and claims are paid out of the fund which can be a volatile situation during high claims. He stated the proposed plan is the best option of a shared cost which is better for everyone involved.

There being no further discussion, Commissioner Smith moved Resolution No. 7278 be adopted as presented. 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. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7279 – Authorizing an Allocation of Lodgers' Tax Funds for FY 2023 for Various Events Occurring After November 15, 2022

Mr. Spears stated on October 12, 2022, the Lodgers' Tax Board met and recommended funding for various events for Fiscal Year 2023. The following events have been forwarded to the Commission and are presented for consideration this evening:

Western Heritage - 2 events - \$18,913.00
Hobbs Chamber of Commerce - 2 events - \$34,929.38
Tuff Hedeman Bull Riding Tour - 1 event - \$20,000.00
Cycle City Promotions - 2 events – \$50,000.00
Southwest Symphony - 3 events - \$24,793.76

Events scheduled after November 15, 2022, were tabled on October 17, 2022 and will be heard by the Commission at a later date.

Mr. Spears announced that the Western Heritage Museum has requested their funding request be withdrawn tonight. He stated the City Manager has reviewed the funding requests and has submitted the following funding recommendations:

Hobbs Chamber of Commerce - 1 event - \$22,144.87
Tuff Hedeman Bull Riding Tour - 1 event - \$20,000.00
Cycle City Promotions - 2 events – \$45,000.00
Southwest Symphony - 3 events - \$4,500.00

Mr. Gomez stated representatives of Impacto JAG, USSSA and Southwest Symphony are present tonight to provide follow up reports from their recently funded events. He stated the tax imposed at the City level can be used for tourist related events and facilities, the purpose of which is intended to bring out-of-town lodgers to stay in hotels. He stated he has reviewed the requests with the proposed number of out-of-town lodgers as submitted by the requesters. In reviewing the requests, he stated it is important for everyone to understand the overall intent and purpose of Lodgers Tax. Mr. Gomez stated his recommendation is based on \$25.00 per night per lodger.

Commissioner Smith stated before proceeding further, he would like to suggest hearing from any of the requesters if they disagree with the City Manager's recommendation and would like to advocate differently. Commissioner Smith reviewed the recommended funding amounts as follows:

Hobbs Chamber of Commerce - 1 event - \$22,144.87
Tuff Hedeman Bull Riding Tour - 1 event - \$20,000.00
Cycle City Promotions - 2 events – \$45,000.00
Southwest Symphony - 3 events - \$4,500.00

Mr. Todd Hammock of Cycle City Promotions stated he appreciates the support of the City in bringing his events to Hobbs. He stated he believes the value to the community is far greater than just heads-in-beds.

Ms. Leanne Salgado of the Southwest Symphony thanked the City for the first funding allocation received. She stated they have seven performances throughout the season and overnight lodgers are spread out during these performances. She stated 37 members of the orchestra used 63 hotel rooms for four nights during the recent Superheroes Youth Series. She reviewed the other concerts which will be held with nationally known artists.

Commissioner Fields thanked Ms. Salgado for the breakdown and stated the City must be good stewards of its tax dollars.

Mr. Tuff Hedeman thanked the City Commission for its support and stated he always enjoys bringing a performance to Hobbs. He explained it is difficult to account for how many heads-in-beds the rodeo brings to Hobbs because of the large quantity of spectators at the Event Center. Mr. Hedeman stated 50% of the online ticket orders are from out-of-townners. He stated personnel for the rodeo account for 325-350 room nights during the event. Mr. Hedeman stated he understands the Commission's position and has been coming to Hobbs since 2010.

Ms. Patty Collins of the Hobbs Chamber of Commerce thanked the Commission and reviewed the details of the 63rd year of the Hobbs Holiday Tournament which brings in many hotel guests for overnight stays. She stated teams will be attending the basketball tournament from New Mexico, Texas, Arizona and Nevada.

Commissioner Smith thanked all of the requesters for their comments. He also expressed appreciation to Mr. Gomez and staff for their recommendation. He suggested the Lodgers' Tax process needs to be tightened up with the required criteria. Commissioner Smith stated he understands some may be disappointed with tonight's recommendation but to remember these are public dollars and the City is trying to maximize the use of these funds to grow the lodging and hospitality industry.

There being no further discussion, Commissioner Smith moved that Resolution No. 7279 be adopted with the recommendation of staff as presented. 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. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Mr. Tommy Hawkins of USSSA reported on two events which recently received Lodgers' Tax funding by the City. He stated the Fall Turf Games had 450 room nights. Mr. Hawkins provided copies of the team names and cities where they are from along with the hotel name where they lodged. He also reported that the Hobbs Holiday Classic Tournament had documentation of 561 room nights, and he provided copies of the team names, cities and hotels where lodgers stayed. Mr. Hawkins stated he is proud of the tracking method used by USSSA who requests Lodgers' Tax funds from other communities. He suggested that Hobbs may need to revise their request forms but all communities track heads-in-beds as the method and basis for awarding Lodgers' Tax funds.

Following a lengthy discussion, Commissioner Smith suggested some of the organizations may wish to offer door prizes or drawings to attendees who are willing to fill out of a survey as to where they are from.

Ms. Meghan Mooney, Communications Director, stated meetings have been held in the past with hoteliers and another meeting will be scheduled in the first week of December to discuss these Lodgers' Tax topics. She stated she will be suggesting hotels consider offering reduced room rates and the use of event codes to enable better tracking of overnight event guests. She stated this could help solve issues of tracking and offer cheaper room nights for guests.

Mr. Hedeman and Mr. Hammock stated it is more difficult to track overnight guests when larger events are held at the Event Center; however, they did express appreciation to Ms. Mooney and stated the system just needs some fine tuning to make it work.

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

Mr. Gomez wished everyone a Happy Thanksgiving. He expressed appreciation to the Commission for their vote of approval on the cost sharing of the health insurance increase. Mr. Gomez stated a pickle ball tournament was held during the past weekend at the CORE which was a big success. He thanked the CORE staff for their help with the event. Mr. Gomez reminded everyone of the Tree Lighting Ceremony on Saturday, December 3, 2022, at 6:00 p.m. at the Shipp Street Plaza held in conjunction with the Hobbs Fire Department Toy Drive. He stated a number of new activities have been added to the holiday event, and he encouraged all citizens to attend.

Mr. Gomez also wished Mayor Cobb a speedy recovery from his recent surgery.

Commissioner Gerth thanked each and every City employee for the job they do each day.

Commissioner Fields congratulated each of the milestone recipients for their awards. He expressed thanks and appreciation to City staff for looking at options to reduce the City's health insurance increase to the employees.

Commissioner Smith stated one of the benefits of being self-insured is the option for the City to be able to absorb some of the cost from the good years. He stated all health insurance plans have good years and bad years. He suggested employees encourage their co-workers to take advantage of the City's wellness programs and help build up the equity in the insurance fund.

Mayor Pro Tem Calderón also thanked City staff for their work on the health insurance options for employees.

Mayor Cobb thanked everyone for their well wishes as he recovers from a recent hip surgery. He stated he concurs with the comments of Commissioner Smith and encouraged employees to help keep costs down. Mayor Cobb also wished everyone a Happy Thanksgiving.

Adjournment

There being no further business or comments, Commissioner Smith 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 8:10 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 5, 2022

SUBJECT: RESOLUTION APPROVING THE VACATION OF AN ALLEYWAY AND REPLAT OF LOTS 1 THROUGH 10, BLOCK 12, WITHIN THE CAMINO DEL NORTE SUBDIVISION.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: November 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Property Owner is requesting the vacation of an alleyway and replating of lots 1 through 10, Block 12, within the Camino Del Norte Subdivision. This vacation, if approved, will allow the conveyance of fee simple ownership to the vacated property to the surrounding property owner. The alleyway is outside of the Municipal Boundaries but within the ETJ, therefore any remuneration owed would go to the County. The Planning Board reviewed this issue on October 18, 2022 and voted 4 to 0 to recommend approval.

Fiscal Impact: Reviewed By: Finance Department

The property proposed to be vacated is located outside the Municipal Boundaries, therefore any remuneration owed would go to the County.

Attachments: Resolution, Vacation Plat and Planning Board Minutes.

Legal Review: Approved As To Form
Cortez
City Attorney

Recommendation: Consideration of Approval of the Resolution to approve the Vacation Plat, as recommended by the Planning Board.

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

CITY OF HOBBS

RESOLUTION NO. 7280

A RESOLUTION APPROVING THE VACATION OF AN ALLEYWAY AND REPLAT OF LOTS 1 THROUGH 10, BLOCK 12, WITHIN THE CAMINO DEL NORTE SUBDIVISION.

WHEREAS, The surrounding property owner is requesting the vacation of an alleyway and replat of lots 1 through 10, Block 12, within the Camino Del Norte Subdivision; and

WHEREAS, the Vacation Plat was then reviewed and recommended for approval by the City of Hobbs Planning Board at the October 18, 2022 meeting; and

WHEREAS, the City Commission has determined that the vacation of an alleyway and replat of lots 1 through 10, Block 12, within the Camino Del Norte Subdivision will not adversely affect the interests or rights of persons in contiguous territory or within the subdivision and the title of those lands in the vacated area may be transferred in fee simple to the owner of the adjacent lots thereto.

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

1. The City of Hobbs hereby approves the Vacation and Replat as attached hereto and made a part of this Resolution.
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of December, 2022.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

REPLAT OF BLOCK 12 AND VACATION OF ALLEY WITHIN SAID BLOCK, CAMINO DEL NORTE SUBDIVISION, LEA COUNTY, NEW MEXICO

REPLAT OF LOTS 1 THROUGH 10 BLOCK 12 CAMINO DEL NORTE SUBDIVISION LEA COUNTY NEW MEXICO
 SAID PROPERTY IS BEING REPLATED AS THE SAME APPEARS HEREON WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETORS THEREOF

RICHARD RUSSELL RICE
 (BA 490 PG 627 LEA COUNTY RECORDS)

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2022 A.D. BY RICHARD RUSSELL RICE

NOTARY PUBLIC

VACATION OF ALLEY WITHIN BLOCK 12 CAMINO DEL NORTE SUBDIVISION LEA COUNTY NEW MEXICO

CERTIFICATE OF LEA COUNTY APPROVAL BY RESOLUTION:

STATE OF NEW MEXICO
 COUNTY OF LEA
 I, KEITH MANES, THE DULY APPOINTED LEA COUNTY CLERK, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING "REPLAT OF BLOCK 12 AND VACATION OF ALLEY WITHIN SAID BLOCK, CAMINO DEL NORTE SUBDIVISION, LEA COUNTY, NEW MEXICO" WAS APPROVED BY THE COMMISSION OF LEA COUNTY, NEW MEXICO, BY RESOLUTION NO. _____ ON THE _____ DAY OF _____ 2022 A.D.

KEITH MANES, LEA COUNTY CLERK

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2022 A.D. BY RICHARD RUSSELL RICE

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

THIS VACATION PLAT REVIEWED AND APPROVED ON THE _____ DAY OF _____ 2022 A.D. BY THE CITY PLANNING AND ZONING BOARD OF HOBBES, LEA COUNTY, NEW MEXICO

CHARVAN WILLIAM M. HICKS III

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2022 A.D. BY WILLIAM M. HICKS III

NOTARY PUBLIC

CERTIFICATE OF MUNICIPAL APPROVAL:

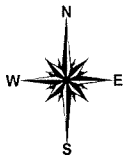
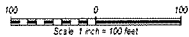
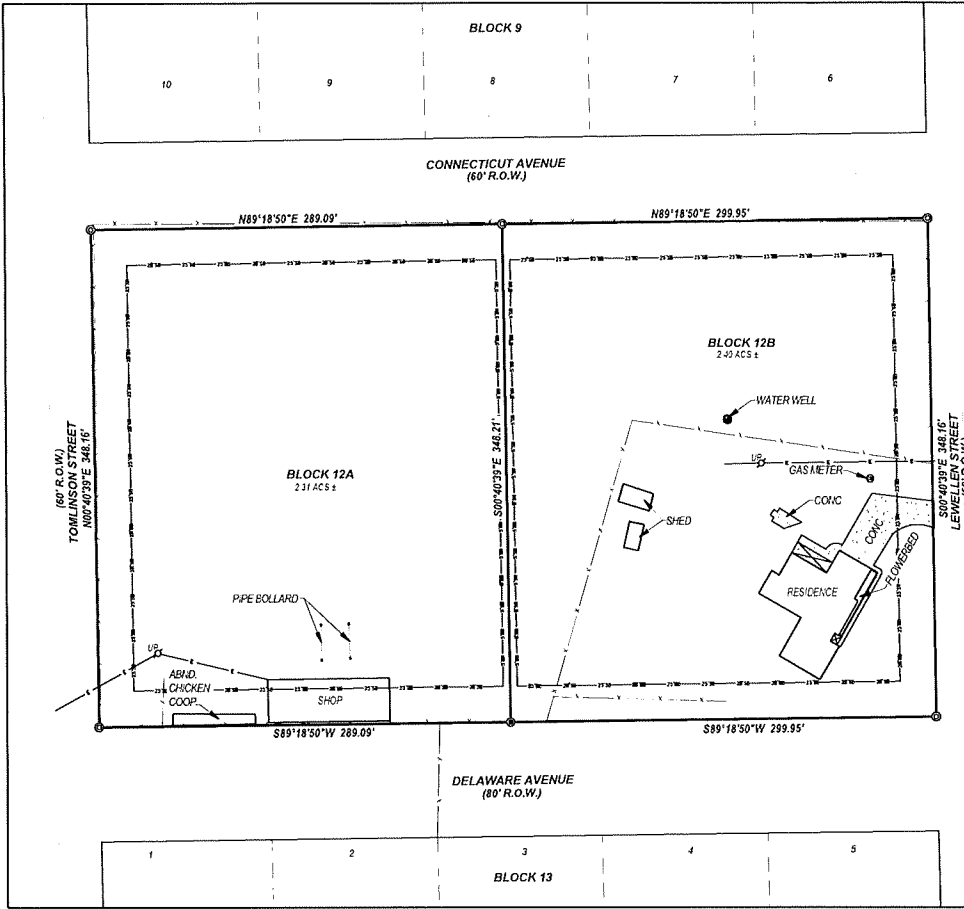
I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBES, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING "REPLAT OF BLOCK 12 AND VACATION OF ALLEY WITHIN SAID BLOCK, CAMINO DEL NORTE SUBDIVISION, LEA COUNTY, NEW MEXICO" WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBES BY RESOLUTION NO. _____ ON THE _____ DAY OF _____ 2022 A.D.

JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2022 A.D. BY JAN FLETCHER

NOTARY PUBLIC



NOTES:

1) BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. THE CONVERGENCE ANGLE TO TRUE NORTH IS 0°05'57.42" BASED ON A POINT OF ORIGIN LOCATED AT (NAD83) N 641651.04"E 807041.52" ESTABLISHED FROM GPS OBSERVATIONS AND SUBSEQUENT GPS PROCESSING. DISTANCES ARE SURFACE VALUES.

2) DATE OF SURVEY: AUGUST 30, 2022

LEGEND:

- - DENOTES SET 1/2" STEEL ROD WITH CAP (MARKED "JWSC PS 12641")
- - DENOTES 4 1/2" METAL FENCE POST
- () — - DENOTES CHAIN LINK FENCE LINE
- () — - DENOTES ELECTRIC LINE
- () — - DENOTES 5' BUILDING SETBACK LINE UP UTILITY POLE
- () — - DENOTES 5' BUILDING SETBACK LINE
- () — - DENOTES UTILITY POLE AS NOTED
- - DENOTES WATER WELL
- - DENOTES GAS METER

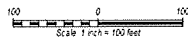
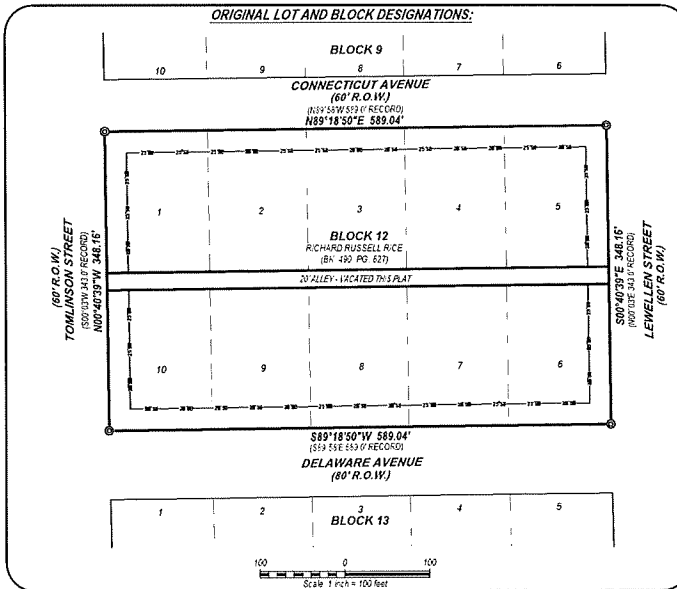
SURVEYOR'S CERTIFICATE:

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

DATE _____



ORIGINAL LOT AND BLOCK DESIGNATIONS:



VICINITY MAP NOT TO SCALE



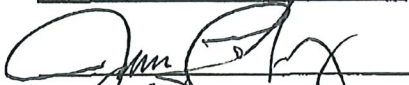


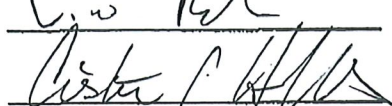
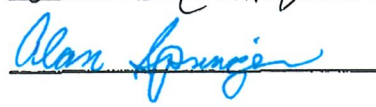
Scale: One Inch = Sixty Feet
 CAD Drafter & Date: ACK - 09/02/2022
 Checked By: EVAN POINTER
 JWSC W.O. No. 22.11.0325
 JWSC File No. D - 1447
 STATE OF NEW MEXICO
 COUNTY OF LEA - FILED:

PROVIDING SURVEYING SERVICES SINCE 1946
JOHN WEST SURVEYING COMPANY
 412 N. DAL PASO, HOBBES, NM 88240
 (575) 593-3117 www.jwsc.net
 TPLS# 10021000

**HOBBS UTILITY SIGN OFF SHEET
FOR NEW SUBDIVISIONS OR PLAT REVISIONS**

Date 10-19-2022

Subdivision Replat/Vacation of Alley Block 12 Step _____
Camino Del Norte Subdivision, Lea County, NM

<u>UTILITY</u>	<u>REPRESENTATIVE PRESENT</u>	<u>*APPROVE</u>	<u>DISAPPROVE</u>
Xcel Energy		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zia Natural Gas Co.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valor Communications		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leaco		<input checked="" type="checkbox"/>	<input type="checkbox"/>
^{TDS} US Cablevision Windstream		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Management of NM	_____	<input type="checkbox"/>	<input type="checkbox"/>
City Engineering Dept.	_____	<input type="checkbox"/>	<input type="checkbox"/>
City Utilities Dept.	_____	<input type="checkbox"/>	<input type="checkbox"/>
City Fire Dept.	_____	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Postal Service	_____	<input type="checkbox"/>	<input type="checkbox"/>

* Checking this box indicates approval of the plans as is, or approval contingent upon the changes listed below.

Revisions, Recommendations, Objections: (if more space needed, use back of page)

- _____
- _____
- _____
- _____
- _____

IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR THE DEVELOPER'S ENGINEER TO HAVE THE JOINT UTILITY MEETING AND HAVE THIS FORM COMPLETED PRIOR TO STEP 2 HEARING BY THE PLANNING BOARD.

Action Items

3) Review and Consider the Vacation\Replat of the east\west alleyway within Block 10 of the Camino Del Norte Subdivision located within the City of Hobbs ETJ.

Mr. Robinson stated this is the vacation/replat of the alleyway located east/west of Camino Del Norte Subdivision. He explained this is a vacation of the alleyway located east/west within Block 10 and also a replat that will create two lots. Mr. Robinson stated both lots will have access to developed and maintained public right-of-way by the County. Mr. Robinson stated the County has not adopted a vacation policy or code. The vacation plat will be the first half of the process, which will state it will no longer be public property. The second part of the process will be to convey the vacated property from public property to a private individual.

In response to Mr. Ramirez's question, Mr. Robinson stated the plats do not show utilities within the property. Mr. Randall reviewed the area and stated a power pole might be located on the property.

Mr. Kesner expressed his concern regarding the utilities and asked if there was a utility sign-off sheet signed by all of the utility providers. Mr. Kesner explained he does not want to vacate right-of-way that has already been granted utilities. He requested for a utility sign-off sheet be required.

Mr. Ramirez made a motion to approve the Vacation/Replat of the east/west alleyway within Block 10 of Camino Del Norte Subdivision with the requirement of a utility vacation sign-off sheet, seconded by Mr. Sanderson. The vote on the motion was 4-0 and the motion carried.

4) Review and Consider Preliminary Plan for Meadowlands Unit II, located northwest of the intersection of Ponderosa and Ja-Rob, as submitted by property owner, Lemke Development, Inc.

Mr. Robinson stated this is the Preliminary Plan for Meadowland Unit II, located northwest of the intersection of Ponderosa Drive and Ja-Rob Lane. He stated it is located north of Meadowlands Unit I and is the continuation of Ja-Rob Lane.

Mr. Randall stated this is the master plan that was originally submitted. He stated the developers have reconfigured Meadowlands Drive to extend the boundary further north of Honeysuckle Court. He further stated there is still a bond on Meadowlands Unit I. Mr. Randall stated some improvements, such as valley gutter, concrete, and pavement patches, need to be done. Mr. Randall noted that once Unit III is complete one-block length will exceed 800 feet on a two-block face. Although, a mid-block is provided to connect the two streets. Mr. Robinson explained it is a site circulation for emergency responders. Mr. Randall stated staff has reviewed the plans with the developer and minor corrections need to be completed, such as adding blow-offs at the end of the water lines and grading corrections. He also stated that grade transitions are not showing on the profile but will be added on the roadway. Mr. Randall stated an easement was part of the original plan.



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 12/5/2022

SUBJECT: Memorandum of Agreement between City of Hobbs and Lea County

DEPT. OF ORIGIN: Hobbs Police Department
DATE SUBMITTED: 11/29/2022
SUBMITTED BY: Captain Marina Barrientes

Summary: The purpose of this Memorandum of Agreement is to memorialize the terms and agreement, including changes thereto, between City of Hobbs and Lea County regarding Lea County's grant of \$250,000.00 for operational and capital expenditures to expand spay and neuter programs and services in the City.

Fiscal Impact:

Reviewed By: Finance Department

A budget adjustment will need to be made in January 2023, recording the \$250,000 grant revenue with an offsetting expenditure amount.

Attachments: Memorandum of Agreement between the City of Hobbs and Lea County

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Motion to approve.

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. 7281

A RESOLUTION AUTHORIZING THE CITY OF HOBBS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH LEA COUNTY, ACCEPTING THE LEA COUNTY GRANT FOR THE CITY OF HOBBS' SPAY AND NEUTER PROGRAM

WHEREAS, the City of Hobbs Commission, authorizes the City of Hobbs to enter into a Memorandum of Understanding "MOU" with Lea County accepting the Lea County Grant for the Spay and Neuter Program; and

WHEREAS, the City of Hobbs accepts the Lea County grant in the amount of \$250,000.00 for operational and capital expenditures to expand the City of Hobbs' Spay and Neuter Program and services within the City of Hobbs; and

WHEREAS, the City of Hobbs will use the grant funds to expand the City of Hobbs's Spay and Neuter Program by June 30, 2024 and any unused funds will revert back to Lea County; and

WHEREAS, the spay and neuter program will offer low cost for spaying and neutering services of animals within the City of Hobbs and Lea County; and

WHEREAS, the parties to this MOU have the common goal in assisting in the ongoing issue of unsprayed and neutered animals within the City of Hobbs and Lea County.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, authorizes the City of Hobbs to enter into Memorandum of Understanding "MOU" with Lea County and accept the Lea County

Grant in the amount of \$250,000.00 to expand the City of Hobbs' Spay and Neutering Program and Services.

PASSED, ADOPTED AND APPROVED this 5th day of ~~November~~^{December}, 2022

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

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

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

PURPOSE

The purpose of this Memorandum of Agreement is to memorialize the terms and agreement, including changes thereto, between County and City regarding County’s grant of \$250,000.00 for operational and capital expenditures to expand spay and neuter programs and services in the City.

WHEREAS, at its regular meeting on October 20, 2022, the Board of County Commissioners of Lea County approved a grant of \$250,000.00 to the City for operational and capital expenditures to expand spay and neuter programs and services in the City; and

WHEREAS, the City wishes to accept the funds for operational and capital expenditures to expand spay and neuter programs and services in the City.

AGREEMENT

1. The County will provide a grant up to \$250,000.00 to the City.
2. The City will use the grant funds for operational and capital expenditures to expand spay and neuter programs and services in the City.
3. The City will use the grant funds by June 30, 2024.
4. The City will return any unused portion of the grant funds to the County by June 30, 2024.

SOVEREIGN IMMUNITY

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

LIABILITY

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

THIRD PARTY BENEFICIARIES

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

INSURANCE

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

TERM

This Memorandum of Agreement shall continue in full force and effect, until the grant funds have been used or June 30, 2024, whichever occurs first.

SEVERABILITY

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

NO ORAL MODIFICATION

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

GOVERNING LAW

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

COMPLIANCE WITH STATE LAW

The City shall ensure that the funds are expended in compliance with State law governing the use of public funds.

EFFECTIVE DATE

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

ATTEST:

CITY OF HOBBS

BY: _____
Sam Cobb,
Mayor

Date: _____

ATTEST:

LEA COUNTY, NEW MEXICO

BY: _____
Dean Jackson,
Lea County Chair

Date: _____

Approved as to Form:

By: _____
Efren A. Cortez
City Attorney

Date: _____

By: _____
John W. Caldwell
County Attorney

Date: _____



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 5, 2022

SUBJECT: A RESOLUTION AUTHORIZING THE RETENTION INCENTIVE FOR THE HOBBS POLICE DEPARTMENT BEGINNING DECEMBER 2022 THROUGH JUNE 2023

DEPT. OF ORIGIN: Hobbs Police Department
DATE SUBMITTED: November 30, 2022
SUBMITTED BY: August Fons, Police Chief

Summary:

On November 7, 2022, the City of Hobbs Commission approved the allocation disbursement from the Department of Finance and Administration (DFA) in the amount of \$4,987,500.00. Department of Finance Administration approved expenditures out of this fund for hiring, recruiting and retention. The Hobbs Police Department hopes to incentivize Hobbs Police Officer to remain employed with HPD and in doing so, would recommend a retention incentive, that will be funded by the DFA allocation. Hobbs Police Department would offer a monthly Retention Incentive to every officer who meets the eligibility requirements pursuant to the Hobbs Police Department and HB68 in the amount of \$1,750 less applicable taxes. The monthly incentive period would begin on December 1, 2022 and would end on June 10, 2023.

Fiscal Impact:

Reviewed By: Finance Department

The budget for the incentives is approximately \$852,000 and is part of the initial DFA allocation of \$2,850,000. Initial funds must be spent prior to June 30, 2023. (Overall three year grant total is \$4,987,500)

Attachments: Resolution

Legal Review:

Approved As To Form: Valmischan City Attorney

Recommendation:

The Commission should consider approval of this matter.

Approved for Submittal By:

Department Director
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7282

A RESOLUTION AUTHORIZING THE RETENTION INCENTIVE FOR THE HOBBS POLICE DEPARTMENT BEGINNING DECEMBER 2022 THROUGH JUNE 2023

WHEREAS, on November 7, 2022, the City of Hobbs Commission approved the allocation disbursement from the Department of Finance and Administration (DFA) in the amount of \$4,987,500.00; and

WHEREAS, Department of Finance Administration approved expenditures out of this fund for hiring, recruiting and retention; and

WHEREAS, the funds would be paid out over the course of three years and to be utilized in accordance with the provisions of House Bill 68, (HB68).

WHEREAS, the City of Hobbs Police Department would offer a monthly Retention Incentive to every officer who meets the eligibility requirements pursuant to the Hobbs Police Department and HB68 in the amount of \$1,750 less applicable taxes; and

WHEREAS, the monthly incentive period would begin on December 1, 2022 and will end on June 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, authorizes a Retention Incentive for the Hobbs Police Department beginning December 2022 through June 2023.

PASSED, ADOPTED AND APPROVED this 5th day of ~~November~~ **December**, 2022

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 5, 2022

SUBJECT: Resolution Regarding the Transfer of Ownership of Liquor License No. 2584 from Jitter Enterprises, LLC, to Hobbs Oil Patch Inn, LLC, d/b/a Hobbs Family Inn Derrick Lounge and Saxony Steak Room located at 501 North Marland, Hobbs, New Mexico

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: November 29, 2022
UBMITTED BY: Jan Fletcher, City Clerk

Summary:

Hobbs Oil Patch Inn, LLC, has applied to the State of New Mexico, Alcohol and Gaming Division for transfer of ownership of Liquor License No. 2584 as referenced above. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on November 1, 2022. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By: 
Finance Department

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

Attachments:

1. Application packet from State of New Mexico, Alcohol and Gaming Division
2. Affidavit of Publication - Notice of Public Hearing
3. Area Map
4. Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve or disapprove the transfer of ownership; second; vote.

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. 7283

A RESOLUTION REGARDING THE
TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 2584
FROM JITTER ENTERPRISES, LLC, to HOBBS OIL PATCH INN, LLC, D/B/A
HOBBS FAMILY INN DERRICK LOUNGE AND SAXONY STEAK ROOM
LOCATED AT 501 NORTH MARLAND, HOBBS, NEW MEXICO.

WHEREAS, the City of Hobbs has received the following application for transfer of ownership of Liquor License No. 2584:

Owner of Existing License: Jitter Enterprises, LLC
Current D/B/A Name: Derrick Lounge and Saxony Steak Room
Premises Address: 501 North Marland Blvd.
Hobbs, NM 88240

Applicant Name: Hobbs Oil Patch Inn, LLC
Applicant D/B/A Name: Hobbs Family Inn Derrick Lounge and Saxony
Steak Room
Premises Address: 501 North Marland
Hobbs, NM 88240

WHEREAS, the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, has granted preliminary approval to the application for transfer of ownership of the liquor license as requested and a duly advertised public hearing is being held by the governing body of the City of Hobbs on December 5, 2022, on the question of whether or not the proposed transfer of ownership of the license should be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the transfer of ownership of Liquor License No. 2584 from Jitter Enterprises, LLC, to Hobbs Oil Patch Inn, LLC, d/b/a Derrick Lounge and Saxony Steak Room, 501 North Marland, Hobbs, New Mexico, be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 5th day of December, 2022.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on ***Monday, December 5, 2022***, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico, for the purpose of considering the application for a liquor license as set forth below and to hear any protests and objections to the granting thereof. Protests and objections may be made by any interested persons at the time, date and place of hearing.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-9200.

If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.

Liquor License Number: 2584

Applicant: Hobbs Oil Patch Inn, LLC

D/B/A: Hobbs Family Inn Derrick Lounge & Saxony Steak Room

Location: 501 North Marland

The request is for a change of ownership. The license is currently owned by Jitter Enterprises, LLC.

DATED this 1st day of November, 2022.



SAM D. COBB, Mayor

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
November 04, 2022
and ending with the issue dated
November 11, 2022.



Publisher

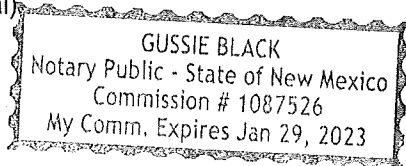
Sworn and subscribed to before me this
11th day of November 2022.



Business Manager

My commission expires
January 29, 2023

(Seal)



This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL NOTICE November 4 and 11, 2022

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, December 5, 2022**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico, for the purpose of considering the application for a liquor license as set forth below and to hear any protests and objections to the granting thereof. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.

Liquor License Number: 2584
Applicant: Hobbs Oil Patch Inn, LLC
D/B/A: Hobbs Family Inn Derrick Lounge & Saxony Steak Room
Location: 501 North Marland

The request is for a change of ownership. The license is currently owned by Jitter Enterprises, LLC.

DATED this 1st day of November, 2022.

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

#39218

67108146

00272730

CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240



October 26, 2022

Certified Mail No.: 9171 9690 0935 0292 8310 68

RECEIVED

OCT 31 2022

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

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

Lic. No. /Appl. No.: License No. 2584 | Application No. 1245529
Name of Applicant: Hobbs Oil Patch Inn, LLC
Doing Business As: Hobbs Family Inn Derrick Lounge & Saxony Steak Room
Proposed Location: 501 N. Marland, Hobbs, New Mexico 88240

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

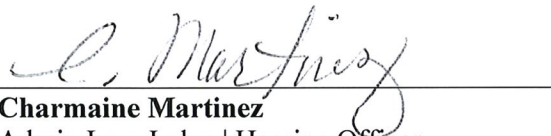
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2584 WITH ON PREMISES CONSUMPTION ONLY AND PATIO SERVICE

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez
Admin Law Judge | Hearing Officer
NM Regulation & Licensing Department
Alcoholic Beverage Control Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: Charmaine.Martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement
4. Copy of Floor Plan





NMRLD

NEW MEXICO REGULATION & LICENSING DEPARTMENT

STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

SEP 20 2022

Transfer of Dispenser Type Liquor Application | \$200.00 Application Fee, non-refundable

ABC USE ONLY: Application Fee \$ 200 Received on: 9-20-22 Receipt No. 2484990
License Fee \$ Received on: Receipt No.
Application Number: 1245529 Local Option District:

License Number: 2584 License Type
Record Owner of Existing License: Jitter Enterprises, LLC
Current D/B/A Name: Derek Lounge and Saxony Steak Room
Current Premises Address: 501 N. Marland Hobbs, NM 88240
Current LOD: Is License moving out of Local Option District? Yes No

Check appropriate boxes:
Application is for: [X] Transfer of Ownership [] Transfer of Ownership and Location [] Transfer of Location Only

Applicant is [] Individual [] Limited Liability Company [] Corporation [] Partnership (General/Limited)

NAME OF APPLICANT: Hobbs Oil Patch Inn, LLC / Derrick Lounge & Saxony Steak Room

D/B/A Name to be used: Derek Lounge and Saxony Steak Room Business Phone No: 903-509-8161

Mailing Address: 212 Old Grande Blvd, Suite C-100 Tyler, TX 75703

Email (required): office@pyle-properties.com

Physical location where license is to be used: 501 N. Marland Hobbs, NM 88240
County: Lea (Include street number / highway number / state road, city, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes [X] No [] If Yes, License # / Type: 2584

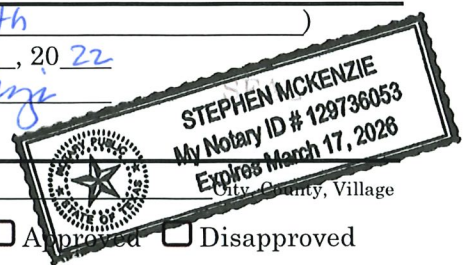
Contact Person: Tom A Donley Phone #: 903-509-8161 Email: btdonley@gmail.com

I, (print name) Shirley Pyle, as (title) VP of ERP Management Corp / VP of TMM, LLC being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: Shirley C. Pyle Date: 9-16-22

Notary Public Use Only: (State of Texas, County of Smith)
SUBSCRIBED AND SWORN TO before me this 16 day of September, 2022
By: Stephen McKenzie Notary Public: Stephen McKenzie
Date my Commission Expires:



Local Option District Use Only: Local Governing Body of
Public Hearing held on 20 Please check one: [] Approved [] Disapproved
Signature of City/County Official: Title:

Alcoholic Beverage Control Division Use Only: [] Approved [] Disapproved,

Signed by Director: Date:



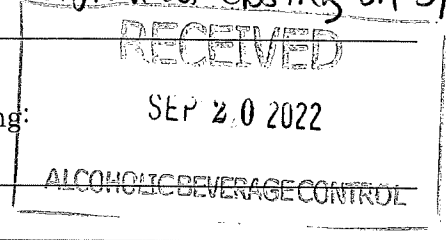
1. The land and building which is proposed to be the licensed premises is: (check one)

Owned by Applicant, copy of deed/document attached

Leased by Applicant, copy of lease/document attached

Other (provide details): _____

← Returned to Hbbbs Oil Patch Inn, LLC (Debtor) based on Security Agreement signed at closing on 5/19



2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): _____

B. Date and Term of Lease: _____

3. Premises location is Zoned (example C-1, see Zoning Statement): _____

Zoning Statement attached, Yes No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: First Spanish Miles/feet: 569'

Address/location of Church: 1624 E Bond St. Hbbbs, NM 88240

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

Name of School: Hbbbs Freshmen HS Miles/feet: 1,463

Address/location of School: 1401 E. Sanger St - Hbbbs, NM 88240

6. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation: Hotel Lounge Package Grocery Racetrack

Restaurant Craft Distiller Small Brewer Winery Wholesaler

Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





PLANNING DEPARTMENT

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

August 2, 2022

Hobbs Oil Patch Inn, LLC
212 Old Grande Blvd., Ste C-100
Tyler, TX 75703

RE: Zoning Certification for a Restaurant located at 501 N. Marland in Hobbs, NM 88240.

Dear Mr. Haft:

Pursuant to your request for a Zoning Certification regarding a Restaurant located at 501 N. Marland in Hobbs, NM, please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and locations of different types of development or specific business uses throughout the City. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, use of buildings, or use of vacant land. Therefore, the current land use as referred to herein, including a Restaurant located at 501 N. Marland in Hobbs, NM is considered a use by right as of this date of August 2, 2022. The proposed use is in conformance with applicable zoning law as of this date.

Please note that the City does have a Major Thoroughfare Plan, Subdivision Regulations, Flood Zone, Fire Zone, Landscaping Regulations, Building Code, Liquor License and other development regulations that must be followed for improvements and changes in building occupancy types, including yard setback requirements. This letter is in regards to that portion of the above referenced real property that exists within the corporate limits of the City of Hobbs, NM on August 2, 2022.

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

Sincerely,

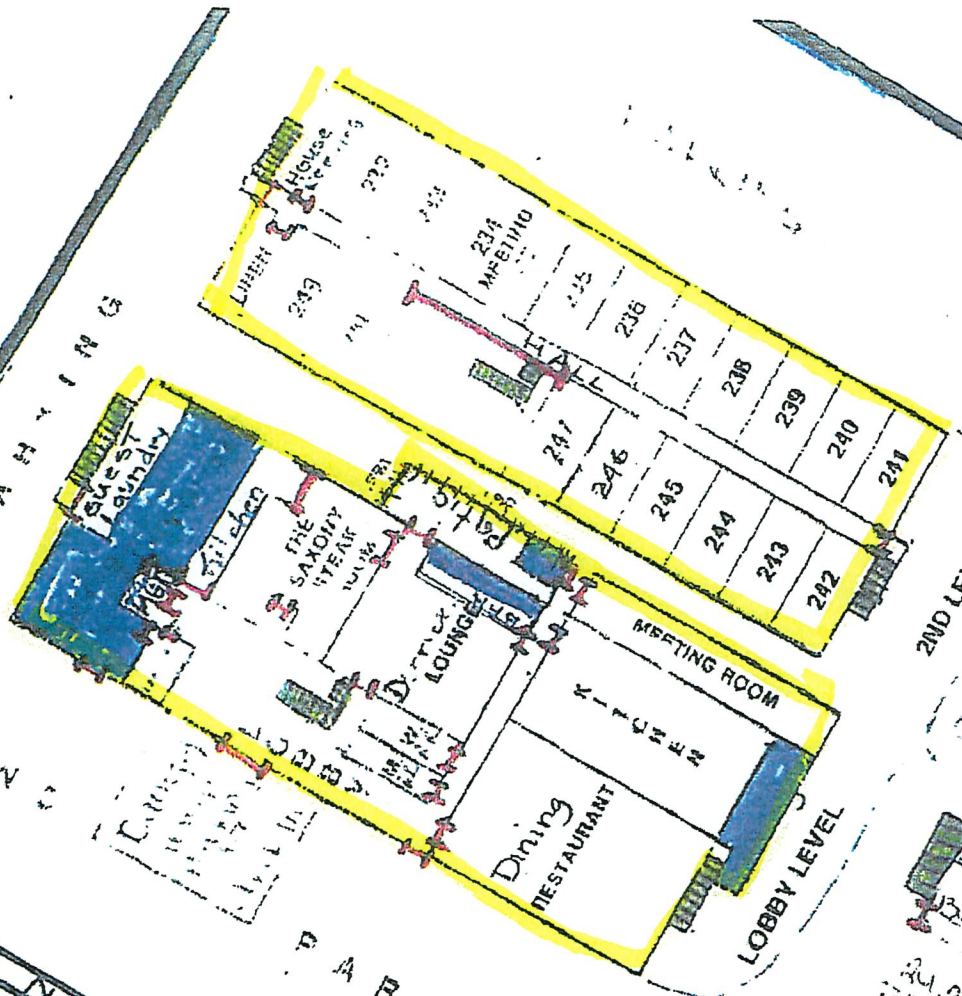
CITY OF HOBBS, NEW MEXICO

A handwritten signature in blue ink that reads "Kevin Robinson".

Kevin Robinson – Planning Department

NORTH

PARKING



- H Entrances/Exits
- Stairs
- ||||| Wrought Iron Fence with Lattice
- Property Line
- Storage

FLOOR PLAN APPROVAL
 By Desiree S. Crego
 Date October 25, 2019

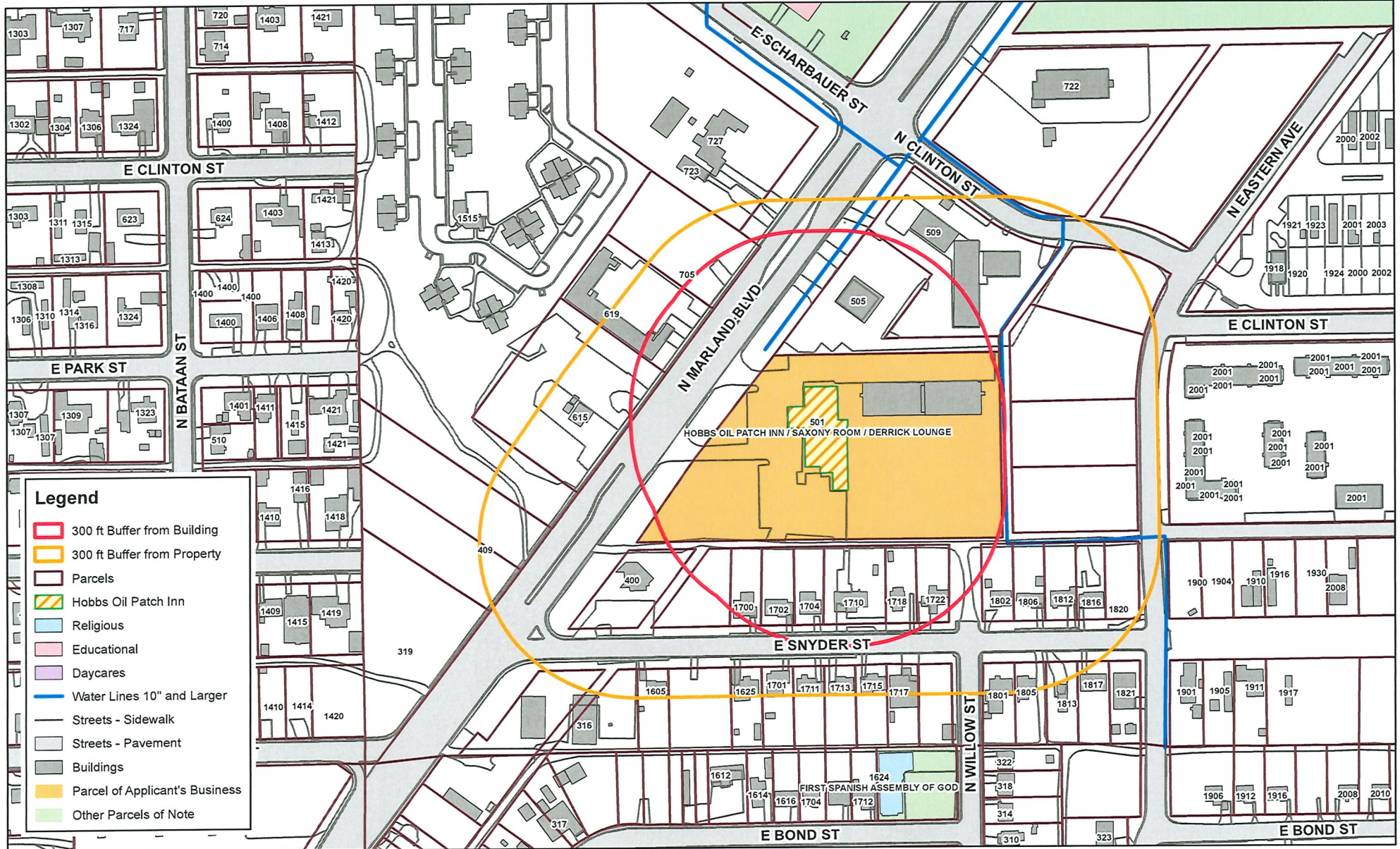
OWNER: JITTER ENTERPRISES, LLC
 DBA: DEREK LOUNGE AND SAXONY STEAK ROOM
 TOTAL SQUARE FOOTAGE: 9,240 17,250
 INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2584
 ADDRESS: 501 N MARLAND BLVD., HOBBS, NM 88240

101 one Building

233	234	235	236	237	238	239	240	241
242	243	244	245	246	247	248	249	250
251	252	253	254	255	256	257	258	259
260	261	262	263	264	265	266	267	268
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Hobbs Oil Patch Inn

300 ft Buffer Zone Map for Liquor License for 501 N Marland Blvd.



City of Hobbs GIS Division

SY

Date: 11/18/2022 1 inch = 250 feet Time: 2:37:24 PM

DISCLAIMER: THE CITY OF HOBBS MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND REGARDING ANY GIS DATA PROVIDED HEREIN OR THE SOURCES OF SUCH DATA. THE CITY OF HOBBS SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DATA CONTAINED WITHIN THIS PRODUCT IS PROVIDED BY THE CITY OF HOBBS FOR INFORMATIONAL PURPOSES ONLY AND NOT IN COMPLIANCE WITH ANY LEGAL REQUIRED SURVEYING STANDARD.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: December 5, 2022

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: November 28, 2022
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 \$622,321.00.

Attachments: Resolution and Development Agreement.

Legal Review:

Reviewed As To Form Cortez
City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By:

Kevin Robinson
Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 7284

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 5th day of December, 2022.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this 5th day of December 2022 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: December 5, 2022

SUBJECT: CONSIDERATION TO APPROVE AN INFRASTRUCTURE EXTENSION DEVELOPMENT AGREEMENT WITH STUARD HOMES, LLC CONCERNING THE DEVELOPMENT OF PUBLIC INFRASTRUCTURES.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: November 28, 2022
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Stuard Homes, LLC has requested a Public Participation Infrastructure Development Agreement concerning the projection of Calle Grande (+/- 596 Lin. Ft.) from the existing terminus north to the Developers north property line.

Fiscal Impact: Reviewed By: Finance Department

Budget Line: 44-4044-44901-00073 (JT UIL Extension)
Total Budget Available: \$197,642.78
Total Reimbursement not to exceed: \$123,372.00

Attachments: Resolution and Development Agreement.

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

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

Approved For Submittal By: [Signatures]
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. 7285

A RESOLUTION TO APPROVE AN INFRASTRUCTURE EXTENSION DEVELOPMENT AGREEMENT WITH STUARD HOMES, LLC CONCERNING THE DEVELOPMENT OF PUBLIC INFRASTRUCTURES.

WHEREAS, the City of Hobbs is proposing to enter into an Infrastructure Extension Development Agreement with Stuard Homes, LLC, concerning the projection of Calle Grande (+/- 596 Lin. Ft.) from the existing terminus north to the Developers north property line; and

WHEREAS, the aforementioned Development Agreement requires the Developer to construct all of the public infrastructures as stated above; and

WHEREAS, after receipt of the Engineer of Records Certification of Compliance and recordation of any public infrastructure dedications\leases as required, the City shall reimburse the Developer for a portion of the costs of the Public Infrastructure so installed, not to exceed \$123,372.00, providing the same occurs within 550 days of ratification of the Development Agreement; and

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

PASSED, ADOPTED AND APPROVED this 5th day of December, 2022.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

**PROJECTION OF CALLE GRANDE
NORTH OF EL CENTRO
FAIR SHARE DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this 5th day of December 2022, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and **Stuard Homes LLC, 4915 W. Steel Driver Rd., Hobbs, NM 88240** (hereafter called "Developer").

RECITALS:

WHEREAS, "Developer" is required to extend Public Infrastructure adjacent to Developers West Property Line, being the projection of Calle Grande, a Major Collector, north of the existing terminus for a distance of +/- 596 feet to the Developers north Property Line; and

WHEREAS, "Developer" has requested Municipal participation in the public infrastructure extension as per Resolution #7063 adopted June 21, 2021 being the "Public Participation Infrastructure Extension Development Agreement Policy"; and

WHEREAS, "City" has examined the proposed extension of Public Infrastructure, the larger area that could be served and the Life, Health and Safety benefits of the proposed extension, and has concluded that participation in the cost of the proposed extension would benefit the City.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. The Developer shall design or cause to be designed construction plans for the development of public infrastructure, comprised of +/- 596' of a full Major Collector Roadway, including all utilities, for municipal review and approval.
2. Upon approval of the construction plans the Developer shall construct or cause to be constructed, public infrastructure. The Developer shall employ the services of a registered New Mexico Civil Engineer who shall certify the installation of the public infrastructure as to compliance with the plan set and City of Hobbs Standards prior to municipal acceptance.
3. After receipt of the Engineer of Records Certification of Compliance and recordation of any public dedications as required, the City shall reimburse the Developer up to 50% of the actual cost (excluding GRT) for the Public Infrastructure so installed, not to exceed \$123,372.00.
4. The City shall waive Developer fair share assessments for those infrastructures herein installed by the Developer. Fair share assessment for adjacent properties shall be due upon access as per the City of Hobbs Utility Service Policy.
5. The City shall allow access to and service from the newly installed public infrastructure as proposed herein, to any property adjacent thereto upon receipt of Fair Share Assessments as per the City of Hobbs Utility Service Policy.
6. Responsibilities of the parties hereto are as follows:
 - A. The Developer shall:
 - 1) Acquire all public infrastructure easements if required.
 - 2) Submit a Plan Set for review and approval.
 - 3) Employ the services of a Civil Engineer to oversee the Construction of the public infrastructure.

B. The City shall:

1) Review and Approve construction plan set.

2) Upon receipt of the Engineer of Records Certification of Compliance and recordation of any public dedications as required, the City shall reimburse the Developer up to 50% of the actual cost (excluding GRT) for the Public Infrastructure so installed, not to exceed \$123,372.00.

3) Waive fair share assessments for those infrastructures herein installed by the Developer. Fair share assessment for adjacent properties shall be due upon access as per the City of Hobbs Utility Service Policy.

4) Allow access to and service from the newly installed public infrastructure as proposed herein, to any property adjacent thereto upon receipt of Fair Share Assessments as per the City of Hobbs Utility Service Policy.

7. 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: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Developer – **Stuard Homes LLC, 4915 W. Steel Driver Rd., Hobbs, NM 88240**, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

8. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

9. Representations of City.

A. City is a duly organized and validly existing municipal corporation under the laws of the State of New Mexico with full municipal power to enter into this Agreement and to carry out the terms, conditions and provisions hereof.

B. City shall review and process the construction plan set in a forthright manner and with due diligence.

10. Representations of Developer.

To the best knowledge of Developer, there is no litigation, proceeding or governmental investigation, either pending or threatened in any court, arbitration board or administrative agency against or relating to Developer to prevent or impede the consummation of this Agreement by Developer.

11. BREACH

A. The following events constitute a breach of this Agreement by Developer:

Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

B. The following events constitute a breach of this Agreement by City:

City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

13. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. 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.

14. GOVERNING LAWS. 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.

15. TERMINATION. This Agreement shall be terminated upon the completion of all installation and construction defined herein or 580 days from ratification.

16. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among and between City and Developer and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

DEVELOPER – **Stuard Homes LLC**

Sam D. Cobb - Mayor

BY: _____

Its: _____

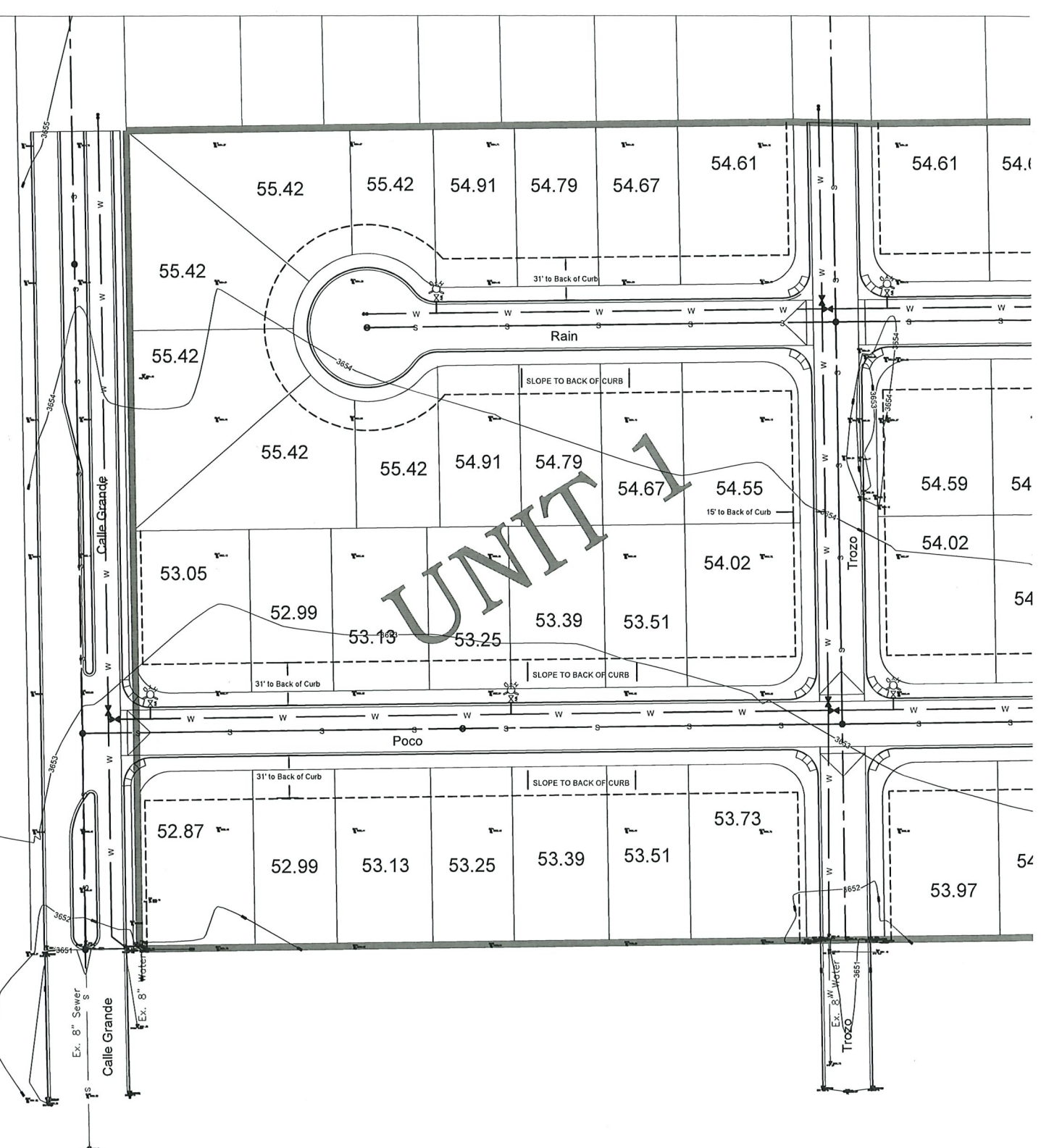
ATTEST:

APPROVED AS TO FORM:

Jan Fletcher, City Clerk

Efren Cortez, City Attorney

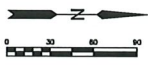
596 ft



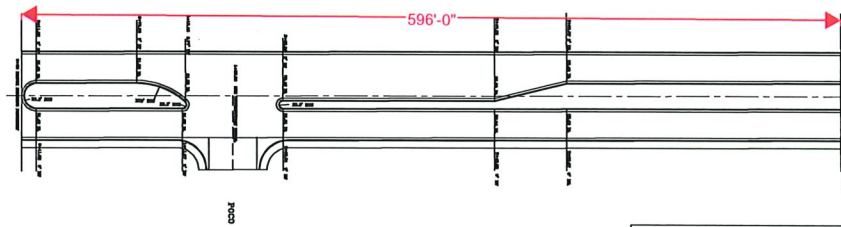
EXIST. MH
RIM 3650.71
INVERT 3642.11 (from Survey)



DATE	BY	CHK	APP



INSTALL 1" WATER SERVICE IN EACH MEDIAN



MOUNTABLE CURB AND GUTTER GENERAL NOTES:

- CONCRETE SHALL CONSIST OF 3" MINIMUM STRENGTH 3000 PSI COMPACTED CONCRETE AT THE POINT OF SPALLS AND 2" MINIMUM STRENGTH 3000 PSI COMPACTED CONCRETE AT THE POINTS OF SPALLS. ALL CONCRETE SHALL BE PLACED BY MACHINE, INTERVALS MAY BE INCREASED TO 80'.
- CONCRETE SHALL CONSIST TRANSVERSE CONTRACTION JOINTS PLACED AT 10' INTERVALS AND AT END OF BLOCKS WITH BEAD HOLES.
- ALL CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 3000 PSI AT 28 DAYS.
- MATERIAL OR HIGH CONCRETE IS TO BE PLACED SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM D 1557, METHOD C.

**MEDIAN CURB
CONCRETE MOUNTABLE (SPILL) CURB
AND GUTTER (8" X 24")**

NOT TO SCALE

STUARD DEVELOPMENT
TRINITY ESTATES
UNIT 1
MEDIAN DETAILS



Drawn By:	Checked By:
FLR	FLR
Date:	Date:
11-11-21	11-11-21
File Name:	Job No.:
TRINITY	TRINITY
SHEET	
D2	
12 of 87 sheets	