

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Cynthia D. Calderon

Patricia A. Taylor

Joseph D. Calderón

Garry A. Buie

Don R. Gerth

City Manager

J. J. Murphy

April 3, 2017



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

Monday, April 3, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
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 March 20, 2017, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming the Month of April, 2017, as "Fair Housing Month"

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

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

3. Resolution No. 6534 - Authorizing Appointments to Various City of Hobbs Advisory Boards *(Mayor Sam Cobb)*
4. Resolution No. 6535 - Authorizing Adoption of the Required Community Development Block Grant (CDBG) Annual Certifications and Commitments (2017) CDBG 16-C-NR-I-01-G-03 *(Todd Randall)*

DISCUSSION

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

5. **FINAL ADOPTION:** Ordinance No. 1100 - Amending Section 2.56.580 of the Hobbs Municipal Code Relating to Nepotism for Seasonal and Temporary Employees Only *(Nicholas Goulet)*
6. **PUBLICATION:** Proposed Ordinance Approving a Real Estate Purchase Agreement to Sell and Convey Property Located at 105 West Broadway to Richard Martin for the Purchase Price of \$86,000.00 *(Kevin Robinson)*
7. Consideration of Approval of Change Order No. 1 with J & H Construction for the Trunk Line F Sanitary Sewer Replacement Phase 8 in the Amount of \$20,408.50 plus GRT *(Tim Woomer)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

8. Next Meeting Date:
 - ▶ Regular Meeting - **Monday, April 17, 2017**, at 6:00 p.m.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 3, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: March 30, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of March 20, 2017

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, March 20, 2017, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

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

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Cynthia Calderon
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Charles Cunningham, Police Captain
Michael Walker, Police Captain
Clipper Miller, Police Lieutenant
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Andrew Gonzales, Fire Inspector
Raymond Bonilla, Community Services Director
Todd Randall, City Engineer
Kevin Robinson, Development Coordinator
Shelia Baker, Senior Engineer
Ronny Choate, General Services Director
Tim Woomer, Utilities Director
Toby Spears, Finance Director
Nicholas Goulet, Human Resources Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Linda Howell, Golf Course General Manager
Matt Hughes, Golf Superintendent
Wade Whitehead, Parks Superintendent
Britt Lusk, Administrative Services Director
Meghan Mooney, Director of Communications
Sandy Farrell, Library Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
44 citizens

Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Newman led the Pledge of Allegiance.

Mayor Cobb welcomed Mr. T. J. Parks, Mr. Gene Strickland and Ms. Brenda Wilson of the Hobbs Municipal Schools.

Approval of Minutes

Commissioner Taylor moved that the minutes of the regular meeting held on March 6, 2017, be approved as presented. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Presentation of Lifesaving Award to Hobbs Police Officer Scott Wimberly.

Police Chief McCall recognized Mr. Scott Wimberly, Hobbs Police Officer and presented him with the Hobbs Police Department Lifesaving Award. He stated Officer Wimberly observed a vehicle driving Northbound on Turner with its hazard lights flashing and when the vehicle pulled over, Officer Wimberly observed that a seven-day old baby was not breathing. Officer Wimberly called an ambulance and performed infant CPR and was able to dislodge the fluids in the baby's throat to revive the baby.

Mayor Cobb stated he recently received a nice compliment from a citizen regarding the professionalism of the Hobbs Police Department specifically related to a recent unattended death.

Recognition of Chad Collins of the Parks Department as Recipient of the City's Warrior Award.

Mr. Murphy presented the City's Warrior Award to Mr. Chad Collins of the Parks and Recreation Department. He stated Mr. Collins brought it to the attention of his supervisor that a City employee's family member's home had been destroyed in a fire. Mr. Murphy stated City employees came together to help the family with funds and clothing.

Presentation of Service Coins to Members of the Hobbs City Commission.

Mr. Nicholas Goulet, Human Resources Director, presented service awards to the following City Commissioners and to the Mayor:

Mayor Cobb	5-Year Service Coin
Commissioner Buie	5-Year Service Coin
Commissioner Newman	5-Year Service Coin
Commissioner Joseph Calderón	5-Year Service Coin; 10-Year Service Coin; 15-Year Service Coin; and 20-Year Service Coin

Public Comments

Ms. Wanda Bell addressed comments individually to Commissioner Calderón regarding remarks he made about her.

Mr. Chad Collins expressed gratitude to the Commission and Mr. Murphy for implementing a family team environment. He encouraged the Commission to retain Mr. Murphy as the City Manager.

Mr. Robert Lujan, a citizen, expressed concern that no community engagement meetings have been scheduled by the Hobbs Police Department and what role law enforcement will have related to immigration.

In reply to Mr. Lujan's question, Mayor Cobb stated the City has not received any complaints on immigration. He stated that speaks volumes and indicates that immigration is not being imposed in Hobbs. He agreed with Mr. Lujan that community meetings do need to be scheduled.

Mr. Murphy stated in April, 2017, the City will schedule a project entitled "City Hall for a Day" which will be rotated and held in different areas of the community to take local government out into the community. Representatives from each City Department will be present to assist citizens. He stated Police Chief McCall will be there to introduce officers to engage with the community.

Police Chief McCall stated the Police Department's policy on immigration will not be changing. He stated it is the Police Department's job to protect the citizens and not regulate immigration laws which is a Federal job function.

Ms. Pearl Bell questioned if Ms. Wanda Bell's earlier complaint tonight will be investigated.

Consent Agenda

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items.

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

Resolution No. 6528 - Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (413 North Selman and 1304 West Sanger).

Resolution No. 6529 - Authorizing Submission of a Grant Application to the New Mexico Local Government Division for the Law Enforcement Protection Fund (LEPF) for FY 17-18 in the Amount of \$87,600.00.

Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution, agreement and supporting documentation are attached and made a part of these minutes.

Discussion

Discussion of Ideas Related to a Convention and Visitors Bureau.

Ms. Meghan Mooney, Communications Director, presented a PowerPoint to the Commission regarding a proposed Convention & Visitors Bureau (CVB). She stated a CVB is a not-for-profit organization that promotes a town, city, region, or county in order to increase the number of visitors. Ms. Mooney covered the history/background of organizations that run a CVB or similar entity such as Silver City, Carlsbad and Las Cruces. She also supplied additional information related to staffing, facility needs, funding, staff responsibilities and events held. She stated the City of Hobbs has a lot of events that can be marketed through a CVB.

In reply to Mayor Cobb's inquiry, Ms. Mooney stated all local Chambers of Commerce were aware that a CVB was being explored but they were not contacted for specific input.

In response to Commissioner Gerth's question, Ms. Mooney stated the CVB would promote non-profit organizations.

Mr. Murphy stated the City currently promotes its own events. He stated the CVB is an example of what other cities utilize.

Mayor Cobb stated the City has become an economic development area and it needs to promote quality of life, shopping, retail, etc., that is offered here as a place to live, work and play. He stated a CVB could be used as an economic development tool to work on

industrial development, creation of jobs, retail, etc. Mayor Cobb stated the Commission needs to determine what vision it would like to promote.

Commissioner Gerth question if this would eliminate the need for Mr. McDaniel to travel to promote softball events in Hobbs. Mr. Murphy stated staff would still travel to various areas to bring different events to the community but the City does not have anyone on staff solely dedicated to promoting City events. Mr. Murphy stated the NMML Conference was a big event for Hobbs and it was awarded three years ago. Currently, no other big events are scheduled for Hobbs.

Mayor Cobb suggested that the police and fire departments should schedule some of their statewide training in Hobbs.

In response to inquiries by Commissioner Cynthia Calderon and Commissioner Taylor, Ms. Mooney stated the central focus of a CVB would be to establish the theme and brand.

Commissioner Newman recommended the City to visit with all of the local Chambers of Commerce, Hobbs Municipal Schools and local colleges to receive input on the creation of a CVB.

Mr. Murphy stated the City could have its own staff person at first to initially operate the CVB. He emphasized the need to have a full time person marketing the community.

Commissioner Buie stated the City is already top heavy on personnel but he stated it has been a great discussion which everyone can contemplate and think over.

Mayor Cobb thanked Ms. Mooney for the presentation.

Action Items

PUBLICATION: Proposed Ordinance Repealing Chapter 3.20 of the Hobbs Municipal Code and Enacting a New Chapter 3.20 Establishing a Revised City Procurement Policy.

Mr. Toby Spears, Finance Director, explained the proposed ordinance and stated Hobbs is a home rule charter City, it is allowed by law to adopt its own procurement policy by ordinance. He stated the ordinance needs to be repealed and replaced to incorporate additional processes and procedures for guidance on procurement. Mr. Spears reviewed the following list of proposed changes in the new ordinance:

1. Changes to the evaluation criteria for non-qualification based RFP's requiring a minimum cost factor of 20%.
2. Requires all proposers and bidders to sign: (1) An affidavit of non-collusion; (2) a related party form disclosing any financial interests with the City of Hobbs; and (3) a Debarment certificate disclosing any debarment from the State of New Mexico, Federal government or the City of Hobbs.
3. Adds additional language on multi-year contracts requiring task orders to be evaluated and justified by a Department Head committee.
4. Adds language to professional service contracts between \$20,000 and \$60,000 thresholds requiring three written quotes with justification (when applicable).
5. Changes languages of purchases from elected officials or employees to the City of Hobbs shall follow the New Mexico Governmental Conduct Act as it relates to purchases from elected officials or employees. The changes also enact a new Section XII Procedures for related party expenditures requiring City of Hobbs employees and elected officials to submit an employee financial disclosure form.
6. Changes Section IV on public works contracts.
7. Changes Section VI of the fixed asset policy adding additional language on definitions, procedures for auctions, annexing and donations of property.
8. Changes procedures for receiving on a purchase order requiring scanning of receiving documents within the electronic accounting software (when applicable).
9. Updates veteran resident bidders/proposer preferences.

Mr. Mike Stone, City Attorney, stated the Governmental Conduct Act which was adopted in 2011 defines the criteria of how to do business with elected officials and City employees. He stated if an elected official does business with the City, it needs to be properly disclosed during a public meeting. Mr. Stone further stated there also has to be a competitive process.

Mr. Spears stated the proposed changes and revisions to the City's Procurement Policy will only make the City better.

There being no further discussion, and no comments from the audience, Commissioner Joseph Calderón moved that the Commission publish notice of its intent to adopt the

ordinance at a later date. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Consideration of Approval of a Memorandum of Understanding and Field Use Agreement with the Hobbs Municipal Schools Regarding Veterans Memorial Complex.

Mr. Doug McDaniel, Parks and Recreation Director, stated the City and the Hobbs Municipal Schools entered into an agreement, in the past, governing the use of the fields by the Hobbs High School Baseball and Softball Teams which has been a great relationship. He stated the Schools have mutually cooperated to allow youth baseball and softball tournaments to be planned both during and outside of the HHS Baseball/Softball seasons. It is proposed that the agreement be renewed for an additional term.

Mr. Parks expressed appreciation for the City's relationship with the Schools. He stated the Veterans Memorial Complex is a great facility.

Mr. Parks also expressed appreciation for the relationship with Mr. Murphy. He stated they may not always agree but they are always professional.

Mr. Parks announced that the Hobbs Holiday Tournament will now host 8 women's teams in addition to the 8 men's teams which will double the participation at the tournament.

There being no further discussion, Commissioner Cynthia Calderon moved to approve the Memorandum of Understanding for field use at Veterans Memorial Complex as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes

Consideration of Approval of Renewing the Professional Services Agreement with Life Skills Fore Youth of the Pecos for the First Tee Program at Rockwind Community Links.

Ms. Linda Howell, Golf Course General Manager, the City of Hobbs has funded the First Tee Program at Rockwind Community Links for the previous two years. She stated the partnership with Life Skills Fore Youth of The Pecos has afforded local youth golfers to participate in the nationally renowned, First Tee Program. Ms. Howell stated The First Tee's Nine Core Values, Nine Healthy Habits and Code of Conduct continue to have a positive impact on all that participate in this program at Rockwind Community Links. She further added by renewing this agreement, Rockwind Community Links will continue to

be officially designated as a "First Tee of Southeastern New Mexico Program Location" and will receive all considerations normally associated with First Tee Program locations as described in the attached agreement.

Ms. Howell introduced Ms. Adrienne Fields, with Life Skills Fore Youth of the Pecos, and Ms. Christy Hughes, Director of Development for First Tee Program.

Ms. Fields stated the program not only teaches golf skills but also teaches valuable life skills to all of the children who participate in the program. She stated 500 youth have been impacted. Commissioner Gerth stated it is amazing to see all the youth who participate in the program.

In response to Commissioner Gerth's question, Ms. Hughes stated the average attendance for the First Tee Program is an average of 125 youth. She stated the distance to the golf course is not an issue for the youth to attend the program.

In reply to Commissioner Taylor's inquiry, Ms. Hughes stated the sign up fee to attend the First Tee Program is \$70.00 for 11 weeks.

There being no further discussion, Commissioner Buie moved to approve the agreement with Life Skills Fore Youth of the Pecos for the First Tee Program at Rockwind Community Links as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

Resolution No. 6530 - Authorizing the Purchase of Two (2) Public Transportation Buses and Surveillance Cameras for Hobbs Express Under the State of New Mexico GSA Price Agreement No. 60-000-15-0015 from Creative Bus Sales in the Amount of \$283,875.00.

Ms. Jan Fletcher stated Hobbs Express' ridership remains steady at approximate 58,000. She stated Hobbs Express is requesting approval to purchase two buses with cameras. She stated the buses are equipped with a ramp which allows every passenger to use the same entranceway into the bus. Ms. Fletcher further stated Hobbs Express is additionally requesting approval to purchase cameras to be installed in the nine existing buses. She stated some unique features include:

- ▶ This will increase speed of operation (ramp vs. hydraulic lift)
- ▶ Ride quality (no more loud vibration from the hydraulic lift; controlled temperature - minimizes loss of heating/air conditioning having two doors open on the bus)
- ▶ Passenger dignity (everyone enters the bus at the same point)

- ▶ Safety (easier access for elderly riders; minimizes liability for trips/falls on the steps of the bus)

Ms. Fletcher stated the buses and cameras will be purchased under GSA Contract from Creative Bus Sales. She stated the City will be reimbursed 80% of the total purchase cost of \$283,875.00 which is \$227,100.00 resulting in a net cost to the City of \$56,775.00.

In reply to Commissioner Gerth's inquiry, Ms. Fletcher stated the two buses will be replacements of two 2009 buses.

In response to Mayor Cobb's question, Ms. Fletcher stated the two proposed buses will become assets of the City of Hobbs.

In reply to Commissioner Newman's inquiry, Ms. Fletcher stated the cameras will be installed for safety. She further stated there have not been any serious situations that have taken place on the Hobbs Express buses.

Commissioner Newman commented that the bus drivers are always friendly and courteous drivers.

There being no further comments, Commissioner Newman moved that Resolution No. 6530 be adopted as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Resolution No. 6531 - Approving a Development Agreement with ABS Homes Concerning the Development of Market Rate Single Family Housing Units Located Within the Zia Crossing Subdivision.

Resolution No. 6532 - Approving a Development Agreement with Black Gold Estates, LLC, Concerning the Development of Market Rate Single Family Housing Units Located Within the Zia Crossing Subdivision.

Resolution No. 6533 - Approving a Development Agreement with French Brothers, Inc., Concerning the Development of Market Rate Single Family Housing Units Located Within the Zia Crossing Subdivision.

Mr. Kevin Robinson, Development Coordinator, explained the development agreement with ABS Homes, Black Gold Estates and French Brothers, Inc., and stated these developments were approved by the Planning Board and since then there has been some slight deminimis changes. He stated all of the proposed developments are market rate housing located within the Zia Crossing Subdivision.

Mayor Cobb stated the proposed development agreements will bring value to the community in the amount of \$36 million and the County will get a share by receiving property taxes.

In reply to Commissioner Newman's question, Mr. Murphy stated the Multiple Listing Service for Hobbs currently contains about 150 homes.

There being no further comments, Commissioner Joseph Calderón moved that Resolution No. 6532 and 6533 be adopted as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman no, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie no, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Commissioner Joseph Calderón moved that Resolution No. 6531 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman no, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie no, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documents are attached and made a part of these minutes.

Consideration of Approval of Task Order to Ramirez & Sons for Miscellaneous Drainage Improvements in the Amount of \$250,000.00 Including GRT.

Mr. Todd Randall, City Engineer, explained the first task order and stated the Engineering Department, in conjunction with the Street Department, have identified three drainage improvement projects that would either address the Street Department maintenance problem, mitigate property damage during small storm events or inundate intersection with no drainage relief. He stated the three drainage improvement projects are as follows: (1) Industrial & Commerce Intersection in the amount of \$100,000.00; (2) Marquis Alley - Fire Station No. 3 to Camino Real in the amount of \$90,000.00; and (3) Commercial Alley Improvements - Grimes Street from Caprock to Kiowa/Sandridge in the amount of \$60,000.00.

Consideration of Approval of Task Order to Ramirez & Sons for Paving Improvements on Main Street in the Amount of \$351,000.00 Including GRT.

With regard to the second task order, Mr. Randall stated Entrench is currently under contract with the City for the Sidewalk and ADA Improvements along Main Street which is partially Federally funded. He further stated this project only includes pavement patching and roadway where concrete improvements are installed. Mr. Randall stated the re-paving of the entire roadway would eliminate patchwork pavement and

construction joints throughout Main Street. He further stated the change order would be issued for a net contract price of approximately \$75,000.00 from the Entrench contract which would eliminate all minor paving on the project and would eliminate the increase of quantities for intersection re-pavement with the current Entrench contract. Mr. Randall estimated the cost for the scope of work by contracting through the City's annual agreement with Ramirez & Sons is in the amount of \$351,000.00.

There being no further discussion, Commissioner Newman moved to approve the Task Order with Ramirez & Sons for Miscellaneous Drainage Improvements in the Amount of \$250,000.00 and the Task Order with Ramirez & Sons for Paving Improvements on Main Street in the Amount of \$351,000.00 including GRT as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie 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

Mr. Murphy stated the State Legislative session is concluded and a special session may be called in the near future by the Governor to address the State's budget. He also stated he is proud to stand with the Commission and expressed appreciation for their dedicated service to the community.

Commissioner Gerth expressed appreciation for everyone's attendance at tonight's meeting. He commented that the First Tee Program is an awesome program and staff is doing a great job with the kids.

Commissioner Cynthia Calderon thanked Mr. Randall for resolving a recent constituent issue. She also expressed appreciation to all City employees for the hard work they do.

Commissioner Taylor expressed appreciation for everyone's attendance at tonight's meeting. She stated southeast Hobbs shows improvements made by the City.

Commissioner Buie stated he is so proud on how Schools and City representatives work well together.

Commissioner Buie stated the Hobbs Fire Department does a great job for the City. He stated there have been a lot of fires to fight.

Commissioner Newman complimented Mr. Britt Lusk, Administrative Services Director, on the huge turnout of people for the free vaccination clinic at the Hobbs Animal Adoption Center. He stated he drove by there and saw a very long line of people with their pets to get free vaccinations.

Mayor Cobb also expressed appreciation to everyone for attending tonight's meeting.

Adjournment

There being no further discussion or business, Commissioner Joseph Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:45 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, fair and equal housing is a right guaranteed to all Americans; and

WHEREAS, the principle of fair and equal housing is a fundamental human entitlement; and

WHEREAS, all citizens have the right to live where they choose within their financial means; and

WHEREAS, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

WHEREAS, we must, as individuals, assure equal access to housing for all in our communities; and

WHEREAS, the City of Hobbs acknowledges the importance of assuring fair and equal treatment to all citizens;

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim April, 2017 as,


"FAIR HOUSING MONTH"

in the City of Hobbs.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April, 2017, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk





CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 4-3-17

SUBJECT: Resolution Authorizing the Mayor to Make Appointments to City Advisory Boards.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: 3-28-17
SUBMITTED BY: Ann Betzen

Summary:

The Mayor would like to re-appoint the following members whose terms expired March 31, 2017:

Cemetery Board, Cindy Walker, Joanne Zespy and Benny Greenlee; to the **Community Affairs Board**, Cathy Marshall, Kevin Naegele and Pat Duran; to the **Library Board**, Sarah Reid, Robin Needham and Melissa Clark; to the **Planning Board**, Larry Sanderson, Dwayne Penick and Guy Kesner; to the **Utilities Board**, Kerry Romine. All appointees to serve a two-year term commencing March 31, 2017.

The Mayor would like to appoint Arturo Navarrette to fill the position vacated by Cynthia Calderon. Term will expire March 31, 2019.

The Mayor would also like to re-appoint Dean Miniacci to the **Lodgers' Tax Board** to serve a three year term commencing January 1, 2017.

Fiscal Impact:

There is no fiscal impact on the current year budget.

Reviewed By: _____


Department

Attachments:

Legal Review:

Approved As To Form: _____

City Attorney

Recommendation:

Motion to approve Resolution.

Approved For Submittal By:

Department Director


City Manager *AcM*

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COMMISSION ACTION TAKEN

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

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

CITY OF HOBBS

RESOLUTION NO. 6534

A RESOLUTION AUTHORIZING THE MAYOR
TO MAKE APPOINTMENTS TO
THE CITY OF HOBBS ADVISORY BOARDS

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is authorized to make appointments to the following advisory boards, each to serve a two year term commencing March 31, 2017:

Cemetery Board re-appoint: Cindy Walker, Joanne Zespy and Benny Greenlee

Community Affairs Board re-appoint: Cathy Marshall, Kevin Naegele and Pat Duran

Library Board re-appoint: Sarah Reid, Robin Needham and Melissa Clark

Planning Board re-appoint: Larry Sanderson, Dwayne Penick and Guy Kesner

Utilities Board re-appoint: Kerry Romine

The Mayor would like to appoint Arturo Navarrette to the Community Affairs Board to fill the position vacated by Cynthia Calderon. Term will expire March 31, 2019.

The Mayor also wishes to re-appoint Dean Miniacci to the Lodgers' Tax Board to serve a three year term commencing January 1, 2017.

PASSED, ADOPTED AND APPROVED this 3rd day of April, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 3, 2017

SUBJECT: ADOPTION OF REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL CERTIFICATIONS AND COMMITMENTS (2017)

DEPT. OF ORIGIN: Engineering Department
DATE SUBMITTED: March 28, 2017
SUBMITTED BY: Todd Randall, City Engineer

Summary:

Citizen Participation Plan:

The City certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)

Fair Housing:

The City certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin.

Residential Anti-Displacement and Relocation Assistance Plan:

The City certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity.

Section 3:

The City certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

Community Development Block Grant projects are an important source of revenues to upgrade low and moderate income areas in the City.

Attachments:

Resolution, Citizen Participation Plan, Fair Housing Self-Assessment, Residential Anti-Displacement and Relocation Assistance Plan, Section 3 Plan

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

To make a motion to approve the Resolution for the Mayor to adopt the CDBG Annual Certifications and Commitments

Approved For Submittal By:

[Signature]
Department Director
[Signature] - Acting
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. 6535

A RESOLUTION AUTHORIZING ADOPTION OF THE REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL
CERTIFICATIONS AND COMMITMENTS (2017)
CDBG 16-C-NR-I-01-G-03

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the City of Hobbs (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

- Citizen Participation** certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)
- Fair Housing** certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin
- Residential Anti-Displacement & Relocation Assistance** certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity
- Section 3** certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and hereby is, authorized to adopt the above CDBG certifications and commitments that must be adopted annually.

PASSED, ADOPTED AND APPROVED at a duly called and convened regular meeting of the governing body of the City of Hobbs this 3rd day of April, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

EXHIBIT 1-P

CITIZEN PARTICIPATION PLAN WITH REQUIRED ELEMENTS

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, _____ The City of Hobbs _____ has prepared and adopted this Citizen Participation Plan.

Objective A

_____ The City of Hobbs _____ will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

_____ The City of Hobbs _____ will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

_____ The City of Hobbs _____ will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

 The City of Hobbs will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

 The City of Hobbs will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

 The City of Hobbs will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

EXHIBIT 1-O-2 Fair Housing Self-Assessment

COMMUNITY OF: Hobbs

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

Yes No

2. If yes, give a brief description of the nature of any complaints and resolutions.

Yes No

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

Yes No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Severity
Color	Not a Problem
Familial Status	Not a Problem
Handicap	Not a Problem
National Origin	Not a Problem
Race	Not a Problem
Religion	Not a Problem
Sex	Not a Problem

5. Does your community contain any subsidized housing units?

Yes No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

Yes No

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

Yes No

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

Yes No

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

Yes No

10. Is there public transportation available in your community?

Yes No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

Yes No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

Yes No

13. Has your community participated in the CDBG program prior to 1993?

Yes No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

Yes No

Signature of Authorized Official

Date

Exhibit 1-R
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE
PLAN WITH REQUIRED ELEMENTS

Residential Anti-Displacement and Relocation Assistance Plan

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, the City of Hobbs must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps the City of Hobbs will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. the City of Hobbs's Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within the City of Hobbs to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless the City of Hobbs has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between the City of Hobbs and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before the City of Hobbs enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, the City of Hobbs must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the City of Hobbs. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in the City of Hobbs and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, the City of Hobbs must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within the City of Hobbs.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to the City of Hobbs for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if the City of Hobbs or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the the City of Hobbs determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. the City of Hobbs determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. **Screening of Applications** All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. **Acquisition of Property** Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
 - 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by the City of Hobbs covering the rehabilitation or demolition.

IX. Grievances

The the City of Hobbs will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.

- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

IX. Certification

The _____ the City of Hobbs _____ herewith certifies to follow the Anti-displacement relocation plan described above and adopt the plan by resolution annually.

Plan Adoption Date: _____

Adoption Instrument: _____

Certified By: _____

_____ Date

Sam D. Cobb

Mayor

Copy to Local Government Division with attachments

EXHIBIT 1-T

SECTION 3 PLAN WITH REQUIRED ELEMENTS

The City of Hobbs is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The City of Hobbs has appointed the HR Director as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City of Hobbs. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Hobbs shall:

1. Hiring
 - a. Advertise for all City of Hobbs positions in local newspapers
 - b. List all City of Hobbs job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the City of Hobbs. This means that if two equally qualified persons apply and one is a resident of the City of Hobbs and one is not, the resident will be hired
 - d. Maintain records of City of Hobbs hiring as specified on this form

<u>City of Hobbs</u> ANTICIPATED/ACTUAL HIRES			<u>2017</u> HIRING YEAR	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income <u>City of Hobbs</u> Residents	# of Positions Filled	Positions Filled by Lower Income <u>City of Hobbs</u> Residents
Public Safety	12	3		
All Other	45	10		

- Chart for Section 3 Plan **MUST** be filled out in its entirety.

2. Contracting

- a. The City of Hobbs will compile a list of businesses, suppliers and contractors located in the City of Hobbs.
- b. These vendors will be contacted for bid or quotes whenever the City of Hobbs requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City of Hobbs and one from outside the City of Hobbs, the contract will be awarded to the business located within the community.

3. Training

The City of Hobbs shall maintain a list of all training programs operated by the City of Hobbs and its agencies and will direct them to give preference to City of Hobbs residents. The City of Hobbs will also direct all CDBG sponsored training to provide preference to City of Hobbs residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the

subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City of Hobbs shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Hobbs will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in City of Hobbs and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for City of Hobbs. Information contained in our Section 3 Plan reflects the status of the City of Hobbs employees regarding lower income considerations based on their salary paid by the City of Hobbs.

Sam D. Cobb

Mayor

Date



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 6, 2017

SUBJECT: An Ordinance Amending 2.56.580 of the Hobbs Municipal Code


DEPT. OF ORIGIN: Human Resources
DATE SUBMITTED: February 24, 2017
SUBMITTED BY: Nicholas Goulet, Human Resources Director

Summary: The City of Hobbs traditionally hires a significant number of seasonal employees for our Parks and Recreation Summer Programs. These employees are generally High School age young people who provide services as lifeguards and recreational assistants for our numerous summer recreation programs. This summer the City will employ approximately 155 seasonal employees and that number will increase once the CORE opens. Our pool of applicants is hampered each year because of our nepotism policy (2.56.580 HMC). The Ordinance prohibits relatives of City Commissioners, the Mayor and City Manager from employment with the City. The term "Relative" includes spouses, parents, children, siblings, grandparents, grandchildren, great-grandchildren, great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews. The term "Relative" includes the listed kin by blood or marriage. In other words a Commissioners step-brother's son's, daughter (commissioner's step great niece) cannot be hired as a summer lifeguard under our current Ordinance. This proposed amendment would exempt the prohibition of 2.56.580 (A.) (1.) as to seasonal or temporary employees, but continues to prohibit hiring of children, grandchildren and siblings of commissioner, the mayor and the city manager.

Further, the current ordinance prohibits a person from being hired by the City if the position is under the direct supervision of the departmental chain of command of a relative within the third degree of kindred. (Same level of kindred as the prohibition against hiring relatives of Commissioners, Mayor or City Manager). In other words, the step-great niece of an employee at Parks and Rec cannot be hired at the City as summer recreation assistant. Again, the pool of potential applicants for our seasonal workers is hampered by the current Ordinance. This proposed amendment would limit the prohibition of 2.56.580 (A.) (2.), as to seasonal or temporary employees, as long as the employee is not supervised by their immediate supervisor or supervisor's supervisor.

Fiscal Impact:
No fiscal impact

Reviewed By: _____


Finance Department

Attachments:
Ordinance

Legal Review:

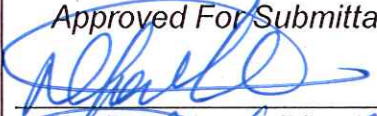
Approved As To Form: _____


City Attorney

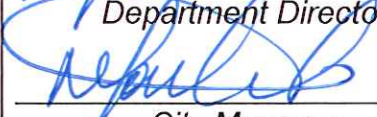
Recommendation:

The Commission approves the suggested Ordinance changes to seasonal and temporary employees only as stated in subsection (A) (5).

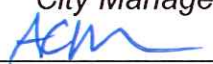
Approved For Submittal By:



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

ORDINANCE NO. 1100

AN ORDINANCE REVISING CHAPTER 2.56.580 OF THE HOBBS MUNICIPAL CODE
NEPOTISM

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that Chapter 2.56 of the Hobbs Municipal Code is hereby revised to read as follows.

2.56.580 Nepotism.

A. It is vital to the public image of the City to avoid the practice or appearance of nepotism in employment. In carrying out this policy, the following rules shall apply without exception unless as provided in subsection (A)(5) herein.

1) No relative shall be hired in any capacity if related to the city commissioners, the mayor, or the city manager by blood or marriage to the third degree of kindred except as provided in subsection (A)(5) herein. The third degree of kindred includes spouses, parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews.

2) No person shall be hired, promoted, or transferred to a position which is under the direct supervision or the departmental chain of command of a relative, in this case meaning a blood or marriage relation to the third degree of kindred, as defined in subsection (A)(1) of this section except as provided in subsection (A)(5) herein .

3) If two (2) employees are in positions of direct or indirect supervision through any departmental chain of command and these two (2) employees establish a relationship by

marriage, other operation of law, or through lifestyle accommodations being the substantial equivalent of a family relationship, the city manager may transfer one (1) of the employees to a position removed from the supervisory control of the other if it is determined that such transfer will serve the best interests of the City.

4) Except as provided in subsections (A)(1) and (A)(2) of this section, no applicant or employee who is a relative of another City employee shall be prohibited from seeking and holding a City position or from promotion within the municipal service, provided such recruitment or promotion is conducted in accordance with this chapter and any applicable administrative regulations.

5) Certain relatives may be appointed to "seasonal" or "temporary" employment if related to a City Commissioner, the Mayor, or the City Manager by blood or marriage, as long as the relatives are not siblings, children, or grandchildren. A seasonal or temporary person may be hired to any position only when their immediate supervisor or supervisors supervisor is not a relative, in this case meaning a blood or marriage relationship to the third degree of kindred as defined in subsection (A)(1) of this section.

B. Supervisors will not knowingly allow these nepotism provisions to be compromised and have an affirmative obligation to report any violations to their department head (Ord. 916 (part), 2003)

PASSED, ADOPTED AND APPROVED this 3rd day of April, 2017.

SAM D COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 3, 2017

SUBJECT: AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY PROPERTY LOCATED AT 105 W. BROADWAY, TO RICHARD MARTIN FOR THE PURCHASE PRICE OF \$86,000.00.

DEPT. OF ORIGIN: Legal Division
DATE SUBMITTED: April 3, 2017
SUBMITTED BY: JJ Murphy – City Manager

Summary: First Reading of the Ordinance to authorize publication to sell and convey property located at 105 w. Broadway, to Richard Martin for the purchase price of \$86,000.00. The City of Hobbs is proposing to sell a municipally owned property located at 105 W. Broadway to Richard Martin for the purchase price of \$86,000. This property was acquired by the City from the dissolution of Main Street and has no use by the City.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The revenue from this sale will be deposited into the City of Hobbs general fund.

Attachments: Ordinance; Site Map and Real Estate Purchase Agreement.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Staff recommends consideration to approve publication of the Ordinance.

Approved For Submittal By:

[Signature]
Department Director
[Signature]
City Manager
acm

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS, NEW MEXICO

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REAL ESTATE PURCHASE AGREEMENT TO SELL AND CONVEY PROPERTY LOCATED AT 105 W. BROADWAY TO RICHARD MARTIN FOR THE PURCHASE PRICE OF \$86,000.00.

WHEREAS, the City of Hobbs, a municipal corporation, is the owner of a property located at 105 W. Broadway; and

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

WHEREAS, inclusive in this Ordinance are the following:

1. **Terms of Sale:** The City proposes to sell a property located at 105 W. Broadway for the purchase price of \$83,200.00.

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

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

2. **Appraised Value of Municipally Owned Real Property:** The property has an appraisal placing value at \$86,000.

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

Earnest Money Deposit:	\$ 8,600
At Closing Balance of Cash	\$ 77,400
Total Payments	\$ 86,000

4. **The Amount of Purchase Price:** \$ 86,000

5. **Purchaser of Property:** Richard Martin

6. **Purpose of Municipal Sale:** Disposition of unused property.

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

(I)

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

LEGAL DESCRIPTION

A property comprised of Lot 3, Block 35 of the Original Hobbs Addition addressed as 105 W. Broadway.

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

(II)

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

(III)

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

(IV)

That City staff and officials are hereby authorized and directed to do all acts and deeds necessary in the accomplishment of the above.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

CITY OF HOBBS, NEW MEXICO

By _____
Sam D. Cobb, Mayor

ATTEST:

By _____
JAN FLETCHER, City Clerk

**REAL ESTATE PURCHASE AGREEMENT
CITY OF HOBBS AND RICHARD MARTIN**

THIS REAL ESTATE PURCHASE AGREEMENT (hereinafter "Agreement"), entered into this ____ day of _____, 2017, between Richard Martin, 201 E. Broadway, Hobbs, New Mexico 88240 (hereinafter "Purchaser"); and the City of Hobbs, New Mexico, a New Mexico Municipal Corporation (hereinafter "City").

RECITALS:

The City, in consideration of the mutual covenants herein contained, agrees to sell and convey, and Purchaser agrees to purchase the real estate described below, together with all buildings and improvements and all rights, hereditaments, easements and appurtenances thereunto belonging, property located at 105 W. Broadway, more particularly described as follows, and referred to hereinafter as "Property, " on the terms and conditions set forth herein.

LEGAL DESCRIPTION

Lot 3, Block 35 of the Original Hobbs Addition to City of Hobbs, Lea County, New Mexico.

NOW THEREFORE THE FOLLOWING IS AGREED BY THE PARTIES:

1. Earnest Money Deposit.

Purchaser will make an earnest money deposit with the Closing Agent in the sum of Eight Thousand Six Hundred Dollars (\$8,600.00), within 24 hours of Commission Approval of this agreement.

2. Purchase Price.

The purchase price for the Property shall be Eighty Six Thousand Dollars (\$86,000.00) of which the amount paid as earnest money shall be a part.

3. Closing Date.

Closing for the sale of the Property shall occur on a mutually agreeable date, at least forty-five (45) days, but not more than one hundred eighty (180) days after the adoption of the ordinance authorizing the sale by the City, unless a referendum election is held pursuant to 3-54-1, NMSA, 1978, as amended. The parties may extend the Closing Date by mutual agreement, not to exceed 365 days following the date of the ordinance.

4. Review of Title.

As soon as reasonably possible following the execution of this agreement, the City shall furnish Purchaser a commitment for owner's policy of title insurance ("Commitment") for the Property together with full copies of all exceptions set forth therein, including but not limited to covenants, conditions, restrictions, reservations, easements, rights of way, assessments, liens and other matters of record. Purchaser shall have fifteen (15) days from receipt of the Commitment and copies of said exceptions within which to notify the City of Purchaser's disapproval of any exceptions shown in the Report.

The City shall have until the date for closing to eliminate any disapproved exception(s) or patent reservations(s) from the policy of title insurance to be issued in favor of Purchaser, and if not eliminated, then the earnest money deposit shall be refunded, unless Purchaser then elects to waive his prior disapproval. Failure of Purchaser to disapprove any exception(s) or patent reservation(s) within the aforementioned time limit shall be deemed an approval of such exception or patent reservation. The policy of title insurance shall be a standard coverage policy in the amount of the total purchase price and shall be paid for by Purchaser.

In the event this contingency or any other contingency to this contract has not been eliminated or satisfied within the time limits and pursuant to the provisions herein, and unless Purchaser elects to waive the specific contingency by written notice to the City, this Agreement shall be deemed null and void, the earnest money deposit shall be returned to the Purchaser, and neither party shall have any rights or liabilities under this Agreement.

5. Title.

At closing, the City shall execute and deliver a Special Warranty Deed conveying the Property to the Purchaser and/or his assigns, in fee simple, subject to all patent reservations and to all other existing liens, encumbrances and other exceptions of record except those exceptions and reservations which are disapproved by Purchaser and eliminated by the City as noted above.

6. Risk of Loss.

All risk of loss or damage to the Property will pass from the City to Purchaser at closing. In the event that material loss or damage occurs prior to closing, Purchaser may, without liability, refuse to accept the conveyance of title, in which event the earnest money deposit, if any, shall be refunded. Possession of the Property by Purchaser shall occur at closing. Before closing, Purchaser shall be solely responsible to insure Purchaser's interest in the Property if Purchaser so chooses.

7. Default and Remedy.

A. Default by City. If City defaults in the performance of this Agreement, Purchaser may terminate this Agreement and receive a refund of the earnest money deposit, if any, or may waive default, enforce performance of this contract, and seek whatever legal remedy may be provided by law.

B. Default by Purchaser. If Purchaser defaults in the performance of this Agreement prior to closing, City may terminate this Agreement and retain the earnest money deposit.

C. Notice and Demand for Performance. In the event that either party fails to perform such party's obligations hereunder (except as excused by the other's default), the party claiming default will give written notice of demand for performance. If the party to whom such notice and demand is given fails to comply with such written demand within ten (10) days after receipt thereof, the non-defaulting party may pursue the remedies provided in this paragraph.

8. Costs and Fees.

The closing costs shall be paid as follows:

A. The City shall pay for title insurance binder for the value of the purchase price, title company closing fees and recording fees.

B. All other closing costs shall be paid by the Purchaser, including title insurance premium costs up to or in excess of the purchase price.

C. The Purchaser and City shall each pay for their respective legal fees.

9. Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by certified mail, postage prepaid, to the City, at City of Hobbs, ATTN: City Manager, 200 East Broadway, Hobbs, NM 88241; and to Purchaser, at 201 E. Broadway, 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.

10. Attorney's Fees and Costs.

Both parties agree that if either is found by a court to have breached this agreement, the other party may recover reasonable attorney's fees and cost of litigation, including the costs of a City Attorney as a staff person.

11. Counterparts.

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.

12. Successors and Assigns.

This Section refers to assignability of this Purchase Agreement and not to assignability of the Property after the land purchase has been completed. This Agreement may not be assigned by Purchaser without the prior written consent of the City. 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. Except that Purchaser is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which he is the principal party. Consent shall not unreasonably be withheld by either party.

13. Compliance with New Mexico State Statutes.

The City states that it has complied with the requirements of Section 3-54-1, NMSA, 1978, as amended, and that it has authorization to sell property pursuant to the Hobbs Municipal Code, as amended.

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 on the closing date for sale of property, unless either party ends the agreement prior to that date pursuant to Section 7 of this Agreement. All of the City's warranties, representations, certifications, and agreements contained herein shall be and remain true at the time of closing.

16. Conditions For Completing The Purchase.

The following actions must occur and be performed prior to Purchaser satisfactorily closing on the Property:

A. The City Commission must have approved the necessary Ordinance for the Sale of the Property, subject only to the referendum election issue as specified in 3-54-1 et. seq., NMSA, as amended.

B. There shall be no material adverse change in the condition of the Property as of closing.

C. The representations and warranties contained in this Agreement are true and correct as of the date of closing.

D. If any of the conditions set forth in this Section are not satisfied to the sole discretion of the Purchaser prior to closing, or waived by the time specified therefor, or, if no time is specified, then by the closing date, then the Purchaser shall receive a refund of the earnest money deposit plus interest earned.

17. Representations and Certifications Made By The City As A Part Of This Agreement.

The City represents and warrants to the Purchaser that the following shall be true and correct, as of the date hereof and as of the date of closing:

A. The City owns title to the Property subject only to easements, restrictions and reservations of record as disclosed in the title commitment.

B. There are no public improvements which have been commenced or completed for which special real property tax assessments may be or have been levied against the Property.

C. There are no known existing violations of applicable law with respect to the Property.

D. There is no litigation pending or threatened against the Property which might result in a lien on the Property, or might interfere with the City's ability to sell or convey the Property, or which might have a material adverse change upon the Property.

E. The execution and delivery of the Purchase Agreement and closing of the sale by the City will not result in the breach of any agreement, decree or order to which the City is a party or by which the Property is bound.

F. There are no condemnation proceedings pending or threatened with respect to all or any portion of the Property.

G. The City is not a party to any contracts relating to the Property, except for this Agreement.

18. Time of Essence.

Time is declared to be of the essence of this Agreement.

19. Additional Documents.

The parties agree to execute further documents as may be reasonably required to effectuate the purchase and sale of the Property as provided by this Agreement.

20. Entire Document.

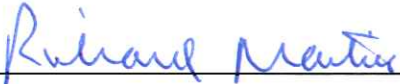
This instrument constitutes the entire agreement between the City and the Purchaser, and there are no agreements, understandings, warranties, or representations between the Purchaser and the City except as set forth herein. This Agreement cannot be amended except in writing executed by the Purchaser and the City.

Done and approved on the date first written above.

THE CITY OF HOBBS

PURCHASER
RICHARD MARTIN

Mayor Sam Cobb



ATTEST:

APPROVED AS TO FORM:

Jan Fletcher, City Clerk

Mike H. Stone, City Attorney

Subject Property

E Broadw

S Shipp St

S Turner St

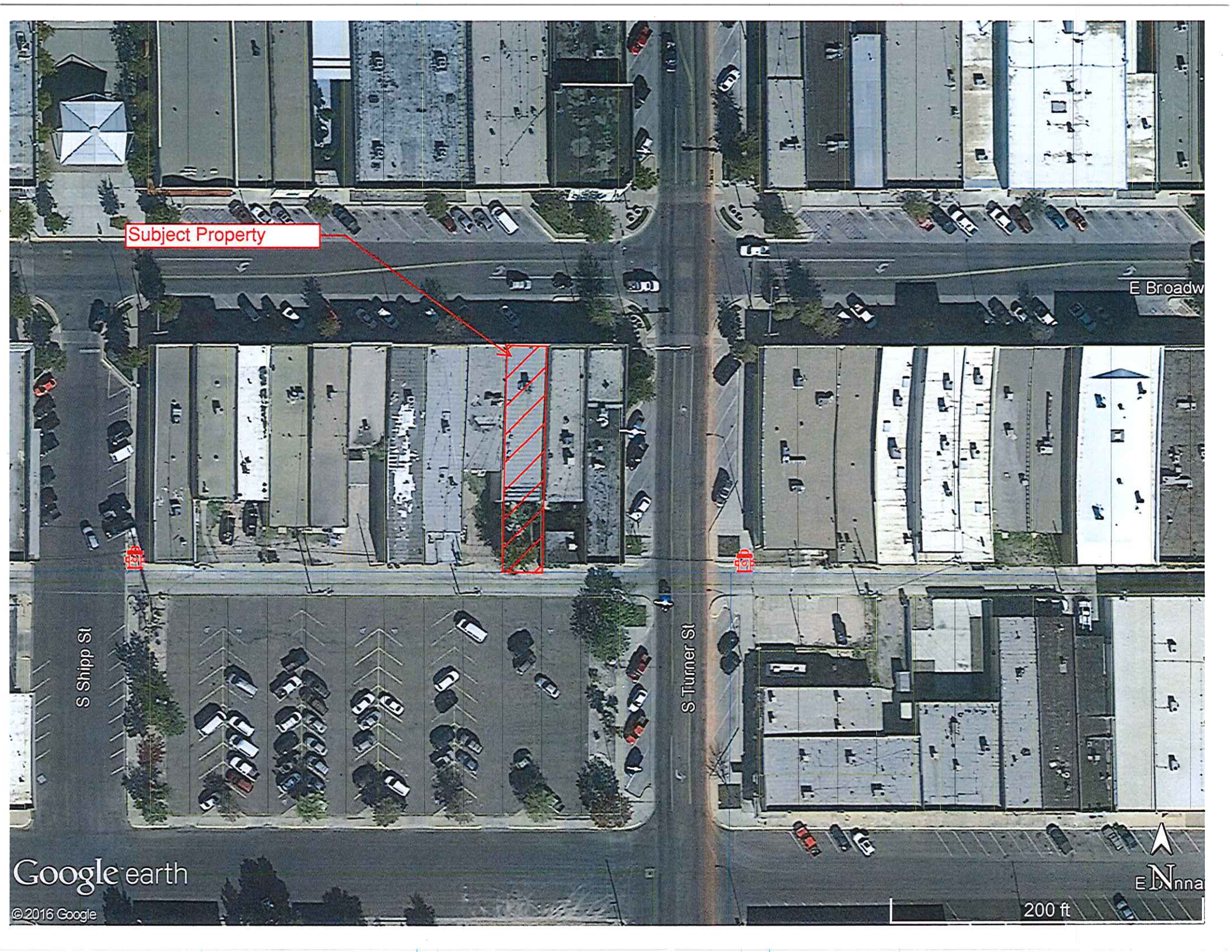


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Google earth

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***KUNKEL &
ASSOCIATES***

Providing Real Estate Valuation Solutions for Southeastern New Mexico

March 6, 2017

City of Hobbs
Attn: Kevin Robinson, Project Manager
200 East Broadway Street
Hobbs, New Mexico 88240

Re: 105 West Broadway Street, Hobbs, New Mexico

Dear Mr. Robinson,

This letter incorporates by reference the Restricted Appraisal Report prepared for the City of Hobbs on the city owned property located at 105 West Broadway Street, Hobbs, New Mexico. The Restricted Appraisal Report is dated May 31, 2016. This letter is invalid if it does not incorporate the original appraisal just cited. Per my discussion with Kevin Robinson, the City of Hobbs desires that I provide a current Fee Simple Market Value for the property.

Per the request of Kevin Robinson, the appraiser is not required to reinspect the subject property. Therefore, my conclusion of Fee Simple Market Value is **contingent upon the Extraordinary Assumption that there is no change in any physical aspects of the subject property since the property was inspected on May 31, 2016.**

In addition, based upon my knowledge of current economic conditions in the immediate market area that surrounds the subject property and based upon my research with Mr. Monte Newman and Mr. Bobby Shaw (the two most knowledgeable commercial Real Estate Brokers in Hobbs), I have concluded that there is no significant change in value of the subject property, since my original appraisal.

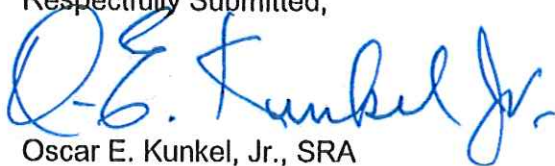
As a result of the investigation and analysis of the information gathered and **contingent upon the above cited Extraordinary Assumption,** it is my conclusion that

the Fee Simple Market Value of the subject property as of March 6, 2017, remains:

Eighty-Six Thousand Dollars

(\$86,000.00)

Respectfully Submitted,



Oscar E. Kunkel, Jr., SRA
(NM State Certified Appraiser #314-G)



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: April 3, 2017

SUBJECT: Change Order #1 Bid No. 1552-17 Trunk Line F Sanitary Sewer Replacement - Phase 8
DEPT. OF ORIGIN: Utilities Department
DATE SUBMITTED: March 28, 2017
SUBMITTED BY: Tim Woormer, Utilities Director

Summary:

Project Change Order No. 1 addresses additional work and quantities for the complete replacement of the existing 24" Sewer tie-in at the Lovington Hwy (NM 18) and Central Dr. Intersection. This change order also includes additional rebar to be included in the concrete bases for the newly installed sewer manholes on the project.

#24" Sewer Line Tie-In at Central Dr & NM 18:

After the removal of the existing concrete manhole and pipe at the NM 18 and Central Dr. intersection it was discovered that additional work would be required to complete the new manhole installation because the existing pipe grades were different than anticipated. Change Order #1 address the additional demolition, excavation, trench protection, labor, equipment, and materials needed to complete the 24" Trunk Line F tie-in at this intersection.

Total Cost: \$13,608.50

(2) #4 Rebar for Sewer Manhole Construction:

Changes include adding (2) #4 rebar to the concrete used in constructing the sewer manhole concrete bases to provide additional support and reliability.

Total Cost: \$6,800.00

Construction Time: No additional construction days are required to proceed with this additional work.

Fiscal Impact:

Reviewed By: _____

[Signature]
Finance Department

Funds for the Trunk Line F Sanitary Sewer Replacement Project – Phase 8 are budgeted in FY 17 in account 62-4062-44901-00097.

Original Contract Amount:	\$3,547,218.15
Change Order #1 Increase:	\$20,408.50
New Contract Amount:	\$3,567,926.65
NMGRT:	\$243,065.00
Revised Contract Amount:	\$3,810,991.65 (Including GRT)

Attachments: Change Order #1

Legal Review:

Approved As To Form: _____

M. H. Stae
City Attorney

Recommendation: Staff recommends the award of Change Order #1 for the Trunk Line F Sanitary Sewer Replacement Project – Phase 8, Bid No. 1552-17

Approved For Submittal By:

Tim Warner
Department Director
Robert J. ...
City Manager *ACM*

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COMMISSION ACTION TAKEN

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

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

Date of Issuance: 4/3/17	Effective Date: 4/3/17
Owner: City of Hobbs	Owner's Contract No.: 1552-17
Contractor: J & H Services, Inc.	Contractor's Project No.:
Engineer: City of Hobbs Engineering Dept.	Engineer's Project No.: 61-1178
Project: Trunk Line F Sewer Line Replacement Phase 8	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Existing Bid Item Quantities shall be modified and new Bid Items Added as shown in the table below, to account for additional work at the Central Dr. and NM 18 Intersection to address existing grade issues and to add rebar to the concrete bases for new manholes.

The new Bid Items are described as follows:

Bid Item 76 – Demolition, Excavation, Trench Protection, and all necessary labor, equipment, and materials to perform 24" Trunk Line F Tie-In at MH #1.

Bid Item 77 – (2) #4 Rebar for Manhole Concrete Bases

Bid Item No.	Existing Item Quantity	New Item Quantity	Units	Unit Price	Existing Item Value	New Item Value	Net Contract Change
1a	1,707	1,707	CY	\$8.00	\$13,656.00	\$13,656.00	
2	6,150	6,150	SY	\$3.00	\$18,450.00	\$18,450.00	
2a	2,560	2,560	SY	\$3.00	\$7,680.00	\$7,680.00	
3	675	675	LF	\$7.45	\$5,028.75	\$5,028.75	
3a	776	776	LF	\$7.45	\$5,781.20	\$5,781.20	
4	220	220	SY	\$8.95	\$1,969.00	\$1,969.00	
4a	42	42	SY	\$8.95	\$375.90	\$375.90	
5a	143	143	SY	\$8.95	\$1,279.85	\$1,279.85	
6	4	4	EA	\$185.00	\$740.00	\$740.00	
7	4	4	EA	\$755.00	\$3,020.00	\$3,020.00	
8	45	45	LF	\$11.15	\$501.75	\$501.75	
9	28	28	EA	\$1,025.00	\$28,700.00	\$28,700.00	
10	9,467	9,467	LF	\$18.25	\$172,772.75	\$172,772.75	
11	433	433	LF	\$18.25	\$7,902.25	\$7,902.25	
12	75	75	LF	\$13.70	\$1,027.50	\$1,027.50	
13	30	30	EA	\$200.00	\$6,000.00	\$6,000.00	
14	17	17	EA	\$250.00	\$4,250.00	\$4,250.00	

15	30	30	EA	\$445.00	\$13,350.00	\$13,350.00	
16a	1,707	1,707	CY	\$17.50	\$29,872.50	\$29,872.50	
17	6,150	6,150	SY	\$4.20	\$25,830.00	\$25,830.00	
17a	12,204	12,204	SY	\$4.20	\$51,256.80	\$51,256.80	
18	6,150	6,150	SY	\$10.00	\$61,500.00	\$61,500.00	
18a	6,810	6,810	SY	\$10.00	\$68,100.00	\$68,100.00	
19a	1,604	1,604	SY	\$16.50	\$26,466.00	\$26,466.00	
20	6,150	6,150	SY	\$24.50	\$150,675.00	\$150,675.00	
20a	1,525	1,525	SY	\$24.50	\$37,362.50	\$37,362.50	
21a	5,968	5,968	SY	\$1.95	\$11,637.60	\$11,637.60	
22	31	31	EA	\$1,075.00	\$33,325.00	\$33,325.00	
23a	290	290	SY	\$43.70	\$12,673.00	\$12,673.00	
24	447	447	SY	\$56.00	\$25,032.00	\$25,032.00	
24a	143	143	SY	\$56.00	\$8,008.00	\$8,008.00	
25	675	675	LF	\$20.60	\$13,905.00	\$13,905.00	
25a	708	708	LF	\$20.60	\$14,584.80	\$14,584.80	
26	9	9	EA	\$2,320.00	\$20,880.00	\$20,880.00	
27	150	150	LF	\$56.00	\$8,400.00	\$8,400.00	
28a	37	37	LF	\$34.00	\$1,258.00	\$1,258.00	
29a	2,607	2,607	LF	\$20.85	\$54,355.95	\$54,355.95	
30	55	55	SY	\$75.00	\$4,125.00	\$4,125.00	
30a	81	81	SY	\$75.00	\$6,075.00	\$6,075.00	
31a	10	10	SF	\$137.45	\$1,374.50	\$1,374.50	
32	1	1	LS	\$93,000.00	\$93,000.00	\$93,000.00	
33	15	15	DAY	\$900.00	\$13,500.00	\$13,500.00	
34	219.0	219.0	SF	\$15.15	\$3,317.85	\$3,317.85	
35	230	230	LF	\$6.80	\$1,564.00	\$1,564.00	
36	23	23	EA	\$320.00	\$7,360.00	\$7,360.00	
37	2	2	LS	\$7,690.00	\$15,380.00	\$15,380.00	
38	2	2	EA	\$995.00	\$1,990.00	\$1,990.00	
39	80	80	LF	\$13.85	\$1,108.00	\$1,108.00	

40	15	15	EA	\$1,245.00	\$18,675.00	\$18,675.00	
41a	4	4	EA	\$695.00	\$2,780.00	\$2,780.00	
42	1	1	LS	\$69,000.00	\$69,000.00	\$69,000.00	
43	1	1	LS	\$34,440.00	\$34,440.00	\$34,440.00	
44	1	1	LS	\$32,700.00	\$32,700.00	\$32,700.00	
45	1	1	LS	\$49,000.00	\$49,000.00	\$49,000.00	
46	1	1	LS	\$49,000.00	\$49,000.00	\$49,000.00	
47	1	1	LS	\$32,700.00	\$32,700.00	\$32,700.00	
48	1	1	LS	\$35,300.00	\$35,300.00	\$35,300.00	
49	6	6	CY	\$2,650.00	\$15,900.00	\$15,900.00	
50	80	80	LF	\$377.00	\$30,160.00	\$30,160.00	
51	322	322	LF	\$62.40	\$20,092.80	\$20,092.80	
52	4,460	4,460	LF	\$87.15	\$388,689.00	\$388,689.00	
53	4,900	4,900	LF	\$95.00	\$465,500.00	\$465,500.00	
54	400	440	LF	\$96.50	\$38,600.00	\$42,460.00	\$3,860.00
55	7	7	EA	\$10,750.00	\$75,250.00	\$75,250.00	
56	17	17	EA	\$11,320.00	\$192,440.00	\$192,440.00	
57	1	1	EA	\$12,000.00	\$12,000.00	\$12,000.00	
58	4	4	EA	\$14,175.00	\$56,700.00	\$56,700.00	
59	6	6	EA	\$16,880.00	\$101,280.00	\$101,280.00	
60	1	1	EA	\$12,000.00	\$12,000.00	\$12,000.00	
61	36	36	EA	\$545.00	\$19,620.00	\$19,620.00	
62	8	8	EA	\$4,640.00	\$37,120.00	\$37,120.00	
63	5	5	EA	\$4,625.00	\$23,125.00	\$23,125.00	
64	10,162	10,162	LF	\$2.20	\$22,356.40	\$22,356.40	

65a	8	8	EA	\$1,500.00	\$12,000.00	\$12,000.00	
66	30	30	EA	\$1,600.00	\$48,000.00	\$48,000.00	
67	18,360	18,360	LF	\$13.50	\$247,860.00	\$247,860.00	
68	30	30	EA	\$820.00	\$24,600.00	\$24,600.00	
69	11,200	11,200	LF	\$3.20	\$35,840.00	\$35,840.00	
70	1	1	LS	\$31,000.00	\$31,000.00	\$31,000.00	
71	1	1	LS	\$135,000.00	\$135,000.00	\$135,000.00	
72	10,162	10,162	LF	\$3.00	\$30,486.00	\$30,486.00	
73	10,162	10,162	LF	\$1.25	\$12,702.50	\$12,702.50	
74	1	1	LS	\$30,000.00	\$30,000.00	\$30,000.00	
75	10	10	EA	\$890.00	\$8,900.00	\$8,900.00	
76		1	LS	\$9,748.50		\$9,748.50	\$9,748.50
77		34	EA	\$200.00		\$6,800.00	\$6,800.00
Totals					\$3,547,518.15	\$3,567,926.65	\$20,408.50

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>3,547,518.15</u>	Original Contract Times: Substantial Completion: <u>360 days</u> Ready for Final Payment: <u>390 days</u> days or dates
Increase from previously approved Change Orders N/A	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days

Contract Price prior to this Change Order: \$ <u>3,547,518.15</u>	Contract Times prior to this Change Order: Substantial Completion: <u>360 days</u> Ready for Final Payment: <u>390 days</u> days or dates
Increase of this Change Order: \$ <u>20,408.50</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
Contract Price incorporating this Change Order: \$ <u>3,567,926.65</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>360 days</u> Ready for Final Payment: <u>390 days</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: _____	Title: _____	Title: <u>VPO OPERATIONS</u>
Date: _____	Date: _____	Date: <u>3/28/17</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

J & H Services, Inc.
 6616 Gulton Ct NE, STE 90
 Albuquerque, NM 87109

Estimate	
Date	Estimate #
2/23/2017	1282

Name / Address
City of Hobbs 200 E. Broadway St Hobbs, NM 88240

Expires	Project
3/25/2017	Trunkline; Central SAS

Item	Description	Qty	Price	Total
Construction	Additional trench boxes (including mobilization), labor, equipment and disposal of concrete collar, overhead, general conditions; 1 ls	1	9,748.50	9,748.50T
Construction	Bid Item #54- 24" Sewerline 10'-14'; 40 lf	40	96.50	3,860.00T

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner.			Subtotal	\$13,608.50
			Sales Tax (6.8125%)	\$927.08
Phone #	Fax #	E-mail	Total	\$14,535.58
505-896-9428	505-896-9429	holly@jhservicesinc.com		

J & H Services, Inc.
 6616 Gulton Ct NE, STE 90
 Albuquerque, NM 87109

Estimate	
Date	Estimate #
3/20/2017	1292

Name / Address
City of Hobbs 200 E. Broadway St Hobbs, NM 88240

Expires	Project
4/19/2017	Trunkline F; SAS Rebar

Item	Description	Qty	Price	Total
Construction	Manhole concrete base rebar, not shown in detail; 34 ea	34	200.00	6,800.00T

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner.			Subtotal	\$6,800.00
			Sales Tax (6.8125%)	\$463.25
Phone #	Fax #	E-mail	Total	\$7,263.25
505-896-9428	505-896-9429	holly@jhservicesinc.com		