

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

Marshall R. Newman

Christopher R. Mills

Larron B. Fields

Joseph D. Calderón

Dwayne Penick

Don R. Gerth

Acting City Manager

Manny Gomez

October 19, 2020



Hobbs City Commission

Regular Meeting

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

Monday, October 19, 2020 – 6:00 p.m.

Regular Meetings have resumed in the Hobbs City Commission Chamber. Members of the public are asked to wear a face mask and follow social distancing guidelines. The public is invited to address public comments to the Commission in person at the meeting or submit written comments prior to the meeting. Written comments should be submitted no later than 4:30 p.m. on October 19, 2020, addressed via email to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner – District 1

Christopher R. Mills
Commissioner – District 2

Larron B. Fields
Commissioner – District 3

Joseph D. Calderon
Commissioner – District 4

Dwayne Penick
Commissioner – District 5

Don R. Gerth
Commissioner – District 6

A G E N D A

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

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the October 5, 2020, Regular Commission Meeting

PROCLAMATIONS AND AWARDS OF MERIT

2. Recognition of City Employees - Milestone Service Awards for the Month of October, 2020 (*Manny Gomez, Acting City Manager*)
 - 5 years – George Chafino, Water Distribution
 - 5 years – Todd Dimock, Hobbs Police Department
 - 5 years – Jamie Robertson, Library
 - 10 years – Tina Funderburk, Hobbs Express
 - 15 years – Joseff Amador, Computer Operations
 - 15 years – Christopher Henry, Hobbs Fire Department
 - 15 years – Nancy Warner, Golf Maintenance
 - 20 years – Toby Spears, Finance Department

3. Proclamation Proclaiming November 1, 2020, as “*Extra Mile Day*”

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

Due to the current COVID-19 State of Emergency and the orders of the New Mexico Department of Health, public comment may be made in person and may also be submitted in writing via email to the City Clerk at jfletcher@hobbsnm.org or via fax at (575) 397-9334 no later than 4:30 p.m. on October 19, 2020.

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

4. Resolution No. 6978 – Approving Policies and Fees to Use Artificial Turf Fields as Practice Fields (*Doug McDaniel, Recreation Director, and Bryan Wagner, Parks & Open Spaces Director*)

5. Resolution No. 6979 – Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (407 West Alston and 900 North Thorp) (*Art De La Cruz, Community Services Superintendent*)

DISCUSSION

None

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

6. Resolution No. 6980 – Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants (*Toby Spears, Finance Director*)
7. PUBLIC HEARING: Resolution No. 6981 – Regarding the Restaurant Liquor License Application of Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, for the Sale of Beer and Wine (*Efren Cortez, City Attorney*)
8. PUBLIC HEARING: Resolution No. 6982 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
9. PUBLIC HEARING: Resolution No. 6983 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
10. PUBLIC HEARING: Resolution No. 6984 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
11. PUBLIC HEARING: Resolution No. 6985 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
12. PUBLIC HEARING: Resolution No. 6986 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
13. PUBLIC HEARING: Resolution No. 6987 - Concerning the Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway, Hobbs, New Mexico (*Efren Cortez, City Attorney*)
14. Resolution No. 6988 – Approving a Development Agreement with Lemke Development, Inc., in an Amount Not to Exceed \$200,000.00 Concerning the Development of Market Rate Single-Family Housing (*Kevin Robinson, Development Director*)
15. PUBLICATION: Proposed Ordinance Amending Chapter 8.12 of the Hobbs Municipal Code Related to Fireworks (*Shawn Williams, Fire Marshal*)

16. Consideration of Approval to Purchase a 2020 John Deere Backhoe in the Amount of \$95,971.37 from 4 Rivers Equipment Exchange, LLC, Utilizing CES Contract Pricing *(Tim Woomer, Utilities Director)*
17. Consideration of Approval to Accept the Proposal from Souder, Miller and Associates in the Amount of \$74,403.99 for the Stage One Abatement Plan for Wastewater Reclamation Facility (WWRF) Discharge Permit #37 *(Tim Woomer, Utilities Director)*
18. Resolution No. 6989 – Supporting Increased COVID-19 Testing in Lea County *(Mayor Sam Cobb)*

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

19. Next Meeting Date:

- City Commission Regular Meeting
Monday, November 2, 2020, at 6:00 p.m.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9208 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 13, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of October 5, 2020

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

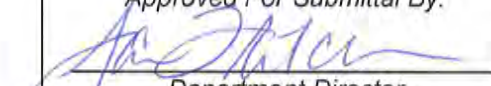
Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

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

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 5, 2020, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, and Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone to the hybrid Commission Meeting. Ms. Jan Fletcher, City Clerk, called the roll and the following answered present:

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

The following staff members were also in attendance:

Manny Gomez, Acting City Manager/Fire Chief
Efren Cortez, City Attorney
Toby Spears, Finance Director
John Ortolano, Police Chief
Barry Young, Deputy Fire Chief
Shawn Williams, Fire Marshal
Doug McDaniel, Recreation Director
Ron Roberts, Information Technology Director
Kevin Robertson, Development Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
5 Citizens

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

- At the start of the meeting, the Mayor should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via livestream.
- Mayor should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be a roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

For the record, it is noted that all of these guidelines were strictly followed during the entire City Commission meeting. Mayor Cobb requested that Commissioner Newman identify himself when speaking telephonically.

Invocation and Pledge of Allegiance

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

Approval of Minutes

Commissioner Calderón moved that the minutes of the regular meeting held on Monday, September 21, 2020, be approved as written. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Penick yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming October 5, 2020, as "Pray Hobbs Day".

Mayor Cobb proclaimed October 5, 2020, as "Pray Hobbs Day" and requested the proclamation be filed in the City's records.

Proclamation Proclaiming the Week of October 4 – 10, 2020, as "Fire Prevention Week – Serve Up Fire Safety in the Kitchen".

Mayor Cobb proclaimed the week of October 4-10, 2020, as "Fire Prevention Week" and presented the proclamation to Fire Marshal Shawn Williams. Fire Marshal Williams stated the Hobbs Fire Department (HFD) normally educates 13 elementary schools, in person, on the importance of fire safety. He stated due to the COVID-19 pandemic, HFD will not be visiting the elementary schools in person but will host activities and educational sessions virtually through social media. Fire Marshal Williams stated the Fire Prevention Week theme this year is "Serve Up Fire Safety in the Kitchen".

Fire Marshal Williams stated smoke detectors are provided year round, free of charge, to elderly citizens and small children upon request. He reminded everyone to check the batteries in smoke detectors with the upcoming time change on November 1, 2020, and to be mindful of elderly needs during this time.

Public Comments

Mayor Cobb stated members of the public may attend the meeting and personally voice their comments or submit public comments in writing prior to the meeting via email to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 by 4:30 p.m., on October 5, 2020.

Reverend B. J. Choice addressed several comments to the Commission regarding certain Commissioners not wearing masks during the Commission meetings.

Commissioner Calderón agreed with Reverend Choice. He stated teachers and parents are having difficulties with online education, and he encouraged everyone to wear a mask and do their part in preventing the spread of COVID-19 so that students can return to school.

Commissioner Fields agreed with Reverend Choice and Commissioner Calderón. He stated some Commissioners are allowing political beliefs to impact their decision and neglect what is right. He encouraged everyone to get tested for COVID-19 and wear a mask.

Mr. Bill Richards addressed the Commission regarding programming at the Hobbs Boys and Girls Club (Club). He stated the Club is planning to open a program called “Out of School Time” during the time that children are not in school. Breakfast, lunch, and one daily afternoon snack will be provided to 100 students on a first come first serve basis. Mr. Richards stated the fees apply as follows:

- Cost: Annual \$25.00 membership fee +
- \$40.00 weekly fee for one child
 - \$30.00 per child weekly fee for two children
 - \$20.00 per child weekly fee for three or more children

Mr. Richards encouraged the City to disseminate information about “Out of School Time”.

In reply to Commissioner Calderon’s question, Mayor Cobb stated he will meet with Acting City Manager/Fire Chief Manny Gomez and Mr. Efren Cortez, City Attorney, to discuss the possibility of awarding scholarships to children who may be in need to assist with the registration fees to attend the program. Mr. Richards stated the Club does offer scholarships but any help from the City would be greatly appreciated.

Mr. Richards stated the Club is currently selling car raffle tickets for their big annual fundraiser if anyone wishes to purchase one.

Consent Agenda

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

Resolution No. 6974 – Authorizing the Mayor to Approve a Grant Application with the New Mexico Department of Health EMS Fund Act Local System Improvement Project for FY 2022 for the Purchase of Four (4) SMART STAT Patient Simulators.

Consideration of Approval of a CES Contract with Souder, Miller & Associates for Aquatics Operations and Maintenance Services at the CORE in the Amount of \$32,043.75.

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

Discussion

2020 General Obligation Bond C for Higher Education.

Dr. Kelvin Sharp, New Mexico Junior College (NMJC) President, explained the 2020 General Obligation Bond C for Higher Education (Bond C) to the Commission. He stated Bond C will help maintain the educational institutions Hobbs has already invested in and give students resources to provide a safe and quality education. Dr. Sharp also stated Bond C will renovate Watson Hall to repurpose for expanded healthcare career options and bring plumbing and electrical systems up-to-date. He stated Bond C will be used to update safety and security to add vestibules to older buildings, increasing security and energy efficiency. In addition, Dr. Sharp stated funds from Bond C will level and repair cracked sidewalks and the tunnel system. He stated, if passed in the General Election, NMJC will be awarded \$4 million. He further stated supporting Bond C will not increase the tax rate as the monies awarded are from funds that were reverted back, after 10 years, into the fund because monies were not expended.

Mayor Cobb reiterated there will not be a tax increase if Bond C is successful. He stated Bond C will be on the ballot during the General Election on November 3, 2020.

Proposed Turf Practice Field Policies.

Mr. Doug McDaniel, Recreation Director, explained the Turf Practice Field Policies and stated the City will make the Veterans Memorial Complex available for practices and scrimmages. He defined who will be able to use the fields for practicing, the documents needed in order to practice, reservations, fees, the fields to be used by different groups and schedule. Mr. McDaniel stated no camps or clinics will be held on the fields, only practices or scrimmages. He stated this is only for discussion and will be brought back to the Commission in the form of a resolution for official consideration.

Action Items

Resolution No. 6975 – Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants.

Mr. Toby Spears, Finance Director, stated the City of Hobbs was awarded a Federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969.00. He stated the New Mexico Department of Finance and Administration (DFA) has oversight on this overall grant, and has provided a recommended process as well as procedure guidelines to municipal governments. Mr. Spears further stated the City established an application process for small businesses headquartered in Hobbs, New Mexico. He stated on September 21, 2020, the City Commission approved Resolution No. 6973, which explained the application process for the Grant. Pursuant to that process, the small businesses identified in "Exhibit A" have successfully submitted an application for grant funding. Mr. Spears stated the approval of this resolution would authorize the Finance Department to encumber those funds from the balance of the grant funds and begin the reimbursement process to the businesses. He stated the City has received 31 applications and currently, 13 of those businesses have submitted all of the required documentation and are qualified as follows:

1. Dynamite Gaming, LLC
2. Everything Nice, LLC
3. D & M Landscaping, LLC
4. Toreados Taco Grill
5. Jerbs Custom Jewelry, LLC
6. R&B Ganaway Enterprises (Cherry Berry)
7. Deep Investments Inc. (Comfort Suites/Mainstay Suites)
8. Drive Train, Inc.
9. Bloom Ventures LLC
10. Boys and Girls Club, NM Inc.
11. BRK LLC (Best Western Executive Inn)
12. Loarn's Investments (Mr. B'S Vending)
13. Tia Juana's

Mr. Spears stated each approved applicant will receive funding up to \$5,000.00 and may apply for additional funds of up to \$20,000.00. He stated the funding is strictly for reimbursement and cannot be given as the result of loss of business income. Mr. Spears added businesses cannot seek reimbursement of the same expenses if they were reimbursed through a PPP loan or other source of funding from the Federal Government.

There being no further comment or discussion, Commissioner Calderón moved that Resolution No. 6975 be adopted as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

PUBLIC HEARING: Resolution No. 6976 – Regarding the Restaurant Liquor License Application of Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, for the Sale of Beer and Wine.

Mr. Efren Cortez, City Attorney, requested that this item be tabled at tonight's meeting. He stated the New Mexico State Statutes requires the City to publish the public hearing twice and City staff inadvertently only published the notice once. Mr. Cortez stated City staff will be able to re-publish the legal notice and continue with the public hearing on October 19, 2020, at the next Commission meeting. Mr. Cortez apologized to the Commission and Mr. Valentin Lozano Romo, representative for El Jimador Restaurant. Ms. Jan Fletcher, City Clerk, accepted responsibility for the oversight and also apologized to the Commission and the applicant.

There being no further comment or discussion, Commissioner Penick moved that Resolution No. 6976 be tabled until the next Commission meeting, October 19, 2020. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1126 – Consenting to the North Grimes Tract 2-A Annexation (Located Northeast of the Intersection of Millen and North Grimes).

Mr. Kevin Robinson, Development Director, explained the annexation and stated the North Grimes Tract 2-A Annexation area contains 1.3 +/- acres and is located northeast of the intersection of Millen and North Grimes. He further stated the annexation proposal was presented to the Planning Board at the August 18, 2020, meeting and the Board recommended approval to the Commission. Mr. Robinson stated the Commission approved publication of the proposed ordinance on September 9, 2020, at the Commission meeting. He stated the positive financial impact of gross receipts tax (GRT) generated by the proposed businesses located within the annexation should offset any expenses that the City will incur.

Proper publication having been made, and there being no public comments or discussion, Commissioner Mills moved to adopt Ordinance No. 1126 as presented. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Approving a Real Estate Purchase Agreement to Sell and Convey Real Property Located at 3425 North Northwest to Troy Hudson and Melissa Hudson for the Purchase Price of \$155,000.00.

Mr. Robinson explained the ordinance and stated the City proposes to sell and convey real property located at 3425 North Northwest, Hobbs, New Mexico, to Troy and Melissa Hudson for the purchase price of \$155,000.00. Mr. Robinson stated the most recent appraisal conducted on this property in June of 2018 reflected a fair market value at \$158,000.00. He stated the Real Estate Purchase Agreement (REPA) provides for a 6%

commission to be paid to the realtor at closing resulting in a net to the public in the amount of \$145,700.00

Commissioner Gerth moved to publish notice of intent to adopt the ordinance at a later date. Commissioner Penick seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the proposed ordinance and agreement are attached and made a part of these minutes.

Resolution No. 6977 – Authorizing a Memorandum of Agreement with the New Mexico Department of Transportation for Public Transportation Services for Federal FY 20-21.

Ms. Jan Fletcher, City Clerk, explained the resolution and proposed Memorandum of Agreement with the New Mexico Department of Transportation for Public Transportation Services for Federal FY 20-21 is to continue operation of Public Transportation Service for Hobbs Express. She stated the overall total Federal grant award is \$881,472.72. Ms. Fletcher stated under normal circumstances, the City's local match for FFY 20-21 would have been \$413,052.14; however, due to CARES Act funding, this amount has been reduced to \$11,973.00. She stated this will result in additional revenue to the City in the amount of \$401,079.14.

There being no comment or discussion, Commissioner Calderón moved that Resolution No. 6977 be approved as presented. Commissioner Newman seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Acting City Manager/Fire Chief Manny Gomez stated the City of Hobbs will be hosting a District 3 Clean-Up on Saturday, October 24, 2020, beginning at 8:00 a.m. at Mackey Baseball Field in the parking lot. He stated the City needs to be a good example on beautification. He expressed his appreciation to Ms. Tanya Sanchez, Tourism Coordinator, for her assistance with the beautification grant.

Acting City Manager/Fire Chief Gomez thanked Ms. Meghan Mooney, Communications Director, and the Census Committee for their role in the 2020 Census. He stated the new deadline for the 2020 Census is October 31, 2020.

Commissioner Mills stated he is glad to be back in the Commission Chamber, in person, for another meeting. He stated athletes are allowed to play sports in Lubbock, Texas, and he is looking forward to returning to Court in person. Commissioner Mills stated masks are not required in Texas Courtrooms.

Commissioner Mills thanked Mr. McDaniel for introducing the rules and regulations for the sports fields to allow teams to practice on the fields.

Commissioner Fields encouraged everyone to volunteer for the District 3 Cleanup “Let’s ALL Win...Toss it in the Bin!”

Commissioner Fields again encouraged everyone to wear a mask.

Commissioner Penick thanked everyone for their participation in the District 5 Clean-up. He stated 700 pounds of trash was cleaned up from District 5. He encouraged everyone to participate in cleaning up the community.

Commissioner Penick addressed the Commission and the audience regarding mask wearing. He stated the rights of those Commissioners who don’t wear masks are not being respected by those Commissioners who do choose to wear a mask.

Commissioner Gerth stated there are small motorized bikes riding along the Health Trail on the Lovington Hwy., and also on the shoulders of the road. He stated this is not a safe practice. Mayor Cobb agreed and requested Acting City Manager/Fire Chief Gomez to look into this issue.

Mayor Cobb stated he is regularly meeting virtually with the Economic Development Corporation regarding economic development in the community. He added there are some really positive projects pending for Hobbs.

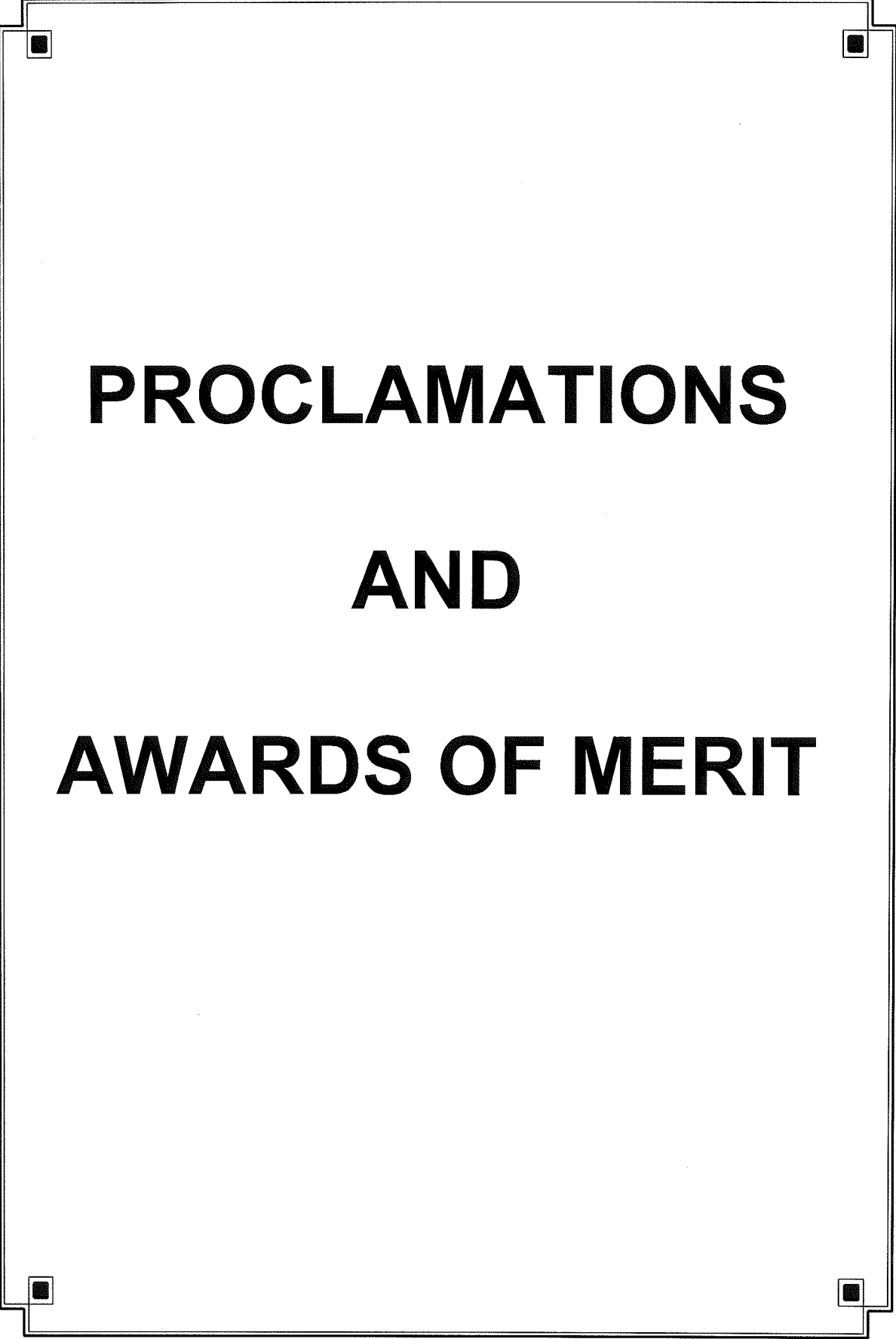
Adjournment

There being no further business or comments, Commissioner Calderón moved that the meeting adjourn. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Newman yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:22 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



**PROCLAMATIONS
AND
AWARDS OF MERIT**

October Milestones 2020

5 years

George Chafino	Water Distribution	10/11/2015
Todd Dimock	HPD	10/12/2015
Jamie Robertson	Library	10/05/2015

10 years

Tina Funderburk	Public Transportation	10/18/2010
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15 years

Joseff Amador	Computer Operations	10/10/2005
Christopher Henry	HFD	10/10/2005
Nancy Warner	Golf Maintenance	10/31/2005

20 years

Toby Spears	Finance	10/09/2000
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Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

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

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

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

WHEREAS, Hobbs, New Mexico, acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2020.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim November 1, 2020, as:

“EXTRA MILE DAY”

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

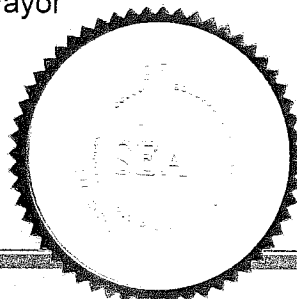
IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of October, 2020, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk



CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: A RESOLUTION APPROVING POLICIES AND FEES TO USE ARTIFICIAL TURF FIELDS AS PRACTICE FIELDS
DEPT. OF ORIGIN: Recreation/Parks & Open Spaces
DATE SUBMITTED: October 13, 2020
SUBMITTED BY: Doug McDaniel, Recreation Director
Bryan Wagner, Parks & Open Spaces Director

Summary:

Since the 1980's when first approved by the Sports Council, the City of Hobbs has prohibited teams from using game fields for practices. This policy assisted in efforts to keep natural grass fields in prime playing condition for league games. With the addition of artificial turf fields, practice activities should not have an adverse effect on the artificial turf fields given proper precautions (use of mats for catchers, batters, pitchers). The Community Affairs Board considered, but tabled, this policy at their meeting on July 14, 2020. At their most recent meeting on September 15, 2020, the Community Affairs Board unanimously approved the change in policy to allow teams who participate in a league recognized by the City of Hobbs Recreation Department, or for those teams who are sanctioned by their governing bodies as a "Hobbs" team, to use the artificial turf fields for practices/scrimmages provided the teams have additional insurance which covers practices/scrimmages taking place outside of league or sanctioned games.

Teams would pay a \$10.00 fee for daytime practices (90-120 minutes), and a \$45.00 fee for practices of the same length if lights are used. Practice times, which will vary from season to season, will be determined by the City of Hobbs based on league and tournament play and time of year. League and tournament play will take priority over practices.

Fiscal Impact:

Reviewed by:

Finance Department

The Fiscal Impact will be dependent on the number of practices held should the City Commission approve the above fees.

Attachments: Resolution; Copy of the Turf Fields Practice Policy

Legal Review:

Approved As To Form:

City Attorney

Recommendation:

Staff recommends approval of the Resolution Approving Policies and Fees To Use Artificial Turf Fields as Practice Fields.

Approved For Submittal By:

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN



Department Director

Resolution No. _____

Continued To: _____

Ordinance No. _____

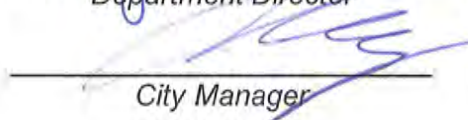
Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____



City Manager

CITY OF HOBBS

RESOLUTION NO. 6978

A RESOLUTION TO APPROVE POLICIES AND FEES
TO USE ARTIFICIAL TURF FIELDS AS PRACTICE FIELDS

WHEREAS, pursuant to Section 12.28.110 of the Hobbs Municipal Code, revision of all fees except seasonal recreation fees shall be established by resolution after discussion of the fees at an earlier regular commission meeting; and

WHEREAS, the Recreation Department and Parks & Open Spaces Department presented policies and fees to use artificial turf fields as practice fields to the Community Affairs Board who unanimously approved recommending these policies and fees to the City Commission; and

WHEREAS, a fee of \$10.00 for a practice time ranging from 90 - 120 minutes should be charged for day-time practices, and a fee of \$45.00 would be charged for the same time frame using the field lights, would generate additional income that could be used to offset staff salaries, the maintenance of artificial turf fields and facilities, and electrical costs; and

WHEREAS, Recreation and Parks & Open Spaces Staff are recommending policy changes at the City's artificial turf baseball, softball, football/soccer fields, that allow for teams to practice on these fields; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor is hereby authorized and directed to execute this Resolution on behalf of the City of Hobbs to establish and amend certain Parks and Recreation fees and policies.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Turf Practice Field Policies

The following fields at the Veterans Memorial Complex will be made available for practices and scrimmages:

- Zia Plex Fields (4) When not in use for league/tournaments
- Junior Varsity Baseball Field When not in use for league/tournaments/HHS JV Baseball
- Norman Fee Field When not in use for league/tournaments

Who can practice:

- Teams that are participating in a league recognized by the City of Hobbs Recreation Department
- Teams that while not participating in a league recognized by the City of Hobbs Recreation Department are sanctioned through their governing body as a Hobbs team
- Out of town teams will NOT be allowed to practice on any City of Hobbs field unless they are participating in a league recognized by the City of Hobbs Recreation Department
- **Each team requesting practice time, MUST have insurance that covers practices/scrimmages outside of league play**
 - Paying a registration fee to a league does not always provide such insurance
- **Teams must provide the following upon arriving on-site to practice:**
 - Proof of team insurance that covers practices/scrimmages outside of league play
 - Roster of coaches and team members that are covered by this insurance
 - Identification for coaches and team members participating in the practice
 - Only those covered by insurance and with proof of identification will be allowed to practice
- Teams must put mats in place in the batters box/home plate area, and in the pitching area to prevent wear and tear on the fields. The City of Hobbs will provide mats.
- The pitching mound on the Junior Varsity Baseball Field will not be moved for practices. Teams may adjust batters boxes/home plate area accordingly to their age group and use mats.
- The Junior Varsity Field will only be used in "overflow" situations, or at times when available and the Zia Plex Fields are not available.
- Lights will not be turned on for practices.
- Practice times will be designated by the Recreation Department based on time of year, league and tournament schedules. League play and tournaments will always take precedence over practices.
- Reservations will be accepted as follows:
 - Youth teams may reserve fields up to three weeks in advance
 - Adult teams may reserve fields up to two weeks in advance
 - The deadline for scheduling any practice will be two weeks before the requested date so that staff may be scheduled accordingly.
 - Teams may make reservations by emailing Michal Hughes, Recreation Superintendent, mmhughes@hobbsnm.org. No practice reservations will be taken over the phone or via fax. Practice times will be confirmed, in advance.
- Fees:
 - \$10 for a 90-120 minute practice time without lights.
 - \$45 for a 90-120 minute practice time with lights.
 - These fees will cover the cost of staffing, maintenance of fields and restrooms, and light usage.

Additional information:

Teams

Girls Fastpitch Softball, Adult Slowpitch Softball
Youth/Adult Baseball
Youth Football, Youth/Adult Soccer, Youth Flag Football

Site

Zia Plex
Zia Plex/JV Field*
Norman Fee Field

Why Zia Plex: There is one, self-contained parking lot. Fields are close to each other, easier to supervise, and entry to Varsity/JV/Sanger can be blocked. Fields can accommodate every age group from Girls Fastpitch to Adult Slowpitch. If grass starts to show signs of wear, alternative locations will be considered. Fields not being used for practices will be secured at all times and not open for play.

Why JV Field: When the Zia Plex Fields are being used, JV Field can be used for Youth/Adult Baseball Practices when the HHS JV Baseball Team is not using this field. Varsity and Sanger Fields to be secured at all times.

Why Norman Fee Field This field will allow Youth Football, Youth/Adult Soccer, and Youth Flag Football teams to practice.

Schedule: Will vary as fields are available. Set aside time when fields are available understanding that staff will have to be present (2-3 days a week). Spring is anticipated to be the busiest time as all teams preparing for the Summer season will want to practice on the turf.

Summer:

Practices will mostly be on weekends as fields are used **heavily** during the week. Weekend Tournaments will make some weekends unavailable.

Fall:

Fields available slightly more during the week than in Summer. More weekends are available, as there are not as many tournaments.

Winter:

Typically, no league activities during this time so fields are available.

Spring:

Fields available slightly more during the week than in Summer. More weekends are available, as there are not as many tournaments. Junior Varsity Field only available when not being used by the HHS JV Baseball Team.

Camps/Clinics

No camps or clinics are to be held. Only practices or scrimmages.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: **October 19, 2020**

SUBJECT: Condemnation Recommendation Structure Contained on Attachment "A"

DEPT. OF ORIGIN: Community Services

DATE SUBMITTED: October 12, 2020

SUBMITTED BY: Art De La Cruz, Community Services Superintendent

Summary:

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

Fiscal Impact:

Reviewed By:

Finance Department

The demolition and clean-up of these properties will cost approximately \$30,000.00. The current budget in the "Professional Services" line item of the Environmental Budget (01340-42601) has an adequate balance to sustain this expenditure.

Attachments:

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

Legal Review:

Approved As To Form:

City Attorney

Recommendation:

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

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6979

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

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

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

BE IT FURTHER RESOLVED that a copy of this Resolution be served on the owner, occupant or agent in charge of such premises; or, if such service cannot be had, that a copy of this Resolution be posted on the premises; and that a copy of the same be published as required by law.

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

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

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

407 W ALSTON



900 N THORP



Attachment A

	Address	Owner	Owner's Address	Estimated Cost of Demolition
1	407 W Alston Lot 3A, Block 109 Highland Park Addition Hobbs, Lea County, New Mexico	Dennis Hargrove	9 Acoma CT Hobbs, NM 88240	\$10,000.00
2	900 N Thorp .09 AC LOC NEWNW4 Highland Park Addition Hobbs, Lea County, New Mexico	Nest Egg Investments, LLC & Jose and Sandra Duran	PO Box 4338 Alamogordo, NM 88311	\$20,000.00



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Resolution Authorizing Grant Funding for Certain Small Businesses Pursuant to the CARES Act Relief Funds Small Business Continuity Grants

DEPT. OF ORIGIN: Finance Department
DATE SUBMITTED: October 6, 2020
SUBMITTED BY: Toby Spears, CPA, CFE – Finance Director

Summary:

The City of Hobbs was awarded a federal CARES Act Relief Funds Small Business Continuity Grant in the amount of \$658,969. The NM Department of Finance and Administration has oversight on this overall grant and has provided recommended process and procedure guidelines to municipal governments. The City established an overall application process for small businesses headquartered in Hobbs, New Mexico. On September 21, 2020, the City Commission approved via Resolution No. 6973 the application process for the Grant. Pursuant to that process, the small businesses identified in Exhibit A have successfully submitted an application for grant funding. Approval of this Resolution would authorize the Finance Department to encumber those funds from the balance of the fund and begin the reimbursement process to the businesses.

Fiscal Impact:

The funding has been established in the overall budget of \$658,969. (both revenue and expenditures)

Reviewed By: 
Finance Department

Attachments:
Resolution;
Exhibit A

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The Commission should consider the Resolution

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6980

A RESOLUTION AUTHORIZING GRANT FUNDING FOR CERTAIN
SMALL BUSINESSES PURSUANT TO THE CARES ACT RELIEF FUNDS
SMALL BUSINESS CONTINUITY GRANT

WHEREAS, on September 21, 2020, via Resolution No. 6973, the City Commission approved the application process for distribution of the federal CARES Act Relief Funds Small Business Continuity Grant to small businesses headquartered in Hobbs, New Mexico, which complies with the guidelines set by the New Mexico Department of Finance and Administration; and

WHEREAS, the small businesses outlined in Exhibit A, attached hereto and incorporated herein, have successfully submitted their Grant applications in compliance with Resolution No. 6973, and therefore should begin the reimbursement process; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Manager and staff are directed to do all things appropriate and necessary to ensure that the Grant funds are disbursed to the benefit of the small businesses outlined in Exhibit A.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

EXHIBIT 'A'
Commission Meeting - October 19, 2020
Resolution No. 6980

Workflow process for CARES ACT SBA Grant Program
 From September 22, 2020 thru December 4, 2020

DATE UPDATED:	10/16/2020
TIME UPDATED:	3:00:00 PM

#	Business Name	Business Address	RELATED PARTY	COMMENTS
1	Jitter Properties (Hobbs Family Inn)	501 N. Marland	no	Complete
2	Jitter Enterprises (Saxony)	501 N. Marland	no	Complete
3	Virtuous Beauty Salon, LLC	521 S. 9th Street	no	Complete
4	Taqueria Villa Nueva	600 E. Marland	no	Complete
5	Cardenas Trucking	1303 E. Clinton	no	Complete
6	Wee Kids Kountry Klub	201 W. Taos	no	Complete
7	OMG Printing, Inc.	610 W. Bender Ste. 900	no	Complete
8	Babe's Sports Page	5024 Lovington Hwy.	no	Complete
9	Ampersand Media & Design, LLC	113 E. Broadway	no	Complete
10				
11				
12				
13				



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Resolution Regarding the Restaurant Liquor License Application of Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, Hobbs, New Mexico, for the Sale of Beer and Wine Only

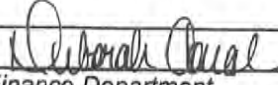
DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Las Comadres, LLC, d/b/a El Jimador Restaurant has applied to the State of New Mexico, Alcoholic Beverage Control, and received preliminary approval for the issuance of a restaurant liquor license at 110 North Marland for the sale of beer and wine only.

This application was received by the City Clerk's Office on August 31, 2020, and a public hearing must be held by the City within forty-five (45) days from receipt of such notice. The hearing was scheduled on October 5, 2020, and was tabled until October 19, 2020. Due to such delay, the Alcoholic Beverage Control Division has extended the 45-day hearing requirement. The City has duly published an amended notice of the public hearing in the *Hobbs News-Sun* and notified the applicant of such hearing by phone and email.

Fiscal Impact:

Reviewed By: 

Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing this application.

Attachments:

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

Legal Review:

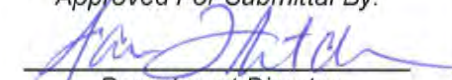
Approved As To Form: 

City Attorney

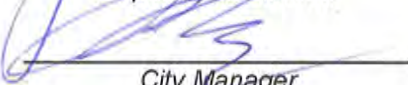
Recommendation:

Motion to approve issuance of the restaurant license; second; vote.

Approved For Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____

CITY OF HOBBS

RESOLUTION NO. 6981

A RESOLUTION CONCERNING THE ISSUANCE OF A
RESTAURANT LIQUOR LICENSE TO
LAS COMADRES, LLC, D/B/A EL JIMADOR RESTAURANT,
110 NORTH MARLAND, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of Las Comadres, LLC, for the issuance of a restaurant liquor license for the sale of beer and wine at El Jimador Restaurant located at 110 North Marland, Hobbs, New Mexico, and said application has received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed restaurant liquor license should be granted for the sale of beer and wine.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the restaurant liquor license application of Las Comadres, LLC, d/b/a El Jimador Restaurant, 110 North Marland, Hobbs, New Mexico, be and is hereby _____ (approved or disapproved) for the sale of beer and wine.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



7-14-2020
ABC
8807546

ABC USE ONLY: Application Number: 1170680 Local Option District: _____

RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

RECEIVED

JUL 14 2020

Check appropriate boxes:

Application is for: New Restaurant Liquor License

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

NAME OF APPLICANT (company or individual): LAS COMADRES, LLC

ADDRESS: 110 N MARLAND BLVD CITY HOBBS STATE NM ZIP 88240

APPLICANT PHONE #: 575-706-6988 BUSINESS PHONE #: 575-964-2142

D/B/A NAME TO BE USED: EL JIMADOR RESTAURANT

EMAIL ADDRESS (required): jimadorhobbs@gmail.com

PHYSICAL LOCATION WHERE LICENSE IS TO BE USED: 110 N MARLAND BLVD

CITY HOBBS STATE NM COUNTY LEA ZIP 88240

MAILING ADDRESS: 110 N MARLAND BLVD CITY HOBBS STATE NM ZIP 88240

Agent/Contact Person: VALENTIN LOZANO ROMO Phone#: 575-706-6988 Email: jimadorhobbs@gmail.com

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

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

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

Signature of Applicant: [Signature] Date: 6/25/2020

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Lea)

SUBSCRIBED AND SWORN TO before me this 25th day of June

By: Valentin Lozano Romo

Notary Public: Melissa Ramos

My Commission Expires: August 20, 2022



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: Hobbs City, County, Village

Public Hearing held on October 5, 20 20. Check one: Approved Disapproved

Signature and Title of City/County Official: SAM D. COBB, Mayor

FOR ALCOHOLIC BEVERAGE CONTROL DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____ Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

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

Beginning with the issue dated
October 08, 2020
and ending with the issue dated
October 15, 2020.



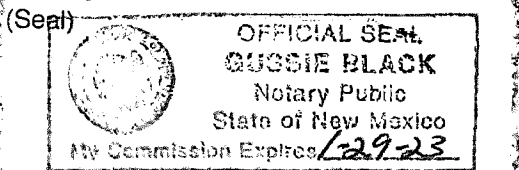
Publisher

Sworn and subscribed to before me this
15th day of October 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL **LEGAL**

LEGAL NOTICE
October 8 and 15, 2020

AMENDED
NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the public hearing scheduled on October 5, 2020, has been continued and will be held by the City Commission of the City of Hobbs, New Mexico, on **Monday, October 19, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to City and State policy regarding social distancing and wearing masks on City property, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

**APPLICATION FOR RESTAURANT LIQUOR
LICENSE
FOR THE SALE OF BEER AND WINE**

Application #: 1170680
Applicant: Las Comadres, LLC
D/B/A Name: El Jimador Restaurant
Proposed Address: 110 North Marland Blvd.
Hobbs, NM 88240

DATED this 6th day of October, 2020.

JAN FLETCHER
City Clerk

#35885

67108146

00247232

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

LEGAL NOTICE
October 8 and 15, 2020

AMENDED
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**APPLICATION FOR RESTAURANT LIQUOR
LICENSE
FOR THE SALE OF BEER AND WINE**

Application #: 1170680
Applicant: Las Comadres, LLC
D/B/A Name: El Jimador Restaurant
Proposed Address: 110 North Marland Blvd.
Hobbs, NM 88240

DATED this 6th day of October, 2020.

JAN FLETCHER
City Clerk

#35885

Jan Fletcher

From: Lopez, Debra, RLD <Debra.Lopez@state.nm.us>
Sent: Thursday, October 8, 2020 10:52 AM
To: Koroneos-Martinez, Charmaine, RLD; Jan Fletcher
Subject: RE: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Good morning,

The request for an extension, as outlined below, is hereby granted.

Debra A. Lopez
PO Box 25101
2550 Cerrillos Road
Santa Fe, NM 87504-5101
(505) 476-4551

From: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Sent: Thursday, October 8, 2020 8:32 AM
To: Vallejos, Andrew, RLD <Andrew.Vallejos@state.nm.us>
Cc: Lopez, Debra, RLD <Debra.Lopez@state.nm.us>
Subject: FW: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Good Morning,

Please see the request for extension below:

Thank you.

1. **From:** Jan Fletcher [<mailto:jfletcher@hobbsnm.org>]
Sent: Wednesday, October 7, 2020 5:07 PM
To: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Subject: [EXT] RE: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Hi Charmaine,

The City of Hobbs is hereby requesting an extension of time past the 45-day hearing period regarding the above-referenced application. The public hearing will be held on October 19, 2020, which slightly pushes us past 45 days.

Thank you for your consideration in this matter.

Respectfully,

Jan Fletcher, CMC
City Clerk / Public Transportation Director
City of Hobbs, 200 East Broadway
Hobbs, NM 88240
(575) 397-9207 phone

jfletcher@hobbsnm.org



From: Koroneos-Martinez, Charmaine, RLD [<mailto:Charmaine.Martinez2@state.nm.us>]
Sent: Monday, August 31, 2020 5:02 PM
To: Jan Fletcher <jfletcher@hobbsnm.org>
Subject: RE: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Thank you for all you do. Have a great evening as well!

From: Jan Fletcher <jfletcher@hobbsnm.org>
Sent: Monday, August 31, 2020 4:51 PM
To: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Subject: [EXT] RE: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Thank you. I made the assumption it had been approved.....but hated not to ask.
Have a good evening!

Jan

From: Koroneos-Martinez, Charmaine, RLD [<mailto:Charmaine.Martinez2@state.nm.us>]
Sent: Monday, August 31, 2020 4:27 PM
To: Jan Fletcher <jfletcher@hobbsnm.org>
Subject: EXTERNAL: RE: Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Yes, the only time you will receive the LOD packet is after we receive preliminary approval.

From: Jan Fletcher <jfletcher@hobbsnm.org>
Sent: Monday, August 31, 2020 4:08 PM
To: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Subject: [EXT] Application No. 1170680 - Las Comadres, LLC, d/b/a El Jimador Restaurant - Hobbs

Hi Charmaine!

I hope you are doing well and staying safe. I received your certified letter today on the above application. I was unable to determine from your letter whether this application has received preliminary approval from your office. Could you let me know?

Thank you!

Jan Fletcher, CMC
City Clerk / Public Transportation Director
City of Hobbs, 200 East Broadway
Hobbs, NM 88240
(575) 397-9207 phone
jfletcher@hobbsnm.org





New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 26, 2020

Certified Mail No.: 9171 9690 0935 0155 2454 90

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

AUG 31 2020

Lic. No. /Appl. No.: Application No. 1170680
Name of Applicant: Las Comadres, LLC
Doing Business As: El Jimador Restaurant
Proposed Location: 110 N. Marland Blvd., Hobbs, NM 88240

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Dear Local Governing Body,

The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division (ABC) understands the difficulties that the current COVID-19 pandemic has created for governing bodies to hold public hearings. However, the New Mexico Liquor Control Act requires that after preliminary approval is granted, the application shall go to the Local Option District's (LOD) local governing body for approval.

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

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures, after the extension is granted and the hearing is held notify ABC of your decision within thirty (30) days of the hearing;
- 3) Return the application to ABC with neither an approval nor disapproval of the application. ABC will then proceed with the processing of the application pursuant to 60-6B-4(G).

ABC has no preference in the option you choose, please notify us of your decision, via email to the ABC Hearing Officer who sent the application to you, and we will continue with the application process in accordance with your decision.

Sincerely,

Charmaine Martinez, Hearing Officer

Alcoholic Beverage Control
(505) 476-4875

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LIQUOR
LICENSE WITH ON PREMISES CONSUMPTION ONLY.



RECEIVED
 JUL 14 2020
 ALCOHOLIC BEVERAGE
 CONTROL

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)
 Owned by Applicant, copy of deed/document attached Leased by Applicant, copy of lease/document attached
 Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:
 A. Owner(s): Maria Rodriguez
 B. Date and Term of Lease: 12/01/2018 \$3000.00 monthly for 3 years

3. Premises location is Zoned (example C-1, see Zoning Statement): _____
 Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)
 Name of Church: CHOOSE LIFE CHURCH Miles/feet: 1.4 MILES
 Address/location of Church: 700 N. DAL PASO ST, HOBBS, NM 88240

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)
 Name of School: EDISON ELEMENTARY SCHOOL Miles/feet: .4 MILES
 Address/location of School: 501 E GYPSY ST, HOBBS, NM 88240

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)
 Name of Military Installation, circle one: 127 miles Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

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

8. Type of Operation: Lounge Restaurant Package Grocery Racetrack
 Hotel Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



PLANNING DEPARTMENT

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

June 25, 2020

Las Comadres, LLC
Dba EL Jimador Restaurant
110 N. Marland Blvd.
Hobbs, NM 88240

RECEIVED

JUN 25 2020

PLANNING DEPARTMENT
COURT

RE: Zoning Certification for 110 N. Marland Blvd. in Hobbs, NM 88240.

Dear Mr. Romo:

Pursuant to your request for a Zoning Certification regarding 110 N. Marland Blvd. in Hobbs, NM, please be advised that the City of Hobbs has not adopted a zoning ordinance to regulate land uses and locations of different types of development or specific business uses throughout the City. Consequently, the City of Hobbs has no current regulations which govern zoning districts and/or land uses, use of buildings, or use of vacant land. Therefore, the current land use is considered a use by right as of this date of June 25, 2020.

Please note that the City does have a Major Thoroughfare Plan, Subdivision Regulations, Flood Zone, Fire Zone, Landscaping Regulations, Building Code, Liquor License and other development regulations that must be followed for improvements and **changes in building occupancy types**, including yard setback requirements. This letter is in regards to that portion of the above referenced real property that exists within the corporate limits of the City of Hobbs, NM on June 25, 2020.

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

Sincerely,

CITY OF HOBBS, NEW MEXICO

Kevin Robinson - Planning Department

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
September 04, 2020
and ending with the issue dated
September 04, 2020.



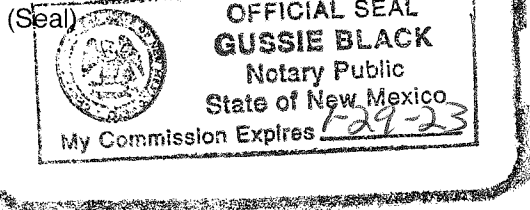
Publisher

Sworn and subscribed to before me this
4th day of September 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL NOTICE
September 4, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, October 5, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to City and State policy regarding social distancing and wearing masks on City property, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

APPLICATION FOR RESTAURANT LIQUOR LICENSE FOR THE SALE OF BEER AND WINE

Application #:	1170680
Applicant:	Las Comadres, LLC
D/B/A Name:	El Jimador Restaurant
Proposed Address:	110 North Marland Blvd. Hobbs, NM 88240

DATED this 2nd day of September, 2020.

/s/ Sam D. Cobb
SAM D. COBB, Mayor
#35798

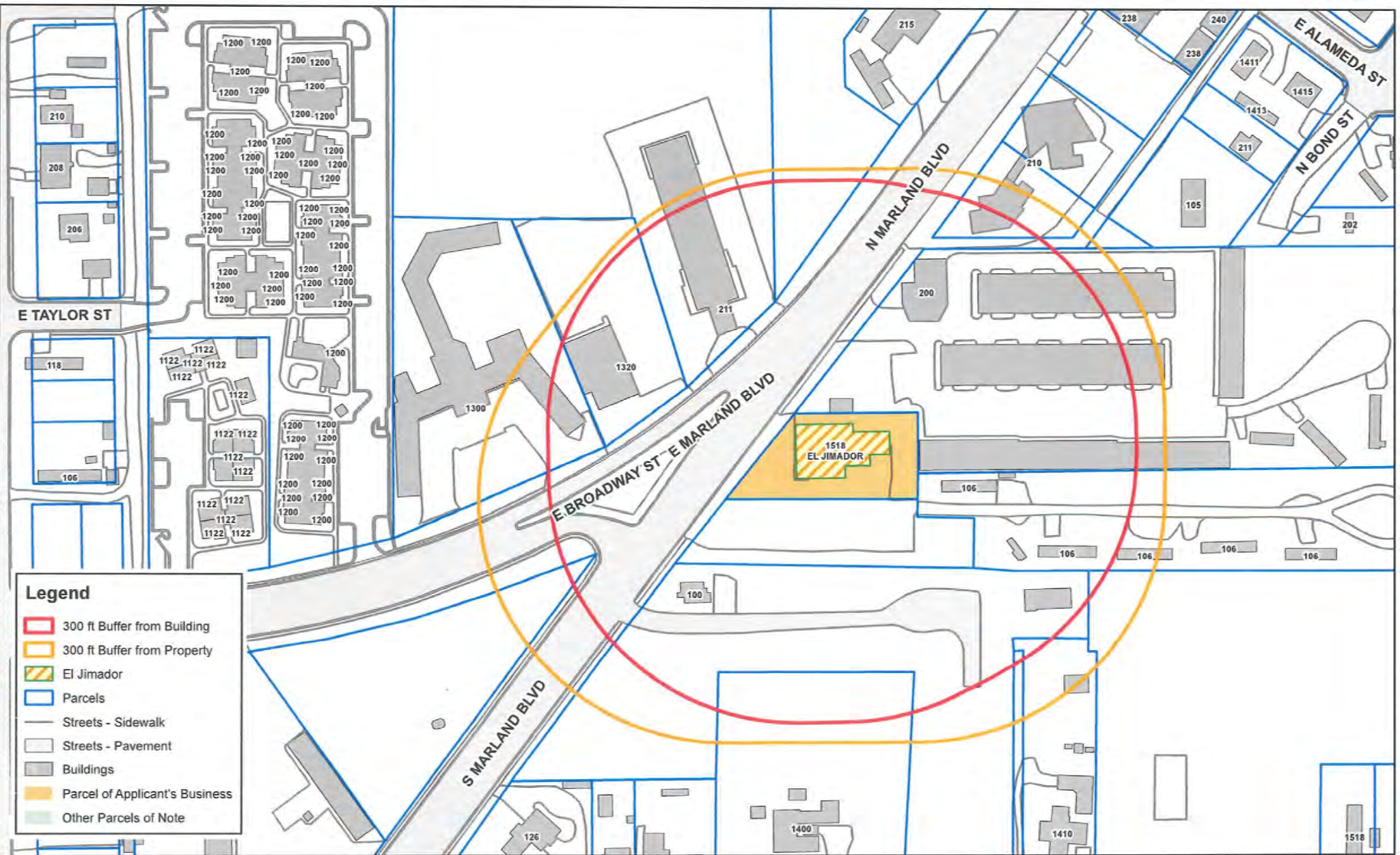
67108146

00246099

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

El Jimador

300 ft Buffer Zone Map for Liquor License



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

0 80 160 320 480 Feet

City of Hobbs GIS Division

SY

Date: 9/17/2020 1 inch = 160 feet Time: 4:33:47 PM



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for a Transfer of Ownership of Liquor License No. 0414 Located at 2810 Lovington Highway

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0414 located at 2810 Lovington Highway. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the Hobbs News-Sun and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

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

Approved For Submittal By:

[Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6982

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0414
LOCATED AT 2810 LOVINGTON HWY., HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036 for the transfer of ownership of Liquor License No. 0414 at 2810 Lovington Highway, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102036, 2810 Lovington Highway for a transfer of ownership of Liquor License No. 0414 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0414
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102036
Proposed Location: 2810 Lovington Highway, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

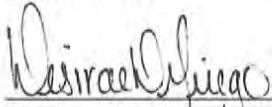
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0414.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment Application Fee \$
 Application Number:

Received on:
 Local Option District:

Receipt No. _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0414

Type of License: Dispenser

Check appropriate boxes:

Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only

Record Owner of Existing License: Allsup's Convenience Stores, Inc.

Current D/B/A Name: Allsup's #36

Current

Premises Address: 2810 Lovington Highway Hobbs New Mexico 88240

Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

Allsup's Convenience Stores, LLC P.O. Box 1907 Clovis NM 88130 138 Conant St, Beverly, MA 01915

BW Gas & Convenience Retail, LLC MA 6-25-2020

D/B/A Name to be used: Allsup's #36/02036 Business Phone #: 575-392-4487

Email Address (required): nicolas@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

2810 Lovington Highway Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: 0414

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cybermesa.com

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

Sign before a Notary Public:

Signature of Applicant: _____

Thomas Nicholas Trkla

Date



NOTARY PUBLIC USE ONLY: (State of Massachusetts, County of Essex

SUBSCRIBED AND SWORN TO before me this 5th day of November

By: Nicole L. Reeves Notary Public: Nicole L. Reeves
Thomas Nicholas Trkla My Commission Expires 8/19/23

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____ Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA


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

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



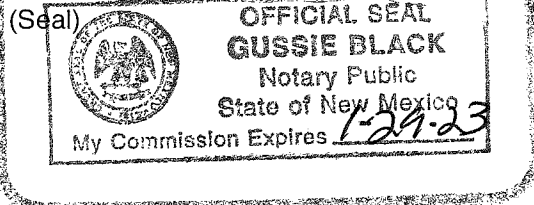
Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL	LEGAL
LEGAL NOTICE September 16 and 30, 2020	
NOTICE OF PUBLIC LIQUOR HEARING	
<p>NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on Monday, October 19, 2020, at 6:00 p.m., in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.</p>	
<p>NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-9200.</p>	
<p>NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.</p>	
<p>HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.</p>	
<p>If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.</p>	
<p>Liquor License Number: 0414 Applicant: BW Gas & Convenience Retail, LLC D/B/A: Allsup's #102036 Location: 2810 Lovington Highway, Hobbs NM, 88240 <u>The request is for a Transfer of Ownership of Liquor License No. 0414. The license is currently owned by Allsup's Convenience Stores, Inc.</u></p>	
<p>DATED this 10th day of September, 2020.</p>	
<p>/s/ Sam D. Cobb SAM D. COBB, Mayor</p>	
<p>#35820</p>	

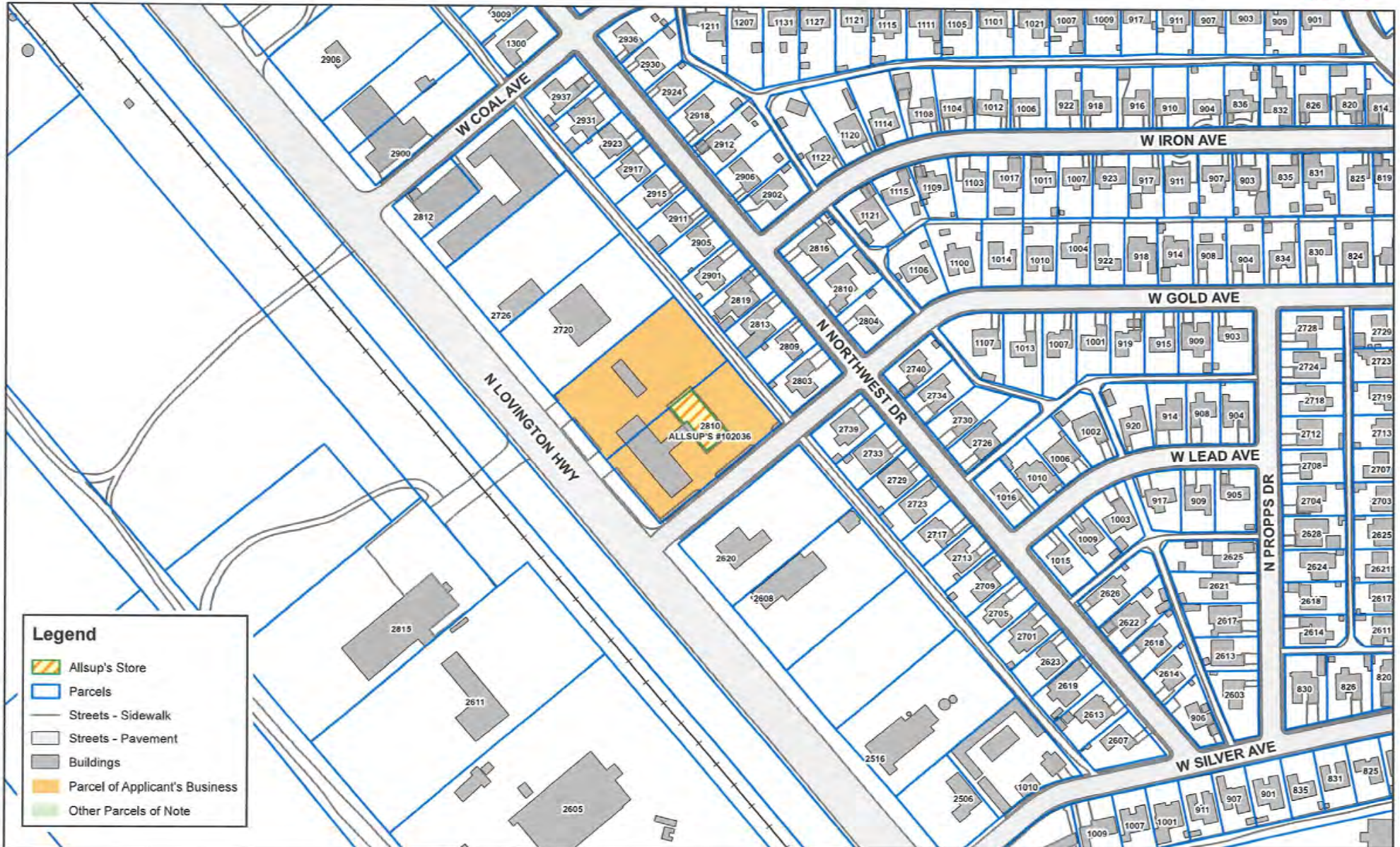
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00246401

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

Allsup's #102036

300 ft Buffer Zone Map for Liquor License



Legend

- Allsup's Store
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

XX

Date: 10/15/2020

1 inch = 250 feet

Time: 8:57:19 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for a Transfer of Ownership of Liquor License No. 0806 Located at 4308 North Grimes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0806 located at 4308 North Grimes. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By:
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form:
City Attorney

Recommendation:

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

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6983

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0806
LOCATED AT 4308 NORTH GRIMES, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138 for the transfer of ownership of Liquor License No. 0806 at 4308 North Grimes, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102138, 4308 North Grimes for a transfer of ownership of Liquor License No. 0806 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

City of Hobbs

Attn: Jan Fletcher
200 East Broadway
Hobbs, NM 88240

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0806
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102138
Proposed Location: 4308 North Grimes, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

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

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0806.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$ _____
 Application Number: _____

Received on: _____ Receipt No. _____
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 0806 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #138
 Current Premises Address: 4308 North Grimes, Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company: _____ ADDRESS (including city, state, zip) _____

~~Allsup's Convenience Stores, LLC~~ ~~P.O. Box 1907 Clovis NM 88130~~ 138 Conant St, Beverly, MA 01915
BW Gas & Convenience Retail, LLC hand 6-25-2020

D/B/A Name to be used: Allsup's #138 Business Phone #: 575-392-3671

Email Address (required): ameroz@yesway.com notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
4308 North Grimes, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0806

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: linda@cybermesa.com

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

Sign before a Notary Public:

Signature of Applicant: _____

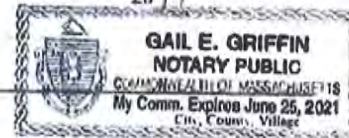
Thomas Nicholas Trkla

Date Nov 5, 2021

NOTARY PUBLIC USE ONLY: (State of Massachusetts County of Suffolk
 SUBSCRIBED AND SWORN TO before me this _____ day of November

By Thomas Nicholas Trkla

Notary Public Gail E. Griffin
 My Commission Expires June 25, 2021



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of:

Public Hearing held on _____, 20____

Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

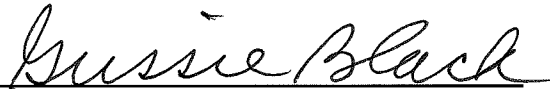
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



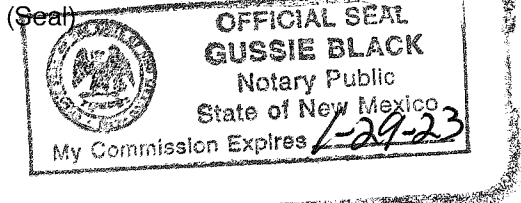
Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL NOTICE
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, October 19, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

Liquor License Number: 0806
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102138
Location: 4308 North Grimes, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0806. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35819

67108146

00246400

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

Allsup's #102138

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:56:25 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for a Transfer of Ownership of Liquor License No. 0394 Located at 316 North Marland

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0394 located at 316 North Marland. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By:
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form:
City Attorney

Recommendation:

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

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6984

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0394
LOCATED AT 316 NORTH MARLAND, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142 for the transfer of ownership of Liquor License No. 0394 at 316 North Marland, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102142, 316 North Marland for a transfer of ownership of Liquor License No. 0394 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

Lic. No. License No. 0394
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102142
Proposed Location: 316 North Marland, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

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

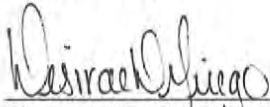
THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0394.

Alcoholic Beverage Control
(505) 476-4875

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment Application Fee \$
 Application Number: _____

Received on: _____
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

License No. 0394

Type of License: Dispenser

Check appropriate boxes:

Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only

Record Owner of Existing License: Allsup's Convenience Stores, Inc.

Current D/B/A Name: Allsup's #142

Current

Premises Address: 316 North Marland, Hobbs New Mexico 88240

Current

LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, LLC~~

~~P.O. Box 1967 Clovis NM 88130~~ 138 Conant St, Beverly, MA 01915

BW GAS & Convenience Retail, LLC

MAJ 6-25-2020

D/B/A Name to be used: Allsup's #142 Business Phone #: 575-393-0810

Email Address (required): ~~amorez@yesway.com~~ notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

316 North Marland, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0394

Agent/Contact Person: Linda L. Alkin Phone#: 505-982-6224 Email: llaqueybermesa.com

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

Sign before a Notary Public:

Signature of Applicant:

Thomas Nicholas Trkka

Date: 11/5/2019

NOTARY PUBLIC USE ONLY: (State of Massachusetts county of Essex

SUBSCRIBED AND SWORN TO before me this 5th day of November

By Nicole L. Keene Notary Public: Jacob S. Keene

Thomas Nicholas Trkka My Commission expires 8/19/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of:

Public Hearing held on _____, 20____. Check one: Approved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

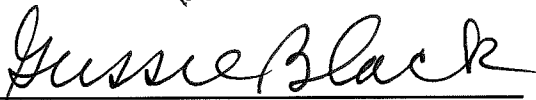
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 2 issue(s).

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



Publisher

Sworn and subscribed to before me this
30th day of September 2020.

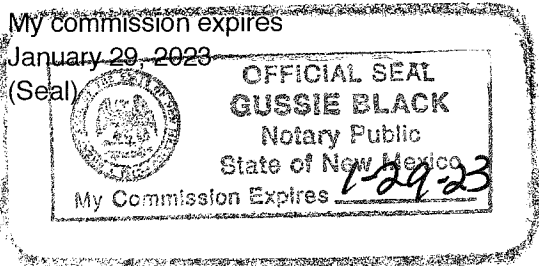


Business Manager

My commission expires

January 29, 2023

(Seal)



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

LEGAL NOTICE
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on Monday, October 19, 2020, at 6:00 p.m., in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

Liquor License Number: 0394
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102142
Location: 316 North Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0394. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35822

67108146

00246411

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

Allsup's #102142

300 ft Buffer Zone Map for Liquor License



Legend

- Allsup's Store
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:54:00 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for a Transfer of Ownership of Liquor License No. 0036 Located at 100 East Marland

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0036 located at 100 East Marland. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

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

Approved For Submittal By:

[Signature]
Department Director
[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6985

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0036
LOCATED AT 100 EAST MARLAND, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144 for the transfer of ownership of Liquor License No. 0036 at 100 East Marland, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102144, 100 East Marland for a transfer of ownership of Liquor License No. 0036 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0036
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102144
Proposed Location: 100 E. Marland, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

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

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0036.

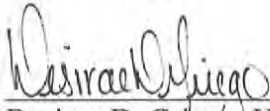
Alcoholic Beverage Control
(505) 476-4875

9171 9690 0935 0078 2608 53

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment| Application Fee \$
 Application Number:

Received on: _____ Receipt No. _____
 Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 0036 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's #144
 Current Premises Address: 100 E. Marland, Hobbs New Mexico 88240
 Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company: BW Gas & Convenience Retail, LLC ADDRESS (including city, state, zip) 138 Conant St., Beverly, MA 01915
~~Allsup's Convenience Stores, LLC~~ ~~P.O. Box 1907 Clovis NM 88130~~ 6-25-2020
 D/B/A Name to be used: Allsup's #144 Business Phone #: 575-393-1503
 Email Address (required): amoroz@yesway.com notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
100 E. Marland, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly, MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 0036

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cc.burmesa.com

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

Sign before a Notary Public:

Signature of Applicant:

Thomas Nicholas Trkla

Date: 11/5/2023

NOTARY PUBLIC USE ONLY: (State of Massachusetts, County of Essex

SUBSCRIBED AND SWORN TO before me this 5 day of November

By: Nicole L. Roberts Notary Public Nicole L. Roberts
Thomas Nicholas Trkla My Commission Expires: 8/1/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____

Public Hearing held on _____, 20____ Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA


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

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.

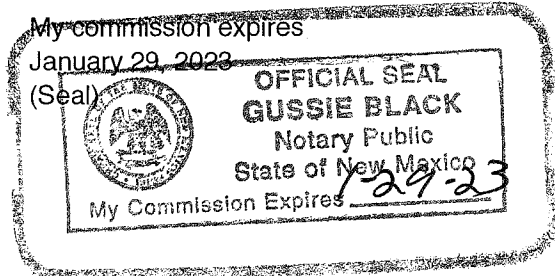


Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager



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

LEGAL NOTICE
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, October 19, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

Liquor License Number: 0036
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102144
Location: 100 East Marland, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 0036. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35821

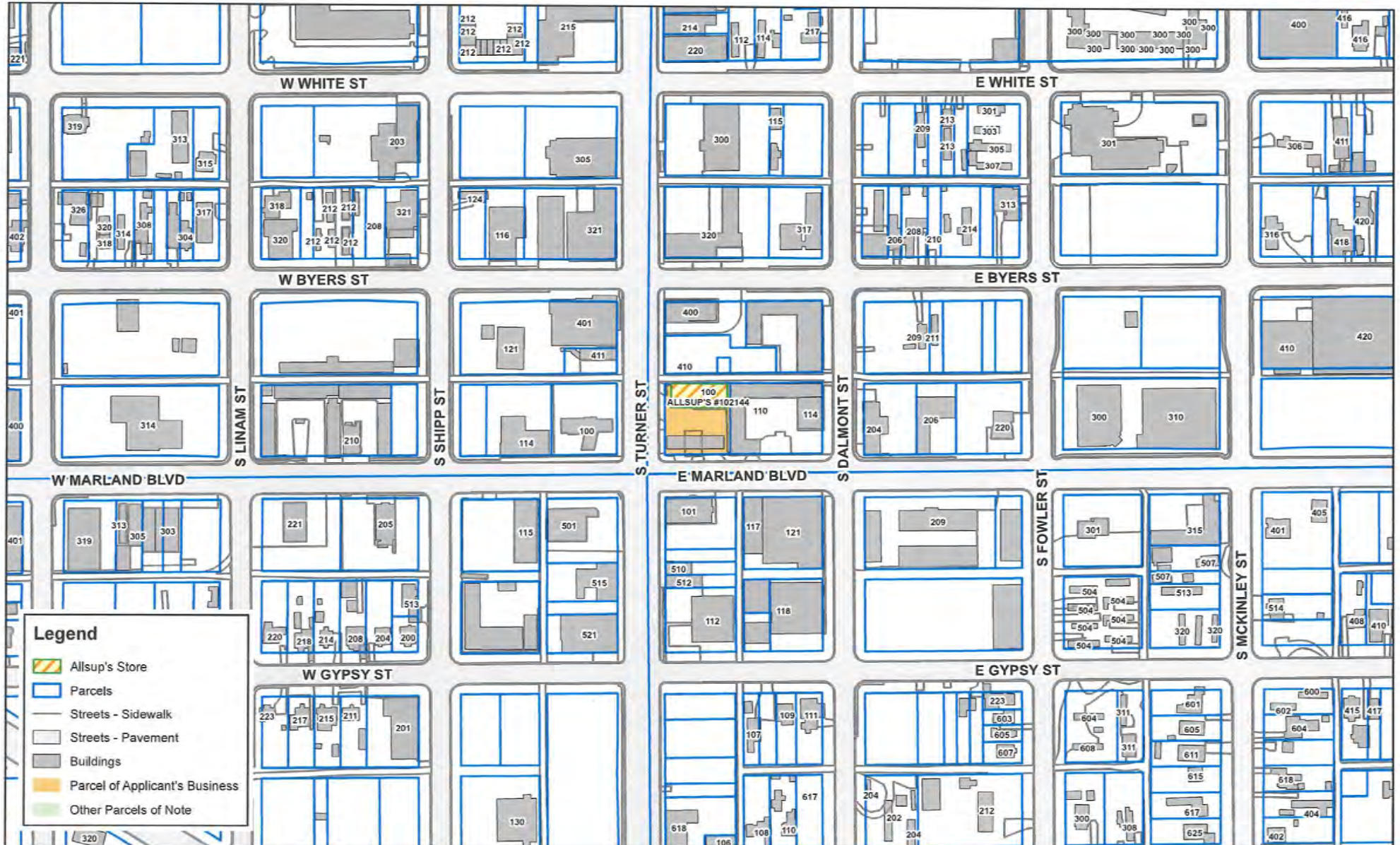
67108146

00246402

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

Allsup's #102144

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:52:41 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for a Transfer of Ownership of Liquor License No. 1058 Located at 3709 North Dal Paso

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 1058 located at 3709 North Dal Paso. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:


Reviewed By: 
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

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

Approved For Submittal By:


Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6986

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 1058
LOCATED AT 3709 NORTH DAL PASO, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145 for the transfer of ownership of Liquor License No. 1058 at 3709 North Dal Paso, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control;

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102145, 3709 North Dal Paso for a transfer of ownership of Liquor License No. 1058 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 1058
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102145
Proposed Location: 3709 North Dal Paso Street, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

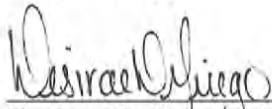
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 1058.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment; Application Fee \$

Received on:

Receipt No.

Application Number: _____

Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 1058

Type of License: Dispenser

Check appropriate boxes:

Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only

Record Owner of Existing License: Allsup's Convenience Stores, Inc.

Current D/B/A Name: Allsup's #145

Current Premises Address: 3709 North Dal Paso Street, Hobbs New Mexico 88240

Current LOD: Hobbs Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company:

ADDRESS (including city, state, zip)

~~Allsup's Convenience Stores, LLC~~ P.O. Box 1907 Clovis NM 88130 138 Conant St, Beverly, MA 01912

BW Gas & Convenience Retail, LLC 6-25-2020

D/B/A Name to be used: Allsup's #145 Business Phone #: 575-393-1503

Email Address (required): mmoritz@yesway.com notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

3709 North Dal Paso Street, Hobbs New Mexico 88240

County of: Lea

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 1058

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cybermesa.com

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

Sign before a Notary Public:

Signature of Applicant: _____

Thomas Nicholas Trkla

Date: 11/5/19

NOTARY PUBLIC USE ONLY: (State of Massachusetts County of Essex)

SUBSCRIBED AND SWORN TO before me this 5 day of November

By: Priscilla Rollins Davis Notary Public

Priscilla Rollins

Thomas Nicholas Trkla

My Commission expires: 7/31/26



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____

City, County, Village

Public Hearing held on _____

.20

Check one: Approved Disapproved

Signature and Title of City/County Official _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____

Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA


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

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



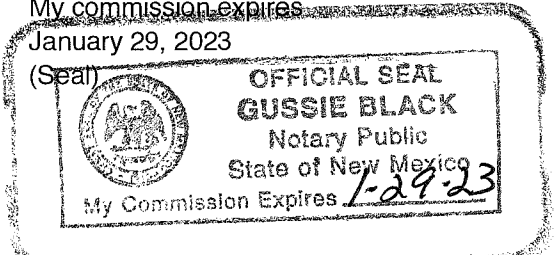
Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL **LEGAL**

LEGAL NOTICE
September 16 and 30, 2020

NOTICE OF PUBLIC LIQUOR HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on **Monday, October 19, 2020, at 6:00 p.m.**, in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.

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

NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.

HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.

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

Liquor License Number: 1058
Applicant: BW Gas & Convenience Retail, LLC
D/B/A: Allsup's #102145
Location: 3709 North Dal Paso, Hobbs NM, 88240
The request is for a Transfer of Ownership of Liquor License No. 1058. The license is currently owned by Allsup's Convenience Stores, Inc.

DATED this 10th day of September, 2020.

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

#35817

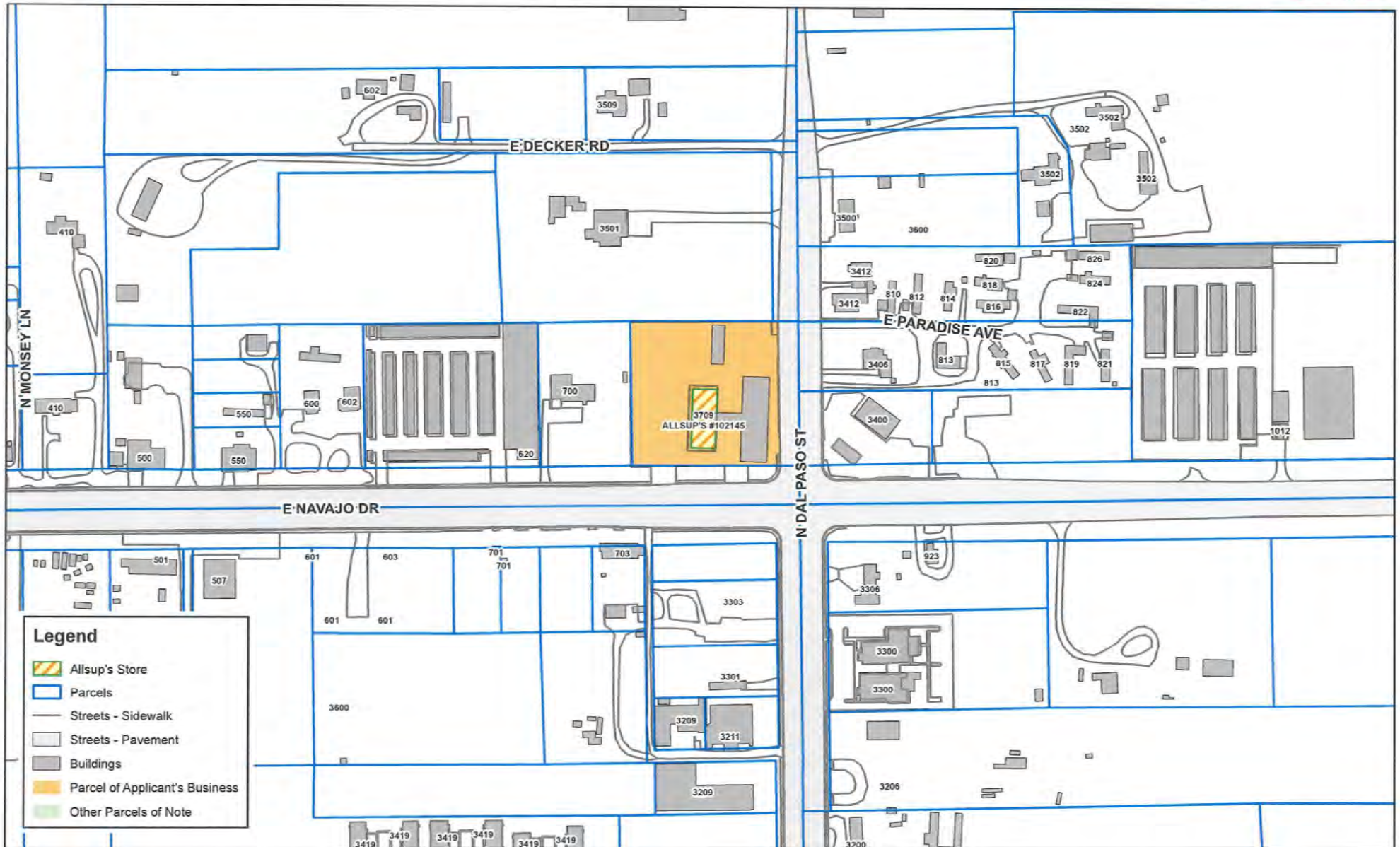
67108146

00246397

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

Allsup's #102145

300 ft Buffer Zone Map for Liquor License



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:55:21 AM

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



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for a Transfer of Ownership of Liquor License No. 0885 Located at 5312 Lovington Highway

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

BW Gas & Convenience Retail, LLC, has applied to the State of New Mexico, Alcoholic Beverage Control, for transfer of ownership of Liquor License No. 0885 located at 5312 Lovington Highway. The application has received preliminary approval from the State of New Mexico and was received by the City Clerk's Office on September 2, 2020. A public hearing must be held by the City within forty-five (45) days from receipt of such notice. The City has duly published notice of the hearing in the *Hobbs News-Sun* and properly notified the applicant of such hearing by certified mail.

Fiscal Impact:

Reviewed By:
Finance Department

The applicant has paid the required \$250.00 administrative fee to the City for processing of the application.

Attachments:

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

Legal Review:

Approved As To Form:
City Attorney

Recommendation:

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

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6987

A RESOLUTION CONCERNING THE APPLICATION
OF BW GAS & CONVENIENCE RETAIL, LLC,
FOR TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 0885
LOCATED AT 5312 LOVINGTON HIGHWAY, HOBBS, NEW MEXICO

WHEREAS, the City of Hobbs has received the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146 for the transfer of ownership of Liquor License No. 0885 at 5312 Lovington Highway, Hobbs, New Mexico, which received preliminary approval from the State of New Mexico, Alcoholic Beverage Control; and

WHEREAS, a public hearing is being held by the governing body of the City of Hobbs on October 19, 2020, on the question of whether or not the proposed transfer of ownership of the liquor license should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the application of BW Gas & Convenience Retail, LLC, d/b/a Allsup's #102146, 5312 Lovington Highway for a transfer of ownership of Liquor License No. 0885 be and is hereby _____ (*approved or disapproved*).

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

August 28, 2020

Certified Mail No.: 9171 9690 0935 0078 2608 53

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

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

RECEIVED

SEP 02 2020

OFFICE OF THE CITY CLERK
HOBBS, NEW MEXICO

Lic. No. License No. 0885
Name of Applicant: BW Gas & Convenience Retail, LLC
Doing Business As: Allsup's # 102146
Proposed Location: 5312 Lovington Hwy, Hobbs, New Mexico 88240

Greetings:

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

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

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

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

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

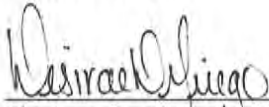
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP OF DISPENSER LIQUOR LICENSE NO. 0885.

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

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

Respectfully,



Desirae D. Griego, Hearing Officer
New Mexico Regulation & Licensing Dept.
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)



AGD USE ONLY: Payment/ Application Fee \$ _____ Received on: _____ Receipt No. _____
 Application Number: _____ Local Option District: _____

TRANSFER OF DISPENSER- TYPE LIQUOR LICENSE APPLICATION
\$200.00 Application Fee, non-refundable.

License No. 0885 Type of License: Dispenser
 Check appropriate boxes:
 Application is for: Transfer of Ownership Transfer of Ownership and Location Transfer of Location Only
 Record Owner of Existing License: Allsup's Convenience Stores, Inc.
 Current D/B/A Name: Allsup's 146
 Current Premises Address: 5312 Lovington Hwy, Hobbs New Mexico 88240
 Current LOD: Alamogordo Is License moving out of Local Option District? Yes No

APPLICANT IS: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME of Individual/Company: Allsup's Convenience Stores, LLC ADDRESS (including city, state, zip) P.O. Box 1987 Clovis NM 88130
BW Gas & Convenience Retail, LLC 138 Conant St, Beverly, MA 01915
Ing 505-300

D/B/A Name to be used: Allsup's 146 Business Phone #: 575-434-3499

Email Address (required): amroz@yesway.com notices@yesway.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
5312 Lovington Hwy, Hobbs New Mexico 88240

County of: Otero

Mailing Address: 138 Conant Street, Beverly MA 01915

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type : 1885

Agent/Contact Person: Linda L. Aikin Phone#: 505-982-6224 Email: lla@cybermesa.com

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

Sign before a Notary Public:
 Signature of Applicant: Thomas Nicholas Trkla Date: 11/5/2019

NOTARY PUBLIC USE ONLY: (State of NEW MEXICO , County of OSCEOLA
 SUBSCRIBED AND SWORN TO before me this 5th day of November
 By Aicole L. Reeves Notary Public: Jacob A. Seller
Thomas Nicholas Trkla My Commission Expires 8/19/23



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____
 Public Hearing held on _____, 20____ Check one: Approved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____ Date: _____

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA


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

Beginning with the issue dated
September 16, 2020
and ending with the issue dated
September 30, 2020.



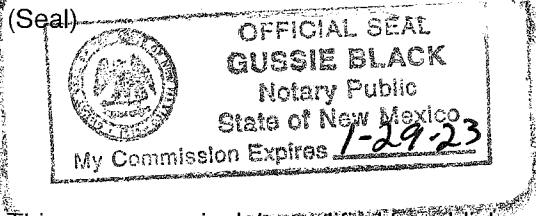
Publisher

Sworn and subscribed to before me this
30th day of September 2020.



Business Manager

My commission expires
January 29, 2023



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

LEGAL	LEGAL
LEGAL NOTICE September 16 and 30, 2020	
NOTICE OF PUBLIC LIQUOR HEARING	
<p>NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, will hold a public hearing on Monday, October 19, 2020, at 6:00 p.m., in the City Commission Chamber at City Hall, First Floor Annex, 200 East Broadway, Hobbs, New Mexico. The purpose of the hearing will be to consider whether the State of New Mexico Regulation and Licensing Department, Alcoholic Beverage Control, should approve or disapprove the liquor license set forth herein. Protests and objections may be made by any interested persons at the time, date and place of hearing.</p>	
<p>NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in the hearing, please contact Jan Fletcher at least three days before the hearing date at (575) 397-9200.</p>	
<p>NOTICE REGARDING COVID-19: Everyone attending the hearing must adhere to the Public Health Order regarding social distancing and wearing masks, including in the hearing.</p>	
<p>HEARING FORMAT: The hearing format is subject to change to a virtual remote meeting if an in-person meeting cannot be held. If any persons desire to testify or otherwise participate in the hearing, please contact Jan Fletcher, City Clerk, at (575) 397-9200 or submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on the date of the hearing.</p>	
<p>If you are in need of an interpreter to participate in the hearing, please contact Jan Fletcher at (575) 397-9200 at least three days before the hearing date.</p>	
<p>Liquor License Number: 0885 Applicant: BW Gas & Convenience Retail, LLC D/B/A: Allsup's #102146 Location: 5312 Lovington Highway, Hobbs NM, 88240 <u>The request is for a Transfer of Ownership of Liquor License No. 0885. The license is currently owned by Allsup's Convenience Stores, Inc.</u></p>	
<p>DATED this 10th day of September, 2020.</p>	
<p style="text-align: right;">/s/ Sam D. Cobb SAM D. COBB, Mayor</p>	
<p>#35818</p>	

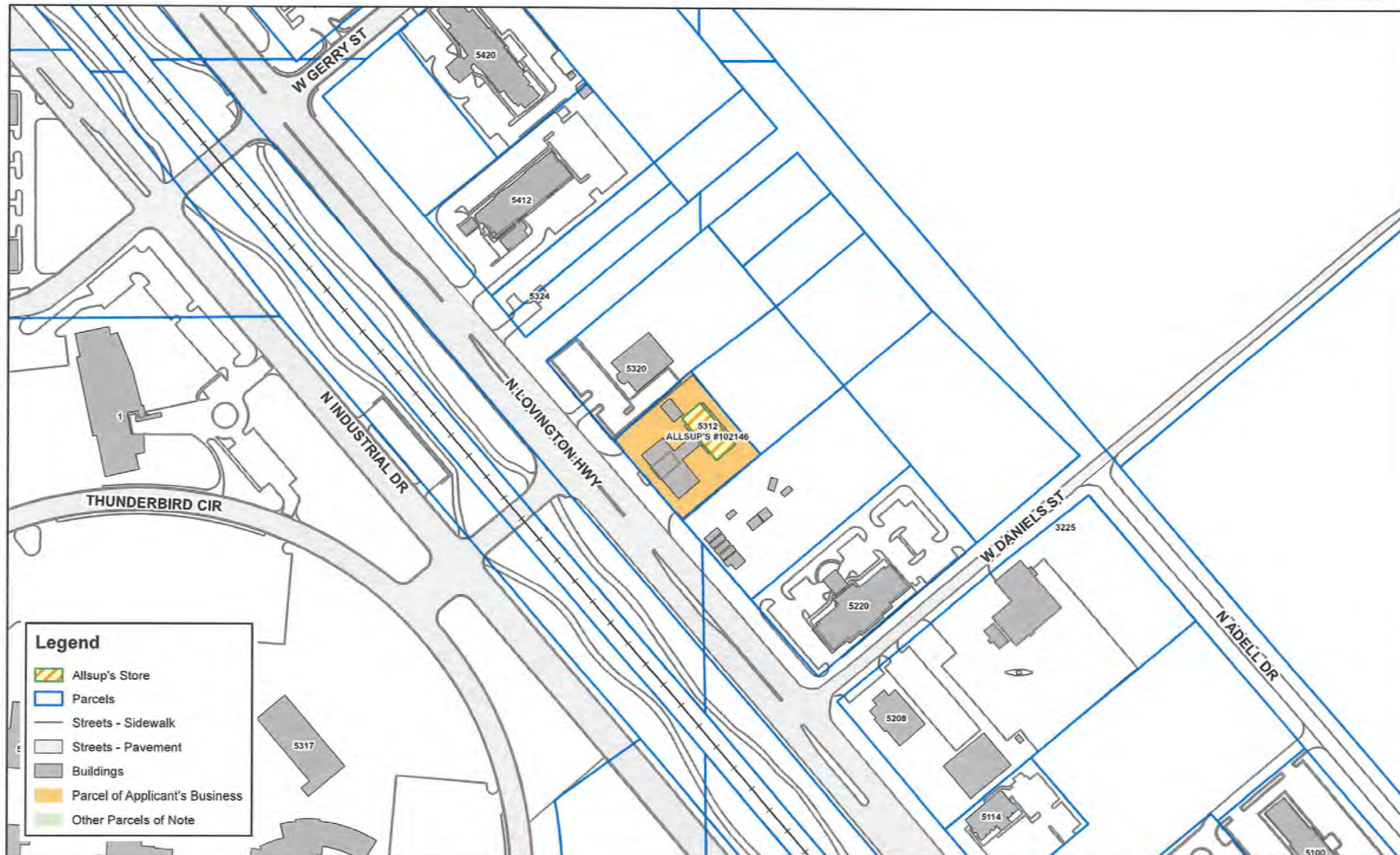
67108146

00246398

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

Allsup's #102146

300 ft Buffer Zone Map for Liquor License



Legend

- Allsup's Store
- Parcels
- Streets - Sidewalk
- Streets - Pavement
- Buildings
- Parcel of Applicant's Business
- Other Parcels of Note



City of Hobbs GIS Division

XX

Date: 10/15/2020 1 inch = 250 feet Time: 8:58:27 AM

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CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

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

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: October 12, 2020
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: Lemke Development, Inc. has requested a Development Agreement concerning the development of single-family housing units located within the municipal boundaries. The developer proposes to produce market rate single-family units and is requesting infrastructure incentives of \$200,000.00.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

FY21 Budget Available \$200,000.00
Single Family Housing #010100-44901-170

Attachments: Resolution and Development Agreement.

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

Commission considers approval / denial of the attached Development Agreement.

Approved For Submittal By:

[Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

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

CITY OF HOBBS

RESOLUTION NO. 6988

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

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

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

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

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

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

Jan Fletcher, City Clerk

MARKET RATE SINGLE FAMILY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into on this 19th day of October, 2020 by and between the City Of Hobbs, New Mexico, a municipal corporation (hereinafter "City"); and Lemke Development Inc., 4008 N. Grimes Street, Hobbs, NM 88240, (hereinafter "Developer") for the purpose of delivering Housing Developer Services to be provided to the City.

RECITALS:

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

** Developer has submitted a proposal to the City to deliver the required Market Rate Single Family Housing, to be produced within 365 days of the date of this agreement, within the Municipal Boundaries.

** Any outstanding Development Agreements between the Developer and the City of Hobbs concerning the production of Market Rate Single Family Housing shall become null and void upon the ratification of this agreement herewith.

NOW, THEREFORE, the City of Hobbs and Developer do hereby agree as follows:

A. Work To Be Performed.

1. The Developer shall furnish to the City its Professional Housing Developer Services for certain work regarding the Market Rate Single Family Housing. All single family structures completed under this agreement shall be located within the municipal boundaries and shall have received a certificate of occupancy after the date of this agreement.

2. Developer shall furnish to City its professional Housing Developer Services as provided by this Agreement. The specific duties include the production and delivering to the public Market Rate Single Family Housing Units in Hobbs. Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time.

3. Specific activities required are to develop privately owned real property in the City including designing, building and transferring to the public individual market rate single family housing units. The City's subsidy may include any or all of the following funding assistance from the City:

Incentives are available for installed public municipal infrastructure only, providing compliance with:

- a. Incentive not to exceed per square footage basis:
 - i. \$10.00 per sq. ft. north of Sanger
 - ii. \$20.00 per sq. ft. south of Sanger
 - iii. Calculation based on living area only
- b. Incentive not to exceed per unit basis:
 - i. \$10,000.00 per single family unit
 - ii. \$5,000.00 per multi-family unit

- c. Incentive not to exceed fair share per linear foot of infrastructure basis:
 - i. \$180.00 per lineal front footage of complete public infrastructure installed, and further broken down as follows:
 - 1. Water (\$25 / lf):
 - a. Twenty Five (\$25) per equivalent front foot of lot to which water service is provided (8" minimum service single family & 10" minimum service for multi-family);
 - 2. Sewer (\$35 / lf):
 - a. Thirty Five (\$35) per equivalent front foot of lot to which sewer service is provided (8" minimum service single family & 10" minimum service for multi-family);
 - 3. Street (\$90/ lf):
 - a. Ninety (\$90) per equivalent front foot of lot to which street is provided (built to Minor Residential standards as promulgated within the City of Hobbs Major Thoroughfare Plan);
 - 4. Sidewalk:
 - a. Thirty (\$30) per equivalent front foot of lot to which sidewalk (includes driveway with ADA accessible path) is provided;

Based on quantities of required publicly owned infrastructure installed supporting the project, the City Engineer shall determine if the value of the infrastructure is adequate as an equal exchange of value for the amount of City subsidy contributed to the market rate single family housing unit. The City Engineer shall resolve any issues concerning value or extent of infrastructure and amount of square footage of constructed housing units. Specifically, the City Engineer will determine the value or unit costs of the publicly owned infrastructure according to any City of Hobbs Annual Pavement/Concrete/Utility Contracts or public infrastructure projects and estimates.

B. Payment For Services.

- 1) The City shall pay for said services at the rates agreed to and as specified above in the Infrastructure details, as shown herein. Payment will not be made by the City for any unit until a certificate of occupancy is issued, based on this Agreement.
- 2) The total compensation to be paid to the Developer during the term of this Agreement shall not exceed Two Hundred Thousand Dollars (\$200,000.00), unless the Agreement is amended by the City Commission.
- 3) City subsidy shall be paid when each individual single family unit is complete and certificate of occupancy is issued, provided the certificate of occupancy for the unit is issued after date of this agreement. Payment will be made within fifteen (15) days following a written request from the Developer and upon City inspection of project completion.
- 4) Produced Units receiving an infrastructure incentive reimbursement shall not now or in the future be utilized in a pecuniary manner by renting, leasing, exchanging or bartering habitation privileges to the property for a period of no less than 30 days at a time. Such usage either now or in the future, for a period not to exceed 10 years from date of issuance of a C.O.,

shall require Developer to return any incentive funds received for any unit thus utilized, upon demand by the City. Developer shall record a "Declaration of Restrictive Covenants", attached hereto as Exhibit 2, to restrict such usage and to notify parties involved in future conveyances.

C. Construction Requirements.

Construction shall be of energy-efficient design per New Mexico Energy Conservation Code 2009, utilizing either stucco or brick on the exterior of all buildings.

D. Assignment of Agreement.

This Section refers to assignability of this Agreement, and not to assignability of the Project to be developed for housing. Developer shall not assign or transfer any interest in this Agreement. Except that Developer is permitted, upon City approval, to assign its interest to a Partnership or Corporation in which the Developer is the principal party or to an affiliated company, working with the Developer on the Project. Subject to the foregoing provision, this Agreement shall inure to the benefit of and be binding upon the parties to this Agreement and their respective successors and assigns; provided that upon any assignment of this Agreement by either party, the other party shall not be released from any obligation under, or liability accruing pursuant to this Agreement. Consent shall not unreasonably be withheld by either party.

E. Insurance Requirements and Hold Harmless Provision.

1. Developer agrees to obtain and maintain appropriate insurance during the course of the development of market rate single family housing with the City of Hobbs, as follows, and shall indemnify and hold harmless City, its employees, agents, officers and officials from any and all claims, losses, causes of action, and/or liabilities resulting from the conduct, negligence, errors or omissions of Developer or any employee or agent of Developer while engaged in performing the services called for herein.

2. The Developer shall maintain insurance coverage for General Liability, Automobile Liability, Errors and Omissions Insurance, and Workers' Compensation, subject to review and approval of the City Attorney.

F. Governing Law and Provisions.

1. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement, including the expenses of in house counsel.

G. Final Payment and Release of Claims.

1. Developer, upon final payment of all amounts due under this Agreement, releases the City and its officers and employees from all liabilities, claims and obligations whatsoever arising

from or under this Agreement.

2. City, upon Developer's final completion of all work items and covenants required of the Developer under this Agreement, shall release the Developer from all liabilities, claims and obligations whatsoever arising from or under this Agreement, on the day that is ten (10) years following the date of the City's issuance of a final certificate of occupancy on the Project.

H. Amendments.

This Agreement shall not be altered, changed, or amended except by written instrument approved and executed by both parties hereto.

I. Breach.

1. The following events constitute a breach of this Agreement by Developer:
 - a) Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

2. The following events constitute a breach of this Agreement by City:
 - a) City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement, including making timely and appropriate payments to the Developer.

J. Remedies Upon Breach.

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

2. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

K. Termination.

This Agreement shall be terminated upon the completion of all tenants herein specified or 365 days from date of ratification whichever comes first. A request for infrastructure reimbursement, for a qualified unit produced within the terms of this agreement, received after the Termination Date of this agreement will not eligible for payment.

L. Notice.

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

M. Entire Agreement.

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

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

City of Hobbs

Developer

By: Sam D. Cobb, Mayor



By:

ATTEST:

APPROVED AS TO FORM:

JAN FLETCHER, City Clerk

Efren Cortez, City Attorney



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Publication of an Ordinance Amending Hobbs Municipal Code Chapter 8.12 Fireworks
DEPT. OF ORIGIN: Fire
DATE SUBMITTED: October 13, 2020
SUBMITTED BY: Shawn Williams, Fire Marshal

Summary:

On June 3, 1991, the City Commission adopted Ordinance No. 802, which set out regulations for proper use and sale of Fireworks in the City of Hobbs. This Ordinance was later amended in 2001 and has since been codified in Chapter 8.12 of the Hobbs Municipal Code. The proposed amendments would bring Chapter 8.12 current with 2007 amendments to the Fireworks Licensing and Safety Act (NMSA 1978, § 60-2C-1, et seq.) as well as address certain concerns that are unique to the local conditions present in Hobbs, New Mexico. The proposed amendments would allow the City of Hobbs to address fireworks use and misuse within the municipal boundaries in a more effective and efficient manner thus protecting the health, safety, and welfare of the general public.

Fiscal Impact:

Reviewed By:
Finance Department

There is no fiscal impact for this proposed ordinance amendment.

Attachments:

Proposed Ordinance

Legal Review:

Approved As To Form:
City Attorney

Recommendation:

The Commission should consider publication of the ordinance.

Approved For Submittal By:

Department Director

City Manager

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COMMISSION ACTION TAKEN

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

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING HOBBS MUNICIPAL CODE
CHAPTER 8.12 FIREWORKS

WHEREAS, pursuant to NMSA § 60-2C-7 of the Fireworks Licensing and Safety Act, a municipality may adopt an ordinance regulating certain types of fireworks; and

WHEREAS, the City has adopted Chapter 8.12 Fireworks which was last revised in 2001 to comply with the State's Fireworks Licensing and Safety Act; and

WHEREAS, the City wishes to amend Chapter 8.12 to comply with certain changes implemented to the Fireworks Licensing and Safety Act enacted by the New Mexico Legislature in 2007, as well as certain changes to address concerns that are unique to local conditions in Hobbs, New Mexico; and

WHEREAS, the amendments contemplated herein will allow the City of Hobbs to address fireworks use and misuse within the municipal boundaries of Hobbs, New Mexico, in a more effective and efficient manner thus protecting the health, safety, and welfare of the general public; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Hobbs that the Hobbs Municipal Code Chapter 8.12 be amended as follows:

Chapter 8.12 - FIREWORKS

8.12.010 - Title for citation.

This chapter shall be known and cited as the "Hobbs fireworks ordinance."

(Prior code § 10A-1)

8.12.020 - Definitions.

As used in this chapter:

"1.3G Explosives" means those items formerly known as Class B special fireworks. Items classified as 1.3G explosives are display fireworks.

"1.4G Explosives" means those items formerly known as Class C common fireworks. Items classified as 1.4G explosives are consumer fireworks intended for use by the general public.

"Aerial device" means a fireworks device that upon ignition propels itself or an insert a significant distance into the air, but does not include a firework that produces a shower of sparks. Aerial device includes sky rocket and bottle rocket, missile-type rocket, helicopter, aerial spinner, Roman candle, mine and aerial shell.

"Aerial shell" means a cylindrical or spherical cartridge containing a lift charge, burst charge and effect composition. Upon firing from a reloadable tube, the lift charge is consumed and the cartridge is expelled into the air.

"Aerial shell kit-reloadable tube" means a package or kit containing a cardboard, high-density polyethylene or equivalent launching tube and not more than twelve small aerial shells. Each aerial shell is limited to a maximum of sixty grams of total chemical composition, including lift charges, and the maximum diameter of each shell shall not exceed one and three-fourths inches.

"Chaser" means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report.

"City Commission" means the Hobbs City Commission.

"Cone fountain" means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Consumer fireworks" also known as 1.4G fireworks, are defined as any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission. Consumer fireworks are generally marked with brightly colored and decorated paper and include, in part, a trade name and

manufacturing information. The Department of Transportation classifies consumer fireworks as UN0336, UN0337.

"Crackling device" means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty-milligram limit of firecrackers.

"Cylindrical fountain" means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Display distributor" means any person, firm or corporation selling special fireworks.

"Display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.

"Distributor" means any person, firm or corporation selling fireworks to wholesalers and retailers for resale.

"Fire Chief" means the Chief of the Hobbs Fire Department.

"Firecracker" means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report.

"Fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks", but does not include novelties or theatrical pyrotechnics articles.

"Flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function.

"Ground audible device" means a fireworks device intended to function on the ground that produces an audible effect.

"Ground spinner" means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited.

"Helicopter" or "aerial spinner" means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight.

"Hobbs" means the City of Hobbs, New Mexico.

"Illuminating torch" means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.

"Manufacturer" means any person, firm or corporation engaged in the manufacture of fireworks.

"Mine" or "Shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than sixty grams of total chemical composition, including lift charges, per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse, must be a dense-packed collection of mine or shell tubes and the total chemical composition, including lift charges, shall not exceed two hundred grams.

"Missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition.

"Multiple tube devices" means a device that contains more than one cardboard tube and the ignition of one external fuse that causes all of the tubes to function in - sequence. The tubes are individually attached to a wood or plastic base or are dense packed and are held together by glue, wire, string or other means that securely hold the tubes together during operation. A maximum total weight of five hundred grams of pyrotechnic composition shall be permitted; provided that the tubes are securely attached to a wood or plastic base and are separated from each other on the base by a distance of at least one-half inch. The connecting fuses on multiple tube devices shall be fused in sequence so that the tubes fire sequentially rather than all at once.

"Novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, toy smoke devices, snakes, glowworms, sparklers or toy caps, and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.

"Permissible fireworks" or "consumer fireworks" means fireworks legal for sale and use in Hobbs under the provisions of the Hobbs fireworks ordinance.

Permissible fireworks are:

(1) ground and hand-held sparkling devices:

- (a) cone fountains;
- (b) crackling devices;
- (c) cylindrical fountains;
- (d) flitter sparklers;
- (e) ground spinners;
- (f) illuminating torches; and
- (g) wheels.

"Non-Permissible fireworks" means fireworks not legal for sale and use in Hobbs under the provisions of the Hobbs fireworks ordinance.

Non-permissible fireworks are:

(1) aerial devices:

- (a) aerial shell kit-reloadable tubes;
- (b) aerial spinners;
- (c) helicopters;
- (d) mines;
- (e) missile-type rockets;
- (f) multiple tube devices;
- (g) roman candles;
- (h) shells; and
- (i) stick-type rockets

(2) ground audible devices:

- (a) chasers; and
- (b) firecrackers.

"Retailer" means any person, firm or corporation purchasing fireworks for resale to consumers.

"Specialty retailer" means any person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism.

"Theatrical pyrotechnics articles" means a pyrotechnic device for professional use in the entertainment industry similar to permissible fireworks or consumer fireworks in chemical composition and construction but not intended and labeled for consumer use.

"Wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more

than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition.

"Wholesaler" means any person, firm or corporation purchasing fireworks for resale to retailers.

(Ord. 874 (part), 2001; prior code § 10A-2)

8.12.030 - Permit required—Fee and issuance.

- A. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in the City unless such person has first obtained the appropriate license or permit.
- B. The Fire Chief or designee shall enforce the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]. The Fire Chief or designee shall enforce the Hobbs fireworks ordinance. All retailers shall be required to purchase a retail fireworks permit for each retail location. Permit applications shall be obtained from the City Clerk and submitted for approval to the office of the Fire Chief or designee. Upon receipt of an approved application, the City Clerk shall issue a permit.
- C. An applicant for a permit under the Hobbs fireworks ordinance shall pay to the City Clerk a fee of twenty-five dollars (\$25.00) which shall not be refundable or transferable.
- D. All permits shall be issued for one (1) year beginning on April 1st of each year. All permits shall be issued within thirty (30) days from the date of receipt of an approved application.
- E. Permits issued under the Hobbs fireworks ordinance shall not be restricted in number or limited to any person without cause.
- F. Any violation of the Hobbs fireworks ordinance may result in a revocation of any previously issued permit. Upon receipt of a notice of revocation of any previously issued permit, the permittee may appeal the revocation to the City Commission. The decision of the City Commission will be final. Upon a finding from the City Commission that the permittee violated the Hobbs fireworks ordinance, the permittee shall not be eligible to obtain a permit under the Hobbs fireworks ordinance until the April 1st immediately following the decision of the City Commission.

(Ord. 874 (part), 2001; prior code § 10A-3)

8.12.040 - Unauthorized/Illegal fireworks—Possession, sale or use unlawful.

No individual, property owner, or responsible party of listed property/event, firm, partnership, corporation or association shall possess for retail sale in Hobbs, sell or offer for sale at retail or use or possess any fireworks, including ground audible devices and aerial devices, other than permissible fireworks. A recognized exception to this section exists pursuant to Section 8.12.080 herein.

(Ord. 874 (part), 2001; prior code § 10A-4)

8.12.050 - Permissible fireworks.

"Permissible fireworks" for sale to the general public, as that term is used in the Hobbs fireworks ordinance, shall be understood to mean consumer fireworks legal for sale and use in New Mexico under the provisions of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978], as amended, with the exception of ground audible devices and aerial devices, which are prohibited pursuant to Section 8.12.040 of this chapter.

(Prior code § 10A-5)

8.12.060 - Retail sales and storage.

- A. No fireworks may be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.
- B. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years or to an intoxicated person.
- C. All places where fireworks are stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnics articles.
- D. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four (4) inches in height. Smoking, open flames and any ignition source are prohibited within twenty-five (25) feet of any fireworks stock.
- E. No fireworks shall be stored, kept, sold or discharged within fifty (50) feet of a gasoline pump or gasoline bulk station or a building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- F. All fireworks permittees and licensees shall keep and maintain upon the premises a fire extinguisher bearing an Underwriters Laboratories Inc. rated capacity of at least five (5) pound ABC per five hundred (500) square feet of space used for fireworks sales or storage.
- G. Sales clerks and ancillary personnel employed or volunteering at temporary retail locations where fireworks are sold shall be at least sixteen (16) years of age. A sales clerk shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at state-permitted or state-licensed retail locations in Hobbs.
- H. No fireworks shall be discharged within one hundred fifty (150) feet of any fireworks retail sales location.
- I. No person shall ignite any fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.

- J. Any fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse which has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, then the entire fuse shall be covered.
- K. Permissible fireworks may be sold at retail between June 20th and July 6th of each year, six (6) days preceding and including new year's day, three (3) days preceding and including Chinese new year, the sixteenth of September and Cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

(Ord. 874 (part), 2001; prior code § 10A-6)

8.12.070 - Public display requirements.

- A. Any public display of fireworks shall require the individual, association, partnership, corporation or organization desiring to have such a display to secure a written permit from the office of the Fire Chief. The fireworks for such display shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of the Treasury.
- B. The Fire Chief or designee may adopt reasonable rules and regulations for the use of fireworks in public displays.

(Prior code § 10A-7)

8.12.080 - Safe Zones established.

The City of Hobbs shall designate "Safe Zones" and times for unauthorized/illegal firework displays. At least ten calendar days prior to the dates outlined in Section 8.12.060(K), the City of Hobbs shall furnish to the public the location of the designated Safe Zones. Unauthorized/Illegal fireworks are not permitted within the municipal boundaries of Hobbs, New Mexico, unless said unauthorized/illegal fireworks are possessed and displayed in City of Hobbs designated Safe Zones. If unauthorized/illegal fireworks are possessed and or displayed in places other than the designated Safe Zones, the individual, property owner, or responsible party of listed property/event, firm, partnership or corporation is in violation of the Hobbs fireworks Ordinance and are subject to the penalties set forth in Section 8.12.090 and Section 8.12.100.

8.12.090 - Violation—Penalty—Criminal Petty Misdemeanor.

Any individual, property owner, or responsible party of listed property/event, firm, partnership or corporation that violates any provision of the Hobbs fireworks ordinance shall be given the opportunity to surrender their illegal fireworks for destruction in lieu of

a citation. If any individual, property owner, or responsible party of listed property/event, firm, partnership or corporation refuses to surrender the illegal fireworks, they will be issued a citation for violation of the Hobbs fireworks ordinance. Upon conviction, the offender shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Prior code § 10A-8)

8.12.100 - Violations—Penalty—Civil.

- A. Addresses that have been identified as locations where illegal fireworks are used will be issued a Cease and Desist order by certified mail. A Cease and Desist Order is a document that serves as official notice that the owner and/or occupant (responsible party of listed property/event) has been found to be in violation the Hobbs fireworks Ordinance. Any Cease and Desist Order issued within a given calendar year may be used as evidence in any subsequent criminal prosecution and may serve as prima facie evidence against the issuance of any future permits under the Hobbs fireworks ordinance.
- B. If an individual, property owner, or responsible party of listed property/event is found guilty of violating any of the provisions of the Hobbs fireworks ordinance, that person's permit may be revoked or suspended by the Fire Chief, his or her deputies or designee as contemplated by Section 8.12.030(F) above.
- C. No individual, firm, corporation or partnership shall possess any fireworks for sale within the city limits of Hobbs, New Mexico other than those authorized in the Hobbs fireworks ordinance. The Fire Chief, his or her deputies or designee may at reasonable hours enter and inspect the permittee's premises to determine compliance with the Hobbs fireworks ordinance. If any retailer has in his or her possession any fireworks in violation of that ordinance, his or her permit shall be revoked and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person has in his or her possession any fireworks in violation of that ordinance, a warrant may be issued for the seizure of fireworks and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the permissible fireworks shall be returned to the person in whose possession they were found.

(Prior code § 10A-9)

PASSED, ADOPTED AND APPROVED this _____ day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Purchase of a 2020 JOHN DEERE 310HL BACKHOE
DEPT. OF ORIGIN: Utilities
DATE SUBMITTED: September 29, 2020
SUBMITTED BY: Tim Woomer, Utilities Director

Summary:

The City of Hobbs Utilities Department requests the purchase of a 2020 JOHN DEERE 310HL BACKHOE. The backhoe comes with a one (1) year full machine warranty, powertrain and hydraulic are a sixty (60) months/5000hr., equipped with a 1.3 cubic yard long lip front bucket and a 18" heavy duty pin-on rear bucket. This purchase will utilize CES Contract Number 42899-HB with 4 Rivers Equipment. The purchase of this equipment will replace unit 0697, a 2001 John Deere 410G backhoe that has reached its useful life expectation. This equipment serves as one of the means of installing and maintaining new or preexisting water and wastewater collection mains, water service laterals, water mainline control valves and fire hydrants in the water and wastewater systems within the City of Hobbs.

Fiscal Impact: \$95,971.37

Reviewed By: 
Finance Department

Funds for the John Deere 310HL backhoe are approved in the FY2020/2021 Enterprise Fund Budget. This purchase utilizes Account Number 61-4061-43006 and is budgeted in the amount of \$150,000.00.

Attachments:

- 4 Rivers Formal Quote
- 4 Rivers/CES Contract 42899-HB
- Specifications; 2020 John Deere 310HL Backhoe

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Award CES Contract 42899-HB for the purchase of a 2020 JOHN DEERE 310HL BACKHOE in the amount of \$95,971.37.

Approved For Submittal By:


Department Director

City Manager

CITY CLERKS USE ONLY
COMMISSION ACTION TAKEN

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

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



Formal Quote

Date: 9/20/2020 Contract Used: CES
Customer: City of Hobbs
Contact: City of Hobbs
Address: 200 E. Broadway
City: Hobbs
State: NM Zip: 88240
Phone: 575-397-9244
Email:

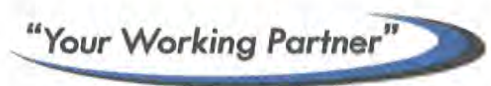
Make: JD Model: 310HL

JD List Price:	\$168,043.00
CES Discount: 44.0%	(\$73,938.92)
Factory Freight:	\$1,750.00
Extended Warranty:	\$1,718.00
Vendor Attachments:	\$1,055.29
Freight (If Applicable):	
PM Package (If Applicable):	
Less 4 Rivers Additional Discount:	(\$2,656.00)
Total Sales Price:	\$95,971.37

- Notes
- 1 Year Full Machine Warranty
 - Powertrain and Hydraulic 60 Mos. 5000 Hour
 - Additional Discount for Machine having Aux. Hydraulics
 - Rear Coupler to be removed
 - 1.3 CY Long lip front bucket
 - 18" HD Pin-on Rear Bucket

Quote Expires: 10/20/2020

Accepted By: _____
Quoted By: _____





2400 W. Bender Blvd.
Hobbs NM, 88240

INVOICE

Invoice #: 42899-HB
Date: 9/21/2020

SOLD To:	CES / CITY OF HOBBS 200 E BROADWAY HOBBS NM 88240	Ship To:	
-----------------	---	-----------------	--

SALESPERSON	P.O. NUMBER	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
LONNIE STUART					

Comments or special instructions:

QUANTITY	DESCRIPTION	Serial Number	UNIT PRICE	TOTAL
1	CAB AC 4WD EXT AUX PC RC		\$95,971.37	\$95,971.37
1	HD PIN ON 310SL/410L 8330 (X5)			\$0.00

SUBTOTAL		\$95,971.37
Sales Tax	0.0000%	\$0.00
Down Payment		
TOTAL DUE		\$95,971.37

Make all checks payable to **4 Rivers Equipment Exchange, LLC**

If you have any questions concerning this invoice, call 575-392-6923.

Thank you for your business!
ORIGINAL INVOICE



Build Codes for Retail 310HL 117520 9-15-2020 9/20/2020

07G0RW0202	U.S.A. DESTINATION
07G0RW0409	ENGLISH OP MANUAL & LABELS
07G0RW0500	0500 NO PACKAGE
07G0RW1493	23SPD E23 (42K)
07G0RW1822	10IN COLOR TOUCH DISPLAY
07G0RW1834	NO ACS STEERING
07G0RW1835	NO SF RECEIVER
07G0RW1845	NO AT ACTIVATION
07G0RW188N	JDLINK CON UPGRADE 1ACC 5RDA
07G0RW1946	SERVER 4600 PROCESSOR
07G0RW2061	PREM CVIII W ACTIVE SEAT
07G0RW2662	PREM RADIO
07G0RW2701	RHR BUMP SFT CTRL
07G0RW3037	ENGINE-9.0L FT4
07G0RW3280	85CC + 35CC HYDRAULIC SYS
07G0RW3352	FIVE REM CYL (1 HI FLOW)
07G0RW3810	INDEPENDENT PTO-1000 RPM
07G0RW4032	RS W/HITCH(CAT4)20000 LBS
07G0RW4322	DRAWBAR CAT4 HD SPT
07G0RW5042	R.AX(120MM)118.5IN HDHUBS NA
07G0RW5601	DUAL 480/80R50 159A8 R1W
07G0RW5999	NO TIRE BRAND PREFERENCE
07G0RW6062	ILS FA-W/O FRT BRAKES GRP48
07G0RW6603	4 STL-420/85R34 147A8 R1W
07G0RW7206	PRM LED LIGHT PKG
07G0RW8010	FRONT FENDERS (480MM)
07G0RW8064	ETHERNET SWITCH R4
07G0RW8228	RH/LH ELECTR REM ADJ MIRRORS
07G0RW8264	REFRIGERATOR
07G0RW8300	COLD WEATHER PKG 110V
07G0RW8306	LARGE FUEL WATER SEPARATOR
07G0RW8726	ROTATING BEACON LIGHT RH
07G0RW878B	BATTERY DISCONNECT
07G0RW8938	22WT&1PR900,70,625KG



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

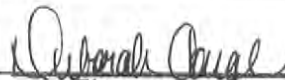
SUBJECT: WWRF Discharge Permit #37 Stage One Abatement Plan Proposal
DEPT. OF ORIGIN: Utilities
DATE SUBMITTED: September 29, 2020
SUBMITTED BY: Tim Woome, Utilities Director

Summary:

The City of Hobbs Utilities Department requests the implementation of the Stage One Abatement Plan Investigation to satisfy Section IV, Condition C, of the City of Hobbs Wastewater Reclamation Facility Discharge Permit #37. The project is outlined in the Souder, Miller, and Associates scope of work document titled Exhibit A, #1C28632. The SMA Stage One Abatement Plan Scope of Work was approved by NMED on July 24, 2020, and is estimated to take fifty (50) days to complete. This project will be completed using CES contract number 19-01B-C208-ALL, Engineering /Civil Surveying.

Fiscal Impact: \$74,403.99 (Including NMGRT)

Reviewed By: _____


Finance Department

The total cost of the Stage One Abatement Plan Investigation (including all work detailed in Scope of Work) is \$74,403.99, (Including NMGRT) which will come from funds budgeted in the Utilities Enterprise Fund, account number 624062-44901-00259 (Groundwater Remediation).

Attachments:

- Souder, Miller, and Associates Stage One Abatement Plan Proposal (Exhibit A, #1C28632).
- CES Contract Documents

Legal Review:

Approved As To Form: _____


City Attorney

Recommendation:

Approve the SMA Stage One Abatement Plan Scope of Work Proposal at a cost of \$74,403.99.

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. _____



EXHIBIT A

September 23, 2020

#1C28632

Mr. Tim Woomer
Utilities Director
City of Hobbs
200 E. Broadway
Hobbs, New Mexico 88240
twoomer@hobbsnm.org

RE: Proposal for Stage 1 Abatement Plan Investigation, City of Hobbs Wastewater Reclamation Facility and Prairie Haven Cemetery, Hobbs, Lea County, New Mexico

Dear Mr. Woomer:

This proposal to complete a Stage 1 Abatement Plan investigation for the City of Hobbs Wastewater Reclamation Facility Site is submitted by Souder, Miller & Associates (SMA) in response to your request.

SMA submitted a Stage 1 Abatement Plan (S1AP) to the New Mexico Environment Department (NMED) in compliance with 20.6.2.4106 NMAC, New Mexico Water Quality Control Commission Regulations dated June 17, 2020. The S1AP was approved by NMED in a letter dated July 24, 2020. The following scope of work is to complete the investigation described in the approved S1AP.

Site Investigation

Task 1 - Monitoring Well Installation

SMA will install three monitoring wells as shown on Figure 3 (attached). Proposed monitoring well PMW-1 will be installed up-gradient of the WWRF, at the intersection of South Dal Paso Street and Stanolind Road. Proposed monitoring well PMW-2 will be installed down-gradient of the area of highest current nitrate concentrations in groundwater (North 80 Acres Monitoring Well) at the intersection of East Main Street and 14th Street. Proposed monitoring well PMW-3 will be installed down-gradient of the Prairie Haven Cemetery, approximately 1,300 feet east of the intersection of East Church Drive and 14th Street. Existing monitoring wells WWTP, N 80 Acres, S 80 Acres, and Prairie Haven wells 2 through 4 will be monitored and used to determine groundwater gradient. Groundwater is expected to be encountered at approximately 90 feet below ground surface.

Quality Assurance Plan

SMA will prepare a Sampling and Analysis Plan for approval by NMED GWQB approval. No field work will be performed prior to approval of the Plan by the NMED GWQB.

Health & Safety Plan

SMA has prepared a site-specific Health and Safety Plan pursuant to 29 CFR Part 1910 for all investigation activities, which was submitted previously, and will be enacted for this investigation. SMA will also contact New Mexico One Call to ensure all utilities are properly marked and located.

Owner Site Access

SMA will obtain a written access agreement from each property owner where monitoring wells are proposed to

be located. Monitoring wells will be located in City of Hobbs or Lea County right of way when possible. If access from a private property owner is not granted, SMA will make an attempt to gain access from a nearby property owner. In the event that monitoring well locations require modification, SMA will contact the NMED GWQB for approval of modified monitoring well location prior to construction. SMA requests that City of Hobbs staff assist SMA in obtaining access to expedite the process.

NMOSE Well Permits

SMA will obtain monitoring well permits from the NMOSE. All work will be conducted in accordance with the permits.

Site Owner and NMED-GWQB Field Activities Notification

SMA will notify the site owners and representatives of the NMED-GWQB of field activities a minimum of four days (96 hours) prior to commencement of field activities.

Monitoring Well Installation

Monitoring well installation will be conducted in compliance with NMED GWQB *Monitoring Well Construction and Abandonment Guidelines* (March, 2011). SMA will utilize a NMOSE-licensed drilling subcontractor to complete the drilling and well construction activities. SMA will oversee all drilling and well construction activities.

The selected drilling subcontractor, Yellow Jacket Drilling Services, will utilize a CME-75 hollow-stem auger (HAS) drilling rig equipped with a CME continuous sampling system to advance 6-inch diameter borings. Soil samples will be collected at 5-foot intervals for field screening of hydrocarbon field headspace. In the event that auger refusal is encountered, drilling will continue by the air-rotary method to total depth.

The monitoring wells will be constructed using 20 feet of two-inch diameter, Schedule 40 PVC, 0.010 slot screen from approximately 15 feet below the water table to approximately 5 feet above the water table. A 10-20 grade silica sand filter pack will be placed to fill the annular space from total depth of the boring to two feet above the top of screen. A minimum of two feet of bentonite chips will be placed above the sand filter pack followed by bentonite/cement grout to the surface. The wells will be completed using above-grade lockable steel well shrouds with two-foot stickup or flush-mount surface completions (depending on surrounding land use) surrounded by a 2-foot minimum radius concrete pad with a minimum 4-inch thickness and sloped so that stormwater flows away from the shroud or flush-mount completion. Each well will be capped with a locking, expandable well plug.

Soil Sampling and Field Analysis Procedures

All soil sampling, screening and preservation protocols will conform to the requirements of 20.6.2.3107B NMAC and SMA Standard Operating Procedures (SOP). Samples will be collected from each soil boring for lithologic description (ASTM D 2488-93, *Standard Practice for Description and Identification of Soils*). No laboratory analysis of soil samples from monitoring wells is proposed to be completed. Samples of drill cuttings may be collected at five-foot intervals and stored for potential future laboratory analysis.

Monitoring Well Development Procedures

The installed monitoring wells will be developed pursuant to SMA SOP. Specifically, nine well-casing volumes of groundwater will be bailed or pumped from the well or until pH, specific conductance and turbidity stabilize. Wells will be developed within 48 hours of installation.

Decontamination Procedure

All down-hole drilling and sampling equipment will be decontaminated with a steam cleaner prior to arrival and use on site. This equipment will also be cleaned between each soil boring if soil contamination is encountered. All split spoon and continuous sampling devices will be decontaminated after each use with an Alconox detergent wash, a tap water rinse, and a final distilled water rinse.

Soil Disposal Procedure

Drill cuttings will be thin spread on site.

Monitoring Well Surveying

Monitoring well locations, including new wells and existing wells will be surveyed by SMA's NM Registered Land Survey group to the nearest 0.1 feet with a total station or GPS unit and referenced to a permanent control point or site benchmark, and latitude/longitude on the appropriate USGS 7 ½ minute Series Quadrangle map. The elevations of the top of each PVC well casing will be surveyed to determine its elevation to the nearest 0.01 feet relative to mean sea level. Depth to groundwater will be measured from this point, and the elevation of groundwater will be calculated.

Property Restoration

Any property damaged as a result of SMA or its subcontractors will be repaired to its original condition within 30 calendar days after the damage occurred.

Task 2 - Groundwater Monitoring

Following well installation and development, SMA will conduct a groundwater monitoring event of the newly installed wells and existing wells associated with the site (monitoring wells WWTP, N 80 Acres, S 80 Acres, Prairie Haven MW-2 through 4). Depth to groundwater in the wells will be gauged to the nearest hundredth of a foot using an electronic well sounder and recorded. SMA will then collect groundwater samples from each of the newly installed wells, as well as all existing well associated with the facility. All groundwater sampling, screening and preservation protocols will follow SMA's SOP.

Groundwater Sampling and Preservation Procedures

Pursuant to SMA's SOP, SMA will collect groundwater samples for analysis using a new, disposable bailer or with a Waterra inertial pump using new, dedicated tubing. In the event it is determined that existing monitoring wells have screens that are longer than allowed by the NMED GWQB *Monitoring Well Construction and Abandonment Guidelines* (March, 2011), low-flow sampling may be proposed. Field parameters of groundwater will be measured, including pH, Ec, and ORP. Samples will be collected from the anticipated least contaminated well to the most contaminated well. Sample containers with appropriate preservative will be provided by Hall Environmental Analysis Laboratory (HEAL). All groundwater sample containers will be labeled with date and time, and stored on ice for delivery to HEAL using chain-of-custody procedures.

Wastewater Disposal Procedure

The small volume of purged water will be spread onsite and allowed to evaporate. Purged water will be contained on the property and will not be allowed to enter any surface water or tributary.

Groundwater Analytical Methods:

Groundwater samples will be analyzed for the following contaminants of concern:

- EPA Method 300.0 for nitrate (reported as N) and chloride
- EPA Method SM 4500-NH3 for ammonia
- SM 4500-N Org C for TKN
- SM 2540C for TDS
- Nitrogen Isotopic Ratio to determine $\delta^{15}\text{N}$
- Oxygen Isotopic Ratio to determine $\delta^{18}\text{O}$

Task 3 - Investigation Report

Following completion of the monitoring well installation and groundwater monitoring, SMA will prepare an Investigation Report which will include all data gathered during site investigation activities. The report will include

a discussion of the soil boring activities, monitoring well installation activities, groundwater monitoring activities, extent of contamination in soil and groundwater, and groundwater gradient. Aquifer properties (hydraulic conductivity, transmissivity, storativity, and rate and direction of contaminant migration) will be estimated based on investigation results. No aquifer stress testing is proposed at this time. The report will include an inventory of all wells within one mile from the perimeter of the three-dimensional body where the standards set forth in Subsection B of Section 20.6.2.4103 NMAC are exceeded, and location and number of such wells actually or potentially affected by the pollution. The report will include an evaluation of analytical data to attempt to determine the source of contaminants in groundwater.

Figures submitted will include:

- Site map with monitoring well locations
- Potentiometric surface map
- Groundwater contaminant concentration map(s)
- Soil boring logs and monitoring well completion diagrams
- Map showing all water wells on file with the NMOSE within one mile of the perimeter of the known contaminant plume edge

Tables submitted will include:

- Summary of groundwater field parameters and laboratory analytical results
- Summary of groundwater depth and elevation
- Inventory of all water wells on file with the NMOSE within one mile of the perimeter of the known contaminant plume edge

Appendices submitted will include:

- Sampling protocol
- Field notes
- As-Built Monitoring Well Survey Certification
- NMOSE Well Permits and Well Records
- Laboratory analytical reports
- Signed Site-Specific Health and Safety Plan
- Photographic log of field activities

SMA will provide both hard copy and electronic copy of the Investigation Report.

Following completion of the site investigation, SMA will evaluate site conditions and determine if additional monitoring wells are necessary to further define site conditions. If it is determined that additional monitoring wells are necessary, SMA will submit proposed locations and construction details to the City of Hobbs prior to submitting to the NMED GWQB. SMA will also provide a determination of wells to be included in the groundwater monitoring program and monitoring frequency for the proposed wells. Initial monitoring frequency will likely be quarterly.

Schedule

Work will be completed as soon as practicable and in accordance with requirements of the NMED-GWQB. SMA estimates five days of field work will be required to complete field activities, and an additional 45 days to complete the Investigation Report.

Proposed Cost

SMA contacted four drilling contractors that work in the Hobbs area to obtain quotes for drilling services. Rodgers & Company of Albuquerque were not interested in providing services. Yellow Jacket Drilling Services of Phoenix, Geomechanics Southwest of Albuquerque and Peterson Drilling & Testing of Amarillo provided responsive bids, with Geomechanics Southwest being lowest. However, Geomechanics Southwest has ceased operations in New Mexico, and Peterson Drilling was not willing to complete the work after bidding. SMA therefore proposes to use Yellow Jacket Drilling Services for the work.

Work will be completed through the Cooperative Educational Services (CES) process. SMA's CES contract number is 19-01B-C208-ALL (copy attached). SMA proposes to complete all work on a lump-sum basis as shown in the table below, which includes NMGR T of 6.8125%. The rates used to determine the fee reflect a 3% discount relative to SMA's best standard hourly rates.

PHASE/ CATEGORY OF WORK	Subtotal	NMGR T (6.8125%)	Total
SMA Costs (Sampling and Analysis Plan prep, access, permitting, field oversight and sampling, report preparation, regulatory interaction)	\$ 26,252.50	\$ 1,788.45	\$ 28,040.95
Monitoring Well Drilling and Construction (Yellow Jacket Drilling Services)	\$ 39,297.50	\$ 2,677.14	\$ 41,974.64
Laboratory Analyses - Groundwater Samples (Hall Environmental)	\$ 4,108.50	\$ 279.89	\$ 4,388.39
TOTALS	\$ 69,658.50	\$ 4,745.49	\$ 74,403.99

Invoices will be submitted monthly on a percent complete basis.

SMA appreciates the opportunity to provide this proposal. If you have questions, please feel free to contact me at 505.220.6542, or to email me at scott.mckitrick@soudermiller.com. If the proposal is acceptable, please provide the City of Hobbs agreement to complete the work.

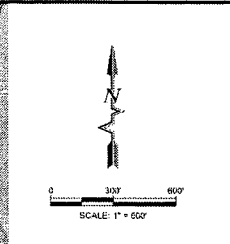
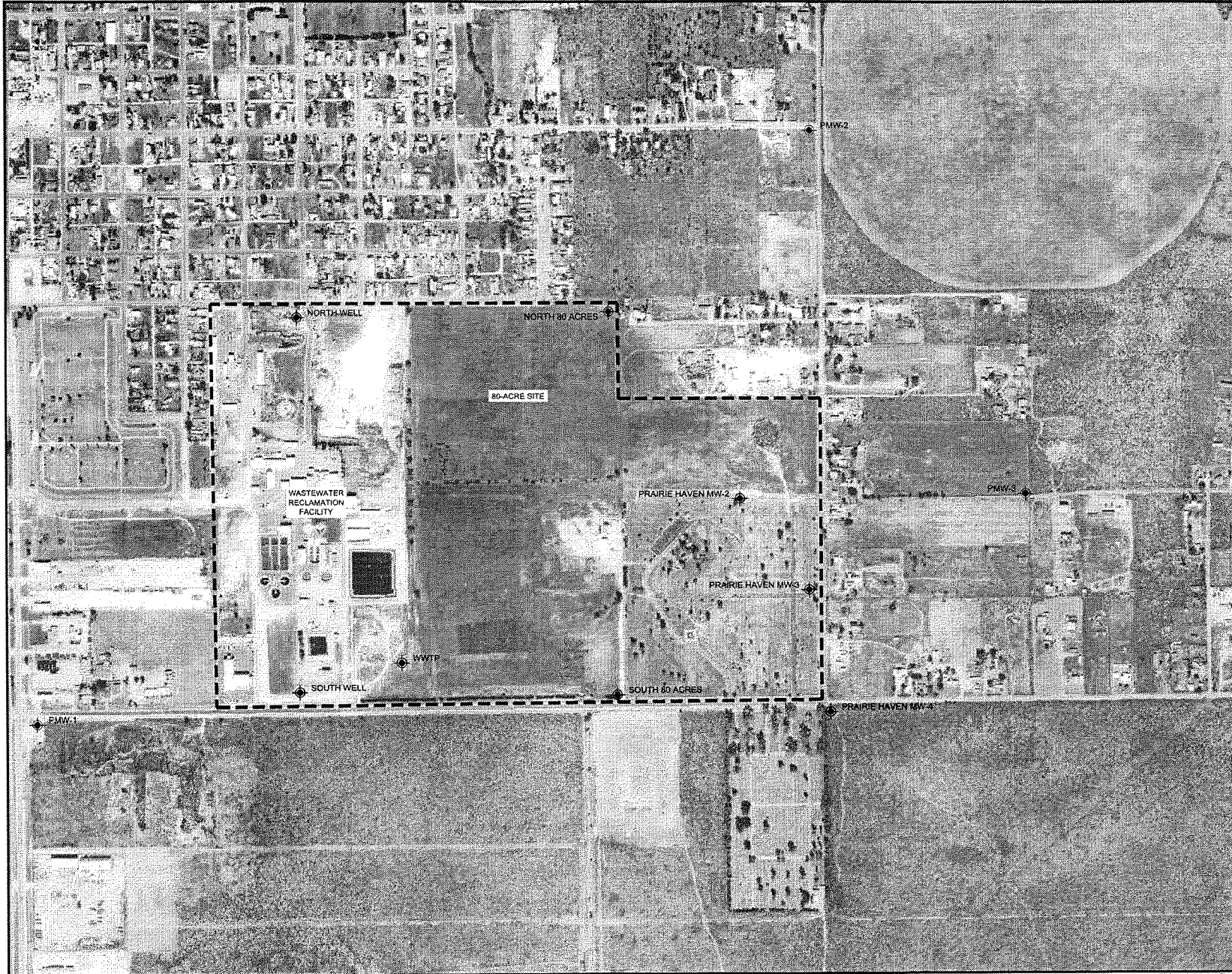
Sincerely,

Miller Engineers, Inc. dba
SOUDER, MILLER & ASSOCIATES



Scott A. McKitrick, P.G.
Senior Geoscientist / Environmental Services Manager

encl.: Figure 1
SMA CES Contract



- LEGEND**
- HOBS PROPERTY BOUNDARY
 - PMW-1 PROPOSED MONITORING WELL LOCATION
 - MW-1 EXISTING MONITORING WELL LOCATION

Date	By	Description

SCUDER, MILLER & ASSOCIATES
 Engineering • Environmental • Geomatics
 5454 Venice Avenue, NE, Suite D
 Albuquerque, NM 87113
 Phone: (505) 263-9171 Fax: (505) 263-1416
 www.scuder.com

CITY OF HOBBS
 HOBS, NM
 SITE MAP
 CITY OF HOBBS WASTEWATER RECLAMATION FACILITY

PRELIMINARY
 NOT FOR CONSTRUCTION

THIS DRAWING IS INCOMPLETE AND SHALL NOT BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED.

Designed	Drawn	Checked
SAM	AAV	SAM

Date: June 2020
 Scale: Horiz: 1" = 600'
 Vert: " "
 Project No. 1C28632
 Sheet: **FIG 1**



RECEIVED
11/1/18 TLP

COOPERATIVE EDUCATIONAL SERVICES

October 26, 2018

Contract Award Letter

Tod Phinney, P.E.
SOUDER, MILLER & ASSOCIATES
5454 Venice Ave NE, Ste D
Albuquerque, NM 87113

Re: ACCEPTANCE OF OFFER and CONTRACT AWARD For:

19-01B-C208-ALL Engineering/Civil and Surveying

Dear Mr. Phinney, P.E.,

On behalf of Cooperative Educational Services (CES), I thank you for responding to our 2019-001 solicitation. The responses have been reviewed and it is my pleasure to inform you that you have been selected to provide the products and services indicated in your response.

The enclosed Acceptance of Offer and Contract Award is from the RFP documents that you submitted in your bid. I suggest that you take this award and place it with your copy of the bid that you submitted. Please read carefully the paragraph above the authorized signature. It outlines the agreement and specifies the term of the award.

We would like to include information concerning your company in our procurement directory called the Blue Book. Each of our members and participating entities receives a copy of this Blue Book. It enables their staff to look up important information concerning each vendor before placing an order. Although space is limited, the description below is intended as a quick reference of your company. If you would like to revise the description, please provide any changes in writing to CES' procurement office.

Souder, Miller & Associates (SMA) is a New Mexico based engineering, environmental and surveying consulting firm with multiple offices located throughout the state and over 30-years of proven experience in the Southwestern US. SMA services range from preliminary project planning and design, environmental support, surveying and right of way acquisition, bid administration, permitting, construction observation and support services including project funding applications, grant administration and startup operational services. SMA project teams first focus on understanding the clients project needs then leverage their experience to assist in identifying and applying for potential funding necessary to meet those needs. SMA employees seek to make a positive impact for the clients and communities we serve.

On CES' website (www.ces.org), you can download contact information for all of CES' members and participating entities. You are invited to send marketing materials directly to these institutions.

We look forward to working with you. Please let us know if you have questions or if we can be of any further assistance.

Sincerely yours,

Cooperative Educational Services

David Chavez,
Executive Director
Ofc: 505.344.5470
Fax: 505.344.9343

"Your New Mexico Procurement Partner Since 1979"

**ACCEPTANCE OF OFFER
and CONTRACT AWARD**

RFP NUMBER 2019-001 Design Professional Services

See attached cover letter for specific awarded contract number(s).

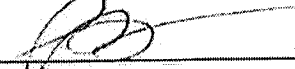
OFFER TO BE COMPLETED BY VENDOR

In compliance with the Request for Proposal (RFP), the undersigned warrants that I/we have examined the RFP documents and hereby offer and agree to furnish all labor, materials, and supplies in compliance with all terms, conditions, specifications and amendments in this RFP and any written exceptions as agreed to by CES. The contract shall consist of the RFP documents, the Offeror's Response and any other documents required by CES.

Company Name Miller Engineers, Inc., d/b/a Souder, Miller & Associates

Address 5454 Venice Avenue, Suite D City Albuquerque State NM Zip 87113

Contract Contact Person Tod Phinney, P.E.

Authorized Signature  Printed Name Peter Fant, P.E.

OFFER EXTENDED TO TEXAS SERVICE AGENCIES

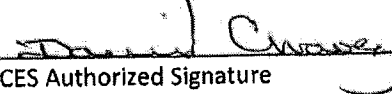


If you are willing to enter into a contract with TexBuy (ESC16) Texas Educational Service Center Region 16 under the same terms and conditions as in this RFP, check the box.

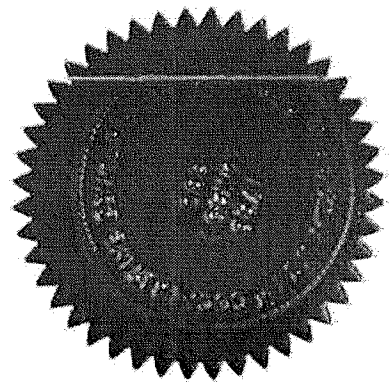
ACCEPTANCE OF OFFER AND CONTRACT AWARD TO BE COMPLETED ONLY BY CES

Contract period: It is CES' intent to award a multi-term contract for the specified materials, equipment and services. **The initial contract term shall be for one (1) calendar year from the date of contract award. By mutual written agreement between CES and contractor, the contract may be extended for up to three (3) consecutive additional 12-month periods, beginning immediately after expiration of the prior term.** However, no contract extension exists unless and until contractor is so notified by CES.

Month-to-month extensions: CES reserves the right to offer month-to-month extensions if that is determined to be in the best interests of Members/Participating Entities.

CES Authorized Signature 

Awarded this 26th day of October 2018





RENEWAL OF CONTRACT
made by and between
COOPERATIVE EDUCATIONAL SERVICES And
SOUDER, MILLER & ASSOCIATES

Said Contract(s) being numbered:
19-01B-C208-ALL Engineering/Civil and Surveying

This Contract's initial one (1) year Term commenced on October 26, 2018 and expires on October 25, 2019. The Term of Contract in 2019-001 RFP C provides the Contract may, by mutual written agreement, be renewed annually for up to three (3) additional one (1) year terms, for up to four (4) years total, through October 25, 2022. Cooperative Educational Services hereby wishes to renew the Contract through the remainder of the four-year term expiring on October 25, 2022. Upon signature of an authorized officer of the above-named company or corporation, the Contract is hereby renewed.

This renewal shall be subject to the same Terms and Conditions contained in the original Request for Proposal documents, contract changes and/or updates.

PRICE ADJUSTMENTS

A written request to CES for a price adjustment to this contract must in be accordance with the stated RFP terms, conditions and stipulations agreed upon at contract award. The request to adjust pricing shall include all documentation for consideration of approval. Upon CES approval, the documents shall be placed in the procurement file for audit purposes. The price adjustments shall apply to all CES Members and Participating Entities. CES reserves the right to approve or disapprove such requests.

COOPERATIVE EDUCATIONAL SERVICES

Authorized Signature *David M...* Date **October 22, 2019**

Contractor agrees to provide complete information of any deleted and new products or price adjustments as allowed under headings in the Terms and Conditions for "Discontinued Products" and "New Technology and Price Reduction" of the RFP.

CONTRACT HOLDER

Authorized Signature *Tod L. Phinney* Date 11/4/2019

Printed Name TOD L. PHINNEY Title VICE PRESIDENT - CLIENT DEVELOPMENT

NOTE: This Contract Renewal should be received by 4:00 p.m. at the offices of CES on 11/04/19

If you do not wish to renew this Contract, please sign below and return this agreement.

Terminate: We wish to terminate this Contract effective 11/04/19

Authorized Signature _____ Date _____

Printed Name _____ Title _____



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: October 19, 2020

SUBJECT: Resolution Supporting Increased COVID-19 Testing in Lea County.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: October 14, 2020
SUBMITTED BY: Sam D. Cobb, Mayor

Summary:

The City of Hobbs seeks to support efforts to reopen area schools. In a series of public comments, representatives of the State of New Mexico have advised that an increase in COVID-19 testing would likely lower Lea County's positivity rate to a point wherein Lea County would meet the gating criteria to open schools as well as the economy. As a result, this Resolution supports increased COVID-19 testing in Lea County, New Mexico.

Fiscal Impact:

No fiscal impact.

Reviewed By: _____
Finance Department

Attachments:

Resolution

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

The Commission should consider the Resolution 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. _____

CITY OF HOBBS

RESOLUTION NO. 6989

A RESOLUTION SUPPORTING INCREASED COVID-19 TESTING IN LEA COUNTY

WHEREAS, on March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-04, in response to an outbreak in New Mexico of a novel coronavirus identified as COVID-19, and declared a state of public health emergency pursuant to the Public Health Emergency Response Act and invoked her statutory powers under the All Hazards Emergency Management Act and the Public Health Act; and

WHEREAS, to date, the State of New Mexico remains subject to a public health order, which has been amended and restated at various times since March 11, 2020, and which limits business functions as well as the ability of children in Hobbs, New Mexico, to return to in-person school; and

WHEREAS, while some school districts in the State of New Mexico have been allowed to return to a “hybrid model” of in-person school, Hobbs schools have been prohibited from engaging in any form of in-person school as a result of Lea County’s high positivity rate of COVID-19 cases; and

WHEREAS, precluding children from attending in-person school has adversely impacted the education, health, and wellbeing of our children and has placed tremendous strain on many households; and

WHEREAS, State of New Mexico Cabinet Secretary for Health and Human Services Department, Dr. David R. Scrase, has publicly confirmed that increased COVID-19 testing would likely bring down positivity rates in Lea County, New Mexico; and

WHEREAS, State of New Mexico Cabinet Secretary for Health and Human Services Department, Dr. David R. Scrase, has publicly confirmed that more COVID-19 testing in Lea County will increase the opportunity for Lea County to meet gating criteria to open schools and to reopen the State's economy; and

WHEREAS, all people, irrespective of political affiliation or ideology, can agree that protecting the education, health, and wellbeing of our children will have a direct positive impact on the future of our community, our State, and our Country; and

WHEREAS, The City of Hobbs is committed to supporting all measures designed to promote the education, health, and safety of our children; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the City Commission is in support of increased COVID-19 testing in Lea County as a means allowing the children of Hobbs, New Mexico, to return to in-person school and as a means to reopen the economy of Hobbs, New Mexico.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk